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SUMMARY RECORD

Subject: 2466th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 18 and 23 September 2013

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

doc. 13652/13 OJ/CRP1 32

13672/1/13 REV 1 OJ/CRP2 32 COMIX 501

+ CM 4383/13

The above-mentioned agendas are approved.

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

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II

- 23. Proposal for a Decision of the European Parliament and of the Council establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 (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 outcome of the informal trilogue held on 17 September 2013.

- 24. Setting of the provisional agenda of the Council meeting (Transport, Telecommunications and Energy) on 10 October 2013**

The Committee agreed on the provisional agenda for the next TTE Council meeting which will be set out in document 14209/13.

- 25. Preparation of the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 26 and 27 September 2013**

- 1. Supporting SME competitiveness in Europe: Contribution to the preparation of the European Council of 24-25 October 2013 (*Non-legislative activity*)**
- **Policy debate**
13329/13 IND 240 COMPET 623 MI 726

The Committee took note of the questions for the policy debate as set out in 13329/13 and decided to put them forward to the Competitiveness Council.

- 2. Industrial Policy (*Non-legislative activity*)**
- a) **Framework conditions for a competitive industry in Europe**
 - b) **Communication from the Commission on "Towards a more competitive and efficient defence and security sector"**
 - **Presentation by the Commission**
 - **Exchange of views**
13593/13 IND 251 COMPET 649 MI 759
12773/13 COSDP 730 PESC 957 CSDP/PSDC 517 COPS 323 POLMIL 46
MAP 72 MI 683 UD 199 PI 110 RC 33 DRS 146 IND 224
COMPET 598 ESPACE 51 RECH 376
13458/13 COSDP 839 PESC 1052 CSDP/PSDC 582 COPS 380 POLMIL 50
MAP 74 MI 738 UD 227 PI 115 RC 35 DRS 162 IND 246
COMPET 633 ESPACE 60 RECH 395

The Committee took note of the Presidency notes as set out in 13593/13 and 13458/13 and decided to put them forward to the Competitiveness Council.

3. Proposals by the Commission to establish public-public partnerships with Member States under Article 185 TFEU for joint implementation of national research programmes (First reading) (*Legislative deliberation*)

- a) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in the Active and Assisted Living Research and Development Programme jointly undertaken by several Member States**
 - b) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in a second European and Developing Countries Clinical Trials Partnership Programme jointly undertaken by several Member States**
 - c) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in a European Metrology Programme for Innovation and Research jointly undertaken by several Member States**
 - d) **Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in a Research and Development Programme jointly undertaken by several Member States aimed at supporting research performing small and medium-sized enterprises**
- **Presentation by the Commission**
 - **State of play**
12367/13 RECH 355 COMPET 574 TELECOM 204 SOC 595 MI 648
12369/13 RECH 356 SAN 271 SOC 596
12372/13 RECH 358 COMPET 576
12336/13 RECH 350 COMPET 568 MI 643 IND 210

The Committee took note of Commission proposals and the way the Presidency intends to treat these at the Council (Competitiveness).

4. Proposals by the Commission for Joint Technology Initiatives established under Article 187 TFEU (*Non-legislative activity*)

- a) **Proposal for a Council Regulation on the Bio-Based Industries Joint Undertaking**
 - b) **Proposal for a Council Regulation on the Clean Sky 2 Joint Undertaking**
 - c) **Proposal for a Council Regulation on the ECSEL Joint Undertaking**
 - d) **Proposal for a Council Regulation on the Fuel Cells and Hydrogen 2 Joint Undertaking**
 - e) **Proposal for a Council Regulation on the Innovative Medicines Initiative 2 Joint Undertaking**
- **Presentation by the Commission**
 - **State of play**
(Public debate pursuant to Article 8(2) of the Council's rules of Procedure [proposed by the Presidency])
12355/13 RECH 354 COMPET 573 IND 212 ENER 363 AGRI 483
12347/13 RECH 353 COMPET 572 ENV 708 AVIATION 108
12375/13 RECH 359 COMPET 577 MI 649
12378/13 RECH 360 ENER 364 COMPET 578 ENV 709
12370/13 RECH 357 COMPET 575 IND 213 SAN 272

The Committee took note of Commission proposals and the way the Presidency intends to treat these at the Council (Competitiveness).

5. Innovation Union and the European Research Area (ERA) (Non-legislative activity)

- a) **Communication from the Commission on "State of the Innovation Union 2012 - Accelerating change"**
- b) **Communication from the Commission on "Measuring innovation output in Europe: towards a new indicator"**
- c) **First progress report on the European Research Area**
 - **Presentation by the Commission**
 - **Policy debate**
8068/13 RECH 91 COMPET 181 IND 90 REGIO 51 ECOFIN 233 MI 251 (x)
13471/13 RECH 396 COMPET 636 IND 248 REGIO 188 ECOFIN 779
MI 741

The Committee took note of the questions for the policy debate as set out in 13471/13 and decided to put them forward to the Competitiveness Council.

- 26. Proposal for a Directive of the European Parliament and of the Council on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services) (First reading) (Legislative deliberation)**
- **Analysis of the Presidency's compromise proposals on Articles 9 and 12**
13531/13 SOC 679 MI 749 COMPET 643 CODEC 1994

The Committee held a political discussion on the Presidency's compromise proposals on Articles 9 and 12. It instructed the Social Questions Working Party to finalise the text of these two Articles, as well as the other outstanding articles of the draft directive, and to report back to the Committee at a forthcoming meeting.

- 27. Preparation of the 38th Session of the ICAO Assembly (Montreal, 24 September – 4 October 2013)**
- **European Union coordination of a common position**
13525/13 AVIATION 147 RELEX 798

The Committee endorsed the revised EU position in response to the draft Assembly Resolution on international aviation and climate change approved by the ICAO Council in its meeting on 4 September 2013, with a view to facilitating the coordination between the EU Member States and the Commission in preparation for the ICAO Assembly on 24th September to 4th October 2013.

Coreper Part 2

II

50. Multiannual Financial Framework 2014-2020 (Home Affairs)

- a) **Proposal for a Regulation of the European Parliament and of the Council establishing, as a part of the Internal Security Fund, the instrument for financial support for external borders and visa (First reading)**

- **Budgetary provisions**

13581/1/13 REV 1 JAI 767 FRONT 123 VISA 176 CADREFIN 230
CODEC 2009 COMIX 495

The Committee noted the agreement reached in the Mixed Committee on the budgetary provisions, as contained in document 14029/13 JAI 820 COMIX 516.

- b) **Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (First reading)**

- **Budgetary provisions**

13582/1/13 REV 1 JAI 768 ENFOPOL 291 PROCIV 102 CADREFIN 231
CODEC 2010

The Committee heard the position of several Member states on the funding of activities at the land borders. It concluded that the budgetary provisions as formulated by the Presidency (doc. 13582/1/13) could be added to the partial general approach reached in 2012.

51. Presentation of the agenda of the Council meeting (Justice and Home Affairs) on 7/8 October 2013

The Presidency presented the agenda for the Council meeting (Justice and Home Affairs) on 7/8 October 2013.

52. Preparation of the Council meeting (General Affairs) on 30 September 2013

- **Other items in connection with the Council meeting**

Le Comité a fait le point de l'état de préparation des autres points figurant à l'ordre du jour provisoire de la session du Conseil Affaires générales du 30 septembre 2013.

53. EU-Ukraine Association Agreement

13610/13 COEST 263 NIS 51 PESC 1079 JAI 771 WTO 199 ENER 411

The Committee reached agreement on the compromise package proposed by the Presidency in the terms set out in 13610/13, namely:

- the text of the revised draft Council Decision on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, with the exception of the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other party, as contained in Annex I of document 13610/13;
- the Joint Declaration by the Council, the Commission, and the High Representative, as contained in Annex II of document 13610/13, to be inserted in the Council minutes at the moment of the formal adoption of the draft Council Decision on the signing and provisional application;
- the text of the accompanying draft Council Decision on the signing as regards certain Freedom, Security and Justice related provisions of the Agreement, as contained in Annex III of document 13610/13 with the understanding that this separate Council Decision and the Decision relating to the rest of the provisions of the Association Agreement, as referred to above, would be adopted at the same time;
- the text of the corresponding draft Council Decisions on the conclusion of the Agreement, as set out in Annexes IV and V of document 13610/13.

The Czech Republic recalled its request for the following declaration to be inserted into the minutes of the meeting:

"The Czech Republic holds the view that Council decisions adopted in accordance with Article 218 TFEU throughout the process of concluding the so-called mixed agreements should relate to individual agreements in their entirety. A splitting into two decisions, each of them referring to different articles of an agreement, does not seem to be necessary and could lead to cumbersome procedures.

The Czech Republic notes that the established practice has been so far to adopt only one Council decision relating to an agreement as a whole. With respect to the Case C-377/12 European Commission against Council of the European Union, pending before the Court of Justice of the European Union, we consider the modification of this practice as premature.

Furthermore, the Czech Republic maintains that Article 217 TFEU as a legal basis covers all the elements of the Association Agreement in its entirety. It is therefore not necessary to make use of the multiple legal bases."

A number of other delegations indicated that they would make declarations to the minutes of the Committee and/or the Council at the moment of formal adoption of the Council Decisions on signing and provisional application of the Association Agreement.

54. Draft Council Decision authorising the Commission to open negotiations on an agreement between the European Union and Iceland, Norway and Liechtenstein on the future financial contributions of the EEA EFTA states to economic and social cohesion in the European Economic Area

12238/1/13 REV 1 AELE 48 EEE 33 ISL 4 N 5 FL 9 RESTREINT UE

The Committee noted that the revised Presidency compromise proposal contained in document 12238/1/13 REV 1 RESTREINT UE required further consideration. Consequently, the Presidency intended to continue consultations and revert to the issue at the next meeting of the Committee.

- **Any other business**
 - a) **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)**
 - b) **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 CO₂ emissions from light-duty vehicles (First reading) (Legislative deliberation)**
- **State of play**

The Chair informed the Committee that the period of reflection agreed under the IE Presidency was nearing to its end and invited delegations to indicate whether they were already in a position to offer their final views on the files. One delegation offered a number of comments on the final compromise reached, while indicating it still favoured a first reading agreement with the European Parliament. Two delegations and the Commission indicated they considered the final compromise balanced and therefore could support it. The Chair concluded that the Presidency would make a decision in the coming weeks on when to include the files in the Committee's agenda as "analysis of the final compromise text with a view to agreement".

= **"WIPO/EU coordination"**

The Committee took note of the information provided by the French delegation, aimed at raising delegations' awareness of recent developments in Geneva involving the management of the World Intellectual Property Organisation (WIPO).

Three delegations and the Commission welcomed the French delegation's call for enhanced coordination amongst EU Member States in view of the upcoming WIPO General Assembly.

= **Debrief of the Informal Meeting of Finance Ministers in Vilnius on 13-14 September 2013**

- The lunch started with the debriefing of the Eurogroup. Then Ministers discussed the aspects of the SRM identified by the ECOFIN President in the 10 September letter to ECOFIN colleagues.

- The meeting opened with an exchange of views on the current economic outlook, and financial stability. The discussion focused notably on the situation in the financial markets in the euro area and the EU, notably in the banking sector.
 - Ministers and Governors then exchanged views on the means to foster SME financing in the short and medium term. The discussion in particular focused on specifying the parameters of the SME financing instruments proposed by the European Investment Bank and the European Commission at the ECOFIN Council and European Council in June.
 - Ministers were then debriefed on the financial topics discussed at the G20 Heads of State summit at the beginning of September. They also touched on the agenda foreseen for the upcoming G20 ministerial and IMF/World Bank annual meetings and mandated the Economic and Financial Committee to prepare respective EU messages for these meetings.
 - The Ministers and Governors then discussed the measures required to ensure the stability of the banking sector as well as other policy steps and reforms necessary in the European financial system to help prevent and absorb any future shocks to the financial sector and reduce financial market fragmentation. The discussion was complemented by a presentation by the Brussels-based think-tank Bruegel.
 - Finally, there was a discussion on the recent initiatives at the EU and global levels related to the automatic exchange of information with the aim of tackling tax fraud and evasion more effectively. Ministers exchanged views on how actions could be better coordinated. The OECD's views were expressed by their guest speaker.
- = **Proposals for external financing instruments under Heading 4 (2014-2020) (First reading)**
- Information from the Presidency on the results of the trilogue and the way ahead

The Committee was debriefed by the Presidency on outcome of the informal trilogues with AFET and DEVE Committees of the European Parliament and informed about the intended handling of the file.