



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 21 June 2013
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10664/13

CRS/CRP 21

SUMMARY RECORD

Subject: 2455th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 4, 5 and 10 June 2013

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1. Adoption of the provisional agenda and "I" items

doc. 10445/13 OJ/CRP1 21

10442/1/13 REV 1 OJ/CRP2 21 COMIX 350 +ADD 1 + REV 1 COR 1

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

The following item is **added**:

(Coreper Part 2, under I)

55. Iran

10531/13 PESC 637 RELEX 487 CONUN 77 COMEM 143 CONOP 66 COARM 99
FIN 316

a) Council Decision amending Decision 2010/413/CFSP concerning restrictive measures against Iran

10376/13 PESC 618 CONUN 72 COMEM 139 CONOP 62 COARM 95 FIN 306
OC 344

+ ADD 1 RESTREINT UE

b) Council Implementing Regulation implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran

10377/13 PESC 619 RELEX 469 CONUN 74 COMEM 140 CONOP 63
COARM 96 FIN 307 OC 345

+ ADD 1 RESTREINT UE

The following item is **withdrawn**:

(Coreper Part 2, under I)

32. Transparency - Public access to documents

c) Confirmatory application No 10/c/01/13

9075/13 INF 74 API 45

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

Coreper Part 1

II

14. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 6, 7 and 10 June 2013

1. Proposal for a Directive of the European Parliament and of the Council on marine equipment and repealing Directive 96/98/EC (First reading) (*Legislative deliberation*)

- General approach

17992/12 MAR 149 ENT 319 CODEC 3104

10237/13 MAR 64 ENT 148 CODEC 1263

The Committee agreed to submit the draft general approach to the upcoming TTE Council on 10 June 2013 for examination of the last outstanding issues.

2. Roadworthiness package

● Proposal for a Directive of the European Parliament and of the Council amending Council Directive 1999/37/EC on the registration documents for vehicles (First reading) (*Legislative deliberation*)

- General approach

12803/12 TRANS 250 CODEC 1960

10206/13 TRANS 279 CODEC 1252

The Committee agreed to submit the draft general approach to the upcoming TTE Council on 10 June 2013 for examination of the last outstanding issues.

3. Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility (First reading) (*Legislative deliberation*)

- Progress report

16176/11 CADREFIN 117 POLGEN 177 REGIO 111 ENER 345 TRANS 292
TELECOM 161 COMPET 472 MI 533 ECO 129

+ REV 3 (bg,ee,el,es,hu,it,lt,pl,pt,ro,sl,sv)

+ REV 4 (cs,da,de,en,fi,fr,ga,lv,mt)

+ REV 5 (nl)

10060/13 TRANS 265 FIN 296 CADREFIN 121 POLGEN 83 REGIO 112

ENER 220 TELECOM 135 COMPET 356 MI 448 ECO 98 CODEC 1205

The Committee agreed to submit the draft progress report to the upcoming TTE Council on 10 June 2013.

- 15. Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility (Transport) (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the information provided by the Presidency on the results of the fifth informal trilogue on the CEF, which took place on 28 May 2013.

- 16. Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility (Energy) (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
10319/13 TRANS 293 FIN 305 CADREFIN 127 POLGEN 90 REGIO 116
ENER 241 TELECOM 148 COMPET 378 MI 482 ECO 101 CODEC 1283

The Committee agreed on a mandate for the Presidency on the energy-related aspects of the CEF, for the informal trilogue on 18 June 2013. For that informal trilogue meeting, a few adaptations to the proposed mandate as reflected in the above document will be made, in order to reflect the discussions.

- 17. Proposal for a Directive of the European Parliament and of the Council concerning flag State responsibilities for the enforcement of Council Directive 2009/13/EC implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC (First reading) (Legislative deliberation)**
- **Analysis of the final compromise text with a view to agreement**
10240/13 MAR 65 TRANS 283 SOC 391 CODEC 1264

The Committee analysed the outcome of the third informal trilogue with the European Parliament and agreed to reject the final compromise text. The Presidency undertook to inform the rapporteur of the Committee's decision.

- 18. Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the Trans-European Transport Network (First reading) (Legislative deliberation)**
- **Analysis of the final compromise text with a view to agreement**
10244/13 TRANS 284 ECOFIN 425 ENV 482 RECH 212 CODEC 1265
+ ADD 1-31

Due to a technical issue raised by the UK delegation ahead of the Committee, this point was postponed to the next meeting on 12 June 2013.

19. Proposal for a Regulation of the European Parliament and of the Council on the European Union Programme for Social Change and Innovation (PSCI) (First reading) (Legislative deliberation)

- Preparation for the informal trilogue

10339/13 SOC 398 ECOFIN 434 COMPET 382 CADREFIN 129 CODEC 1289

The Committee gave to the Presidency an updated mandate on certain articles covering the key issues on the Programme governance (doc. 10339/13, the text of Annex I).

The Presidency confirmed that the work plans would not be subject to delegated acts. Some delegations expressed their concerns on subjecting allocations between and within axes to delegated acts and on committee procedures and work plans being extended to EURES and Microfinance/social enterprise axes. The Commission indicated that it could accept the Presidency suggestions. It explained, in particular, that delegated acts could cover certain re-allocations which would be too large to be covered by the limited flexibility included in the Financial Regulation and the subsequent Inter-institutional Agreement, but not yet large enough to require a legislative proposal. Committee procedures and work plans could cover all axes without undue administrative burden.

20. Preparation for the Council meeting (Environment) on 18 June 2013

1. Proposal for a Directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (First reading) (Legislative deliberation)

- Progress report

15189/12 ENV 789 ENER 417 ENT 257 TRANS 346 AGRI 686 POLGEN 170
CODEC 2432

+ REV 1 (fi, sv,cs, sk)

+ REV 2 (de)

10207/13 ENV 475 ENER 236 ENT 146 TRANS 280 AGRI 345 POLGEN 86
CODEC 1253

The Committee took note of the progress report and forwarded it to the Council.

2. Follow-up to the United Nations Conference on Sustainable Development ("Rio+20") (Non-legislative activity)

(a) The Overarching Post-2015 Agenda

- Endorsement of Council conclusions

10209/1/13 ENV 476 DEVGEN 132 RELEX 457 ONU 53 ECOFIN 420
REV 1

(b) Links between the report of the UN Secretary-General's High-level Panel of eminent persons on the Post-2015 Development Agenda and the elaboration of the Sustainable Development Goals (SDGs)

- Exchange of views

10229/13 ENV 480 DEVGEN 134 RELEX 459 ONU 54 ECOFIN 424

- (a) The Committee took note that the draft Council conclusions had been endorsed by the Foreign Affairs Council on 28 May 2013 and transmitted the text to the Environment Council for further endorsement on 18 June 2013. The draft conclusions will be subsequently transmitted to the General Affairs Council for adoption on 25 June 2013.

MT entered the following statement to the minutes, which was also entered to the Foreign Affairs Council minutes and will be entered to the minutes of the Environment Council and of the General Affairs Council meetings:

Statement by Malta re Paragraph 16e of the Council Conclusions:

"The post 2015 process should indeed be based on a single comprehensive and coherent framework as this is imperative to achieve effective delivery and significant results at all levels.

Malta reiterates its position that any recommendation or commitment made by the European Union related to the Overarching Post 2015 Agenda should not in any way create an obligation on any party to consider abortion as a legitimate form of reproductive health or rights or commodities."

- (b) The Committee took also note of a Presidency background note, including questions to structure the debate, at the Environment Council on the abovementioned report.

3. Communication from the Commission on "An EU strategy on adaptation to climate change" (*Non-legislative activity*)

- Adoption of Council conclusions

10161/13 ENV 471 SAN 182 AGRI 341 FORETS 25 ENER 232 TRANS 274
ECOFIN 418

The Committee examined the draft conclusions set out in the Annex to document 10161/13 and decided to forward them, as revised on the basis of its discussion, for adoption at the Council (Environment) on 18 June 2013.

21. Proposal for a Regulation of the European Parliament and of the Council on the establishment of a Programme for the Environment and Climate Action (LIFE) (First reading) (Legislative deliberation)

- Preparation for the informal trilogue

10177/13 ENV 472 ENER 234 CADREFIN 125 CODEC 1240

The Committee agreed on a mandate to the Presidency for the fourth informal trilogue which will be held on 13 June 2013, on the basis of a slightly revised mandate to that proposed in the fourth column of the Annex to document 10177/13. The two minor changes include a clearer text on OCTs in Recital 7a (new), Article 6 and a new paragraph in Article 19 as proposed by the ES delegation.

22. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 443/2009 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new passenger cars (First reading) (Legislative deliberation)

- Presidency debriefing on the outcome of the informal trilogue

The Presidency gave a brief report on the main political issues that were discussed with the European Parliament during the second informal trilogue on the file (3 June 2013). The Presidency will revert to the Committee with a revised mandate in view of the third, and hopefully final, informal trilogue, scheduled on 24 June 2013.

23. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 510/2011 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new light commercial vehicles (First reading) (Legislative deliberation)

- Presidency debriefing on the outcome of the informal trilogue

The Presidency gave a brief report on the main political issues that were discussed with the European Parliament during the first informal trilogue on the file (4 June 2013). The Presidency will revert to the Committee with a revised mandate in view of the second, and hopefully final, informal trilogue, scheduled on 25 June 2013.

**24. Setting of the provisional agenda for the Council meeting (Agriculture and Fisheries) on 24 and 25 June 2013
(For the items in the remit of the Permanent Representative Committee)**

The Committee set the provisional agenda for the Council meeting (Agriculture and Fisheries) on 24-25 June 2013. No items falling within Committee's sphere of competence are envisaged.

25. Public procurement package (First reading) (Legislative deliberation)

- (a) Proposal for a Directive of the European Parliament and of the Council on public procurement**
- (b) Proposal for a Directive of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors**
- (c) Proposal for a Directive of the European Parliament and of the Council on the award of concession contracts**
 - **Presidency debriefing on the outcome of the informal trilogue**
 - **Preparation for the informal trilogue**
10254/13 MAP 45 MI 471 CODEC 1266
10255/13 MAP 46 MI 472 CODEC 1267

The Committee was debriefed on the outcome of the informal trilogues on the Concessions Directive held on 3 June 2013 and on the Classical Directive on 4 June 2013, and agreed that the compromise text outlined in the fourth column of the Annex to documents 10254/13 and 10255/13 represents a good basis for a revised mandate.

26. Proposal for a Regulation of the European Parliament and of the Council establishing a Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (COSME) (2014 - 2020) (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
9540/13 COMPET 293 IND 148 MI 395 CODEC 1076

The Committee gave the Presidency the mandate for the third trilogue on the basis of document 9540/13 as amended.

Coreper Part 2

II

43. Draft Regulation of the European Parliament and of the Council establishing the European Border Surveillance System (EUROSUR) (First reading)

- **Approval of the final compromise text with a view to an agreement at first reading**
10309/13 FRONT 65 CODEC 1282 COMIX 344

The Committee took note of the outcome of the discussion in the Mixed Committee (doc. 10878/13).

44. Proposal for a Directive of the European Parliament and of the Council on the right of access to a lawyer in criminal proceedings and on the right to communicate upon arrest (First reading)

- **Approval of the final compromise text**
10190/13 DROIPEN 66 COPEN 90 CODEC 1245

The Committee examined the final compromise text of the draft Directive, as set out in the Annex to document 10190/13.

While some Member States indicated that they would have preferred the text to read differently on some points, all Member States indicated that they could positively support the approval of this text.

Belgium however indicated that it would abstain from voting, and presented the following statement for the minutes of the Committee.

"Au terme d'un débat parlementaire et d'intenses consultations avec les acteurs du monde policier et judiciaire, la Belgique a adopté une réforme visant à mettre en œuvre la jurisprudence dit 'Salduz' de la Cour européenne des droits de l'Homme relative à l'accès à l'avocat dans les procédures pénales. Cette réforme met en place un droit d'accès limité mais effectif et accessible à tous les citoyens. Le projet de directive européenne visant à rapprocher le droit d'accès dans les Etats membres de l'Union européenne opte pour une approche différente et risque de remettre en cause le délicat équilibre obtenu en Belgique sur cette question. Compte tenu de l'impact budgétaire et de l'impact sur les principes fondamentaux de sa procédure pénale, la Belgique a décidé de s'abstenir lors du vote sur le projet de directive. La Belgique réitère toutefois son soutien à la poursuite de la mise en œuvre de la feuille de route sur les droits procéduraux."

The Chair concluded that a qualified majority of Member States supported the approval of the final compromise text. He thanked the Polish, Danish and Cyprus Presidencies for the work they had carried out on the text, and which had laid the foundations for reaching this result today. The Chair finally stated that he would inform the European Parliament of the approval by the Committee by sending the habitual letter.

45. Preparation of the Council meeting (Justice and Home Affairs) on 6-7 June 2013
- Other items in connection with the Council meeting

The Presidency provided additional information in relation to the items concerning Protection of Refugees in Syria and Greece's National Action Plan on Asylum Reform and Migration Management.

46. Preparation of the Council meeting (Economic and Financial Affairs) on 21 June 2013
- Other items in connection with the Council meeting

The Committee agreed the provisional agenda for this Council meeting and reviewed the state of readiness of the agenda items listed.

47. Relations with the European Parliament (June 2013)
9876/13 PE 235 INST 248 POLGEN 80 CODEC 1166

The Committee held a discussion on relations with the European Parliament on the basis of the document 9876/13.

48. Presentation of the agenda of the Council meeting (General Affairs) on 25 June 2013

The Committee took note of the information provided by the Presidency regarding the main issues of the June General Affairs Council, including inter alia, MFF, preparation for the June European Council, Enlargement and Stabilisation and Association process.

49. Presentation of the agenda of the Council meeting (Foreign Affairs) on 24 June 2013

The Executive Secretary General of the EEAS informed the Committee of the way in which the High Representative intends to conduct the exchange of views at the Foreign Affairs Council on 24 June 2013 in Luxembourg.

The Council is expected to start at 09H30.

The main items foreseen for discussion, at the stage, are: Western Balkans; Eastern Partnership; Southern Neighbourhood; the Middle East Peace Process; Afghanistan; and Implementation of the Strategic Framework and Action Plan on Human Rights.

50. Draft amending budget No 1 to the general budget for 2013

The Committee held an exchange of views on draft amending budget No 1/2013 and the revision of the multiannual financial framework 2007-2013 to take account of the expenditure requirements resulting from the accession of Croatia to the European Union on the basis of the Presidency proposal set out in document 9195/13.

51. New Multiannual Financial Framework (*restricted session*)

The Committee took note of the results of the last trilogue and examined the new Presidency's text on the four key issues of this file.

52. Preparation of the Council meeting (Foreign Affairs/Trade) on 14 June 2013

- a) **Preparations for IX World Trade Organization Ministerial Conference**
- **Orientation debate**
10287/13 WTO 127

The Commission presented its background paper on the preparations for the IX World Trade Organization Ministerial Conference to be held in Bali on 3-6 December 2013 (doc. 10287/13). It focused in particular on the three main possible deliverables for the Conference: trade facilitation, some limited agricultural issues and some key LDC/development-related issues. It also hoped that the current state of play of the negotiations would improve following the relatively positive outcome of the recent informal trade mini-ministerial meeting in Paris.

b) EU/Canada

- **State of play**
10288/13 WTO 128 CDN 6

The Commission briefly presented the progress made in the ongoing EU-Canada negotiations for a Comprehensive Economic and Trade Agreement (CETA), pending a full debrief on the latest developments by Commissioner De Gucht at the Council. The Commission also undertook to inform delegations in case a political breakthrough was achieved before the Council meeting.

c) EU/US

- **Adoption of negotiating mandate**
7398/13 WTO 61 SERVICES 16 FDI 9 USA 9 OC 139
+ ADD 1 RESTREINT UE
7399/13 WTO 62 SERVICES 17 FDI 10 USA 10 OC 140

The Committee discussed the draft mandate for the EU-US Transatlantic Trade and Investment Partnership (TTIP) negotiations, on the basis of the latest available version of the Presidency's compromise text.

The Commission announced its intention to submit two customary statements - one concerning the Decision of the Representatives of the Governments of the Member States meeting within the Council and the other concerning the investment part of the mandate - to the minutes when the mandate would be approved by the Council.

The German delegation submitted to the Committee minutes the following statement regarding paragraph 23 of the draft mandate :

"The Federal Republic of Germany backs the wording inserted at the end of para. 23 third but last para. ("and to the appropriate relationship between ISDS and domestic remedies") in the understanding that the forthcoming negotiations will strive at excluding as far as possible recourse to investor-state dispute settlement (ISDS) unless recourse to domestic remedies has been exhausted.

In view of the liability risks involved with ISDS and taking into account that the USA as an OECD-member state offers EU investors sufficient legal protection before its national courts and US investors in the EU have sufficient legal protection before national courts, it is very important to the Federal Republic of Germany that an agreement with the USA allows ISDS only after recourse to the relevant national courts has been exhausted. In negotiations with other states the issue of prior exhaustion of domestic remedies will have to be evaluated in view of the level of legal certainty and protection in the relevant state."

The Chairman concluded that the discussion had shown there was a keen desire to seize the moment and reach an agreement on the mandate in the Council meeting of 14 June 2013; on the basis of delegations' positions, the Presidency would reflect on the need for further fine-tuning of the compromise text; no further discussion would be held in the Committee before the Council meeting.

d) Other items in connection with the Council meeting

The Chair recalled that the French and Netherlands delegations had requested an AOB item on the labour conditions in Bangladesh, which was included in the agenda of the Council, circulated in CM 3085/13.

The Chair also drew attention to the information note circulated by the Presidency on the lunch item: "EU-China strategic trade and investment relations" (doc. 10289/13). Several delegations welcomed the opportunity of holding a discussion on this particular item at the lunch of the Council.

53. Debrief of the EU-Russia Summit (Yekaterinburg, 3-4 June 2013)

The Committee heard a debrief by the European External Action Service and the Commission on the outcome of the EU-Russia Summit. There were no comments by delegations.

54. Draft Council Decision authorising the opening of negotiations on a Stabilisation and Association Agreement between the European Union and Kosovo

10128/13 COWEB 75

10326/13 COWEB 77 RESTREINT UE

9990/13 JUR 268 COWEB 72 RELEX 442 PESC 593 RESTREINT UE

The Committee discussed whether CFSP, including political dialogue, as well as JHA issues should be part of the negotiating directives of a Stabilisation and Association Agreement with Kosovo. The Committee also considered the issue of free movement of workers and whether the notion of "EU membership" should be maintained in the negotiating directives considering Member States' positions on status. In light of the discussion, the Committee tasked the Western Balkans Region (COWEB) Working Party to continue its work on the draft Council Decision and negotiating directives, with a view to reaching a rapid agreement on these documents ahead of the June General Affairs Council.

- **Any other business**

- **Amended proposal for a Regulation of the European Parliament and of the Council on guidelines for trans-European telecommunications networks and repealing Decision No 1336/97/EC (First reading) (Legislative deliberation)**

- **Presentation by the Commission**

10201/13 TELECOM 145 AUDIO 65 CODEC 1250

The Commission presented its amended proposal to the Committee. The amended proposal reflects the budget cut decided by the European Council last May as well the work done at WP level. It therefore focuses on digital services while keeping open the possibility to finance infrastructure through new financial instruments. Diverging views were expressed either in support or against keeping the reference to broadband infrastructure.