



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 16 July 2013  
(OR. en)**

**11541/13**

**CRS/CRP 24**

**SUMMARY RECORD**

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Subject: 2458th meeting of the PERMANENT REPRESENTATIVES COMMITTEE  
held in Brussels on 26, 27 and 28 June 2013

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9. Advisory Committee on Freedom of Movement for Workers  
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**1. Adoption of the provisional agenda and "I" items**

doc. 11504/13 OJ/CRP1 24 + COR 1 + COR 2 + COR 3  
11477/13 OJ/CRP2 24 + CM 3503/1/13 REV 1

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

The following item is **added** :

(Coreper Part 2, under II)

**74. New Multiannual financial framework (restricted session)**

The following item is **withdrawn** :

(Coreper Part 1, under I)

**18. Proposal for a Council Decision on the position to be adopted by the European Union, in the context of the EU-Switzerland Joint Committee, on the definition of the grounds for exemption from transmitting data pursuant to the first subparagraph of Article 3(3) of Annex 1 to the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures**

**- Decision to use the written procedure for the adoption**

11368/13 UD 155 AELE 38 CH 28 OC 437

11403/13 UD 157 AELE 40 CH 30 OC 438

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

**27. Proposal for a Regulation of the European Parliament and of the Council establishing an action programme for customs in the European Union for the period 2014-2020 (Customs 2020) and repealing Decision No 624/2007/EC (First reading) (Legislative deliberation)**

- **Preparation for the informal trilogue**  
11422/13 UD 161 AELE 41 CODEC 1571

The Committee confirmed the agreement on the package deal set out in the Annex to document 11422/1/13 REV 1 and mandated the Presidency to present the agreed text to the European Parliament at a first trilogue meeting on 26 June 2013. The Presidency will explore with the European Parliament ways for resolving the concerns of some delegations with regard to Article 8(4), concerning the creation and modalities for the functioning of Expert Teams, one of the eligible actions under Article 7 of the draft Regulation.

- **Presidency debriefing on the outcome of the informal trilogue**

The Committee, was debriefed by the Chair on the successful outcome of the trilogue meeting held on 26 June 2013.

**28. Proposal for a Decision of the European Parliament and of the Council on a General Union Environment Action Programme to 2020 "Living well, within the limits of our planet" (First reading) (Legislative deliberation)**

- **Presidency debriefing on the outcome of the informal trilogue**
- **Analysis of the final compromise text with a view to agreement**  
11237/13 ENV 610 DEVGEN 156 ECO 122 SAN 228 PECHE 271 AGRI 404  
IND 185 CHIMIE 74 ENER 325 RECH 307 TRANS 341 CODEC 1528

The Committee took note of the information given by the Presidency on the outcome of the informal trilogue held on 19 June 2013 and approved the overall compromise text as set out in 11237/13.

PL, HU and CZ announced that they could not support the text without a Council statement on climate change. As other delegations rejected this statement, HU and CZ indicated that they would vote against the adoption of this Decision.

DE, FR, MT, NL, AT and UK entered the following statement to the minutes on soil protection:

"Germany, France, Malta, the Netherlands, Austria and United Kingdom support the outcome of the informal trilogues regarding a 7th EAP. Germany, France, Malta, the Netherlands, Austria and United Kingdom also proposed different improvements to the text and showed a maximum of flexibility throughout the negotiations. It is in the spirit of a compromise that we are able to support the wording of the proposed 7th EAP with regard to a Soil Framework Directive. However, Germany, France, Malta, the Netherlands, Austria and United Kingdom maintain the view that the proposed Directive of the European Parliament and of the Council establishing a Framework for the Protection of Soil and amending Directive 2004/35/EC as put forward by the European Commission in 2006 does not represent a proportionate, adequate and forward-looking instrument for soil protection at EU level.

National or regional approaches aimed at soil protection vary widely due to highly differentiated patterns of agriculture, forestry and land use. Albeit to varying degrees across the EU, progress has already been made to ensure soil protection, including contaminated site identification and the development of monitoring systems. Emphasis should be placed on strengthening these efforts by sharing best practice examples and further development of guidelines, taking full account of regional differences and the principles of subsidiarity and proportionality."

MT entered the following statement to the minutes on land:

"In the spirit of compromise, Malta supports the outcome of the informal trilogues on the Proposal on a General Union Environment Action Programme to 2020 "Living well, within the limits of our planet".

However, Malta is still concerned with respect to references to the setting of targets on land use found in paragraphs 23 and 26(v). The setting of key objectives for land use is already being discussed in the context of the Territorial Cohesion and Urban Development portfolios. Malta believes that the application of such targets should remain the prerogative of Member States in view of the specificities and diversities of territories."

- 29. 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 CO<sub>2</sub> emissions from new passenger cars (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**
  - **Analysis of the final compromise text with a view to agreement**  
11550/13 ENV 637 ENT 205 CODEC 1602

The Chair reported to the Committee the results of the last trilogue held with the European Parliament on 24 June 2013 on the file and where an agreement ad referendum was reached with the EP. A number of delegations requested additional time to enable them to scrutinise the consolidated document before they could take their final position on the file. Others indicated they could approve the outcome of the trilogue already then. The Committee, following a short exchange of views, agreed to temporarily defer the analysis of the final compromise text with a view to agreement.

- 30. Proposal for a Regulation of the European Parliament and of the Council: Setting emission performance standards for new light commercial vehicles as part of the Community's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles (First reading) (Legislative deliberation )**
- **Presidency debriefing on the outcome of the informal trilogue**
  - **Analysis of the final compromise text with a view to agreement**  
11551/13 ENV 638 ENT 206 CODEC 1603

Since the Committee agreed to defer the analysis of the final compromise text agreed ad referendum with the European Parliament on item 29 (CO<sub>2</sub> emissions from new passenger cars), the Chair suggested, and the Committee agreed, to defer consideration of the entire item 30 to a future date.

- 31. Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**  
11266/13 TRANS 342 FIN 353 CADREFIN 152 POLGEN 113 REGIO 132  
ENER 326 TELECOM 175 COMPET 509 MI 566 ECO 123 CODEC 1532
  - **Presidency debriefing on the outcome of the informal trilogue**

The Committee gave a mandate to the Presidency in order to reach a first reading agreement on the above proposal.

The Presidency briefly informed the Committee on the results of the last trilogue on the above proposal. The Committee will be further informed at one of its next meetings.

**32. Proposal for a Regulation of the European Parliament and of the Council establishing "Erasmus for all": the Union Programme for Education, Training, Youth and Sport (First reading) (Legislative deliberation)**

- **Analysis of the final compromise text with a view to agreement**  
11079/13 EDUC 233 JEUN 54 SPORT 60 SOC 474  
RELEX 527 RECH 278 CADREFIN 145 CODEC 1494

After approving the final compromise text on the abovementioned proposal, and once negotiations on the MFF are completed and an overall financial envelope for the Programme has been agreed, the Committee agreed to forward this text with a letter to the Chairman of the Parliament's CULT Committee, with a view to reaching a first reading agreement.

**33. Proposal for a Regulation of the European Parliament and of the Council on establishing the Creative Europe Programme (First reading) (Legislative deliberation)**

- **Presidency debriefing on the outcome of the informal trilogue**
- **Analysis of the final compromise text with a view to agreement**  
11254/13 AUDIO 78 CULT 78 CADREFIN 151 RELEX 545 CODEC 1531  
+ ADD 1

The text resulting from the Committee's examination at this point is set out in 11848/13. The text was approved by the Committee. DE and AT entered reservations, whilst UK and the Commission entered scrutiny reservations. The budgetary allocations (Article 17) will be confirmed once the financial envelope for the Programme is known.

**34. Proposal for a Directive of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation on administrative cooperation through the Internal Market Information System (First reading) (Legislative deliberation)**

- **Analysis of the final compromise text with a view to agreement**  
10003/13 ETS 19 MI 438 COMPET 335 EDUC 159 CODEC 1185

The Committee approved the text of the Proposal as set out in 10003/2/13 REV2. The Committee agreed that a letter is sent to the European Parliament with a view to reaching an agreement at first reading (Procedural decision according to Art. 19 (7) (k) of the Council's Rules of Procedure).

The Commission had confirmed at the Committee meeting on 14 June 2013 that it will issue a statement on the consultation of stakeholders at the time of the adoption of the Directive, to be published in the Official Journal.

**35. 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)**

- Presidency debriefing on the outcome of the informal trilogue
- Analysis of the final compromise text with a view to agreement  
11387/13 COMPET 518 IND 190 MI 574 CODEC 1568

The Presidency informed the Committee on the outcome of the third informal trilogue with the European Parliament on the COSME proposal. The Committee endorsed the final compromise text on the basis of document 11387/13.

**36. New Legislative Framework Alignment Package (Implementation of the Goods Package) (First reading) (Legislative deliberation)**

- (a) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses
- (b) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres
- (c) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to making available on the market of non-automatic weighing instruments
- (d) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to making available on the market of measuring instruments
- (e) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to making available on the market of simple pressure vessels
- (f) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts
- (g) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to electromagnetic compatibility
- (h) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits
- Analysis of the final compromise text with a view to agreement  
10866/13 ENT 173 MI 529 CONSOM 112 CODEC 1434 COMPET 447  
10867/13 ENT 174 MI 530 CONSOM 113 CODEC 1435 COMPET 448  
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10872/13 ENT 179 MI 535 CONSOM 118 CODEC 1440 COMPET 453  
10873/13 ENT 180 MI 536 CONSOM 119 CODEC 1441 COMPET 454

The Committee discussed the texts as represented in the Annexes of documents 10866/13, 10867/13, 10868/13, 10869/13, 10870/13, 10871/13, 10872/13 and 10873/13. The Committee did not take a procedural decision to confirm the agreement with the European Parliament and will therefore come back to the issue at a further meeting.



**37. Proposal for a Directive of the European Parliament and of the Council on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market (First reading) (Legislative deliberation)**

- **Preparation for the informal trilogue**  
11435/13 PI 100 AUDIO 79 CULT 79 CODEC 1576

The Committee continued the examination of the proposed Directive on the basis of the latest Presidency compromise proposal contained in 11435/13 and agreed to revert to this file at its next meeting.

**38. Setting of the provisional agenda for the Council meeting (Agriculture and Fisheries) on 15 July 2013 (For the items in the remit of the Permanent Representative Committee)**

The Committee agreed on the provisional agenda for the forthcoming Council meeting (Agriculture and Fisheries) on 15 July 2013 as set out in 12015/13.

**39. Horizon 2020 (First reading) Legislative deliberation)**

- (a) **Proposal for a Regulation of the European Parliament and the Council establishing Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020)**
- (b) **Proposal for a Regulation of the European Parliament and of the Council laying down the rules for participation and dissemination in "Horizon 2020" - The Framework Programme for Research and Innovation (2014-2020)**
- (c) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 294/2008 establishing the European Institute of Innovation and Technology**
- (d) **Proposal for a Decision of the European Parliament and of the Council on the Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT): the contribution of the EIT to a more innovative Europe**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the information provided by the Presidency as set out in 11627/13.

- 40. 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**

The Committee took note of a Presidency debriefing on the outcome of the final trilogues, the main content of which is summarized in document 11644/13. As the technical verification of the resulting final compromise texts was still ongoing, the Committee decided to return to these texts following the finalisation of these technical meetings, at one of its next meetings.

- 41. Proposal for a Regulation of the European Parliament and of the Council on ship recycling (First reading) (Legislative deliberation)**
- **Analysis of the final compromise text with a view to agreement**  
11280/13 ENV 613 MAR 79 TRANS 344 COMAR 27 CODEC 1540

The final compromise text was presented to the Committee.

CY, BG, MT and EE voted against.

HU, DE and PL abstained.

BE requested clarifications from the Commission underlining that unless those clarifications were satisfactory, it would abstain. The clarifications offered by the Commission were considered not satisfactory and, therefore, the BE delegation requested a change in the text. The Presidency, following discussions with the EP Rapporteur, agreed to that change and submitted them to the Committee. The Committee agreed to change the text and, consequently, BE voted in favour of the final compromise text, as amended.

As the QMV was reached, the letter to the EP was signed by the Chair of the Committee.

**42. 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)**

**- Presidency debriefing on the outcome of the informal trilogue**

The Committee was informed about the outcome of the last informal trilogue during which a final compromise package had been tentatively agreed. The Committee was also informed about the key elements of the final compromise package and that a consolidated text was being prepared amongst the three institutions. Once this exercise is complete, the consolidated text reflecting the tentative agreement reached at the last trilogue will be submitted to the Committee with a view to reaching an agreement on the entire text, with the exception of the figures.

**43. 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)**

**- Presidency debriefing on the outcome of the informal trilogue**

The Presidency debriefed on the outcome of the informal trilogue of 26 June 2013, informing the Committee that an agreement had been found between the institutions' negotiating teams. Replying to a CZ comment, the Chair also informed that the Committee would examine the text of the first reading agreement at a future meeting.

44. (a) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1760/2000 as regards electronic identification of bovine animals and deleting the provisions on voluntary beef labelling (First reading) (Legislative deliberation)**
- (b) **Proposal for a Directive of the European Parliament and of the Council amending Council Directive 64/432/EEC as regards computer databases which are part of the surveillance networks in the Member States (First reading) (Legislative deliberation)**
- **Analysis of final compromise text with a view to agreement**  
11500/13 AGRILEG 86 VETER 53 CODEC 1587  
+ ADD 1

The Committee approved by a qualified majority the compromise text set out in document 11500/13 ADD 1 and gave a mandate to the Presidency to confirm a first reading agreement by letter to the European Parliament. The compromise text was not supported by BE, CZ, DE, AT and PT. UK announced that its support was conditional to a written Commission statement confirming that the new wording in Article 22(1) would not change the current practice regarding increased controls in case of incompliances with the identification and registration provisions. The Commission representative gave an oral statement along these lines and expressed a positive initial attitude towards UK's request. He indicated, however, that the Commission preferred delegated powers in Article 13(6). The Presidency urged the Commission to act in a constructive way, given the agreement between the co-legislators on this point, and concluded that the letter to EP would not be sent before the Commission had confirmed its position in relation to these two issues.

## Coreper Part 2

### II

- 62. Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment (First reading)**
- **Preparation for the sixth informal trilogue**  
11172/13 MIGR 64 SOC 484 CODEC 1521

In light of the examination by the Committee of the compromise suggestions laid down in document 11172/13, the Presidency will engage in the sixth trilogue on the Seasonal Workers Directive on 26 June 2013.

- 63. Proposal for a Regulation of the European Parliament and of the Council amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union (restricted session)**
- a) **Report from the Consultation Committee (CoCo) Chair - Secretary General of the Council, about the outcome of the CoCo meeting on 20 June 2013**
  - b) **Outcome of the trilogue**  
11243/13 STAT 21 FIN 351
  - **Final examination and adoption of the compromise package**  
11243/1/13 REV 1 STAT 21 FIN 351

The Presidency briefed delegations on the results of the final trilogue held on 25th June 2013, which confirmed a compromise on Staff regulations' review.

Delegations indicated their preliminary positions on 11243/13.

The Secretary-General of the Council presented an oral report on the outcome of the second CoCo meeting which took place on 20 June 2013.

The Committee reached a qualified majority on the compromise text set out in 11243/1/13 REV 1.

The following statements are inserted into the minutes:

Presidency statement on the Consultation Committee procedure (CoCo)

"The Presidency recommended to future Presidencies to look into the possibility of reviewing the consultation procedures concerning relations with staff, and emphasised the importance of such consultation. The Presidency also recommended that the Council should invite the other institutions to undertake similar reflections."

Commission statement on Pensions

"Even though the European Union pension scheme is structurally in balance through statutory mechanisms, the Commission shall continue to monitor the overall cost generated by these pensions in the short and in the long term and shall take all necessary steps encompassed in the Staff Regulations with regard to amending the pensionable age and the rate of contribution in order to ensure the sustainability of the pension scheme, and the link between life expectancy and the evolution of pension age, while respecting staff legitimate expectations."

Commission statement on Geographical Balance

"With regard to the sensitivity and the importance of geographical balance within the institutions, all measures to be taken by the Commission will be based on a thorough analysis which includes a reliable statistical assessment and a forecast on the likely evolution of geographical balance. All measures taken must be proportionate and, consequently, take into account the results of the above mentioned analysis, the objective of geographical balance, the principle of equal access to the European civil service as well as the principle of merit and the respect of multilingualism."

#### 64. Cohesion Policy legislative package (First reading)

##### - Validation of preliminary results with a view to negotiations with the European Parliament

11375/13 FSTR 63 FC 32 REGIO 134 SOC 523 AGRISTR 74

PECHE 274 CADREFIN 158 CODEC 1563

+ ADD 1 to 9

+ ADD 10 REV 1

+ ADD 11 to 12

Following an exchange of views, the Committee:

- Validated the provisional agreements with the European Parliament on the sector-specific regulations (ERDF, ETC and CF) set out in the Addenda 1, 2, 3 REV 1 and 5 to document 11375/13 and on the EGTC set out in Addendum 4 to document 11375/13, including the draft joint European Parliament, Council and Commission statements as set out in Annex 3 of Addendum 4 to document 11375/13 intended to be entered into the minutes of the Council adopting the legislative acts;
- Agreed on the EGTC that a "I" item note will be submitted to the Committee in the near future with a view to authorizing the President of the Committee to send a letter to the European Parliament in order to confirm that the compromise in the forth column of Annex 1 to document 11375/13 Addendum 4 can constitute the basis for a first reading agreement between the co-legislators;
- Agreed to the text of the revised Annex IIIbis on the allocation methodology from the MFF-related provisions of the common provisions regulation as set out in Addendum 11 to document 11375/13;
- Validated the provisional agreement on the thematic concentration parts, including the ESF- minimum share of the common provisions regulation as set out in Addendum 10 REV 1 to document 11375/13 ; and
- Validated the provisional agreements on the management and control parts, the major projects parts and on the technical assistance parts of the common provisions regulation with the European Parliament as set out in Addendums 6, 8 and 9 to document 11375/13;

- Instructed the Working Party on Structural Measures to re-examine the revenue generating operations and public private partnerships (PPP) parts, in particular Article 54 paragraph 8 on operations generating net revenue after completion, with a view to finding a technically viable solution.

Took note of the Commission statements to be inserted into the minutes in relation to:

Article 54 on operations generating net revenue after completion:

"The Commission takes note of Member States' strong wish that flat rate revenue percentages for the sectors or subsectors within the fields of ICT, research, development and innovation, and energy efficiency are established as soon as possible pursuant to Article 54 of the common Provisions Regulation. The establishment of flat rates requires reliable and representative historic data in order to ensure a solid basis for the flat rate and to minimise the risks of over-financing. Consequently, the Commission will prepare the tender process for the launch of a study to collect and analyse the necessary data throughout the EU without waiting for the adoption of the legislative package, and will plan and manage the study, and draw the conclusions from its results so as to be able to adopt a delegated act setting out the flat rates for these sectors or subsectors at the earliest possible date and by 30 June 2015 at the latest."

Article 116 on non-statistical sampling:

"The Commission notes that the provisional agreement reached by the European Parliament and the Council in relation to the issue of non-statistical sampling under Article 116 provides that such a sample must cover at least 5 % of operations and 10 % of expenditure relating to the accounting year. It further notes that guidance issued by the Commission on sampling methods for audit authorities for the 2007-2013 period indicates that the sample size in the case of non-statistical sampling should generally be not less than 10 % of the population of operations. The Commission considers that the possibility of reduction in the size of the sample of operations to 5 % presents a risk that the sample will be insufficiently representative and will therefore have the effect of weakening the audit assurance."



Statement by Hungary to the four column table on the preliminary outcome of the trilogues and technical meetings on the ERDF regulation

"On the basis of point 15 of Annex II to Regulation No 1083/2006/EC laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 according to which for the Közép-Magyarország region "the same regulatory provisions would apply as for the regions referred to in Article 8(1)" of that regulation (i.e. phasing-out regions), Hungary considers that the thematic concentration requirements for this region in the 2014-2020 period are those set out in Article 4(1) of the preliminary outcome of the trilogues on the ERDF for the regions designated with the phasing-out status in the 2007-2013 period but which are eligible under the category of more developed regions."

Statements by Poland to :

"Technical Assistance

Poland considers that since Art. 109(4) relates to Structural Funds only and categories of regions are not applicable to the Cohesion Fund, Member States could decide, in accordance with Art. 109(2), to use up to 10% of the Cohesion Fund allocation to support technical assistance eligible under ERDF and ESF in any category of regions. Member States can use to this purpose a single priority axis, or several priority axes or a separate programme financed exclusively from the Cohesion Fund."

"ERDF & Cohesion Fund Regulations

Poland understands that investment priority "promoting the use of high-efficiency co-generation of heat and power based on useful heat demand" includes support for construction and modernization of district heating and cooling networks."

- 65. Proposal for a Regulation of the European Parliament and of the Council on insider dealing and market manipulation (market abuse) (MAR) (First reading)**  
- **Validation of the provisional agreement with the European Parliament**  
11384/13 EF 137 ECOFIN 618 DROIPEN 81 CODEC 1567

The Committee confirmed the political agreement reached with the European Parliament, and agreed to enter into its minutes the following statement by the SE, DE, AT and CZ delegations:

"The provisional agreement means that administrative authorities will be able to access data traffic records held by providers of public electronic communications networks. This amounts to a serious interference with the right to respect of private and family life and the right to protection of personal data. Issues of privacy and surveillance are highly sensitive topics that need to be dealt with in a consistent manner across all EU policy areas. We welcome that the recitals clarify that Member States should have adequate and effective safeguards, i.e. prior judicial authorization, for the exercise of those powers. We would prefer that the requirement of adequate and effective judicial safeguards is reflected in the Article as well. In this context the opinion of the EDPS should be duly considered. Further, we assume, and strongly suggest that it is explicitly mentioned, that the access does not cover data retained for the purposes of Directive 2006/24/EC (the Data Retention Directive), as this would circumvent the requirement in the Data Retention Directive of retention only for the purposes of investigating, detecting and prosecuting serious crimes. Any expansion in the access to traffic data outside judicial procedures would set a dangerous precedent for other EU dossiers."

**66. Proposal for a Regulation of the European Parliament and of the Council on key information documents for packaged retail investment products (PRIIPs) (First reading)**

- **General approach**

11430/13 EF 138 ECOFIN 622 CONSOM 133 CODEC 1574

11432/13 EF 139 ECOFIN 623 CONSOM 134 CODEC 1575

+ ADD 1

Following a discussion, the Committee reached an agreement on the general approach and mandated the Presidency to pursue negotiations with the EP on the basis of that general approach.

Member States made the following statements:

Statement by Italy and Greece

"Italy and Greece would like to thank the Presidency's efforts to reach an agreement on the proposal of Regulation on Packaged Retail Investment Products. Despite acknowledging that important improvements have been included in the Presidency compromise text, Italy and Greece are still concerned that the current definition of the scope, as contained in Art. 2(ac) concerning life insurance products, may create uncertainties in the application of the Regulation. Furthermore, the possibility provided for the Member States not to lay down administrative sanctions will not ensure, from Italy and Greece's point of view, the desired harmonization of the sanctioning regime for breaches of the PRIIPs Regulation.

Italy and Greece therefore expect that these subjects can be revisited during the negotiations with the European Parliament in order to achieve greater clarity for the application of the Regulation and a more effective and harmonised regulatory regime."

#### Statement by Germany and United Kingdom

"Germany and the UK support the Presidency in trying to move forward the discussion on key information documents for packaged retail investment products. Therefore we will not object the proposed compromise text of the regulation.

Nevertheless it is in our point of view necessary to improve the scope of the regulation in regard of effective investor's protection and a European level playing field for investment products. The PRIPs initiative will only achieve its investor protection objective and rebuild consumer confidence with all substitutable and comparable products in scope. In the case of the exclusion of life insurance products which may provide a variable bonus or surplus yield from the scope we do not consider the exclusion of these products appropriate. Excluding these products invites arbitrage and undermines the main purpose of the regulation, which is to ensure that retail investors receive a uniform disclosure document regardless of the legal form of the investment. We expect that this issue will be revisited during the trilogues with the European Parliament."

#### Statement by Austria

"The Austrian constitutional law presently does not allow for administrative pecuniary sanctions in the amount provided for in Article 19 para 2 lit f (i) (a) and (ii) (a). Therefore, we cannot currently commit to the implementation of this provision, as implementation would require an amendment to constitutional law. It is not predictable whether such an amendment to the Constitution will be adopted."

#### Statement by France

"Despite improvements brought by the Presidency, France cannot approve of the compromise text due to the fact that it still provides an option for Member States not to lay down rules for administrative sanctions where breaches to the proposed regulation are subject to criminal sanctions in their national law. In this Regulation and beyond, such an option would not be appropriate for legislation relating to rules of conduct or investor disclosure documents for which a strong, harmonised and effective regime of administrative sanctions is essential.

France expects these subjects to be revisited during the negotiations with the European Parliament to achieve a more effective and harmonised regime."

#### **67. Draft amending budget No 1 to the general budget for 2013**

The Committee reached an agreement 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. The resulting documents (11586/13 and 11588/13) will be submitted as "A" items to the Ecofin Council on 26 June 2013 for formal adoption.

The Committee adopted the following statement which is entered in its minutes:

"The Council being firmly dedicated to ensure an orderly accession of Croatia has adopted amending budget No 1/2013 covering the financial commitments for 2013 given to Croatia in the accession treaty. Fulfilling its obligations and respecting the Interinstitutional Agreement on budgetary discipline and sound financial management of 17 May 2006 and the Council Declaration on the Financial and Budgetary Provisions for Croatia's Accession to the EU of July 2011, the Council has also adopted a revision of the commitment ceilings for budget headings within the overall ceiling for commitment appropriations and a revision of the payment ceiling in 2013 of EUR 374 million.

The decision to revise the payment ceiling by EUR 374 million is on the basis that this increase is only used for programmes related to Croatia after its accession. As part of its consideration of any further amending budget, the Council will require an update on the implementation of programmes related to Croatia.

The decision to revise the payment ceiling does not prejudice the Council position on possible proposals for further amending budgets in the course of 2013. The Council, in this regard, recalls the provisions of the Financial Regulation and urges the Commission to actively manage the EU budget over the rest of 2013 in a prudent way and to continue to try to fund additional needs by redeployment in the first instance."

## 68. Follow-up to the Council meeting (Economic and Financial Affairs) on 21 June 2013

At the breakfast, Ministers were debriefed from the Eurogroup. This was followed by an exchange of views on the economic situation.

The President of the European Investment Bank briefly raised issues related to the Commission/EIB report to the European Council.

The Council approved the 23 country-specific recommendations, a recommendation for the euro-area as whole, and the comply or explain note. The Council also adopted Council conclusions on Croatia.

On the implementation of the Stability and Growth Pact item, the Council adopted 15 Council Decisions and Recommendations on excessive deficits.

The Commission and EIB presented their Joint Report to the European Council.

The Council adopted the Decisions on extending the maturities of EFSM loans to Ireland and Portugal.

Regarding the adoption of the euro by Latvia, there was an exchange of views on the ECB/Commission convergence reports. The Council adopted the Recommendation by the euro area Member States that Latvia fulfils the criteria and the Council approved a letter from the Council (ECOFIN) President to report on this to the European Council.

Poland raised the issue of the follow-up to the May European Council as regards the integration of economic, climate and energy policy.

The Council endorsed a report to the European Council on tax issues. A Report on tax issues was also endorsed by Ministers in the framework of the Euro Plus Pact.

The Commission presented a proposal regarding the mandatory automatic exchange of information in the field of taxation.

**69. Preparation of the Council meeting (Economic and Financial Affairs) on 9 July 2013**  
- **Other items in connection with the Council meeting**

The Committee reviewed the state of readiness of the agenda items listed.

**70. Proposals for financing instruments for external action under the Multiannual Financial Framework (2014-2020) (First reading)**

- **Progress report of negotiations with the European Parliament in respect of the external financing instruments under Heading 4 of the Multiannual Financial Framework 2014-2020**

11249/13 CADREFIN 150 DEVGEN 157 ACP 91 RELEX 543 COASI 93  
ASIE 26 COMAG 55 COHOM 126 COEST 152 COWEB 84  
ELARG 96 CODEC 1530 PE 301 FIN 352

The Committee was debriefed by the Presidency on negotiations with the European Parliament. It took note of the progress report contained in document 11249/13.

**71. Follow-up to the Council meeting (Foreign Affairs) on 24 June 2013**

The EEAS informed the Committee of the way in which the High Representative intends to follow-up on the exchange of views that took place at the Foreign Affairs Council on 24 June 2013. The presentation was focused on the Eastern Partnership.

**72. Follow-up to the Council meeting (General Affairs) on 25 June 2013**

The Committee took note of the main issues examined during the General Affairs Council, namely the conclusions of the European Semester exercise for 2013, Enlargement, and the examination of the EC conclusions.

**73. Relations with the European Parliament (July 2013)**

10974/13 PE 289 INST 307 POLGEN 109 CODEC 1459

The Committee held a discussion on relations with the European Parliament on the basis of the document 10974/13.

**74. New Multiannual financial framework (restricted session)**

The Committee approved the MFF package as set out in the MFF documents : 11655/13, 11298/13, 11658/13, 11698/13, and in two statements to the European Council minutes adopted by the European Council at its meeting on 27-28 June 2013. On this basis, the Committee gave its agreement to the transmission of the MFF documents to the European Parliament.

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