



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 5 June 2014
(OR. en)**

9900/14

CRS/CRP 20

SUMMARY RECORD

Subject: 2497th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 14, 15 and 19 May 2014

SUMMARY

Page

1. Adoption of the provisional agenda 6

Coreper Part 1

I

2. Replies to written questions put to the Council by Members of the European Parliament
- a) E-003795/2014 - Gaston Franco (PPE)
Strengthening of nuclear safety
 - b) P-003939/2014 - Silvia-Adriana Țicău (S&D)
Creating jobs for young people through investment in research and innovation
3. Commission Delegated Regulation (EU) No .../.. of 21.2.2014 amending Annex III to Regulation (EU) No 305/2011 as regards on the model to be used for drawing up a declaration of performance on construction products
4. Proposal for a Council Decision on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe
5. Draft Council conclusions on "A new EU Forest Strategy: for forests and forest-based sector"
6. Proposal for a Council Decision on the position to be adopted, on behalf of the European Union, in the Indian Ocean Tuna Commission (IOTC)
7. Proposal for a Council Decision on the position to be adopted, on behalf of the European Union, in the General Fisheries Commission for the Mediterranean (GFCM)
8. Proposal for a Council Decision on the signing, on behalf of the European Union, and provisional application of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe
9. Proposal for a Council Regulation on the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Republic of São Tomé and Príncipe
10. Draft Council conclusions on "EU Customs Union's Governance Reform"
11. Council Decision on the conclusion of the Agreement on certain aspects of air services between the European Union and the Government of the Democratic Socialist Republic of Sri Lanka
12. Council Decision on the conclusion of the Agreement between the European Union and the European Organisation for the Safety of Air Navigation providing a general framework for enhanced cooperation

II

13. Preparation for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 26 May 2014
 1. Proposal for a Directive of the European Parliament and of the Council on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (First reading) (*Legislative deliberation*) .. 9
 2. Revision of the European Trade Mark System (First reading) (*Legislative deliberation*)
 - (a) Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark
 - (b) Proposal for a Directive of the European Parliament and of the Council to approximate the laws of the Member States relating to trade marks (Recast) 9
 3. Proposal for a Directive of the European Parliament and of the Council on package travel and assisted travel arrangements, amending Regulation (EC) No 2006/2004, Directive 2011/83/EU and repealing Council Directive 90/314/EEC (First reading) (*Legislative deliberation*) 9
 4. Proposal for a Regulation of the European Parliament and of the Council concerning type-approval requirements for the deployment of the eCall in-vehicle system and amending Directive 2007/46/EC (First reading) (*Legislative deliberation*) 10
 5. Draft Council conclusions on "Towards a shared EU-ESA vision for space fostering competitiveness" (*Non-legislative activity*) 10
 6. Draft Council conclusions on the "Implementation of the roadmap for the European Strategy Forum on Research Infrastructures" (*Non-legislative activity*) 10
14. Setting of the provisional agenda for the Council meeting (Transport, Telecommunications and Energy) on 5 and 6 June 2014 10

Coreper Part 2

I

16. Case before the General Court
 - Case T-160/14 (Yingli Energy (China) Co. Ltd and others v. Council)
17. Case before the General Court
 - Case T-161/14 (Yingli Energy (China) Co. Ltd and others v. Council)
18. Case before the General Court
 - Case T-162/14 (Canadian Solar Emea and others v. Council)
19. Case before the General Court
 - Case T-163/14 (Canadian Solar Emea and others v. Council)
20. Transparency - Public access to documents
 - Confirmatory application No 11/c/01/14
21. Committee of the Regions
 - Council Decision appointing two Belgian members and a Belgian alternate member of the Committee of the Regions
22. Draft Council conclusions on Special report No 16/2013: Taking stock of "single audit" and the Commission's reliance on the work of national audit authorities in Cohesion
23. Presidency Information Note on the Informal Ministerial meeting for Cohesion in Athens on 24-25 April 2014
24. Adoption of draft Council conclusions - "Preventing and combating all forms of violence against women and girls, including female genital mutilation"
25. Adoption of the Council Decision on the conclusion of the Arrangement between the European Union and the Principality of Liechtenstein on the modalities of its participation in the European Asylum Support Office
26. Adoption of the Council Decision on the conclusion of the Arrangement between the European Union and the Kingdom of Norway on the modalities of its participation in the European Asylum Support Office
29. Draft Council Decision repealing Decision 2010/371/EU of 7 June 2010 concerning the conclusion of consultations with the Republic of Madagascar under Article 96 of the ACP-EU Partnership Agreement
30. - Council Decision amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya
 - Council Implementing Regulation implementing Article 16(2) of Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya
 - Council Regulation amending Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya
31. Political and Security Committee Decision EUTM Mali/2/2014 on the acceptance of third States' contributions to the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)

II

32.	Presentation of the agenda of the Council meeting (Justice and Home Affairs) on 5/6 June 2014	11
33.	Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA (First reading)	11
34.	EU-Japan Summit (Brussels, 7 May 2014)	11
35.	ASEM Summit (16/17 October 2014, Milano)	12
36.	Follow-up to the Council meeting (Foreign Affairs/Trade) on 8 May 2014	12
37.	Declassification of TTIP negotiating directives	12
38.	Follow-up to the Council meeting (Foreign Affairs) on 12 May 2014	13
39.	Preparation of the Council meeting (Foreign Affairs/Development) on 19 May 2014	
	a) Post-2015	13
	b) Implementing the Agenda for Change's Priorities	13
	c) Private Sector in Development	13
	d) Rights Based Approach to Development	14
	e) Other items in connection with the Council meeting	14
40.	Drafting of documents relating to legislative activities	14
41.	Follow-up to the Council meeting (General Affairs) on 13 May 2014	14
–	Any other business	15

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

doc. 9697/14 OJ/CRP1 18 + ADD 1
9779/2/14 REV 2 OJ/CRP2 18

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

The following item is **added** :

(Coreper Part 1, under I)

15. Case before the Court of Justice of the European Union

Case C-113/14 (Federal Republic of Germany v. European Parliament and Council of the European Union)

- **Information note for the Permanent Representatives Committee (Part 1)**
9782/14 JUR 294 AGRI 357 AGRIFIN 76 AGRIORG 83 CODEC 1277

The following items are **withdrawn** :

(Coreper Part 2, under I)

27. Council Decision on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Employment and Social Innovation)

8535/14 EEE 19 SOC 252 ECOFIN 350 COMPET 211
8536/14 EEE 20 SOC 253 ECOFIN 351 COMPET 212

28. (poss.) Relations with Georgia and the Republic of Moldova

9649/14 COEST 164

- **Draft Council Decision on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part**
9154/14 COEST 145 PESC 426 JAI 252 WTO 150
- **Draft Council Decision on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part**
9155/14 COEST 146 PESC 427 JAI 253 WTO 151
+ COR 1

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:

23. Presidency Information Note on the Informal Ministerial meeting for Cohesion in Athens on 24-25 April 2014

9632/1/14 REV 1 FSTR 27 FC 17 REGIO 62 SOC 345 AGRISTR 24
PECHE 237 CADREFIN 76

"Malta recalls that it expects the EU Urban Agenda to be a broad framework based on principles that allow flexibility for the specificities, administrative setups, priorities and needs of the different Member States. On the basis of this understanding, Malta expects that any work that the Commission will carry out on this dossier will ensure that there is due recognition of the different contexts and interpretations of urban development in the different Member States and that the EU Urban Agenda is truly representative of these diversities."

* * * * *

UK made a statement on the following items:

25. Adoption of the Council Decision on the conclusion of the Arrangement between the European Union and the Principality of Liechtenstein on the modalities of its participation in the European Asylum Support Office

9393/14 ASILE 13 FL 5
18115/13 ASILE 59 FL 15
+ REV 1 (sv)
18116/13 ASILE 60 FL 16

26. Adoption of the Council Decision on the conclusion of the Arrangement between the European Union and the Kingdom of Norway on the modalities of its participation in the European Asylum Support Office

9387/14 ASILE 12 N 11
18140/13 ASILE 65 N 14
+ REV 1 (sv)
18141/13 ASILE 66 N 15

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

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

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

Coreper Part 1

II

13. Preparation for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 26 May 2014

1. Proposal for a Directive of the European Parliament and of the Council on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (First reading) (*Legislative deliberation*)

- **General approach**
9475/14 PI 60 CODEC 1208
+ COR 1
+ ADD 1

The Committee reached agreement on the Presidency compromise text as set out in 9475/14.

The Committee also decided to submit the text of the general approach to the Competitiveness Council on 26 May 2014, and invites the Council to

- confirm the agreement on the general approach and
- invite the Presidency to start negotiations with the European Parliament on the basis of this general approach, with a view to reaching a rapid first reading agreement.

2. Revision of the European Trade Mark System (First reading) (*Legislative deliberation*)

- (a) **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark**
- (b) **Proposal for a Directive of the European Parliament and of the Council to approximate the laws of the Member States relating to trade marks (Recast)**
- **Progress report**
9558/14 PI 61 CODEC 1215

The Committee approved the text of the progress report set out in 9558/14 and invited the Council (Competitiveness) meeting on 26 May 2014 to take note of this report.

3. Proposal for a Directive of the European Parliament and of the Council on package travel and assisted travel arrangements, amending Regulation (EC) No 2006/2004, Directive 2011/83/EU and repealing Council Directive 90/314/EEC (First reading) (*Legislative deliberation*)

- **Progress report**
9322/14 CONSOM 108 MI 394 TOUR 5 JUSTCIV 114 TRANS 245
CODEC 1182

The Committee took note of the progress report prepared by the Presidency and set out in 9322/14 and agreed to forward it to the Competitiveness Council of 26 May 2014.

4. Proposal for a Regulation of the European Parliament and of the Council concerning type-approval requirements for the deployment of the eCall in-vehicle system and amending Directive 2007/46/EC (First reading) (*Legislative deliberation*)

- **General approach**¹
9605/14 ENT 119 MI 411 CODEC 1233

The Committee endorsed the agreement reached at Working Party level on the type-approval requirements for the deployment of the eCall in-vehicle system. The agreement was welcomed by an overwhelming majority of delegations. One delegation entered a general reservation linked to the cost-effectiveness of this system and another one expressed concerns on the privacy and data protection provisions. The Presidency concluded that the file will be submitted to the Council for a general approach.

5. Draft Council conclusions on "Towards a shared EU-ESA vision for space fostering competitiveness" (*Non-legislative activity*)

- **Adoption**
9483/14 ESPACE 45 COMPET 259 IND 151 TRANS 253 RECH 177

The outcome of the proceedings of the Committee is set out in 9851/14.

6. Draft Council conclusions on the "Implementation of the roadmap for the European Strategy Forum on Research Infrastructures" (*Non-legislative activity*)

- **Adoption**
9507/14 RECH 179 COMPET 260

The outcome of the proceedings of the Committee is set out in 9672/14.

14. Setting of the provisional agenda for the Council meeting (Transport, Telecommunications and Energy) on 5 and 6 June 2014

The following comments were made on the Transport part of the agenda:

On item 7, Air Passenger Rights, only a Progress report is sought because of the Gibraltar issue still pending. ES and UK welcomed that more time is taken for this file. FR called for a Committee discussion.

On item 5, Weights and Dimensions in International traffic, AT considered that the file on weights and dimensions was not yet ready for the Council, a blocking minority existing against Art 4.4 on cross-border issues which the European Parliament has also rejected. Several delegations supported the Presidency's compromise.

The Committee approved the provisional agenda as contained in 10171/14.

Coreper Part 2

II

32. **Presentation of the agenda of the Council meeting (Justice and Home Affairs) on 5/6 June 2014**

The Presidency presented the draft agenda for the forthcoming JHA Council and agreed to revert in the coming week to some of the suggestions made by the delegations.

33. **Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA (First reading)**

- **Preparation of a general approach**¹
9511/14 ENFOPOL 125 CODEC 1213 CSC 96

The Committee had an extensive exchange of views on the Presidency compromise text of the draft Europol Regulation. The Presidency noted a wide support for its compromise proposal set out in 9511/14, while a number of delegations suggested to have an additional meeting at technical level to further discuss the data protection provisions before coming back to the Committee with a view to adopting the general approach at the forthcoming JHA Council.

34. **EU-Japan Summit (Brussels, 7 May 2014)**

- **Debriefing**

The Committee was debriefed by the EEAS and the Commission on the outcome of the 22nd EU-Japan Summit (Brussels, 7 May 2014). It was a productive and fruitful Summit which focused on progress as regards the twin negotiations for an EU-Japan Strategic Partnership Agreement and a Free Trade Agreement as well as on enhanced cooperation on peace and security, including through concrete crisis management cooperation. Leaders exchanged views on international, regional and global issues, including climate change and maritime security.

¹ When adopting a General Approach after the European Parliament has adopted its position at first reading, the Council is not acting within the meaning of Article 294(4) and (5) TFEU.

35. ASEM Summit (16/17 October 2014, Milano)

– Orientation debate

9571/14 ASIE 26 COASI 58 PESC 471 POLGEN 59 DEVGEN 121 WTO 165
ECOFIN 459 COMPET 261

The Committee had a preliminary discussion in relation to the preparations for the 10th ASEM Summit on the basis of an orientation note (doc. 9571/14 LIMITE).

The Committee endorsed the theme of the Summit - Responsible partnership for sustainable growth and security -, welcomed the proposed agenda focused on two plenary sessions and a retreat, and expressed support for a single Summit output document in the form of a Chair's statement and not to two Summit output documents.

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. To this end, the Committee decided to task COASI, and other committees as appropriate, to contribute to the preparations and to report back to the Committee in due time.

36. Follow-up to the Council meeting (Foreign Affairs/Trade) on 8 May 2014

The Chair addressed the follow-up to the above-mentioned Council meeting. As regards the EU-US TTIP negotiations some delegations reiterated the importance of adequate access to US negotiating documents.

37. Declassification of TTIP negotiating directives

The Committee discussed the follow-up to the lunch debate in the Foreign Affairs Council (Trade) on 8 May 2014. The Council Legal Service clarified some procedural aspects and the voting rule to be followed.

As several delegations opposed declassification, the Committee did not reach the common accord required to take the decision to declassify the TTIP negotiating directives. The Chair noted a broad agreement on the need for further enhancing transparency in the TTIP negotiations and considered that a more general debate on enhancing communication on TTIP would be appropriate.

38. Follow-up to the Council meeting (Foreign Affairs) on 12 May 2014

The Committee took note of presentations

- by the European External Action Service on the follow-up to the Foreign Affairs Council on 12 May 2014;

- by the Cabinet of the President of the European Council on the visit of President Van Rompuy to Kyiv on 12 May 2014; and

- by the Commission on the visit by the Ukrainian government to the Commission college on 13 May 2014, as well as on the state of play in trilateral energy talks between the EU, Ukraine and Russia, progress by Ukraine towards meeting the conditions for visa liberalisation, and ongoing work on the different aspects of the EU's non-recognition policy regarding Crimea.

The Committee subsequently had an exchange of views.

39. Preparation of the Council meeting (Foreign Affairs/Development) on 19 May 2014

a) Post-2015

9886/14 DEVGEN 128 ENV 453 ONU 60 RELEX 413 ECOFIN 482

The Committee took note of the brief presentation of the agenda item by the EEAS and of the background document prepared by the Commission services with the EEAS. In this respect, the Maltese delegation announced it would make a declaration at the Council to be added to the Council minutes concerning the issue of SRHR (Sexual and Reproductive Health and Rights).

b) Implementing the Agenda for Change's Priorities

9887/14 DEVGEN 129 ENV 454 ACP 84 RELEX 414

The Committee took note of the brief presentation of the agenda item by the EEAS and of the background document prepared by the Commission services and the EEAS.

c) Private Sector in Development

The Committee took note of a brief presentation by the EEAS of the agenda item.

d) Rights Based Approach to Development
– **Draft Council conclusions**

The Committee took note of a brief presentation by the EEAS of the agenda item.

The Committee noted that it had endorsed the Draft Council conclusions on rights-based approach to development cooperation (doc. 9359/14) at its 2496th meeting on 7 May 2014 and had submitted them to Council for adoption.

e) Other items in connection with the Council meeting

EEAS briefly presented the agenda item and clarified that the lunch discussion would be based on EEAS background documents and would address the situation in Central African Republic and in South Sudan, notably from the point of view of comprehensive approach.

40. Drafting of documents relating to legislative activities

8622/1/14 REV 1 JUR 222 INF 116 API 44

Following a discussion on the basis of document 8622/1/14 REV 1, the Committee indicated its preference for continuing to record Member States' names in documents relating to on-going legislative procedures where it is deemed appropriate (option 3). The NL delegation indicated a preference for option 1, but would accept option 3 provided that the impact and functioning of this option be evaluated after one year. The Presidency concluded that the Committee will evaluate the impact and functioning of option 3 after one year.

41. Follow-up to the Council meeting (General Affairs) on 13 May 2014

The Committee took note of the exchange of views on the draft annotated agenda for the June European Council. Under 'Any other business' the Presidency provided information on the EU-Western Balkan Ministerial Conference on 8 May 2014 in Thessaloniki.

In the margins of the Council and on the occasion of the 10th anniversary of the 2004 EU Enlargement, the Presidency organised a ceremony, whereby Minister Venizelos spoke on behalf of the Council, VP Kallas on behalf of the Commission and the LT Minister of European Affairs on behalf of the 10 "new" members. The ceremony ended with a read-out by the IE Minister of a poem written by one of the greatest Irish Poets, the late Seamus Heany, on the occasion of EU's 2004 Enlargement.

– **Any other business**

• **Informal Ministerial meeting for Cohesion**

Presidency provided a brief debrief of the Informal Ministerial meeting for Cohesion which took place in Athens on 24-25 April 2014.
