



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 5 February 2014
(OR. en)**

5580/14

CRS/CRP 3

SUMMARY RECORD

Subject: 2482nd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 22 and 24 January 2014

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

doc. 5433/1/14 REV 1 OJ/CRP1 3 + REV 1 COR 1
5460/1/14 REV 1 OJ/CRP2 3

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

The following items are **added** :

(Coreper Part 2, under I)

59. Afghanistan

5517/14 PESC 63 RELEX 47 COASI 12 COARM 14 FIN 46

- **Council Implementing Decision implementing Decision 2011/486/CFSP concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan**

5371/14 PESC 41 COASI 8 COARM 9 FIN 36

- **Council Implementing Regulation implementing Article 11(4) of Regulation (EU) No 753/2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan**

5372/14 PESC 42 RELEX 35 COASI 9 COARM 10 FIN 37

(Coreper Part 1, under II)

60. Amended proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation (EC) No 861/2006 and Council Regulation No XXX/2011 on integrated maritime policy] (First reading) (Legislative deliberation)

- **Guidance for the future work**

The following item is **withdrawn** :

(Coreper Part 1, under II)

23. Proposal for a Council Decision concerning the placing on the market for cultivation, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a maize product (*Zea mays* L., line 1507) genetically modified for resistance to certain lepidopteran pests (Text with EEA relevance)

- **Preparation for a Council Decision**

5503/14 AGRILEG 11 ENV 46

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

Several delegations made statements on the following item :

36. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) N° 260/2012 as regards the migration to Union-wide credit transfers and direct debits (First reading)

– **Approval of the final compromise text**

5250/1/14 REV 1 EF 10 ECOFIN 31 CONSOM 8 CODEC 72
5250/14 ADD 1 EF 10 ECOFIN 31 CONSOM 8 CODEC 72

Statement by Germany, Finland, Austria, Slovenia and the Netherlands

"Germany, Finland, Austria, Slovenia and the Netherlands consider the Commission's proposal amending Regulation (EU) No 260/2012 regarding the migration to Union-wide credit transfers and direct debits as unnecessary in relation to the SEPA migration process. Recent findings in 2013 and even in January 2014 have indicated that, with some efforts, these Member States would have completed SEPA migration in due time.

With a view to possible migration problems in some Member States and in order to avoid further legal uncertainty for payment service providers or payment service users, Germany, Finland, Austria, Slovenia and the Netherlands will accept the Commission's proposal without any further changes.

The Commission's proposal and the reasoning mentioned in the corresponding Commission press release only three weeks ahead of the long-standing envisaged end-date have hampered the latest migration efforts in Member States and in the EU and have led to legal confusion among payment service users and payment service providers.

However, Germany, Finland, Austria, Slovenia and the Netherlands are deeply concerned by the Commission's approach in this respect. In such an urgent matter, Member States should have been informed ahead of the proposal's publication, especially given the fact that the proposal has a significant impact on numerous payment service users and payment service providers. The proposal also interferes with the migration efforts undertaken by governments, central banks and stakeholders so far. Cooperation in the spirit of mutual trust and based on partnership is essential for the acceptance of European legislation by the general public in the EU and Member States. For possible similar cases in the future, we insist on earlier consultations and proposals, in order to ensure the real benefits of such amendments."

Statement by United Kingdom and Czech Republic

"While the UK and Czech Republic have no policy objection to the proposed Regulation, the UK and Czech Republic are concerned by the approach taken to this urgent quick fix legislative proposal. Member States should have been informed of the Commission's intention to postpone the implementation date ahead of its publication. National parliaments should be given appropriate time to scrutinize EU legislative proposals. The timetabling that has been pursued on this proposal has not allowed this and the UK and Czech Republic therefore reserve their position."

Statement by Italy

"Italy reaffirms that the end-date set for 1 February 2014 to complete the SEPA migration is fully confirmed and that all efforts have been and will be made to fulfill it according to the plans already approved. Italy takes note of the European Commission's proposal to modify EU Regulation No 260/2102 related to the Single Euro Payments Area (SEPA), introducing an additional transition period of six months for credit transfers and direct debits different from a SEPA format which could continue to be accepted until 1 August 2014."

Coreper Part 1

II

10. **Proposal for a Regulation of the European Parliament and of the Council on consumer product safety and repealing Council Directive 87/357/EEC and Directive 2001/95/EC (First reading) (Legislative deliberation)**

and

Proposal for a Regulation of the European Parliament and of the Council on market surveillance of products and amending Council Directives 89/686/EEC and 93/15/EEC, and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 1999/5/EC, 2000/9/EC, 2000/14/EC, 2001/95/EC, 2004/108/EC, 2006/42/EC, 2006/95/EC, 2007/23/EC, 2008/57/EC, 2009/48/EC, 2009/105/EC, 2009/142/EC, 2011/65/EU, Regulation (EU) No 305/2011, Regulation (EU) No 764/2008 and Regulation (EC) No 765/2008 of the European Parliament and of the Council (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**

5351/14 ENT 10 MI 40 CONSOM 13 CODEC 93 COMPET 22 UD 15
CHIMIE 3 COMER 14

The Presidency tested another version of a compromise solution on Article 7 of CPSR, which was rejected by almost all delegations. The Presidency decided to give delegations one more week to reflect and will bring the issue back to the Committee in the coming week.

11. **Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the debriefing provided by the Presidency on the outcome of the first trilogue. The Committee will return to this file for discussion of a revised mandate in one of its next meetings.

12. **Proposal for a Regulation of the European Parliament and of the Council on the fees payable to the European Medicines Agency (EMA) for the conduct of pharmacovigilance activities in respect of medicinal products for human use (First reading) (Legislative deliberation)**

- **Preparation for the informal trilogue**

5322/14 PHARM 6 SAN 22 MI 32 COMPET 20 CODEC 86

The Committee agreed that the text set out in the Annex to document 5322/14 shall serve as a mandate to the Presidency for the first trilogue on the above proposal.

13. 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 pressure equipment (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
5356/14 ENT 11 CONSOM 14 CODEC 95
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee mandated the Presidency to engage in informal trilogues with the representatives of the European Parliament and the European Commission on the basis of document 5356/14, while details should continue to be discussed at Council Working Party level.

The Committee has been debriefed by the Presidency on the outcome of the first trilogue meeting on this dossier.

The Presidency will inform the Committee on the progress of the negotiations and present an updated compromise text at a future meeting.

14. Proposal for a Decision of the European Parliament and of the Council, establishing a Space Surveillance and Tracking Support Programme (First reading) (Legislative deliberation)

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

The Committee was informed on the outcome of the first informal trilogue with the European Parliament on the Proposal for a Decision of the European Parliament and of the Council, establishing a Space Surveillance and Tracking Support Programme.

15. 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)

- **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 of 22 January 2014.

16. Proposal for a Directive of the European Parliament and of the Council on the deployment of alternative fuels infrastructure (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
5311/14 TRANS 15 AVIATION 9 MAR 6 ENER 15 ENV 33 IND 12
RECH 17 CAB 1 CODEC 82

The Committee examined the text and gave the Presidency a mandate to conduct negotiations with the European Parliament at the informal trilogue on 29 January 2014.

17. Proposal for a Regulation of the European Parliament and of the Council on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a balanced approach and repealing Directive 2002/30/EC of the European Parliament and of the Council (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
5308/14 AVIATION 8 ENV 32 CODEC 81

The Committee examined the text and gave the Presidency a mandate to conduct negotiations with the European Parliament at the informal trilogue on 27 January 2014.

18. Proposal for a Regulation of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
5430/14 TELECOM 12 MI 50 DATAPROTECT 8 EJUSTICE 2 CODEC 118

The Chair introduced the draft mandate for the 3rd trilogue on 28 January 2014, as set out in 5430/14, in the form of text as concerns Articles 1-19 and of orientations for Articles 20-42.

The mandate was broadly endorsed subject to change to definition 3(1) and to the principle concerning the suspension of certificates for signatures/seals. The Commission insisted on retaining provisions on web authentication (Art. 27), an issue which will be revisited after the 3rd trilogue, on shortening the overall timeframe for the implementation of the Regulation (Art. 42) and on making public authentication services available to private bodies as well (Art. 6(1)).

19. 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**
- **(poss.) Analysis of the final compromise text with a view to agreement**

The Committee took note of the information provided by the Presidency on the outcome of the informal trilogue held on 22 January 2014. The Committee indicated its support for the provisional compromise reached.

20. Proposal for a Directive of the European Parliament and of the Council on electronic invoicing in public procurement (First reading) (Legislative deliberation)

- **Presidency debriefing on the outcome of the informal trilogue**
- **(poss.) Analysis of the final compromise text with a view to agreement**
5411/14 MAP 6 COMPET 28 MI 48 EF 15 ECOFIN 39 TELECOM 10
CODEC 115

The Committee

- took note of the debriefing provided on the outcome of the second trilogue;
- endorsed the final compromise text as set out in Annex to document 5411/14;
- mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading, in accordance with Article 294 paragraph 3 of the Treaty, in the form set out in the compromise package contained in the Annex to document 5411/14 (subject to revision by the legal linguists of both institutions), the Council would, in accordance with Article 294, paragraph 4 of the Treaty, approve the European Parliament's position and the act should be adopted in the wording which corresponds to the European Parliament's position.

21. 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)

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

The Presidency informed the Committee of the outcome of the second informal trilogue held on 23 January 2014.

22. Proposal for a Decision of the European Parliament and of the Council on enhanced co-operation between Public Employment Services (PES) (First reading) (Legislative deliberation)

- **Presidency debriefing on the outcome of the informal trilogue**
- **(poss.) Preparation for the informal trilogue**

The Committee was debriefed on the outcome of the informal trilogue held on 22 January 2014.

24. Remunerations (This item will be taken in restricted session)

- a) **Proposal for a Regulation of the European Parliament and of the Council adjusting with effect from 1 July 2011 the remuneration and pensions of officials and other servants of the European Union and the correction coefficients applied thereto (First reading) (Legislative deliberation)**
- b) **Proposal for a Regulation of the European Parliament and of the Council adjusting with effect from 1 July 2012 the remuneration and pensions of officials and other servants of the European Union and the correction coefficients applied thereto (First reading) (Legislative deliberation)**
 - **Exchange of views**
17622/13 STAT 55 FIN 936 CODEC 2919
17625/13 STAT 56 FIN 937 CODEC 2920

The Committee held an exchange of views in preparation for the informal trilogues. On the basis of the positions expressed, the Presidency's mandate is expected to be agreed upon at the next Committee meeting on 29 January 2014.

- 60. Amended proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation (EC) No 861/2006 and Council Regulation No XXX/2011 on integrated maritime policy] (First reading) (Legislative deliberation)**
- **Guidance for the future work**

The Presidency informed the Committee that, at an informal meeting between the negotiating teams of the three institutions the previous day, it had been decided to resume negotiations on 28 January 2014 considering the urgency to reach an agreement as soon as possible.

During the informal meeting the Commission had recalled that it could not accept the cut of some EUR 300 mio from direct management, but would be willing to accept that 2/3 of these funds be transferred to shared management. The European Parliament had indicated that it would be willing to give up around 50 mio of its requested increase for controls and data collection and would expect Council to come up with the other 50 mio. The Presidency had reserved its position on this matter.

The Presidency asked the delegations for guidance on whether or not the Council could accept to come up with the said 50 mio, and if so, how. To guide discussion the Presidency submitted a table to the Committee (doc. 5651/14). The Presidency stressed it would seek to negotiate the remaining outstanding issues as a package.

The Commission representative confirmed its offer regarding a transfer of funds from direct to shared management. It recognised the concerns regarding the possibility to absorb the large amounts of money allocated to controls and data collection and suggested that increasing the co-financing rates to 80 and 90% respectively should overcome many of these concerns.

Delegations taking the floor all accepted some budgetary flexibility and supported the "package approach" and to seek to spread out the reduction over several budget lines. Several delegations underlined the need of some flexibility to transfer funds between budget lines.

The Italian and Romanian delegations highlighted their concerns in relation to the consumption criterion in Article 17. The Latvian delegation recalled its problem in relation to the definition of SMEs. The Polish delegation underlined that it would not want to see any cut in the allocation for sustainable fisheries and aquaculture.

The Presidency thanked the Committee for its willingness to grant the Presidency a margin of flexibility on its mandate.

Coreper Part 2

II

51. 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)

– Preparation of the sixth informal trilogue

5336/14 MIGR 6 SOC 19 DRS 6 CODEC 89 WTO 17 SERVICES 2

The Committee examined the Presidency compromise suggestions as reflected in document 5336/14. On the basis of the outcome of this examination, the Presidency will engage in the informal trilogue on 22 January 2014 and report back to delegations on the results of this trilogue.

52. Preparation of the Council meeting (Economic and Financial Affairs) on 28 January 2014

a) Implementation of the Stability and Growth Pact

= Draft Council Decision on the existence of an excessive deficit in Croatia

17908/13 ECOFIN 1166 UEM 427

= Draft Council Recommendation with a view to bringing an end to the situation of an excessive government deficit in Croatia

17904/13 ECOFIN 1165 UEM 426

– Adoption

The Committee agreed to submit to the Council for adoption the Council Decision (doc. 17908/13) and the Council Recommendation (doc. 17904/13).

b) Other items in connection with the Council meeting

The Presidency announced that:

- Under 'Any other business', they would provide information on the on-going work on legislative proposals on financial services.
- During the debrief on the Eurogroup and economic situation, the Chairman of the EFC Mr Wieser would also update Ministers on the progress of the discussions at the IGC meetings. Ambassadors asked for the 1+1 breakfast format to be enlarged during the IGC debrief; the Presidency said it would consult the capital.

53. Follow-up to the Council meeting (Foreign Affairs) on 20 January 2014

The Committee took note of the information provided by the EEAS.

54. Presentation of the agenda of the Council meeting (Foreign Affairs) on 10 February 2014

The draft agenda would include:

- Southern Neighbourhood (Egypt and Tunisia, poss. Libya)
- Syria conflict and Lebanon
- Yemen
- Eastern Partnership (extensive discussion)

Energy diplomacy had been foreseen for the lunch discussion but due to the unavailability of Commissioner Oettinger this item might be taken off the agenda.

55. Presentation of the agenda of the Council meeting (General Affairs) on 11 February 2014

Presidency presented the agenda of the February General Affairs Council which will include the presentation of the Presidency programme and the Annotated draft agenda of the March European Council. The FR delegation (supported by DK, HU, BG, LU, SI and HR) asked for an additional B point on GMO maize.

56. EU-Brazil Summit (Brussels, 27 February 2014 (tbc))

– **Orientation debate**

5041/14 COLAC 2 PESC 4 RELEX 9 POLGEN 6 DEVGEN 3 WTO 2
ECOFIN 7 ENER 5 RECH 4 MAR 1 COMPET 4 CYBER 1
CLIMA 1 COHOM 2 AVIATION 4 CODRO 1 CRIMORG 1
AGRI 1 RESTREINT UE

The Committee discussed the preparations for the seventh summit with Brazil, on the basis of an orientation note (doc. 5041/14) and a presentation by the EEAS.

Delegations gave their support to the orientation note and offered comments on particular issues, and the Committee felt, more in general, that there was a need for more focused debates on Strategic Partners; the Committee could task other bodies to prepare these debates.

57. Own Resources legislative package

- **Amended proposal for a Council Decision on the system of own resources of the European Union**
 - = **Political agreement**
5466/14 RESPR 1 FIN 41 CADREFIN 4 POLGEN 9
- **Amended proposal for a Council Regulation laying down implementing measures for the system of own resources of the European Union**
 - = **Agreement in principle**
5467/14 RESPR 2 FIN 42 CADREFIN 5 POLGEN 10
- **Amended proposal for a Council Regulation on the methods and procedure for making available the traditional, VAT and GNI-based own resources and on the measures to meet cash requirements (Recast)**
 - = **Political agreement**
5468/14 RESPR 3 FIN 43 CADREFIN 6 POLGEN 11

After an exchange of views, the Committee reached a unanimous agreement on the Presidency's proposals for the three legislative texts set out in 5466/14, 5467/14 and 5468/14, subject to legal-linguistic revision.

The Committee agreed to provide the European Parliament with the texts set out in 5466/14 and 5468/14, and to invite the European Parliament to take the revised texts into consideration when drawing up its opinions.

The Committee made the following statement to be included in its minutes :

"The Committee unanimously agrees that the Commission working document on the calculation of the United Kingdom correction, which is to be unanimously endorsed by the Council at the time of the formal adoption of this legislative package, needs to be reviewed when the text of the inter-governmental agreement on the single resolution mechanism is finalised to ensure that the United Kingdom is not overcompensated once it has been reimbursed in this context."

The Belgian, French, Hungarian, Italian, Luxembourg, Polish, Portuguese and Spanish delegations made the following unilateral statement to be entered into the Committee' minutes and the Council minutes when adopting the Own Resources Decision:

"The Member States, underwriters of this statement, underline that the preamble of the Decision on the system of own resources of the European Union does not entirely reflect the conclusions of the European Council of 7 and 8 February 2013.

These Member States consider that these conclusions are an important move forward in the negotiations of the own resources legislative package. According to these conclusions, which reflect the common general position of the Member States, no reference to the conclusions of the European Council in Fontainebleau of 1984 was to be made, nor any assessment on the appropriateness of corrections benefitting specific Member States.

Therefore, taking into account the profound change of the EU and its budget since 1984, the text of recital 3 of the Decision, which was introduced in the current own resources decision on the basis of the December 2005 European Council conclusions, does not prejudge the forthcoming discussions about the review of the own resources system."

The Swedish and United Kingdom delegations made the following unilateral statement:

"In lifting their reservation on the Own Resources legislative package, which was connected to the possible budgetary implications of the Single Resolution Mechanism for non-participating Member States, Sweden and the United Kingdom underline the importance of the commitment set out in paragraph 21 of the Terms of Reference concerning the intergovernmental agreement on the Single Resolution Fund adopted at the ECOFIN Council on 18 December 2013 and endorsed by the European Council.

Sweden and the United Kingdom wish to emphasize the importance of agreeing an effective and efficient reimbursement mechanism that fully implements the commitment to protect non-participating Member States from the possible effects on the EU budget of non-contractual liabilities and costs related thereto in connection to the SRM, including clarification of the Commission's coordinating role and ensuring effective implementation of the principles and commitments in the on-going negotiations of the Inter-Governmental Agreement in line with the Terms of Reference."

58. High Level Group on Own Resources (restricted session)

The Committee met in a restricted session to discuss the state of play and next steps in the process of setting up the High-level Group on Own Resources.

- **Any other business**
 - **Energy climate framework**
 - = **Information from the Commission**

The Commission presented its 2030 framework for climate and energy policies to the Committee. A number of delegations took the floor for preliminary comments. The Chair thanked the Commission for the presentation and indicated that further discussions would take place in the context of the preparation of the ENV and TTE Councils.
