



**COUNCIL OF
THE EUROPEAN UNION**

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CRS/CRP 10

SUMMARY RECORD

Subject: 2488th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 5 and 7 March 2014

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II

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

doc. 7146/14 OJ/CRP1 9 + COR 1

7171/1/14 REV 1 OJ/CRP2 9

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.

MT made a statement on the following item :

41. Proposal for a Regulation of the European Parliament and of the Council establishing a financing instrument for development cooperation for the period 2014-2020 (First reading) (LA+S)

- **Adoption of the legislative act**

6662/14 CODEC 463 DEVGEN 32 ACP 23 RELEX 140 FIN 126 NIS 5

PESC 163 CADREFIN 28 COHOM 32

+ ADD 1

+ ADD 2

PE-CONS 127/13 DEVGEN 322 ACP 198 RELEX 1133 FIN 915 NIS 79

PESC 1489 CADREFIN 354 COHOM 275 CODEC 2868

"Malta considers the Development Co-operation Instrument as an important instrument critical to increase the effectiveness of the EU development cooperation. It is imperative that EU development policy takes into consideration a changing world, the emergence of new donors, and new challenges in formulating and developing its assistance. The promotion of human rights, democracy and good governance should always remain central to this policy together with inclusive and sustainable growth.

In this context, Malta reiterates its position that any recommendation or commitment made by the European Union related to Development Assistance should not in any way create an obligation on any party to consider abortion as a legitimate form of reproductive health or rights or commodities."

Coreper Part 1

II

2. **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 final compromise text with a view to agreement**
6327/14 SOC 101 MI 140 COMPET 87 CODEC 359
 - + ADD 1
 - + ADD 2

The Committee:

- analysed and approved the final compromise text as set out in the Addendum 1 to document 6327/13;
- authorised the Chair to send to the Chair of the EP EMPL Committee a letter containing the agreed text with the joint declaration contained in Addendum 2.

3. **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**
 - **Presidency debriefing on the outcome of the informal trilogue**
 - **Preparation for the informal trilogue**
 - **Analysis of the final compromise text with a view to agreement**
7340/14 STAT 9 FIN 184 CODEC 660

The opinion of the European Court of Auditors (ECA) was distributed to delegations for their information on 4 March 2014 before the Committee meeting.

The Presidency debriefed the Committee on the outcome of the informal trilogue held on 4 March 2014. The EP and the Commission could only support a figure of 0.8% for the annual adjustment in 2012, while there would be no adjustment for 2011 (0%).

Delegations exchanged views on these figures and examined the draft legislative texts. No agreement was reached and the issue was postponed until the subsequent Committee session on 7 March 2014.

An agreement was reached on 7 March 2014 on the draft legislative texts including the compromise figures for the annual adjustments in 2011 (0%) and 2012 (0.8%).

A confirmation letter is to be sent to the Chair of the JURI Committee on the same day. The draft legislative texts will be finalised by the lawyer-linguists of both institutions in the coming days. The consultation of the ECJ and of the ECA (doc. 7340/14 issued on 6 March 2014) was successfully concluded and the Committee took note of these opinions.

The Netherlands indicated that it could not accept the compromise re 2012 and that it wishes that this position is accordingly registered at the time of the final vote for approval.

The following Commission statement is attached to the minutes:

"Having regard to the figure for the annual adjustment for 2012 and taking into account the concerns as to budget neutrality, the Commission commits to:

- covering all additional expenditure corresponding to the adjustment of remuneration and pension of 0,8% for 2012 (EUR 116 million) through redeployment of appropriations available to EU Institutions in the 2014 budget without any additional contribution from Member States; any related amendment to the 2014 budget shall not increase administrative expenditure under Heading 5 of the multiannual financial framework;

- taking into account the 2012 adjustment for the years 2015-2020, for which the estimate of net additional expenditure amounts to EUR 31 million per year. The Commission has taken note of the conclusions of the Council on budget guidelines of 18 February 2014 and commits to presenting budgets for administrative expenditure (Heading 5) between 2015 and 2020 that will remain well below the ceilings of the 2014-2020 multiannual financial framework (MFF);

- desisting from cases C-86/13 and C-248/13 before the Court of Justice regarding the adjustment of remuneration and pension in 2012.

It is recalled that the redeployment of appropriations within the approved 2014 budget is made possible following the transfer of appropriations originally available in the 2012 budget for remuneration and pension that were used instead to frontload other administrative expenditure. It is thus estimated that in total an amount of EUR 115 million for all Institutions is available for redeployment under Heading 5 and could be used to pay additional expenditure for salaries and pensions in 2014. In addition, it cannot be excluded at this stage that the Institutions will be able to identify further possibilities for redeployment, thus further reducing the need for re-deployment of appropriations in 2014.

The ceilings of Heading 5 of the 2014-2020 MFF adopted in 2013 took into account statistical adjustments of 1.7% in 2011 and 1.7% in 2012. The revised adjustment of remuneration and pension by 0% for 2011 and 0.8% for 2012 would lead to savings over the 2014-2020 period of around EUR 1.5 billion in terms of expenditure for remuneration and pension larger than anticipated, thus leaving significant unallocated margins under the expenditure ceilings. The additional savings will come on top of the savings of around EUR 2.8 billion already factored in the 2014-2020 MFF."

21. Draft Joint Statement on Fishing Capacity Management

- **Endorsement**
 - 7036/14 PECHE 100
 - + ADD 1
 - 7153/14 PECHE 105

The Committee agreed to the text of the revised statement and forwarded it to Council for endorsement.

The Commission made the following statement :

"The Commission takes note that the Council endorses the Commission's intention to sign, on behalf of the European Union, a Joint Statement on efforts to promote sustainable fishing capacity management on the global scale with other interested partners.

However, the Commission is of the opinion that such endorsement is not legally required and cannot constitute a precedent since the Joint Statement at stake is a non-binding instrument which fully reflects an existing EU position and policy.

In that respect, the Commission is of the opinion that it is empowered by the Treaties, namely on the basis of Article 17 TEU, to sign this Joint Statement on behalf of the European Union."

22. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 302/2009 concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean (First reading) (Legislative deliberation)

- **Presidency debriefing on the outcome of the informal trilogue**
- **Analysis of the final compromise text with a view to agreement**

Following a debriefing on the outcome of the informal trilogue on 4 March 2014, the Committee granted the Presidency, by unanimity, permission to send a letter to the European Parliament confirming the agreement reached.

The Commission, while accepting the enlargement of the scope of its proposal to provisions implementing also ICCAT Recommendation 13-08, indicated it would make a statement at the time of the adoption.

23. Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in view of the implementation by 2020 of an international agreement applying a single global market-based measure to international aviation emissions (First reading) (Legislative deliberation)

- **Presidency debriefing on the outcome of the informal trilogue**
- **Analysis of the final compromise text with a view to agreement**

The Chair informed the Committee on the outcome of the informal trilogue that had taken place on 4 March 2014, indicating that an agreement at first reading had been reached *ad referendum*. The Committee approved the overall compromise package set out in 7271/14 and authorised the Presidency to address the letter to the European Parliament with a view to a first reading agreement.

24. 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)

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

The Committee took note of the information given by the Presidency on the outcome of the informal trilogue held on 5 March 2014. The Presidency will present the text of the possible agreement to the Committee at one of its following meetings.

- 25. Proposal for a Regulation of the European Parliament and of the Council on the protection of species of wild fauna and flora by regulating trade therein (Recast) (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Chair informed the Committee that the informal trilogue which took place on 5 March 2014 did not result in an agreement between the Institutions. The European Parliament considered the Council's position unacceptable and would, therefore, proceed with adopting its position at first reading on the basis of the report agreed at the ENVI Committee on 30 January 2014. The file would therefore have to be discussed again in second reading.

- 26. 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)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the Presidency debriefing on the outcome of the second informal trilogue meeting, including the main elements of the provisional agreement reached amongst the three Institutions.

- 27. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community (First reading) (Legislative deliberation)**
- **Analysis of the final compromise text with a view to agreement**
6800/14 STATIS 25 SOC 152 ECOFIN 175 CODEC 515
+ ADD 1

The Committee approved by unanimity the final compromise text as set out in the Annex to document 6800/14 ADD 1 and authorised the Chair to send to the Chair of EMPL Committee a letter containing the agreed text. The Commission opposed the final compromise text.

28. Proposal for a Council Decision on the position to be adopted on behalf of the European Union at the International Maritime Organisation during the 66th session of the Marine Environment Protection Committee on the adoption of amendments to MARPOL Annex VI concerning the delay of the Tier III NOx emission standards

– **Consideration of the outcome of discussions within the Working Party on Shipping**

6714/14 MAR 28 ENV 162

7129/14 MAR 39 ENV 209

The Committee confirmed the outcome of discussions at the Shipping Working Party and recommended to the Council to decide not to work further on the Commission proposal. The Commission presented a statement to the minutes of the Committee. EE, PL and UK entered a parliamentary scrutiny reservation on the Commission proposal.

Statement by the Commission

"The Commission regrets that its proposal has not been adopted, even though following corresponding coordination in view of MEPC 58 (ref. Working Document 2008/88 REV1 of the Council Shipping Working Party), Member States had unanimously voted in favour of the current time limit of 2016 in Annex VI to MARPOL.

The Commission considers that maintaining the initial time limit is in line with the Union's objectives of a high level of protection and improvement of the quality of the environment. During MEPC 66, IMO Member States parties to MARPOL Annex VI will need to vote on whether the time limit for the Tier III NOx emission standards, laid down in MARPOL Annex VI, should be postponed from 2016 to 2021.

The Commission recalls that in line with ECJ jurisprudence, its proposal represents the point of departure for concerted Union action, underlines that Member States must act in accordance with that proposal and that they are bound by the duty of sincere cooperation under Article 4(3) TEU."

- 29. Proposal for a Regulation of the European Parliament and of the Council on multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and to marine pollution caused by oil and gas installations (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**
 - **Analysis of the final compromise text with a view to agreement**
- 7017/14 MAR 36 FIN 160 CODEC 586 ENV 196

The Committee examined and approved the final compromise text and gave the Presidency the mandate to send a letter to the European Parliament confirming the agreement at first reading.

- 30. Proposal for a Directive of the European Parliament and of the Council on the deployment of alternative fuels infrastructure (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 5 March 2014.

- 31. Proposal for a Decision of the European Parliament and of the Council on the deployment of the interoperable EU-wide eCall (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
- 7000/14 TRANS 99 CODEC 582

As the trilogue was cancelled, the Committee examined the text and gave the Presidency a broad mandate to conduct negotiations with the European Parliament at the first informal trilogue on 13 or 14 March 2014.

- 32. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 718/1999 on a Community-fleet capacity policy to promote inland waterway transport (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**
 - **Analysis of the final compromise text with a view to agreement**
- 7021/14 TRANS 104 MAR 37 CODEC 587

The Committee examined and approved the final compromise text and gave the Presidency the mandate to send a letter to the European Parliament confirming the agreement at first reading.

33. Preparation for the provisional agenda of the Council meeting (Transport, Telecommunications and Energy) on 14 March 2014

1. Fourth railway package

Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (First reading) (*Legislative deliberation*)

– **General approach/Progress report**

6012/13 TRANS 38 CODEC 225

+ ADD 1

+ ADD 2

6760/14 TRANS 77 CODEC 502

The Committee took note of delegations positions, resolved the major outstanding issues and agreed to forward the text to the TTE Council on 14 March 2014 inviting it to reach a general approach.

2. Proposal for a Decision of the European Parliament and of the Council on the deployment of the interoperable EU-wide eCall (First reading) (*Legislative deliberation*)

– **General approach**

The Committee agreed to withdrawing the item from the provisional agenda of the Council meeting (Transport, Telecommunications and Energy) on 14 March 2014.

3. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 718/1999 on a Community-fleet capacity policy to promote inland waterway transport (First reading) (*Legislative deliberation*)

– **General approach**

13716/13 TRANS 474 MAR 132 CODEC 2034

7001/14 TRANS 100 MAR 35 CODEC 583

The Committee agreed to withdrawing the item from the provisional agenda of the Council meeting (Transport, Telecommunications and Energy) on 14 March 2014.

4. Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking (*Non-legislative activity*)

– **Adoption of the Council position**

17967/13 TRANS 682

+ ADD 1

6468/14 TRANS 60

The Committee examined the Presidency compromise, resolved the outstanding issues and reached agreement on the text, in view of the adoption of the Council position at the TTE Council on 14 March 2014.

5. Communication from the Commission on "Together towards competitive and resource-efficient urban mobility" (*Non-legislative activity*)

– **Policy debate**

18136/13 TRANS 689 ENER 596 ENV 1231 MI 1194 TELECOM 364

+ ADD 1

7002/14 TRANS 101 ENER 85 ENV 194 MI 219 TELECOM 64

The Committee took note of the questions presented by the Presidency, which will structure the policy debate on the Urban Mobility at the TTE Council on 14 March 2014.

34. 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)

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

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

7161/14 DENLEG 54 AGRI 162 SAN 107 ENV 212 CODEC 622

The Committee agreed to the text as set out in Addendum 1 to the report 7161/14 and mandated the Committee Chair to send a letter to the Chair of the EP ENVI Committee confirming the agreement at first reading.

The Hungarian and Luxembourg delegations indicated their intention to vote against the proposed Directive. HU will submit a declaration explaining its vote.

The French and Czech Republic delegations indicated their intention to abstain. The French delegation will submit a declaration explaining its vote.

Coreper Part 2

II

62. Preparation for the Council meeting (Economic and Financial Affairs) on 11 March 2014

a) Savings taxation

- **Proposal for a Council Directive amending Directive 2003/48/EC on taxation of savings income in the form of interest payments**

= **Adoption**

7057/14 FISC 45

17162/13 FISC 244

The Committee heard a presentation by the Commission on results of negotiations with third countries on new savings agreements, as set out in a letter by Commissioner Šemeta addressed to Finance Ministers dated 4 March 2014. Based on comments made in the Committee and as set out in 7057/14, the file will be submitted to the Council with the aim of adopting the revised Savings Directive, in advance of the March European Council.

Latvia made the following unilateral statement for the Committee minutes.

"The Republic of Latvia draws attention that the legal term 'veikt uzņēmējdarbību' used in the Latvian language version of the Directive with respect to the place of establishment means 'to carry out entrepreneurship/business activity' and consequently is substantially different from the legal meaning of the term 'to be established' used in the English and other language versions of the Directive. The Republic of Latvia notes that inconsistent or incorrect usage of legal terminology of such substantive importance leads to legal ambiguity and therefore creates the risk of disrupting legal parallelism amongst the language versions of the Directive. The Republic of Latvia notes that the term 'to be established' in analogous context appears in Article 49 of the Treaty on the Functioning of the European Union, where it is being translated into Latvian as 'izveidot'. The latter term 'izveidot' more precisely describes the act of being established covered by the Directive.

The Republic of Latvia intends to initiate the corrigendum procedure regarding the Directive in order to ensure consistent and correct use of terminology."

- b) **Single Resolution Mechanism (First reading)**
- **Proposal for a Regulation of the European Parliament and of the Council establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Bank Resolution Fund and amending Regulation (EU) No 1093/2010 of the European Parliament and of the Council**
 - = **Consideration of the European Parliament's amendments in preparation for political agreement**
6956/14 EF 62 ECOFIN 190 CODEC 572

On the basis of a Presidency Report, the Committee took note of the progress achieved to date and invited the Council to agree on an updated mandate on the issues set out in the report. Presidency noted that time was pressing and the margins for further negotiations with the EP in view of an agreement, were narrowing.

- c) **Preparation of the European Council on 20-21 March 2014**
- **Economic elements of the EU 2030 energy and climate framework**
 - = **Exchange of views**
7169/14 ECOFIN 210 ENV 213 CLIMA 22
+ COR 1

The Committee took note of the EFC letter on the economic elements of the EU 2030 energy and climate framework (doc. 7169/14), and received information that a Presidency note to serve as basis for the forthcoming exchange of views in the Council (Economic and Financial Affairs) would be circulated shortly (doc. 7174/14).

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

Presidency provided information on the handling and the agenda of this Council meeting.

63. Draft Council Decision on relations between the European Union on the one hand, and Greenland and the Kingdom of Denmark on the other
7107/14 GROENLAND 2 COEST 59 PTOM 12 PECHE 103 FIN 164
ENV 206 EEE 9 CADREFIN 40

The Committee reverted to the question of the indicative financial reference amount for the Greenland instrument. The Committee agreed to allow for bilateral contacts between the Danish delegation, the Commission and one other delegation before returning to the issue.

64. Preparation for the Council meeting (General Affairs) on 18 March 2014

- Other items in connection with the Council meeting

The Committee took note of the final provisional agenda and discussed the handling of this Council meeting.

65. Debrief of the 7th EU-Brazil Summit (Brussels, 24 February 2014)

The Committee received a debrief of the Summit, on the basis of a note established by the EEAS and of a short presentation by the Commission. No delegation intervened.

66. EU-Japan Summit (Brussels, May (tbc))

- Orientation debate

7013/14 COASI 34 ASIE 17 PESC 197 CSDP/PSDC 115 RELEX 168
POLGEN 29 DEVGEN 42 CONOP 20 WTO 79 ECOFIN 194
ENER 88 COMPET 141 RECH 94 JAI 125 CYBER 12

The Committee had a preliminary discussion in relation to the preparations for the EU-Japan Summit on the basis of an orientation note (doc. 7013/14 LIMITE).

Delegations welcomed the key objectives and main themes of the Summit and focused in particular on progress as regards the twin negotiations for an EU-Japan Strategic Partnership Agreement and a Free Trade Agreement. Emphasis was also put on enhanced cooperation on security and defence, regional and global issues, including on climate change.

The Committee decided to revert to the Summit's preparations at a later date following further preparation in the relevant preparatory bodies of the Council as regards the Summit agenda and the Joint Statement. To this end, the Committee decided to task COASI, PSC and TPC to contribute to the preparations and to report back to the Committee in due time. The Presidency will decide whether a contribution on climate change could be provided by the WP on International Environment Issues.

67. Follow-up to the Council meeting (Foreign Affairs) on 3 March 2014

EEAS ESG Vimont and the Commission updated on three main issues with regard to the follow-up to extraordinary Foreign Affairs Council on the situation in Ukraine, held on 3 March 2014.

1. Swift adoption of restrictive measures on UA via written procedure (publication in OJ this morning);
2. Support and assistance for economic stability of UA: Commission made a short presentation of a package, containing short and mid-term measures with a headline figure in the order of 11 billion. Commission also emphasised its readiness for swift implementation of the Association Agreement, once signed, and to provide technical assistance to UA authorities on constitutional and economic reforms.
3. Reach out to partners and Russian Federation:
 - Ongoing consultations (in Paris and Rome and personal engagement of various EU MFAs) on the issue of a (OSCE) Contact Group/Observation Mission/fact finding Mission to be sent to UA;
 - HR meeting with MFA Lavrov in Madrid.

An exchange of views followed in a restricted format to prepare the extraordinary meeting of HoSG of 6 March 2014.

68. Follow-up to the Council meeting (Justice and Home Affairs) on 3/4 March 2014

The Committee took note of the Information Note circulated by the Presidency on the above issue. MT considered that a reference to the invitation to the Commission to present a timeframe for the implementation of the 37 operational actions identified by the Task Force for the Mediterranean was missing and that it should be explicitly mentioned in that Presidency Note.

69. Initiative of Belgium, Bulgaria, the Czech Republic, Germany, Estonia, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden for a Regulation of the European Parliament and of the Council amending Decision 2005/681/JHA establishing the European Police College (CEPOL) (First reading)

- **Analysis of the final compromise text with a view to agreement**
7053/14 ENFOPOL 50 CODEC 592

The Chair presented the outcome of the trilogue as set out in 7053/14. The Committee agreed to mandate the Presidency to send the letter to the European Parliament confirming the compromise text of the draft Regulation to be adopted in the EP plenary session in April.

The Hungarian delegation pointed out that Hungary made a generous offer for hosting CEPOL and that the removal costs should be covered by additional CEPOL budget. The Commission confirmed its willingness to cooperate on this issue and said that it would consider tabling additional appropriations if a budgetary amendment is necessary.

70. Proposal for a Regulation of the European Parliament and of the Council on the statute and funding of European political parties and European political foundations (First reading)

- **Analysis of the final compromise text with a view to agreement**
7108/14 INST 137 PE 131 FIN 165 CODEC 610

The Committee gave its approval to the compromise text set out in the Annex to the note 7108/14 and mandated the Presidency to inform the European Parliament that, should EP adopt the text of the Proposal in the exact form as set out in the Annex - subject to legal-linguistic revision- at a forthcoming plenary meeting, the Council would adopt the proposed Regulation thus amended.

71. Method for appointing additional judges to the General Court

The Committee had an exchange of views on the appointment of additional Judges to the General Court.

72. Information on the preparations of the meeting of the Heads of State or Government on 6 March 2014 (*restricted session*)

The Committee was informed, in a restricted session, of the preparations of the meeting of the Heads of State or Government on 6 March 2014 on Ukraine.