



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 13 November 2013
(OR. en)**

15510/13

CRS/CRP 38

SUMMARY RECORD

Subject: 2472nd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 29 and 30 October 2013

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39. Advisory Committee for the Coordination of Social Security Systems
Appointment of Ms Mary O'SULLIVAN, Irish member, in place of Ms Anne McMANUS, who has resigned
40. Advisory Committee for the Coordination of Social Security Systems
Appointment of Ms Marina GORDON ORTIZ, Spanish member, in place of Mr José de la CAVADA HOYO, who has resigned
41. Advisory Committee for the Coordination of Social Security Systems
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44. Advisory Committee on Safety and Health at Work
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1. Adoption of the provisional agenda and "I" items

doc. 15378/13 OJ/CRP1 38 + ADD 1
15340/13 OJ/CRP2 38 + COR 1

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

The following item is **added** :

(Coreper Part 1, under I)

65. Proposal for a Council Decision requiring Member States to ratify or to accede to the Hong Kong International Convention for the Safe and Environmentally Sound recycling of ships, 2009, in the interest of the European Union

- **Approval of the Presidency compromise text**
15526/13 ENV 995 MAR 165 TRANS 553 COMER 248

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

CZ made a statement on the following item :

22. - **Council Decision on the conclusion on behalf of the European Union of the Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, of the other part, with the exception of Article 49(3) thereof**
- **Council Decision on the conclusion on behalf of the European Union of the Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, of the other part, as regards Article 49(3) thereof**
- **Request by the Council for the consent of the European Parliament**
13744/13 COLAC 8 PESC 1102 PVD 1
13368/12 PESC 1587 PVD 16 COLAC 2
12399/13 PESC 889 COLAC 3
12400/13 PESC 890 COLAC 4

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

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

SK made a statement on the following item :

65. Proposal for a Council Decision requiring Member States to ratify or to accede to the Hong Kong International Convention for the Safe and Environmentally Sound recycling of ships, 2009, in the interest of the European Union

- **Approval of the Presidency compromise text**
15526/13 ENV 995 MAR 165 TRANS 553 COMER 248

"The Slovak Republic has concerns relating to usage of the Article 218 paragraph 6(a)(v) TFEU and the first sub paragraph of Article 218 paragraph 8 TFEU as a legal basis of the Council decision concerning the ratification of, or the accession to, the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, by the Member States in the interests of the European Union.

According to the Slovak Republic, the Article 218 TFEU is applicable only to international agreements concluded by the European Union.

Article 218 paragraph 1 TFEU states that "agreements between the Union and third countries or international organisations shall be negotiated and concluded in accordance with the following procedure".

The phrase "in accordance with the following procedure " takes all the paragraphs of Article 218 TFEU into account.

The Slovak Republic agrees with the Council Decision concerning the ratification of, or the accession to, the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, by the Member States in the interests of the European Union without prejudice to its reservation against the use of Article 218 TFEU as a legal basis for the decision of the Council."

Coreper Part 2

II

24. Follow-up to the Council meeting (Foreign Affairs) on 21 October 2013

The Committee took note of the information given by the EEAS Secretary General Pierre Vimont.

25. Presentation of the agenda of the Council meeting (Foreign Affairs) on 18/19 November 2013

In November the FAC will also meet in the Defence formation.

The draft agenda for the Foreign Ministers (18/11) will include:

- Eastern Partnership in view of the Vilnius Summit; Ukraine
- Southern Neighbourhood (Syria, Egypt and Libya)
- Migration in the Mediterranean (probably during lunch), following a letter addressed by IT to the HR
- CSDP (preparation of the EC, Council Conclusions to be also looked at by the Defence segment the following day)
- BiH
- China: before the EU-China summit

The following day (19/11) will start with the EDA Steering Board. Following that, Defence Ministers will sign off on the Council Conclusions on CSDP, focussing on clusters 2 and 3 (in presence of Commissioner Tajani). They will also have a discussion on CSDP operations, including the possible CSDP Mission in the Mediterranean.

26. EEAS Review

- **Coreper discussion on short term recommendations 1, 4, 5, 8, 9, 11, 12, 20 and 21**
15333/13 POLGEN 200 INST 554 PESC 1290 CSDP/PSDC 704
13977/13 POLGEN 179 INST 495 PESC 1131 CSDP/PSDC 613
14458/13 JUR 532 RELEX 926 POLGEN 185 INST 519 PESC 1182
CSDP/PSDC 645
+ COR 1

The Committee discussed recommendations 1, 4, 5, 8, 9, 11, 12, 20 and 21 of the EEAS Review Report on the basis of Presidency note 15333/13.

27. Preparation of the Fourth EU-Africa Summit (Brussels, 2-3 April 2014)

– **Orientation debate**

14636/1/13 REV 1 PESC 1206 COAFR 310 COMAG 95
ACP 156 RESTREINT UE

The Committee discussed the organisation and content of the fourth EU-Africa Summit on 2-3 April 2014 in Brussels on the basis of document 14636/1/13 REV1 EU RESTRICTED.

The discussion provided input and orientations for further preparations of the Summit agenda and the deliverables.

The Committee decided to revert to the Summit's preparations at a later date following further discussions in the relevant preparatory bodies of the Council.

28. Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment (First reading)

– **Approval of compromise text**

15033/13 MIGR 115 SOC 833 CODEC 2309

The Committee noted that a qualified majority could endorse the text agreed at the eight trilogue as it appears in the fourth column of document 15033/13. AT, CZ, NL and PL indicated they could not support the agreed text. BG indicated it was not yet in a position to lift its reservation.

29. Follow-up to the Council meeting (Foreign Affairs/Trade) on 18 October 2013

The Chair addressed the follow-up to the above-mentioned Council meeting, highlighting two issues which the Committee would return to in the near future, i.e. the political clauses of the EU-Canada SPA and preparations for the 9th WTO Ministerial Conference.

30. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 15 November 2013

The Committee agreed the provisional agenda for this Council meeting.

31. Follow-up to the European Council on 24/25 October 2013

The Committee took note of the intentions of the Presidency concerning the follow-up of the October European Council. In particular as regards: the acceleration of work on the legislative files relating to the Digital Single Market; implementation of actions aimed at combatting youth unemployment; ensuring better access to financing for SMEs, implementation of the regulatory fitness and continuation of work on completing the Economic and Monetary Union. Work will also be pursued in the Task Force for the Mediterranean led by the Commission.

32. Follow-up to the Council meeting (General Affairs) on 22 October 2013

The Committee took note of the main issues discussed at this Council namely, the preparation of the October EC, the Synthesis report on the lessons learnt from the 2013 European Semester exercise and the way forward, adopted conclusions on the added value of macro-regional strategies. The Council also agreed to open Chapter 22 - Regional policy and coordination of structural instruments - with Turkey and to convene the Accession Conference at Ministerial level on 5 November 2013.

33. Presentation of the agenda of the Council meeting (General Affairs) on 19 November 2013

The Committee took note of the main items to be included in the November GAC agenda, namely :

- Commission's working programme for 2014;
- European Semester;
- Preparation of the December European Council (ADA);
- Presidency's report on the implementation of the EC conclusions;
- EU strategy on the Baltic Sea Region.

34. **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)**
– **Request for approval in principle of a package including a fundamental rights clause**
15196/13 COPEN 165 EUROJUST 95 EJM 67 CODEC 2348

The Committee approved the package including a fundamental rights clause.

As regards the fundamental rights refusal ground, the Council Legal Service, supported the Presidency's suggestions, underlying the necessity to add a reference to the Charter, and not only having the reference to Article 6 TEU. The Council Legal Service further pointed out the need of a recital underpinning the fundamental rights clause in Article 10 and as a consequence, supported the addition of recital 12aaa that takes account of the N.S judgement (C-411/10) by the ECJ.

UK indicated that it had a parliamentary scrutiny reservation.

CZ said that it had two outstanding issues, *ne bis in idem* and the territoriality ground before it could agree to the package.

DE asked that Article 9(1a) be clarified to make sure that the setting out that certain measures always have to be applicable does not preclude the use of the grounds for refusal in Article 10 to these measures.

35. **Cohesion Policy legislative package (First reading)**
– **Outstanding political issues : final compromise text**
15383/13 FSTR 132 FC 76 REGIO 233 SOC 870 AGRISTR 131 PECHE 483
CADREFIN 274 CODEC 2392
+ ADD 1

The Committee:

- reached an agreement by QMV (UK could not agree) on the outstanding political issues with some technical adjustments as set out in ADD 1 REV 1 to document 15383/13;

- noted the Presidency confirmation that the text was to be considered as final, without further changes and that the Council agreement was given on the understanding that the Multi Annual Financial Framework could be adopted by the European Parliament;
- authorised the Presidency to inform EP that the compromise contained in ADD 1 REV 1 to document 15383/13 could constitute a part of an overall agreement between the two institutions;
- included in its Minutes the unilateral declaration by Hungary as set out below;
- noted that the Commission would provide a declaration to the minutes on the manageability of the payment profiles.

"Declaration of Hungary
to Article 110 on the Determination of Co-financing Rates in the Four Column Table with
Outstanding Political Issues

On the basis of point 15 of Annex II to Regulation No 1083/2006/EC laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 according to which for the Közép-Magyarország region "the same regulatory provisions would apply as for the regions referred to in Article 8(1)" of that Regulation (i.e. phasing-out regions), Hungary considers that the co-financing provisions for this region in the 2014-2020 period are those set out in Article 110(3)(c) of the preliminary outcome of the trilogues on the co-financing rates for regions receiving transitional support for the period 2007-2013."

Coreper Part 1

II

- 54. Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (First reading) (Legislative deliberation)**
– **Presidency debriefing on the outcome of the informal trilogue**

The Committee was debriefed on the outcome of the informal trilogue held on 23 October 2013 in Strasbourg. The Commission intervened to stress the importance of keeping the provisions on delegated and implementing acts (as the case maybe) in order to ensure for proper implementation of the Directive in the future.

- 55. Setting of the provisional agenda for the Council meeting (Agriculture and Fisheries) on 18 November 2013 (For the items in the remit of the Permanent Representative Committee)**

The Committee has set the provisional agenda for the Council meeting (Agriculture and Fisheries) on 18 November 2013. Two AOB items falling within Committee's sphere of competence are envisaged.

However, the Chair added that the Council meeting might eventually be cancelled.

- 56. Proposal for a Council Decision on the signing, on behalf of the European Union, of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement in force between the two Parties**
– **Examination of the outstanding issues with a view to adoption**
14161/13 PECHE 405
14162/13 PECHE 406
15197/13 PECHE 472

The French, Spanish, Portuguese and Romanian delegations intervened in favour of a quick signing and adoption of the new fisheries protocol with Morocco. The Danish and Swedish delegations will not support the signing of the fisheries protocol. The Finnish, United Kingdom and Netherlands delegations will abstain. The Polish and Slovenian delegations still have their parliamentary reserves pending. The German and some other delegations were about to prepare statements, in particular concerning the implementation of the protocol in a way that the local populations will benefit.

The Presidency concluded that the proposal for a decision on signing could be submitted to Council for adoption once the parliamentary reserves have been lifted so that qualified majority is ensured.

57. Proposal for a Directive of the European Parliament and of the Council amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
15235/13 ENV 961 CODEC 2355
+ COR 1

The Committee considered the outstanding issues set out in document 15235/13, agreed on a few modifications of the text and gave the Presidency a mandate (see doc. 15590/13) for negotiating with the European Parliament at the first informal trilogue on 5 November 2013 in Brussels, with a view to a first reading agreement.

58. Proposal for a Regulation of the European Parliament and of the Council on fluorinated greenhouse gases (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
15232/13 ENV 960 ENT 288 MI 910 CODEC 2354

The Committee agreed to a Presidency mandate in view of the second informal trilogue to be held on 6 November 2013 in the framework of negotiations with the European Parliament to reach an agreement in first reading on the proposed Regulation. The mandate is set out in document 15577/13.

59. Proposal for a Regulation of the European Parliament and of the Council on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
15253/13 ENV 963 AGRI 688 WTO 261 PI 144 DEVGEN 267 MI 912
SAN 408 CODEC 2359

The Committee examined the European Parliament amendments and the related Presidency compromise as set out in document 15253/13 and, after introducing some modifications to the compromise text, gave the Presidency a mandate for the informal trilogue on the above proposal with a view to a first reading agreement with the European Parliament.

60. Proposal for a Regulation of the European Parliament and of the Council on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

15245/13 PHARM 59 SAN 407 MI 911 COMPET 747 CODEC 2356

The Committee held an exchange of views based on document 15245/13 and agreed to give the Presidency a mandate to enter into negotiations with the European Parliament with the aim of reaching an agreement at first reading. The starting point for the Council is the text set out in document 13463/3/13 REV 3.

61. Proposal for a Directive of the European Parliament and of the Council on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online uses in the internal market (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

15252/13 PI 143 AUDIO 102 CULT 110 CODEC 2358

On the basis of document 15252/13 and with two amendments agreed during the meeting, the Committee agreed to a new, revised mandate for the Presidency in view of the third informal trilogue on this file, scheduled for 4 November 2013.

62. Amended proposal for a Regulation of the European Parliament and of the Council on guidelines for trans-European telecommunications networks and repealing Decision No 1336/97/EC (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

15140/13 TELECOM 270 AUDIO 101 CODEC 2328

While noting FR's demand for a reference to continuous funding for Europeana and Safer Internet, which was not supported by other delegations, as well as its objection to more than 15 % of the budget being devoted to broadband infrastructure, the Chair could conclude that the Committee gave him a mandate for the 2nd trilogue on 5 November 2013, on the basis of the text set out in 15140/1/13 REV 1 + COR 1.

63. 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)

- **Preparation for the informal trilogue**
15246/13 MAR 161 FIN 673 CODEC 2357 ENV 962

The Committee examined the outstanding issues and gave the Presidency a broad mandate to negotiate with the European Parliament at the informal trilogue on 7 November 2013.

64. Outcome of the 38th session of the ICAO General Assembly (Montreal, 24 September - 4 October 2013) Reservations to be submitted to ICAO Resolution A38-18 on international aviation and climate change

- **European Union coordination of a common position**
15251/13 AVIATION 187 RELEX 953

The Committee endorsed the text of the draft reservations to be submitted by Lithuania, on behalf of the Member States of the European Union, in response to ICAO Resolution A38-18 on international aviation and climate change. The text approved by the Committee, taking into account suggestions presented by the delegations, appears in document 15605/13.

- **Any other business**
 - **Galileo Interinstitutional Panel (GIP)**
 - **Information from the Presidency**

The Presidency informed the Committee on the outcome of the fifth Galileo Interinstitutional Panel which took place in Brussels on 5 November 2013.

- **CO2 emissions from cars (requested by IT)**

The Committee had an exchange of views on the way forward and decided to revert to this issue at its next meeting.