



**COUNCIL OF
THE EUROPEAN UNION**

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9585/14

CRS/CRP 19

SUMMARY RECORD

Subject: 2496th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 7, 8 and 12 May 2014

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37. Proposal for a Directive of the European Parliament and of the Council on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (First reading)
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1. Adoption of the provisional agenda and "I" items

doc. 9472/14 OJ/CRP1 17

9496/1/14 REV 1 OJ/CRP2 17 + CM 2777/14 + CM 2786/14

The above-mentioned agendas are approved with the following changes :

The following items are **added** :

(Coreper Part 2, under I)

69. EU and Member States' position on the draft declaration of the Union for the Mediterranean ministerial meeting on Environment and Climate change (Athens, 13 May 2014)

9620/14 MED 34 ENV 437

(Coreper Part 2, under II)

68. Preparation of the Council meeting (Foreign Affairs) on 12 May 2014

a) Ukraine

- Draft Council conclusions

9612/14 COEST 156

- Restrictive measures in respect of action undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

= Draft Council Decision amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

= Draft Council Regulation amending Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

= Draft Council Implementing Regulation implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

= Additional designations

9631/14 PESC 476 COEST 160 FIN 339

9635/14 PESC 479 RELEX 387 COEST 162 FIN 341

9637/14 PESC 480 RELEX 388 COEST 163 FIN 342

9671/14 PESC 485 RELEX 394 COEST 165 FIN 345

The following items are **withdrawn** :

(Coreper Part 1, under I)

14. Proposal for a Council Decision on the position to be adopted, on behalf of the European Union, in the General Fisheries Commission for the Mediterranean (GFCM)

- **Adoption**
9095/14 PECHE 207
+ ADD1
9389/14 PECHE 218

15. Proposal for a Council Decision on the position to be adopted, on behalf of the European Union, in the Indian Ocean Tuna Commission (IOTC)

- **Adoption**
9398/14 PECHE 221
9405/14 PECHE 222

(Coreper Part 2, under I)

34. Calendar and venues of EU summits with groups of third countries in 2014-2015
11497/1/13 REV 1 POLGEN 122 FIN 368

58. Exercise Specifications (EXSPEC) for the EU Crisis Management Exercise Multi-Layer 2014 (ML 14)

9482/14 CSDP/PSDC 278 POLMIL 45 CIVCOM 82 PESC 467 COPS 108

(Coreper Part 2, under II)

67. (poss.) Drafting of documents relating to legislative activities

8622/14 JUR 222 INF 116 API 44

The Committee approved the "I" items as set out in the summary. Details are contained in the document quoted under item 1.

ES made a statement on the following items:

- 35. Proposal for a Regulation of the European Parliament and of the Council on markets in financial instruments and amending Regulation [EMIR] on OTC derivatives, central counterparties and trade repositories (First reading)**
- **Adoption of the legislative act**
9343/14 CODEC 1191 EF 140 ECOFIN 437
+ ADD 1
PE-CONS 22/14 EF 31 ECOFIN 88 CODEC 235
- 36. Proposal for a Directive of the European Parliament and of the Council on markets in financial instruments repealing Directive 2004/39/EC of the European Parliament and of the Council (Recast) (First reading)**
- **Adoption of the legislative act**
9344/14 CODEC 1192 EF 141 ECOFIN 438
+ ADD 1
PE-CONS 23/14 EF 32 ECOFIN 89 CODEC 236

"Spain supports the texts approving the revision of Directive 2004/39/EC of the European Parliament and of the Council on markets in financial instruments (MiFID) and its associated Regulation. Nevertheless, Spain must express its concerns about the confusion that could arise in the Spanish version of this legislation in relation to the term used to refer to trading that takes place outside a regulated market, multilateral trading facility, organised trading facility or systematic internaliser. Whereas this is usually referred to as over-the-counter (OTC) trading, the Spanish version uses the term "*extrabursátil*", previously used in Regulation (EU) No 648/2012. As terms can sometimes be ambiguous, it should be noted that there can be differences between what Regulation (EU) No 648/2012 defines as "OTC derivatives" and what the future legislation refers to as "OTC" (for example "OTC trading"). We would like to put it on the record that we consider "OTC" to be a better term to describe transactions outside a regulated market, multilateral trading facility, organised trading facility or systematic internaliser."

AT and HU made statements on the following item:

37. Proposal for a Directive of the European Parliament and of the Council on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (First reading)

– **Adoption of the legislative act**

9346/14 CODEC 1193 MIGR 56 SOC 318 DRS 57 WTO 159 SERVICES 33

+ ADD 1

PE-CONS 58/14 MIGR 27 SOC 172 DRS 33 WTO 93 SERVICES 23 CODEC 635

Statement by Austria

"Austria has repeatedly raised severe objections to the way equal treatment in the field of social security is dealt with under the "Directive of the European Parliament and of the Council on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer." We did not succeed in formulating a text which is consistent with the other EU instruments and the wording contained in the text might give rise to many problems for national transposition, misunderstandings and misinterpretation at national and EU level. Especially in the field of family benefits the text does not sufficiently reflect the necessity for third country nationals of having acquired the necessary integration into the society of the host member state before entitlement to benefits have to be opened. Therefore, we request a detailed examination of all existing and any future texts concerning equal treatment in the field of social security before we can agree on such provisions. Austria therefore abstains from voting on the directive."

Statement by Hungary

"Hungary expresses its serious disappointment regarding the adopted text in Article 18(2) and Recital (38) since it precludes the practical applicability of bilateral social security agreements and limits Member States in their competence when concluding such agreements.

Based on the Treaties social security policy belongs to the competence of Member States. We believe that the purpose of all secondary legislation should respect this. The aim of equal treatment harmonisation is to be interpreted in light of the competence rules of the Treaties. This Directive cannot restrict, nor impair the sovereignty of Member States in this area.

In addition in our view the reference to more favourable provisions in bilateral social security agreements is ambiguous, and thus does not ensure legal certainty. Finally Hungary regrets that the compromise text adopted could create a situation with significant negative impact on the investment readiness in certain economic relations. This may harm economic recovery, could hinder the stimulation of growth and the enhancement of competitiveness, which is a common priority for the EU."

A joint statement by AT and RO is made on the following item:

40. - **Council Decision on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, with the exception of matters related to readmission**
- **Council Decision on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, as regards matters related to readmission**
- = **Adoption**
- 9057/14 COASI 48 ASIE 23 PESC 414 COHOM 66 CONOP 37 COTER 19
JAI 245 WTO 145 AGRI 327 ENER 168 TRANS 235 TELECOM 107 ENV 400
EDUC 129
- 5287/1/14 REV 1 COASI 6 ASIE 6 PESC 28 COHOM 7 CONOP 4 COTER 1
JAI 16 WTO 13 AGRI 15 ENER 12 TRANS 12 TELECOM 6
ENV 26 EDUC 11
- 5290/1/14 REV 1 COASI 7 ASIE 7 PESC 29 COHOM 8 CONOP 5 COTER 2
JAI 17 WTO 14 AGRI 17 ENER 13 TRANS 13 TELECOM 7
ENV 27 EDUC 12

"Austria and Romania hold the view that Council decisions in accordance with Article 218 TFEU always concern an agreement in its entirety. A splitting into several decisions which refer to individual articles of an agreement is legally not viable."

ES joined the statement made by AT and RO.

* * * * *

HU made a statement on the following item:

41. **Draft Council conclusions on the 2013 Report on the Implementation of the EU Plan of Action on Gender Equality and Women's Empowerment in Development 2010-2015**
- 9360/14 DEVGEN 109 SOC 319 ACP 77 ONU 51 RELEX 371

"The adoption of the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action marked a remarkable consensus. They placed the enjoyment of human rights at the heart of development and important gains in the fields of health, gender equality and education have been achieved since their adoption.

Hungary remains strongly committed to the implementation of the Programme of Action and Platform for Action as primary points of reference to the terms of sexual health, reproductive health and reproductive rights. As the term "sexual and reproductive health and rights" remains undefined, Hungary can only interpret "sexual and reproductive health and rights" in line with its national legislation."

MT made a statement on the following item:

42. Draft Council conclusions on a rights-based approach to development cooperation, encompassing all human rights

9359/14 DEVGEN 108 ACP 76 RELEX 369

"Malta appreciates the ongoing work on the formulation of a rights-based approach towards development cooperation. Such an approach helps respect, protect and fulfil human rights universally.

A rights-based approach to development cooperation can support and encourage governments to become more inclusive and be better equipped to identify and meet the needs of people within and across communities. This approach could also serve to promulgate and encourage better governance, effectiveness of funds, accountability and to ensure the sustainability of development cooperation.

However, Malta would like to stress that in no way does it interpret a rights-based approach as creating an obligation on any party to consider abortion as a legitimate form of reproductive health or rights or commodities."

Coreper Part 1

II

20. Preparation for the Council meeting (Agriculture and Fisheries) on 19 May 2014

- **Report from the Commission on the establishment of a European fund for minor uses in the field of plant protection products (*Non-legislative activity*)**
 - **Presentation by the Commission and exchange of views**
6847/14 AGRILEG 45 ENV 178

The Commission representative presented briefly the main conclusions of the Commission report. He announced that a call for tenders will be launched on the second half of this year for the establishment of the technical secretariat foreseen in option 3 of the report.

Austrian delegation indicated that their favour goes to option 4. Several delegations considered necessary a clarification of the technical secretariat functions and the modalities of the national co-financing.

21. Inter-institutional Task Force on multiannual plans

- **Examination of the final report**
8529/14 PECHE 177 CODEC 1004
9227/14 PECHE 212 CODEC 1171

The Committee examined the final report of the Task Force on multiannual plans.

Following interventions from the Commission and the BE, DE, DK, FR, NL, CZ, PT, PL, SE and UK delegations, and from the Legal Service, it was concluded that the final report received broad support from the Committee. The Commission was invited to submit proposals for multiannual plans in full respect of the relevant provisions of the Treaties and the Common Fisheries Policy.

22. Setting of the provisional agenda for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 26 May 2014

The Committee set the provisional agenda for the meeting of the Competitiveness Council.

23. Preparation for the Council meeting (Education, Youth, Culture and Sport) on 20 and 21 May 2014

- 1. Draft Council conclusions on effective teacher education (*Non-legislative activity*)**
 - **Adoption**
8883/14 EDUC 124 SOC 285

The Committee took note of the unanimous support for the text as contained in 8883/14 and forwarded the text to the Council for adoption.

- 2. Draft Council conclusions on multilingualism and the development of language competences (*Non-legislative activity*)**
 - **Adoption**
9126/14 EDUC 131 SOC 307 CULT 66

The outcome of the examination of this file by the Committee is contained in 9513/14.

- 3. Draft Council conclusions on quality assurance supporting education and training (*Non-legislative activity*)**
 - **Adoption**
9125/14 EDUC 130 SOC 306

The outcome of the examination of this file by the Committee is contained in 9516/14.

- 4. Education crossing borders: new opportunities and challenges (*Non-legislative activity*)**
 - **Policy debate**
[Public debate in accordance with Article 8(2) of the Council's Rules of Procedure (Proposed by the Presidency)]
9127/14 EDUC 132 SOC 308

The Committee agreed to forward the discussion paper (doc. 9127/14) to the Council as a basis for the policy debate to be held on this subject.

- 5. Draft Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the overview of the structured dialogue process including social inclusion of young people (*Non-legislative activity*)**
 - **Adoption**
9026/14 JEUN 65 SOC 299

The Committee took note of the unanimous support for the text as contained in 9026/14 and forwarded the text to the Council for adoption.

6. Draft Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on a European Union Work Plan for Youth for 2014-2015 (*Non-legislative activity*)

– **Adoption**

9006/14 JEUN 63 EDUC 127 SOC 296 CULT 63

The outcome of the examination of this file by the Committee is contained in 9523/14.

7. Draft Council conclusions on promoting youth entrepreneurship to foster social inclusion of young people (*Non-legislative activity*)

– **Adoption**

8378/14 JEUN 55 EDUC 111 SOC 235 CULT 46

The Committee took note of the unanimous support for the text as contained in document 8378/14 and forwarded the text to the Council for adoption.

8. Promoting a youth entrepreneurial mindset (*Non-legislative activity*)

– **Policy debate**

[Public debate in accordance with Article 8(2) of the Council's Rules of Procedure (Proposed by the Presidency)]

9012/14 JEUN 64 EDUC 128 SOC 298 CULT 64

The Committee agreed to forward the discussion paper (doc. 9012/14) to the Council as a basis for the policy debate to be held on this subject.

9. Recommendation for a Council Decision designating the European Capital of Culture for the year 2018 in the Netherlands (*Non-legislative activity*)

– **Adoption**

9251/14 CULT 71

9252/14 CULT 72

The Committee agreed to forward the text as contained in document 9252/14 on the designation of Leeuwarden (Netherlands) as European Capital of Culture in 2018 to the Council for adoption.

10. **Draft Council implementing Decision on the practical and procedural arrangements for the appointment by the Council of three members of the selection and monitoring panel for the European Capitals of Culture action 2020-2033 (*Non-legislative activity*)**
 - **Adoption**
9128/14 CULT 67

The Committee took note of the unanimous support for the text as contained in document 9128/14 and forwarded the text to the Council for adoption.

11. **Draft Council conclusions on cultural heritage as a strategic resource for a sustainable Europe (*Non-legislative activity*)**
 - **Adoption**
9129/14 CULT 68

The Committee took note of the unanimous support for the text as contained in document 9129/14 and forwarded the text to the Council for adoption.

12. **Addressing cultural policy challenges in the context of the next Council Work Plan for Culture (*Non-legislative activity*)**
 - **Policy debate**
[Public debate in accordance with Article 8(2) of the Council's Rules of Procedure (Proposed by the Presidency)]
9130/14 CULT 69

The Committee agreed to forward the discussion paper (doc. 9130/14) to the Council as a basis for the policy debate to be held on this subject.

13. **Negotiations on a comprehensive trade and investment agreement, called the Transatlantic Trade and Investment Partnership, between the European Union and the United States of America (*Non-legislative activity*)**
 - **Information from the Commission on the state of play**
 - **Exchange of views**
9477/14 AUDIO 31 CULT 75 RELEX 378 COMER 143 USA 10

The Committee took note of the Commission's intention to inform the Council on this point following which an exchange of views will take place.

14. Draft Council conclusions on Gender Equality in Sport (*Non-legislative activity*)

– **Adoption**

8835/14 SPORT 24 SOC 281 EDUC 121 AUDIO 28 FREMP 62

The outcome of the examination of this file by the Committee is contained in 9517/14.

15. Draft Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the European Union Work Plan for Sport (2014-2017) (*Non-legislative activity*)

– **Adoption**

9131/14 SPORT 27

The Committee took note of the unanimous support for the text as contained in document 9131/14 and forwarded the text to the Council for adoption.

16. The economic, social and environmental sustainability of major sport events (*Non-legislative activity*)

– **Policy debate**

[Public debate in accordance with Article 8(2) of the Council's Rules of Procedure (Proposed by the Presidency)]

8751/14 SPORT 23 SOC 273 ENV 322 ECOFIN 369

The Committee agreed to forward the discussion paper (doc. 8751/14) to the Council as a basis for the policy debate to be held on this subject.

24. Draft Council conclusions on "Women and the economy: Economic independence from the perspective of part-time work and self-employment"

– **Preparation for adoption**

8676/14 SOC 263 EGC 12 EMPL 51

+ ADD 1

The Committee reached an agreement on the draft conclusions as set out in 8676/14 and agreed to forward them to the Council for adoption. MT indicated its intention to table a statement to be entered into the Council minutes.

25. Proposal for a Council Decision on the position to be adopted on behalf of the European Union at the 103rd session of the International Labour Conference concerning amendments to the Code of the Maritime Labour Convention

– Preparation for adoption

9446/14 SOC 329 MAR 84 TRANS 251

+ ADD 1

The Committee reached an agreement on the draft Council Decision as set out in 9446/1/14 REV 1 and agreed to forward it to the Council for adoption.

DE tabled a statement to be entered into the Council minutes concerning the legal basis (doc. 9446/14 ADD 1). A number of Member States shared DE concerns, several Member States (CY, MT, NL, RO and UK) indicating their intention to table a statement to be entered into the Council minutes. LV, MT and UK were not in a position to support the Decision. PL has maintained a parliamentary scrutiny reservation.

Coreper Part 2

II

64. Follow-up to the Council meeting (Economic and Financial Affairs) on 6 May 2014

The Committee took note of the proceedings of this Council meeting.

65. Preparation of the Council meeting (Foreign Affairs/Trade) on 8 May 2014

– Other items in connection with the Council meeting

The Commission informed the Committee on the main outstanding issues concerning the text of the EU-Canada CETA in areas such as agriculture, financial services, investment protection and maritime transport. Given the number of issues still open, the Commission announced that it was not its intention to initial the agreement at the meeting between Commissioner De Gucht and Trade Minister Fast in Paris that evening.

66. Preparation of the Council meeting (General Affairs) on 13 May 2014

a) Preparation of the European Council on 26 and 27 June 2014

– Annotated draft agenda 8280/14 CO EUR-PREP 10

The Committee was informed that the June European Council will start with a commemoration of the start of World War I in Ypres and to be followed by an informal dinner.

The second day - in Brussels - will be dedicated to the European Semester, the Freedom, Security and Justice and finally the EU energy dependence and the energy security.

b) Other items in connection with the Council meeting

The Committee was informed on the organisation of this meeting and logistics.

68. Preparation of the Council meeting (Foreign Affairs) on 12 May 2014

a) Ukraine

At its meeting on 7 and 8 May 2014 the Committee discussed the possible extension of the criteria for listing under restrictive measures.

a) Ukraine

- **Draft Council conclusions**
9612/14 COEST 156

At its meeting on 12 May 2014 the Committee reached agreement on the draft Council conclusions on Ukraine, as contained in 9612/1/14 REV 1.

- **Restrictive measures in respect of action undermining or threatening the territorial integrity, sovereignty and independence of Ukraine**
 - = **Draft Council Decision amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine**
 - = **Draft Council Regulation amending Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine**
 - = **Draft Council Implementing Regulation implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine**
 - = **Additional designations**
9631/14 PESC 476 COEST 160 FIN 339
9635/14 PESC 479 RELEX 387 COEST 162 FIN 341
9637/14 PESC 480 RELEX 388 COEST 163 FIN 342
9671/14 PESC 485 RELEX 394 COEST 165 FIN 345

The Committee confirmed agreement on the above-mentioned Council Decision, Regulation and Implementing Regulation regarding restrictive measures in respect of action undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, together with additional designations, as set out in 9631/14 + COR 1 + ADD 1, 9637/14 + COR 1 and 9635/14 + ADD 1 respectively.

b) MEPP

- **Draft Council conclusions**
9521/14 COMEP 6 PESC 459

The Committee examined the draft Council conclusions on the Middle East Peace Process on the basis of document 9521/14 and agreed to forward them to Council for adoption, as set out in 9684/14 COMEP 7 PESC 488.

c) European Neighbourhood Policy

This item was not discussed.

d) Other items in connection with the Council meeting

The Committee did not discuss other items in connection with the Council meeting.

– **Any other business**

- **European Semester 2014 (CRP1)**
= **Information from the Presidency and the Commission**
- **European Semester 2014 (CRP2)**
= **Information from the Presidency and the Commission**

Presidency circulated a calendar on the organisation of works from now to the adoption of the CSRs in July. Several MS asked for an extension of the tight deadline foreseen for their comments on the draft CSRs.
