



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 25 February 2014
(OR. en, fr)**

6078/14

CRS/CRP 5

SUMMARY RECORD

Subject: 2484th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 5, 7 and 10 February 2014

SUMMARY

Page

1. Adoption of the provisional agenda and "I" items 10

Coreper Part 1

I

2. Replies to written questions put to the Council by Members of the European Parliament
- a) E-012917/2013 - Philippe Boulland (PPE)
Problem concerning the jurisdiction of courts in different Member States
 - b) E-012981/2013 - Matteo Salvini (EFD)
Request for clarification regarding the checks introduced in the United States on goods arriving from Italy
 - c) E-013114/2013 - Lara Comi (PPE)
Procedure for non-deductible value added tax
 - d) E-013176/2013 - Marc Tarabella (S&D)
Space Capability Development
 - e) E-013262/2013 - Emer Costello (S&D)
UN Convention on the Rights of the Child - Paragraph 26
 - f) E-013297/2013 - Willy Meyer (GUE/NGL)
The economic situation of Spanish households and the National Reform Programme
 - g) E-013398/2013 - Nikolaos Chountis (GUE/NGL)
Return of profits made from Greek bonds by euro area Member States
 - h) E-013438/2013 - Marc Tarabella (S&D) and Jean Louis Cottigny (S&D)
EU-Ukraine relations
 - i) E-013628/2013 - Andreas Mölzer (NI)
Funding for the relocation of production
3. Draft minutes of Council meetings
- a) 3275th meeting of the Council of the European Union (Education, Youth, Culture and Sport), held in Brussels on 25 and 26 November 2013
 - b) 3282nd meeting of the Council of the European Union (Transport, Telecommunications and Energy), held in Brussels on 12 December 2013
 - c) 3284th meeting of the Council of the European Union (Environment), held in Brussels on 13 December 2013
4. Commission Delegated Regulation (EU) No .../.. of 30.10.2013 on the conditions for making a declaration of performance on construction products available on a website
5. Commission Regulation (EU) No .../.. of XXX granting derogation from certain provisions of Annex II to Regulation (EC) No 852/2004 as regards the transport of liquid oils and fats by sea

6. Commission Regulation (EU) No .../.. of XXX amending Regulation (EU) No 1031/2010 in particular to determine the volumes of greenhouse gas emission allowances to be auctioned in 2013-2020
7. Commission Regulation (EU) No .../.. of XXX on the fees and charges levied by the European Aviation Safety Agency, and repealing Regulation (EC) No 593/2007
8. Draft Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Russian Federation on drug precursors
10. Proposal for a Regulation of the European Parliament and of the Council laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005, Directive 2009/128/EC and Regulation (EC) No 1107/2009 and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC (First reading) (Legislative deliberation)
11. Proposal for a Regulation of the European Parliament and of the Council on amending Council Regulation (EC) No 1198/2006 as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability (First reading) (Legislative deliberation)
12. Proposal for a Directive of the European Parliament and of the Council on the award of concession contracts (First reading) (Legislative deliberation + Statement)
13. Proposal for a Directive of the European Parliament and of the Council on Public Procurement and repealing Directive 2004/18/EC (First reading) (Legislative deliberation + Statement)
14. Proposal for a Directive of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal sectors and repealing Directive 2004/17/EC (First reading) (Legislative deliberation + Statement)

II

15.	Setting of the provisional agenda for the Council meeting (<u>Education</u> , Youth, Culture and Sport) on 24 February 2014	18
16.	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1013/2006 on shipments of waste (First reading) (Legislative deliberation)	18
17.	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 companies and groups (First reading) (Legislative deliberation)	18
18.	Proposal for a Regulation of the European Parliament and of the Council on measures to reduce the cost of deploying high-speed electronic communications networks (First reading) (Legislative deliberation)	19
19.	Proposal for a Decision of the European Parliament and of the Council, establishing a Space Surveillance and Tracking Support Programme (First reading) (Legislative deliberation)	19
20.	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)	19
21.	Joint EU submission to IMO/MSC 93 Report for an unplanned work programme item on the adoption of the GNSS system established under the EU's Galileo programme into the WWRNS	20
22.	Proposal for a Regulation of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species (First reading) (Legislative deliberation)	20
23.	Proposal for a Directive of the European Parliament and of the Council amending Council Directive 2001/110/EC relating to honey (First reading) (Legislative deliberation)	20
24.	Proposal for a Regulation of the European Parliament and of the Council on fees payable to the European Medicines Agency for the conduct of pharmacovigilance activities in respect of medicinal products for human use (First reading) (Legislative deliberation)	21
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)	21
27.	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)	21

Coreper Part 2

I

29. Draft minutes of Council meetings
 - a) 3260th meeting of the Council of the European Union (Justice and Home Affairs), held in Luxembourg on 7 and 8 October 2013
 - b) 3266th meeting of the Council of the European Union (Foreign Affairs), held in Luxembourg on 18 October 2013
 - c) 3277th meeting of the Council of the European Union (Foreign Affairs), held in Nusa Dua (Bali), Indonesia, on 3 and 6 December 2013
30. Cases before the General Court:
 - Cases T-45/14 and T-45/14 R (HTTS Hanseatic Trade Trust and Shipping and Naser Bateni v. Council)
31. Case before the Court of Justice (ITLOS 21)
 - Action for annulment of the Commission's Decision to submit a written statement on behalf of the European Union to the International Tribunal for the Law of the Sea
 - Production of Council documents before the Court of Justice of the European Union
32. Council Decision appointing the members of the panel provided for in Article 255 TFEU
33. Committee of the Regions
 - Council Decision appointing a German alternate member of the Committee of the Regions
34. Committee of the Regions
 - Council Decision appointing a Lithuanian alternate member of the Committee of the Regions
35. Committee of the Regions
 - Council Decision amending Council Decision 2009/1014/EU of 22 December 2009 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015
36. Transparency - Public access to documents
 - a) Confirmatory application No 01/c/01/14
 - b) Confirmatory application No 02/c/01/14
37. Recommendation to the Council concerning the use of cryptographic products to protect electronic links in the context of the GALILEO project

38. Resolutions, decisions and opinions adopted by the European Parliament at its part-sessions in Strasbourg
 - a) from 18 to 21 November 2013
 - b) from 9 to 12 December 2013
 - c) from 13 to 16 January 2014
39. Commission Delegated Regulation (EU) No .../.. of 20.12.2013 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms, with regard to regulatory technical standards for specifying the calculation of specific and general credit risk adjustments
40. Draft Decision of the European Parliament and of the Council introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Croatia and Cyprus of certain documents as equivalent to their national visas for transit through or intended stays on their territories not exceeding 90 days in any 180-day period and repealing Decision No 895/2006/EC and Decision No 582/2008/EC of the European Parliament and the Council (First reading)
41. Adoption of a Council Decision concerning the signature of the Agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorisation
42. Council Decision on the signing, on behalf of the European Union, of the Arrangement with the Swiss Confederation on the modalities of its participation in the European Asylum Support Office
43. Council Decision on the signing, on behalf of the European Union, of the Arrangement with the Principality of Liechtenstein on the modalities of its participation in the European Asylum Support Office
44. Council Decision on the signing, on behalf of the European Union, of the Arrangement with the Republic of Iceland on the modalities of its participation in the European Asylum Support Office
45. Council Decision on the signing, on behalf of the European Union, of the Arrangement with the Kingdom of Norway on the modalities of its participation in the European Asylum Support Office
46. Enlargement
 - Accession negotiations with Montenegro
 - = Outcome of screening on Chapter 9: Financial services
47. Enlargement
 - Accession negotiations with Montenegro
 - = Outcome of screening on Chapter 28: Consumer and health protection

48. Anti-dumping
 - Proposal for a Council Implementing Regulation of xx 2014 repealing the anti dumping duty on imports of dicyandiamide originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009
49. Proposal for a Regulation of the European Parliament and of the Council concerning the exercise of the Union's rights for the application and enforcement of international trade rules (First reading)
50. Commission Delegated Regulation (EU) No .../.. of 17.12.2013 amending Annex III to Regulation (EU) No 978/2012 applying a scheme of generalised tariff preferences
 - Intention not to raise objections to Commission Delegated Act adding to the list of beneficiary countries of the GSP+ the following countries: El Salvador, Guatemala and Panama
51. - Draft Council Decision on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, with the exception of matters related to readmission
 - Draft Council Decision on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, as regards matters related to readmission
52. - Council Decision authorising the Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations, on behalf of the European Union, on the provisions that fall within the Union's competence of a Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part
 - Decision of the Representatives of the Governments of the Member States, meeting within the Council, authorising the Commission to open negotiations, on behalf of the Member States, on the provisions that fall within the competence of the Member States of a Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part
53. Six-monthly Progress Report on the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (2013/II)
54. (poss.) Draft Council Conclusions on EU priorities at the UN Human Rights Fora
55. EU and Member States' position on the draft declaration of the Union for the Mediterranean ministerial meeting on Euro-Mediterranean industrial cooperation (Brussels, 19 February 2014)
56. Council Regulation amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria
57. Council Decision authorising the opening of negotiations with the Central African Republic, for an Agreement on the status of the European Union Military Mission in the Central African Republic (EUFOR RCA)
58. Council Decision on a European Union military operation in the Central African Republic (EUFOR RCA)

II

59.	Preparation of the Council meeting (Foreign Affairs) on 10 February 2014	
a)	Southern Neighbourhood	
i)	Egypt	22
ii)	Tunisia	22
iii)	Libya	22
b)	Syria conflict, Iraq and Lebanon	22
c)	Yemen	22
d)	Eastern Partnership	23
e)	Other items in connection with the Council meeting	23
60.	Preparation of the Council meeting (Economic and Financial Affairs) on 18 February 2014	
–	Other items in connection with the Council meeting	23
61.	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (First reading)	24
62.	Proposal for a Regulation of the European Parliament and of the Council creating a European Account Preservation Order to facilitate cross-border debt recovery in civil and commercial matters (First reading)	24
63.	Preparation of the Council meeting (General Affairs) on 11 February 2014	
a)	Preparation of the European Council on 20-21 March 2014	24
b)	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 (<i>Zea mays</i> L., line 1507) genetically modified for resistance to certain lepidopteran pests (Text with EEA relevance)	24
c)	Other items in connection with the Council meeting	25
64.	(poss.) High Level Group on Own Resources (<u>restricted session</u>)	25

65.	Draft Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (amendment to Annexes) (First reading)	25
66.	Approach for the way forward on the Smart Borders Package (First reading)	25
67.	Proposal for a Regulation of the European Parliament and of the Council establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (First reading)	26
68.	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)	26
—	Any other business	
	• Industrial policy	26

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

doc. 6000/14 OJ/CRP1 5 + ADD 1 + COR 1
6013/1/14 REV 1 OJ/CRP2 5 COMIX 76 + CM 1541/1/14 REV 1

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

The following items are **added** :

(Coreper Part 2, under II)

59. Preparation of the Council meeting (Foreign Affairs) on 10 February 2014

f) Central African Republic

(Coreper Part 2, under I)

69. European Data Protection Supervisor

– **Approval of a reply**

6111/14 INST 83 EDPS 3 DATAPROTECT 22 JAI 60 CAB 4

5733/14 INST 64 EDPS 1 DATAPROTECT 11 JAI 38 CAB 2

71. Rules of Engagement Authorisation for the preparatory phase EUFOR RCA

6272/14 CSDP/PSDC 74 EUFOR RCA 8

+ COR 1 (ro)

(Coreper Part 1, under I)

70. Draft Council Implementing Decision implementing Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions

– **Appointment of the Vice-Chair of the ECB Supervisory Board**

5932/14 EF 33 ECOFIN 93

5933/14 EF 34 ECOFIN 94

The following items are **withdrawn** :

(Coreper Part 1, under I)

9. Proposal for a Council Decision on conclusion of the Protocol between the European Union and the Gabonese Republic setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force

– **Adoption**

11871/13 PECHE 295

11875/13 PECHE 298

+ COR 1 (mt)

5868/14 PECHE 39

+ ADD 1

(Coreper Part 1, under II)

- 25. (poss.) 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)**
- **Analysis of the final compromise text with a view to agreement**
5998/14 ENT 33 CONSOM 36 CODEC 281
- 28. (poss.) Remunerations (First reading) (Legislative deliberation)**
(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**
 - 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**
 - **Preparation for the informal trilogue**
17622/13 STAT 55 FIN 936 CODEC 2919
17625/13 STAT 56 FIN 937 CODEC 2920

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

Statements are made on item 52, to be found in 6078/14 ADD 1 RESTREINT UE.

AT made a statement on the following items :

12. Proposal for a Directive of the European Parliament and of the Council on the award of concession contracts (First reading) (Legislative deliberation + Statement)

– **Adoption of the legislative act**

PE-CONS 73/13 MAP 69 MI 677 CODEC 1828

5860/14 CODEC 220 MAP 10 MI 87

+ ADD 1

+ ADD 1 REV 1

+ ADD 1 REV 2

+ ADD 1 REV 3

13. Proposal for a Directive of the European Parliament and of the Council on Public Procurement and repealing Directive 2004/18/EC (First reading) (Legislative deliberation + Statement)

– **Adoption of the legislative act**

PE-CONS 74/13 MAP 70 MI 680 CODEC 1830

5862/14 CODEC 221 MAP 11 MI 88

+ ADD 1

14. Proposal for a Directive of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal sectors and repealing Directive 2004/17/EC (First reading) (Legislative deliberation + Statement)

– **Adoption of the legislative act**

PE-CONS 75/13 MAP 71 MI 681 CODEC 1831

5863/14 CODEC 222 MAP 12 MI 89

+ ADD 1

"This package of directives revises and updates the entire legal framework in respect of public procurement. Given the central role played by public procurement in the European Union's overall economic performance, the legal and linguistic quality and comprehensibility of the new legal framework is of great importance.

However, Austria would point out that the deadlines for producing the different language versions of the three procurement directives were so tight that it was impossible to ensure a thoroughly accurate and high-quality translation, at least where the German-language version was concerned. Austria regrets the fact that there was such unreasonable time pressure, particularly since no compelling reasons for such great urgency were apparent, and since the ambiguities which thus arose when producing the different language versions could jeopardise the objective of simplifying the legal framework for contractors and economic operators."

Commission made a statement on the following item :

12. Proposal for a Directive of the European Parliament and of the Council on the award of concession contracts (First reading) (Legislative deliberation + Statement)

– **Adoption of the legislative act**

PE-CONS 73/13 MAP 69 MI 677 CODEC 1828

5860/14 CODEC 220 MAP 10 MI 87

+ ADD 1

+ ADD 1 REV 1

+ ADD 1 REV 2

+ ADD 1 REV 3

Statement by the Commission on Article 18(2) of the Directive on public procurement, on Article 36(2) of the Directive on procurement by entities operating in the water, energy, transport and postal services sectors and on Article 30(3) of the Directive on the award of concession contracts

"Article 18(2) of the Directive on public procurement, Article 36(2) of the Directive on procurement by entities operating in the water, energy, transport and postal services sectors and Article 30(3) of the Directive on the award of concession contracts are enshrined in the existing applicable Union legislation. They have to be applied in compliance with Union law and in the light of its basic principles, notably, the principles of equal treatment and non-discrimination of economic operators, including economic operators from other Member States.

The Commission will closely monitor the application of these provisions by Member States and contracting authorities/entities."

Statement by the Commission on Article 18 of the Concessions Directive

"1. Pursuant to Article 18 and recital 52 of this Directive, for concessions lasting more than 5 years, the maximum duration of the concession shall not exceed the time that a concessionaire could reasonably be expected to take to recoup the investments made for operating the works or services together with a return on invested capital taking into account the investments required to achieve the specific contractual objectives.

2. To ensure the uniform enforcement of this Directive, the Commission considers that national execution measures of Article 18, as interpreted by Recital 52, shall provide that the duration of the concession shall be estimated including initial and further investments deemed necessary for the operating of the concession, in particular expenditure on infrastructure, copyrights, patents, equipment, logistics, hiring, training of personnel and initial expenses."

CY made a statement on the following item :

41. Adoption of a Council Decision concerning the signature of the Agreement between the European Union and the Republic of Azerbaijan on the readmission of persons residing without authorisation

5577/14 MIGR 8 COEST 17

15593/13 MIGR 121 COEST 343

15594/13 MIGR 122 COEST 344

+ REV 1 (lv)

"The Republic of Cyprus recalls the importance of the full respect of the principles of territorial integrity, inviolability of borders, sovereignty and independence, and the need for the parties to refrain from any action which might prejudice these principles in the framework of the EU-Azerbaijan relations, especially in the context of Azerbaijan's bilateral relations with all EU Member States, including the Republic of Cyprus.

The full and effective application of the present agreement by the Republic of Cyprus is subject to the practical feasibility of such application or practical difficulties that may arise due to the absence of bilateral diplomatic relations between the Republic of Cyprus and Azerbaijan."

UK made a statement on the following items :

42. Council Decision on the signing, on behalf of the European Union, of the Arrangement with the Swiss Confederation on the modalities of its participation in the European Asylum Support Office

5629/1/14 REV 1 ASILE 2 CH 2

18075/13 ASILE 55 CH 58

18078/13 ASILE 56 CH 59

43. Council Decision on the signing, on behalf of the European Union, of the Arrangement with the Principality of Liechtenstein on the modalities of its participation in the European Asylum Support Office

5630/1/14 REV 1 ASILE 3 FL 1

18112/13 ASILE 58 FL 14

18115/13 ASILE 59 FL 15

44. Council Decision on the signing, on behalf of the European Union, of the Arrangement with the Republic of Iceland on the modalities of its participation in the European Asylum Support Office

5631/1/14 REV 1 ASILE 4 ISL 2

18122/13 ASILE 61 ISL 17

18123/13 ASILE 62 ISL 18

45. Council Decision on the signing, on behalf of the European Union, of the Arrangement with the Kingdom of Norway on the modalities of its participation in the European Asylum Support Office

5632/1/14 REV 1 ASILE 5 N 1

18139/13 ASILE 64 N 13

18140/13 ASILE 65 N14

"The United Kingdom supports the Council Decisions authorising the signing and conclusion, on behalf of the Union, of the arrangements with the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation, respectively, on the modalities of their participation in the European Asylum Support Office.

However, the United Kingdom wishes to draw attention to the fact that the Council Decisions are concerned with the participation of those States in an Office created by Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office. The legal bases cited for both that Regulation and the proposed Council Decisions to be adopted are pursuant to Title V Part III of the Treaty on the Functioning of the European Union. Consequently, these Council Decisions will only bind the United Kingdom if it opts in to the Decisions in accordance with Protocol 21 to the Treaties.

Accordingly, the United Kingdom has notified the President of the Council that it wishes to take part in the adoption and application of these Decisions, in accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice annexed to the Treaty on European Union and to the Treaty on the functioning of the European Union."

* * * * *

In view of the statement to the minutes entered today by the UK, the Legal Service recalls its statement to the Minutes of the 2392th meeting of the Committee of 19 January 2012 (doc. 5521/12 ADD 1), concerning the adoption of the decision to authorise the negotiations of the above arrangements (item 18 on the agenda of the 2392th meeting), according to which:

"The Council Legal Service has taken note of the statement made by the delegation of the United Kingdom.

Article 49(1) of Regulation (EU) N° 439/2010 of the European Parliament and of the Council establishing a European Asylum Support Office (EASO Regulation), by which the United Kingdom is bound, stipulates that the Support Office shall be open to the participation of Iceland, Liechtenstein, Norway and Switzerland as observers and that arrangements shall be made, specifying in particular the nature, extent and manner in which those countries are to participate in the Support Office's work.

Having become bound by this provision, as a result of its notification of 18 May 2009 under Article 3 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, the United Kingdom has become committed to giving effect to Article 49(1) of the EASO Regulation.

This commitment cannot, according to the Council Legal Service, be made dependent on a discretion of the United Kingdom to declare whether or not it wishes to take part in decisions of the Council pertaining to the signature and conclusion of the arrangements with the countries concerned.

The Council is therefore not obliged to respect a three months time period in order to allow the United Kingdom to make such declarations."

This statement is still valid, *mutatis mutandis*, as concerns the decisions on signing the said arrangements, with the consequence that as the United Kingdom is already bound by Regulation (EU) N° 439/2010, and in particular Article 49(1) thereof, the participation of the United Kingdom to these decisions is not dependent on it having notified its wish to take part in them. The notifications made by the United Kingdom on 3 February 2014 are therefore irrelevant.

Coreper Part 1

II

15. **Setting of the provisional agenda for the Council meeting (Education, Youth, Culture and Sport) on 24 February 2014**

The Committee agreed to the provisional agenda for the forthcoming Council meeting (Education, Youth, Culture and Sport) as set out in 6643/14.

16. **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1013/2006 on shipments of waste (First reading) (Legislative deliberation)**

- **Preparation for the informal trilogue**
5798/14 ENV 74 MI 80 RELEX 69 CODEC 204

The Committee confirmed agreement to the Presidency's intentions to enter into negotiations with the European Parliament with a view to reach an agreement at first reading on the basis of the mandate presented in document 5798/14 (and namely, the third column of the table in the Annex).

17. **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 companies and groups (First reading) (Legislative deliberation)**

- **Preparation for the informal trilogue**
5853/2/14 REV 2 DRS 13 COMPET 54 ECOFIN 76 SOC 55 CODEC 218

The Committee after detailed discussion on 5 and 7 February 2014 adopted a revised mandate based on document 5853/2/14 REV 2 with some agreed amendments concerning the scope, country-by-country reporting and the formulation of Article 19a(1) in view of the second trilogue scheduled to take place on 11 February 2014.

18. Proposal for a Regulation of the European Parliament and of the Council on measures to reduce the cost of deploying high-speed electronic communications networks (First reading) (Legislative deliberation)

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

The Presidency debriefed the Committee on the 1st trilogue held on 30 January 2014. Main issues discussed were the transposition period which the EP and the Commission would like to have shorter than one year, the reciprocity of access between network operators, the nature and function of the Single Information Point and the access to in-building infrastructure.

The 2nd trilogue is scheduled on 24 February 2014 which the Committee will prepare on 19 February 2014.

19. 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**
- **Analysis of the final compromise text with a view to agreement**
5841/14 ESPACE 15 COMPET 53 IND 35 RECH 38 TRANS 39
CSDP/PSDC 48 CSC 15 CIVCOM 26 CODEC 215

The Committee was informed on the outcome of the second 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.

The Committee endorsed the compromise as set out in 5841/14 + COR 1.

The Committee mandated the Presidency to inform the European Parliament of its endorsement.

20. 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)

- **Preparation for the informal trilogue**
5764/14 MAR 13 ENT 22 CODEC 191

The Committee examined the text and gave the Presidency a broad mandate to conduct negotiations with the European Parliament at the informal trilogue on 10 February 2014.

**21. Joint EU submission to IMO/MSC 93
Report for an unplanned work programme item on the adoption of the GNSS system established under the EU's Galileo programme into the WWRNS**

– **Endorsement of the text**

5829/14 TRANS 38

5038/14 TRANS 2

The Committee examined and amended the joint EU submission and tasked the Presidency to forward the agreed text to the International Maritime Organization.

22. Proposal for a Regulation of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

5795/14 ENV 73 AGRI 46 PECHE 36 FORETS 10 RECH 37 UD 25

COMER 22 REGIO 10 TRANS 36 SAN 48 CODEC 202

The Committee agreed, subject to some adjustments to document 5795/14 (and namely, the text of the third column in Annex), to an exploratory mandate for the Presidency for a first informal trilogue to be held on 11 February 2014 with a view to reach an agreement in first reading with the European Parliament on the above-mentioned proposal.

23. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 2001/110/EC relating to honey (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

5387/14 DENLEG 12 AGRI 26 SAN 26 ENV 38 CODEC 102

Hungary and Luxembourg disagreed with the proposed mandate as they wanted pollen to be considered as ingredient to honey in conformity with the ECJ ruling. The French proposal for the addition to the Council's recital 1(c) (new) of a reference to the existing rules on 'adventitious and technically unavoidable presence of GMOs' and on 'coexistence measures' was accepted and will, after verification by the Council's Legal Service, be included in the text of the mandate set out in 5387/14.

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

– **Preparation for the informal trilogue**

5796/14 PHARM 12 SAN 49 MI 79 COMPET 51 CODEC 203

Concerning the two open issues, the Committee agreed to the amount of €7 per 'chargeable unit', but disagreed with the proposed division of the 'referral fee' - 60% to national competent authorities (NCAs) and 40% to the European Medicines Agency (EMA). The division of 'referral fee' remains as agreed previously by the Committee, i.e. 1/3 to the EMA and 2/3 to the NCAs serving as rapporteur and co-rapporteur(s). With this modification the mandate to the Presidency for the second trilogue was approved as in document 5796/14.

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)

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

The Presidency informed the Committee on the outcome of the informal trilogue held on 6 February 2014 in Strasbourg.

27. 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)

– **Analysis of the final compromise text with a view to agreement**

5147/14 SOC 12 MI 16 CODEC 38

The Committee approved the final compromise text as set out in the Annex to document 5147/14 + COR1 and authorised the Chair to send to the Chair of EMPL Committee a letter containing the agreed text.

UK, CZ and SI were not in the position to support the final compromise text.

Coreper Part 2

II

59. Preparation of the Council meeting (Foreign Affairs) on 10 February 2014

a) Southern Neighbourhood

i) Egypt

- **Draft Council conclusions**
6016/14 EG 2 COMAG 19 PESC 108

The Committee examined the draft Council conclusions on Egypt on the basis of document 6016/14 and agreed to forward them to Council for adoption, as set out in 6018/14.

ii) Tunisia

- **Draft Council conclusions**
5437/14 TU 2 COMAG 16 PESC 104

The Committee agreed the draft Council conclusions on Tunisia on the basis of document 5437/14 and forwarded them to the Council for adoption, as set out in 5440/14.

iii) Libya

The item was not discussed in particular by the Committee and was only addressed in the context of the general handling of the Foreign Affairs Council.

b) Syria conflict, Iraq and Lebanon

- **Draft Council conclusions on Iraq**
6004/14 COMEM 25 PESC 101

The Committee agreed the draft Council conclusions on Iraq on the basis of document 6004/14 and forwarded them to the Council for adoption, as set out in 6288/14.

c) Yemen

- **Draft Council conclusions**
6003/14 COMEM 24 PESC 100

The Committee agreed the draft Council conclusions on Yemen on the basis of document 6003/14 and forwarded them to the Council for adoption, as set out in 6287/14.

- d) **Eastern Partnership**
– **Draft Council conclusions on Ukraine**
6302/14 COEST 36

The EEAS informed the Committee that the **Eastern Partnership** would be discussed during the lunch of the **Foreign Affairs Council**, and took note of the request of two Member States for the **Foreign Affairs Council** of 10 February 2014 to adopt Council conclusions on Ukraine.

The Committee confirmed the agreement reached by the **Political and Security Committee** on 10 February 2014 on the draft Council conclusions on Ukraine, as set out in 6302/14, and submitted them to the attention of the Council (doc. 6303/14), with a view to their adoption.

- f) **Central African Republic**
– **Draft Council conclusions**
6141/14 COAFR 28 CSDP/PSDC 72 POLMIL 18 COHAFA 15 PESC 120
COHOM 22 ACP 16

The Committee endorsed the draft Council conclusions set out in 6141/14 and forwarded them to Council for adoption.

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

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

60. **Preparation of the Council meeting (Economic and Financial Affairs) on 18 February 2014**

- **Other items in connection with the Council meeting**
 - Regarding the savings taxation item: the **High Level Working Party** on taxation met on 4 February 2014. The prospects for making progress already at ECOFIN on 18 February 2014 are rather limited, since a little more time may be needed. The Presidency therefore suggested withdrawing this item from the agenda and aiming for the March ECOFIN.
 - Regarding the Special meeting of Ministers on the Intergovernmental Agreement on the Single Resolution Fund on Monday 17 February 2014 at 18:00 the format will be 1+3.

- 61. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (First reading)**
- **Analysis of the final text with a view to an agreement**
5870/14 JUSTCIV 17 PI 11 CODEC 225

The outcome of the discussions is set out in 5870/14.

- 62. Proposal for a Regulation of the European Parliament and of the Council creating a European Account Preservation Order to facilitate cross-border debt recovery in civil and commercial matters (First reading)**
- **Analysis of the final compromise text with a view to agreement**
5940/14 JUSTCIV 24 CODEC 260
+ COR 1

The outcome of the discussions is set out in 6192/14.

63. Preparation of the Council meeting (General Affairs) on 11 February 2014

- a) Preparation of the European Council on 20-21 March 2014**
- **Annotated draft agenda**
5153/14 CO EUR-PREP 1

The Committee took note of the annotated draft agenda submitted by the President of the European Council, setting out the main items that the European Council is expected to address on 20/21 March 2014, notably growth, jobs and competitiveness (in particular : European Semester, industrial competitiveness as well as climate and energy) and relations with Africa and the preparations of the EU-Africa Summit.

- b) 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 of a Council Decision**
5844/14 AGRILEG 18 ENV 79
16120/13 AGRILEG 151 ENV 1062

The Committee checked Member States' positions based on the document 5844/14 and noted that no qualified majority in favour or against the proposal would be possible with the current voting intentions. The Committee prepared the Council "General Affairs" deliberation on this point.

c) **Other items in connection with the Council meeting**

Le Comité a mis au point l'ordre du jour provisoire de la session du Conseil Affaires générales du 11 février 2014.

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

In a restricted session the Presidency informed the Committee on the latest developments regarding the establishment of the HLGOR. The Council nominees are M. Pierre de Boissieu, M. Daniel Dăianu, M. Clemens Fuest and Ms Ingrida Šimonyte.

The Presidency read out the following statement for the minutes of the Committee:

"The composition of the list of members of the High Level Group on Own Resources nominated by the Council will be assessed at COREPER level one year after the establishment of the Group."

65. Draft Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (amendment to Annexes) (First reading)

- **Approval of the final compromise text with a view to an agreement at first reading**
5878/14 VISA 29 CODEC 229 COMIX 67

The Committee confirmed agreement on the text in the Annexes to document 5878/14 and took note that the Presidency will inform the EP accordingly.

66. Approach for the way forward on the Smart Borders Package (First reading)
5828/14 FRONT 22 VISA 27 CODEC 209 COMIX 64

The Committee endorsed the approach as set out in 5828/14.

67. Proposal for a Regulation of the European Parliament and of the Council establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (First reading)

5831/14 FRONT 23 CODEC 210 COMIX 65

The Committee confirmed that there was support for the overall compromise as set out in 5831/14, and took note that the Presidency on that basis would proceed with the fourth informal trilogue on the file with the European Parliament with a view to a first reading agreement, and that the Presidency would report back to the Committee at the earliest opportunity.

68. 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 seventh informal trilogue**

5771/14 MIGR 10 SOC 49 DRS 12 CODEC 192 WTO 27 SERVICES 6

The Committee examined the Presidency compromise suggestions as reflected in document 5771/14. On the basis of the outcome of this examination, the Presidency will engage in the informal trilogue on 12 February 2014 and report back to delegations on the results of this trilogue.

– **Any other business**

• **Industrial policy**

= **Information from the Commission**

The Committee took note of the information by the Commission presenting its Communication "For a European Industrial Renaissance".

- **External Representation/ITLOS**

The Committee took note of the French delegation's information about the Commission's reticence in the Fisheries Working Party to share a possible draft submission to the International Tribunal for the Law of the Sea (ITLOS), concerning reactions to third party observations in the procedure concerning an advisory opinion in case 21. The French delegation considered that the Commission's attitude had shown a lack of loyal cooperation and did not correlate with the Commission's promise to avoid *faits accomplis*. The United Kingdom, Netherlands, Spanish, Swedish, Italian and Maltese delegations supported this view. The Italian, Belgian and Irish delegations underlined the need to have a horizontal and balanced approach towards "external representation", and showed openness to a constructive discussion.

The Commission representative rejected the views that there was a lack of loyal cooperation, and held the view that the affair was limited to a dispute over the competence for representation of the Union. The Council Legal Service referred to the views previously expressed. He emphasized that the concept of the representation of the Union before an international tribunal does not encompass the power to decide whether a submission would be made and, if so, what the content of such submission would be. The Council Legal Service informed delegations that the action for annulment of the Commission's decision of 29 November 2013 would be lodged by 10 February 2014.

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The Presidency also informed the Committee of the outcome of the first trilogue with the European Parliament on the reform of the General Court.
