



**COUNCIL OF
THE EUROPEAN UNION**

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CRS/CRP 11

SUMMARY RECORD

Subject: 2489th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 12, 14 and 16 March 2014

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

doc. 7459/14 OJ/CRP1 10

7494/1/14 REV 1 OJ/CRP2 10 + CM 2053/1/14 REV 1

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

The following items are **added** :

(Coreper Part 2, under I)

70. Central African Republic (EUFOR RCA)

7534/14 CSDP/PSDC 151 PESC 257 COAFR 84 RELEX 218 CONUN 62
CSC 57 EUFOR RCA 27

- **Council Decision on the launch of a European Union military operation in the Central African Republic (EUFOR RCA)**

7045/14 CSDP/PSDC 118 PESC 201 COAFR 59 RELEX 171 CONUN 47
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- **Draft OPLAN EUFOR RCA**
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71. Council Decision on relations between the European Union on the one hand, and Greenland and the Kingdom of Denmark on the other

7430/14 GROENLAND 3 COEST 70 PTOM 11 PECHE 117 FIN 192
ENV 242 EEE 10 CADREFIN 44

15361/13 GROENLAND 3 COEST 334 PTOM 36 PECHE 482 FIN 681
ENV 973 EEE 40 CADREFIN 273

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

MT and CY made a statement on the following item :

29. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2012/2002 establishing the European Union Solidarity Fund (First reading)

– **Approval of the final compromise**

7390/14 REGIO 32 ECOFIN 229 CODEC 679

+ ADD 1

"Several Member States and MEPs have highlighted that certain islands and outermost regions have specific characteristics, both geographically and in terms of the economic dependence caused by their distance, remoteness, and small markets, which make them particularly vulnerable to the effects of natural disasters. In these regions, any natural disaster has an aggravated impact and there is a greater need for assistance.

Malta and Cyprus support that special treatment for certain type of regions is well safeguarded and recall that Article 174 of the TFEU, the related Declaration (33) and paragraphs 44 and 51 of the European Council Conclusions of 7-8 February 2013 recognise the specific character of Island Member States.

Malta and Cyprus consider that the regional threshold exists to facilitate the ability of smaller regions to access the Fund and our position remains that the situation of Island Member States such as Malta and Cyprus, and the vulnerability of such territories to natural disasters should be reflected in the legislative proposal."

* * * * *

A joint statement is made on the following item :

32. Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters (First reading)

– **Adoption of the legislative act**

7336/14 CODEC 659 COPEN 84 EUROJUST 57 EJM 38

+ ADD 1

PE-CONS 122/13 COPEN 230 EUROJUST 137 EJM 75 CODEC 2838

"The Austrian, Belgian, Bulgarian, Dutch, Estonian, French, German, Italian, Luxemburg, Spanish, Swedish and Slovenian delegations welcome the adoption of the Directive on the European Investigation Order.

This directive provides a response to the call of the European Council within the Stockholm Programme to set up a comprehensive system for obtaining evidence within the EU, based on the principle of mutual recognition, and to replace all the existing legal instruments in this area, including Framework Decision 2008/978/JHA of 18 December 2008 on the European evidence warrant. However, due to various interpretations of the legal basis of the Directive, Article 34(2) only provides that this Framework Decision is replaced for the Member States bound by the Directive. The Austrian, Belgian, Bulgarian, Dutch, Estonian, French, German, Italian, Luxembourg, Spanish, Swedish and Slovenian delegations urge the Commission and the Presidency to consider possibilities to ensure legal clarity on the repealing of the Framework Decision 2008/978/JHA for all Member States."

Croatia joined this statement.

* * * * *

UK made a statement on the following item :

45. Relations with the Republic of Azerbaijan

6702/1/14 REV 1 COEST 74

+ REV1 ADD 1

- **Draft Council Decision on the signing and provisional application, on behalf of the Union, of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, on a Framework Agreement between the European Union and the Republic of Azerbaijan on the general principles for the participation of the Republic of Azerbaijan in Union programmes**

5610/14 COEST 18

- **Draft Council Decision on the conclusion of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, on a Framework Agreement between the European Union and the Republic of Azerbaijan on the general principles for the participation of the Republic of Azerbaijan in Union programmes**

5616/14 COEST 19

- **Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, on a Framework Agreement between the European Union and the Republic of Azerbaijan on the general principles for the participation of the Republic of Azerbaijan in Union programmes**

5618/14 COEST 20

+ COR 1 (es)

+ COR 2 (bg)

"The UK considers that the signature and conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, on a Framework Agreement between the European Union and the Republic of Azerbaijan on the general principles for the participation of the Republic of Azerbaijan in Union programmes is an exercise of the EU's external competence in relation to the various sectoral policies pursued by the underlying programmes. Therefore the substantive legal bases for the underlying programmes should have been cited as the legal bases for these proposed Decisions on signature and conclusion. Further, where the programmes have justice and home affairs content, the proposed Council Decisions should cite the relevant legal bases from Title V of Part Three TFEU. Accordingly, we do not consider that Article 212 TFEU is appropriate as the sole substantive legal base for these proposed Decisions.

As with the similar Council Decisions on signature and conclusion of an equivalent Protocol related to Georgia, the UK remains concerned that the Council has not been provided with the particular list of Union programmes which Azerbaijan will be eligible to participate in prior to the Council being asked to adopt these Decisions."

ES and CY made a statement on the above mentioned item (45) :

"Spain and Cyprus disagree with the selection of Article 212 of the Treaty on the Functioning of the European Union as legal basis for the Council Decisions on the signing and provisional application and conclusion on the Framework Agreement between the European Union and the Republic of Azerbaijan on the general principles for the participation of the Republic of Azerbaijan in Union programmes."

Coreper Part 1

II

13. **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**

7360/14 TRANS 121 AVIATION 65 MAR 40 ENER 107 ENV 235 IND 90
RECH 111 CAB 7 CODEC 668

The Committee examined the text and gave the Presidency a clear mandate to conduct negotiations with the European Parliament at the informal trilogue on 19 March 2014.

14. **Preparation for the Council meeting (Agriculture and Fisheries) on 24 March 2014**

1. **Management of sandeel - establishment of a TAC for 2014 (Non-legislative activity)** – **Political agreement/Adoption**

The Presidency recalled that this point was put on the Council agenda at the request of the Danish delegation, the main stakeholder in the sandeel fishery, as the fishing season starts on April 1st and the necessary legislation enabling this fishery needs to be put in place before that date. The Commission confirmed that the proposal based on the newly available scientific advice will be ready for discussion in the Working Party on Internal and External Fisheries on 18 March 2014. The Presidency indicated that all efforts will be made in order to finalise this work within this timetable. The Danish and Spanish delegations indicated their support for the approach chosen for this file. The Presidency concluded that the Committee prepared this item and decided to keep it on the agenda of the Council.

2. **Coastal States consultations on mackerel and EU/Norway bilateral consultations (Non-legislative activity)** – **State of play and exchange of views**

The Commission updated the Committee on the latest developments regarding the mackerel Coastal States and the EU/Norway bilateral discussions. The EU played a broker role in this process and tried to bring all the parties together on mackerel. The EU/Norway bilateral arrangement is agreed at the technical level, but mackerel is still staying in the way of an agreement. The Commission undertook to promptly brief the Council on the results of these discussions. While a number of delegations agreed with the need to have agreements on these two issues, the Belgian delegation supported by the Spanish, Portuguese, French and Maltese delegations expressed strong concerns with the provisions related to fully-documented fisheries inserted in the draft EU/Norway bilateral arrangement.

The German delegation expressed regrets that Iceland decided to act unilaterally on mackerel. The Commission explained that the Council will have the opportunity to endorse the final result in the context of an amendment to the annual fishing opportunities regulation. The Presidency concluded that the Committee had prepared this item and decided to keep it on the agenda of the Council.

3. Report from the Commission regarding the mandatory indication of the country of origin or place of provenance for meat used as an ingredient (*Non-legislative activity*)

– **Presentation by the Commission and exchange of views**

[Public debate in accordance with Article 8(2) of the Council's Rules of Procedure (proposed by the French delegation)]

18148/13 DENLEG 162 AGRI 880 CONSOM 226 SAN 551

The Committee agreed that the Council (Agriculture and Fisheries) will hold a public debate on the above report from the Commission at its meeting on 24 March 2014.

15. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 638/2004 on Community statistics relating to trading of goods between Member States as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures, the communication of information by the customs administration, the exchange of confidential data between Member States and the definition of statistical value (First reading) (Legislative deliberation)

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

7357/14 STATIS 32 COMPET 158 UD 72 ECO 33 FIN 187 CODEC 667

Following Commission's veto, unanimity was necessary for the approval of the final compromise text.

As unanimity was not reached, the compromise text has not been approved.

16. 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)

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

7252/14 ENV 224 AGRI 175 PECHE 111 FORETS 29 RECH 105 UD 68
COMER 74 REGIO 29 TRANS 113 SAN 113 CODEC 645

The Committee analysed the compromise text as it was provisionally agreed at the informal trilogue on 5 March 2014. This text did not receive the necessary support to be considered agreeable to the Council in terms of its contents and inter-institutional issues.

The DK and UK Parliamentary scrutiny reservations were noted.

17. 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)

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

7284/14 ENV 230 MI 233 RELEX 199 CODEC 650

The Committee confirmed, by qualified majority, agreement on the final compromise text subject to a revision of recital 2b.

18. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 525/2013 as regards the technical implementation of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**

7460/14 CLIMA 24 ENV 249 ENER 111 TRANS 132 IND 96 ONU 20
AGRI 188 ECOFIN 239 ISL 12 CODEC 718

The Committee agreed, subject to some adjustments to the text in the third column of the table in document 7460/14 + COR 1, to give the Presidency a mandate for the informal trilogue to be held on 17 March 2014 in the framework of negotiations with the European Parliament to reach an agreement in first reading on the above-mentioned proposal.

Coreper Part 2

II

61. Preparation for the Council meeting (Foreign Affairs) on 17 March 2014

- a) **Eastern Partnership**
= **Ukraine (restricted session)**

The Committee on 12 March 2014 discussed preparations for the Ministerial debate regarding Ukraine, to be held the day after the planned referendum in Crimea. Delegations underlined the need for a thorough preparation of the debate, allowing the Council to take the necessary decisions as envisaged in the statement of the Heads of State or Government of 6 March 2014.

Following the discussion in the Committee on 12 March 2014, the Committee considered a revised draft Council decision on the signing and provisional application of the political provisions of the Agreement and the related draft Final Act, and reached agreement on both. It decided to submit the draft Council decision and Final Act to the Council (Foreign Affairs) on 17 March 2014 for adoption.

The Committee held a restricted session on 16 March 2014 in preparation of the 17 March 2014 Council meeting, and reached agreement on draft Council conclusions on Ukraine as set out in 7782/1/2014 REV 1 as well as on restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

- b) **Bosnia and Herzegovina**

A number of delegations called for sufficient time to be allotted to the issue of Bosnia and Herzegovina in the Council, so as to ensure a substantial discussion. These delegations also called for Council conclusions at the April Foreign Affairs Council.

- c) **Middle East Peace Process**

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

d) Syria and the regional context

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

e) EU-Africa Summit (Brussels, 2/3 April 2014)

The Committee took note that the Council would be informed about the preparations of the upcoming EU-Africa Summit, in particular its peace and security dimension.

f) Energy Diplomacy

The EEAS indicated that this item would be discussed over lunch. There were no comments by delegations.

g) Other items in connection with the Council meeting

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

62. Relations with Russia

- **Establishment of the position of the European Union for the third EU-Russia Permanent Partnership Council (Environment), to be held in Brussels on 17 March 2014**

7396/14 COEST 69 ENV 241

The Committee discussed whether or not to hold the Environment PPC with Russia on the 17 March 2014 as planned. Considering that the meeting was scheduled to take place only shortly after the planned referendum in Crimea on the future status of the territory, and that Commissioner Janez Potočnik was not available on the 17 March 2014, the Committee decided to reschedule the meeting.

63. EU-US Summit preparations (Brussels, 26 March 2014)

- **Debate on state of preparations**

7515/14 USA 5 COTRA 11 PESC 255 RELEX 217 POLGEN 32 WTO 96

The Committee held a second debate on the EU-US Summit preparations, on the basis of document 7515/14 and the contributions of the different preparatory bodies involved in the preparations (COTRA, PSC and TPC).

- The EEAS (SG Vimont) presented the draft agenda of the meeting and an overall view of the Joint Statement which is still under negotiation with the American side (cf. 7515/14). The main issues will be the economic situation in the EU and the US, TTIP, climate change and energy issues, digital society, privacy and data protection, and foreign and security policy cooperation including Ukraine, MEPP, Iran and Africa. No major changes are expected in the Joint Statement and a new version will be circulated to the Member States following the first exchange with the US partners.
- The Commission confirmed TTIP as the main topic of the Summit, with a view to lending additional impetus and political commitment to conclude the TTIP negotiations. Ukraine would certainly dominate the discussions. The Summit would also help to rebuild trust in data protection and to verify the level of commitment in agreements such as the Umbrella Agreement and the Safe Harbour. The Commission also reiterated its commitment on visa reciprocity.
- Some delegations intervened on specific points (TTIP/transparency, data protection, EU-US Cyber dialogue, energy/LNG export and EU-NATO relations).
- The Committee took stock of COTRA, PSC and TPC work so far on the basis of their chair's reports and requested COTRA to coordinate and to follow the preparations of the Summit.

64. Guidelines on appointment, mandate and financing of EU Special Representatives
7510/14 PESC 254 FIN 202 RELEX 216

The Committee agreed the Guidelines on appointment, mandate and financing of EU Special Representatives. The Guidelines will be approved by the Foreign Affairs Council on 17 March 2014.

65. Reform of the General Court of the European Union
– **Method for the appointment of additional judges**

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

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

a) Preparation for the European Council on 20-21 March 2014

= **Draft conclusions**
5157/14 CO EUR-PREP 3

The Committee examined the draft European Council conclusions, which focus on growth, competitiveness and jobs, industrial competitiveness, climate and energy, as well as on developments in Ukraine and the preparations of the EU-Africa Summit.

b) Implementation of the European Semester

= **Synthesis report**
6684/14 CO EUR-PREP 6 POLGEN 24 ENV 158 ENER 71 MI 181 RECH 77
COMPET 120 IND 65 ECOFIN 162 SOC 138 EDUC 66
TELECOM 52 JAI 99

The Committee took note of the synthesis report prepared by the Presidency on the discussions of the different Council configurations in relation to the 2014 European Semester. This report will be transmitted to the General Affairs Council, incorporating certain changes requested by Member States.

c) Communication on the Rule of Law Mechanism

= **Presentation by the Commission**

The Commission presented its communication on the Rule of Law Mechanism.

d) Other items in connection with the Council meeting

Presidency informed the Committee that the Ministerial lunch will have two parts : firstly there will be a discussion with the President of the European Council on the upcoming EC meeting and after the discussion with the PEC, Ministers will discuss the issue of subsidiarity.

67. High Level Group on Own Resources

The Committee held an exchange of views on the proposed role, composition and structure of the secretariat for the High Level Group on Own Resources, on the basis of a Presidency note, in order to provide guidance to the Presidency for its contacts with the other institutions and the Chairman of the Group, Mr Monti. The President announced that he would come back to this issue at an upcoming meeting of the Committee, after his contacts with Mr Monti.

68. Follow-up to the Council meeting (Economic and Financial Affairs) on 11 March 2014

The Committee took note of the main issues discussed at the Economic and Financial Affairs Council, namely the Single Resolution Mechanism, the amended Savings Directive, the economic aspects of the EU 2030 energy and climate framework and the main outcomes of the G20 ministerial meeting on 22-23 February 2014.

69. Proposal for a Decision of the European Parliament and of the Council on the participation of the European Union in the capital increase of the European Investment Fund (First reading)

- **Analysis of the final compromise text with a view to agreement**
7528/14 ECOFIN 244 CODEC 744

The Committee confirmed the Presidency approach set out in 7528/1/14 REV 1 and, following informal contacts between the Presidency and the European Parliament on 12 March 2014 as regards the text of the joint Statement, confirmed the agreement reached. The agreed text is set out in 7750/14.

- **Any other business**

- a) **Implementation of the European Semester**

- **Synthesis report**

- 6684/14 CO EUR-PREP 6 POLGEN 24 ENV 158 ENER 71 MI 181 RECH 77
COMPET 120 IND 65 ECOFIN 162 SOC 138 EDUC 66
TELECOM 52 JAI 99

Presidency presented the same report discussed at the Committee (Part 2) the same day under preparation of the General Affairs Council on 18 March 2014.

- b) **Delegated/Implementing acts**

- **Information from the Presidency**

- 6774/14 JUR 99 DELACT 33 INST 121 PE 102

The Chair of the Committee informed the delegations on developments regarding delegated and implementing acts and the horizontal solution proposed by the Council to the other institutions, on the issue of consultation of Member States' experts in the preparation of delegated acts. The Commission and several delegations intervened in support of a horizontal solution.