



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 16 April 2014
(OR. en)**

8584/14

CRS/CRP 14

SUMMARY RECORD

Subject: 2492nd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
(Part 2) held in Brussels on 4 April 2014

SUMMARY

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I

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- a) 3279th meeting of the Council of the European Union (Justice and Home Affairs), held in Brussels on 5 and 6 December 2013
 - b) 3281st meeting of the Council of the European Union (Economic and Financial Affairs), held in Brussels on 9 and 10 December 2013
 - c) 3285th meeting of the Council of the European Union (Agriculture and Fisheries), held in Brussels on 16 and 17 December 2013
 - d) 3287th meeting of the Council of the European Union (General Affairs), held in Brussels on 17 December 2013
 - e) 3288th meeting of the Council of the European Union (Foreign Affairs), held in Brussels on 20 January 2014
 - f) 3290th meeting of the Council of the European Union (Economic and Financial Affairs), held in Brussels on 28 January 2014
 - g) 3291st meeting of the Council of the European Union (Foreign Affairs), held in Brussels on 10 February 2014
3. Council Decision authorising the opening of negotiations on linking the EU emissions trading scheme with an emissions trading system in Australia
- Case C-425/13:
 - = Partial declassification of the negotiating directives and production of Council documents before the Court of Justice
4. Request for public access to the opinions of the panel provided for by Article 255 TFUE concerning the judicial candidates for the Court of Justice and the General Court
5. Request for a preliminary ruling to the Court of Justice
- Case C-129/14 PPU, Zoran Spasic
6. Signature of the Association Agreements, including Deep and Comprehensive Free Trade Areas, with the Republic of Moldova and Georgia

7. Draft Council conclusions on the European Court of Auditors report "Getting the Gross National Income (GNI) data right: A more structured and better-focused approach would improve the effectiveness of the Commission's verification"
8. Proposal for a Directive of the European Parliament and of the Council on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (First reading)
9. Proposal for a Regulation of the European Parliament and of the Council on key information documents for packaged retail investment products (PRIIPs) (First reading)
10. Commission Delegated Regulation (EU) No .../..of 7.3.2014 supplementing Directive 2003/71/EC of the European Parliament and of the Council with regard to regulatory technical standards for publication of supplements to the prospectus
11. Commission Delegated Regulation (EU) No .../.. of 4.3.2014 supplementing Regulation (EU) No 1299/2013 of the European Parliament and of the Council with regard to specific rules on eligibility of expenditure for cooperation programmes
12. - Proposal for a Decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund, in accordance with Point 13 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management (application EGF/2012/007 IT/VDC Technologies from Italy)
- Proposal for transfer of appropriations No DEC 04/2014 within Section III - Commission - of the general budget for 2014
13. - Proposal for a Decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund, in accordance with Point 13 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management (application EGF/2012/004 ES/Grupo Santana from Spain)
- Proposal for transfer of appropriations No DEC 05/2014 within Section III - Commission - of the general budget for 2014
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– Draft report to be submitted to the European Parliament in accordance with Article 102A(4) of the Convention Implementing the Schengen Agreement (CISA)
15. Proposal for a Council Decision on the approval, on behalf of the European Union, of the Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock, adopted in Luxembourg on 23 February 2007

16. Proposal for a Council Decision amending Annexes I, II and III to Council Decision 2011/432/EU of 9 June 2011 on the approval, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and other Forms of Family Maintenance
17. Draft Memorandum of Understanding on cooperation between Eurojust and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)
18. CEPOL Work Programme 2014
19. Draft Council conclusions on multinational modules under the Union Civil Protection Mechanism
21. Proposal for a Regulation of the European Parliament and of the Council establishing a framework for managing financial responsibility linked to investor-state dispute settlement tribunals established by international agreements to which the European Union is party (First reading)
22. Force Catalogue 2014
23. Council Decision amending Decision 2013/34/CFSP on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)
24. Revised CONOPS and PSOR for the EU Training Mission in Mali
25. Council Decision on the signing and conclusion of the Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)
26. Council Decision on the signing and conclusion of the Agreement between the European Union and the Central African Republic concerning the detailed arrangements for the transfer to the Central African Republic of persons detained by the European Union military operation (EUFOR RCA) in the course of carrying out its mandate, and concerning the guarantees applicable to such persons
27.
 - Council Decision amending Decision 2010/638/CFSP concerning restrictive measures against the Republic of Guinea
 - Council Regulation amending Council Regulation (EU) No 1284/2009 imposing certain specific restrictive measures in respect of the Republic of Guinea
28. Council Decision amending Decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea

29. - Council Decision on the conclusion of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part, with the exception of matters related to readmission
 - Council Decision on the conclusion of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part, as regards matters related to readmission
30. Case before Court of Justice of the European Union C-1/14 (KPN Group Belgium and Mobistar): Interpretation and validity of Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services
31. Governing Board of the European Centre for the Development of Vocational Training (CEDEFOP)
 - Appointment of
 - = Ms Katarina GRGEC (HR), member in the category of Government representatives
 - = Ms Yolanda PONCE (ES), member in the category of Employees' representatives
 - = Ms Inga ŠĪNA (LV) and Mr Ivica ZELIĆ (HR), members in the category of Employers' representatives
32. Advisory Committee on Safety and Health at Work
 - Appointment of Ms Maja BEJBRO ANDERSEN, alternate member for Denmark, in place of Mr Sven-Peter NYGAARD, who has resigned
33. Advisory Committee on Safety and Health at Work
 - Appointment of Ms Emanuela PROCOLI, alternate member for Italy, in place of Ms Carla ANTONUCCI, who has resigned
34. Governing Board of the European Agency for Safety and Health at Work
 - Appointment of Ms Emanuela PROCOLI, alternate member for Italy, in place of Ms Carla ANTONUCCI, who has resigned
35. Advisory Committee on Freedom of Movement for Workers
 - Appointment of Ms Kristina EKBERG, alternate member for Sweden, in place of Mr Torbjörn WALLIN, who has resigned
36. Draft Commission Regulation (EU) No .../.. of XXX concerning the technical specification for interoperability relating to "safety in railway tunnels" of the rail system of the European Union
37. Commission Regulation (EU) No .../.. of XXX amending Regulation (EC) No 152/2009 as regards the determination of the levels of dioxins and polychlorinated biphenyls
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II

40.	Debrief of the EU-US Energy Council (Brussels, 2 April 2014)	14
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1. Adoption of the provisional agenda and "I" items

doc. 8458/1/14 REV 1 OJ/CRP2 13

The above-mentioned agenda is approved with the following changes :

The following items are **withdrawn** :

(Coreper Part 2, under I)

20. Cooperation between the European Commission and the Council of Europe

8409/14 COSCE 1 PESC 361 COHOM 55

(Coreper Part 2, under II)

42. Additional participatory rights of the EU in UNHCR

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

FI and SE made statements on the following item :

4. Request for public access to the opinions of the panel provided for by Article 255 TFEU concerning the judicial candidates for the Court of Justice and the General Court
7967/14 INST 163 JUR 173 COUR 13 API 38 INF 94

Statement by Finland

"Finland considers that in future border-line cases as to the applicability of the Regulation (EC) No 1049/2001 should be discussed and analysed at Working Group level. Such cases might rise due to the different secretarial functions of the General Secretariat of the Council in relation to other bodies, such as the Panel established in accordance with Article 255 TFEU."

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Statement by Sweden

"Sweden believes that the decision should have been prepared at Working Group level, in accordance with established practice. Sweden also believes that Committee's decision should have been analysed further regarding the applicability of Regulation No 1049/2001 in relation to the works of the Panel established in accordance with Article 255 TFEU."

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Statements are made on the following item :

8. Proposal for a Directive of the European Parliament and of the Council on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (First reading)
– **Approval of the final compromise text**
8001/14 EF 94 ECOFIN 285 CONSOM 92 CODEC 849

Statement by the United Kingdom

"The UK considers that the effect of Article 16(10) is that where the existing legal order of a Member State already ensures the full application of the requirements of Chapter IV with binding force, then further action on the part of that Member State will not be necessary."

* * * * *

Statement by the Czech Republic

"The Czech Republic considers that the inclusion of comparison websites in the Directive represents a significant intervention in a market that seems to work efficiently. Moreover, the obligation of the Member States to ensure the operation of comparison websites, even through public authorities, is likely to expose the Member States to unnecessary public expenses and legal risks."

Statements by the Commission

on the recourse to EBA regulatory technical standards for the adoption of the EU standardised terminology

"The Commission considers that the recourse to EBA regulatory technical standards for the adoption of the EU standardised terminology is inconsistent with Article 10 of Regulation (EU) No 1093/2010 (OJ L 331/12 of 15.12.2010) since determining the list of the most representative services at EU level, together with corresponding common terms and definitions, cannot be regarded as a purely technical matter but entails strategic decisions or policy choices."

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on the transposition of the provisions on access to a payment account with basic features

"The Commission considers that the reference to a "binding" framework in Article 16(10) of the Directive should be interpreted in compliance with the Court's case-law on the transposition of directives in the legal order of Member States, according to which the provisions of directives must be implemented with unquestionable binding force."

* * * *

on the longer implementation period for Member States where the equivalents of a fee information document and statement of fees already exist at national level

"The Commission considers that the introduction of a longer implementation period for Member States to adopt the common format and symbol of the fee information document and statement of fees where the equivalents of these documents already exist at national level, introduces an unjustified difference in the treatment between Member States. The Commission also notes that the Directive does not contain any explanation on the objective reasons identified for such a difference in treatment."

ES made a statement on the following item :

15. Proposal for a Council Decision on the approval, on behalf of the European Union, of the Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock, adopted in Luxembourg on 23 February 2007

– **Request for the consent of the European Parliament**

8368/14 JUSTCIV 83 TRANS 187

15113/13 JUSTCIV 224 TRANS 544

+ COR 1

"In the event that the Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Railway Rolling Stock were to be applied to Gibraltar, Spain wishes to make the following declaration in line with the one made on 28 June 2013 to the Cape Town Convention on International Interests in Mobile Equipment:

1. Gibraltar is a non-autonomous territory for the international relations of which the United Kingdom is responsible and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.
2. The authorities of Gibraltar are of a local nature and exercise exclusively internal competences which have their origin and their foundation in the distribution and attribution of competences performed by the United Kingdom, in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.
3. As a result, should the Gibraltarian authorities participate in the application of this Protocol it will be understood as effected exclusively within the scope of the internal competences of Gibraltar, and it cannot be considered to produce any change whatsoever in relation with what was established in the two preceding paragraphs.
4. The procedure established by the regime relating to Gibraltar authorities in the context of certain international treaties agreed upon by Spain and the United Kingdom on 19 December 2007 (together with the "Agreed arrangements relating to Gibraltar authorities in the context of the European Union and European Community instruments and related Treaties of 19 April 2000") is applicable to this Protocol.
5. The application to Gibraltar of the present Protocol cannot be interpreted as recognition of any rights or situations involving matters not included in Article 10 of the Treaty of Utrecht of 13 July 1713, signed by the crowns of Spain and Great Britain."

A statement is made by the delegations of Belgium, Germany, Spain, France, Italy, Austria, Poland and Luxembourg on the following item :

16. Proposal for a Council Decision amending Annexes I, II and III to Council Decision 2011/432/EU of 9 June 2011 on the approval, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and other Forms of Family Maintenance

– **Adoption**

8367/14 JUSTCIV 82

9264/13 JUSTCIV 112

"Where the European Union adopts internal legislative acts and on this basis, it exercises external exclusive competence, the Member States bound by those legislative acts take part in the acts that the Union adopts as part of this external competence.

In the context of this decision, all the Member States of the European Union bound by Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations consequently take part in the adoption of the Decision amending Annexes I, II and III to Council Decision 2011/432/EU of 9 June 2011 on the approval, on behalf the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child support and other Forms of Family Maintenance."

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Statements are made on the following item :

21. Proposal for a Regulation of the European Parliament and of the Council establishing a framework for managing financial responsibility linked to investor-state dispute settlement tribunals established by international agreements to which the European Union is party (First reading)

– **Approval of the final compromise text**

8358/14 WTO 127 FDI 9 CODEC 963

Joint statement by the European Parliament, the Council and the Commission

"The adoption and application of this Regulation is without prejudice to the division of competence established by the Treaties and shall not be interpreted as an exercise of shared competence by the Union in areas where the Union's competence has not been exercised."

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Statement by the Czech Republic, Lithuania, Poland and Slovakia

"The Czech Republic, Lithuania, Poland and Slovakia wishes to state that the adoption and application of this Regulation is without prejudice to the division of competence established by the Treaties and shall not be interpreted as an exercise of shared competence by the Union in areas where the Union's competence has not been exercised before the entry into force of this Regulation.

The Czech Republic, Lithuania, Poland and Slovakia underline that the Union's exclusive competence in the area of common commercial policy relating to international investment agreements or free trade agreements containing investment protection provisions is limited to foreign direct investment according to Article 207 TFEU, which is the legal basis of this Regulation.

The Czech Republic, Lithuania, Poland and Slovakia attach utmost importance to the fact that the adoption of this Regulation does not constitute any reasons or legal basis to claim an exclusive external competence of the Union pursuant to Article 3 para. 2 TFEU for the conclusion of international investment agreements or free trade agreements containing investment protection provisions not explicitly covered by Article 207 para. 1 TFEU, in particular provisions on portfolio investment and other provisions on investment protection that are not covered by the Union's exclusive competence on common commercial policy.

The Czech Republic, Lithuania, Poland and Slovakia accept the definition "required by the law of the Union" based on understanding that the definition "required by the law of the Union" includes treatment when the Member State applied any of the means stated in the Directive to achieve the result of the Directive.

The Czech Republic, Lithuania, Poland and Slovakia accept Article 13(3a) based on understanding that Article 17 does not apply to Article 13(3a).

While maintaining the opinion on elements outlined above, the Czech Republic, Lithuania, Poland and Slovakia can support the adoption of this Regulation."

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Statement by Germany and the Netherlands

"Germany and the Netherlands wish to state that the adoption and application of this Regulation is without prejudice to the division of competence established by the Treaties and shall not be interpreted as an exercise of shared competence by the Union in areas where the Union's competence has not been exercised before the entry into force of this Regulation.

Germany and the Netherlands underline that the Union's exclusive competence in the area of common commercial policy relating to international investment agreements or free trade agreements containing investment protection provisions is limited to foreign direct investment according to Article 207 TFEU, which is the legal basis of this Regulation.

Germany and the Netherlands attach utmost importance to the fact that the adoption of this Regulation does not constitute any reasons or legal basis to claim an exclusive external competence of the Union pursuant to Article 3 para. 2 TFEU for the conclusion of international investment agreements or free trade agreements containing provisions not explicitly covered by Article 207 para. 1 TFEU, in particular provisions on portfolio investment and other provisions on investment protection that are not covered by the Union's exclusive competence on common commercial policy."

Finland joined the statement made by Germany and the Netherlands.

Coreper Part 2

II

40. Debrief of the EU-US Energy Council (Brussels, 2 April 2014)

The Committee was debriefed, by the EEAS and the Commission, on the outcome of the EU-US Energy Council held in Brussels, on 2 April 2014.

Discussions focused on the situation in Ukraine, including the annexation of Crimea, its impact on the European Energy security and the options for a coordinated transatlantic action in order to stabilise the situation in the region. Discussions also covered a wider view of the linkage of energy policies with climate change, energy provisions in the TTIP, energy dependency and diversification, LNG exports, nuclear energy and shale gas.

41. Debrief of the EU-Africa Summit (Brussels, 2-3 April 2014)

The Committee was debriefed by the EEAS and the Commission on the outcome of the fourth EU-Africa Summit (Brussels, 2-3 April 2014).

The Summit discussions focused on three themes: People, Prosperity and Peace. Three outcome documents were adopted: the Summit Declaration, the EU-Africa Declaration on Migration and Mobility and the Roadmap 2014-2017.

– Any other business

- **Follow-up of the Informal meeting of Finance Ministers on 1-2 April 2014 in Athens**

Presidency informed of the key outcomes of the informal ECOFIN meeting which took place in Athens on 1-2 April 2014. A follow-up note was circulated to delegations.

- **Electoral leave for certain members of the Commission**

The Commission informed the Committee on the arrangements agreed by the College on the electoral leaves of certain members of the Commission.