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THE EUROPEAN UNION**

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(OR. en)**

10546/14

CRS/CRP 23

SUMMARY RECORD

Subject: 2499th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 28 May 2014

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

doc. 10222/14 OJ/CRP1 20
10265/14 OJ/CRP2 20 COMIX 284

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.

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II

7. **Setting of the provisional agenda for the Council meeting (Agriculture and Fisheries) on 16 and 17 June 2014**
(For the items in the remit of the Permanent Representative Committee)

The Committee agreed on the provisional agenda for the forthcoming Council meeting (Agriculture and Fisheries) on 16 and 17 June 2014 as set out in 10661/14.

8. **Setting of the provisional agenda for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 19 and 20 June 2014**

The Committee agreed on the provisional agenda of the forthcoming meeting of the Council (EPSCO) as set out in 10831/14.

9. **Preparation for the Council meeting (Transport, Telecommunications and Energy) on 5 and 6 June 2014**

1. **Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union (NIS) (First reading) (*Legislative deliberation*)**
– **Progress report**
10097/14 TELECOM 118 DATAPROTECT 77 CYBER 31 MI 446 CSC 111
CODEC 1338

The Committee agreed to forwarding the report set out in 10097/14 to the Council. On that occasion the Chair recalled that the invitation letter for the Council mentioned topics for discussion at the Council.

2. **Proposal for a Regulation of the European Parliament and of the Council laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211/2009 and (EU) No 531/2012 (First reading) (*Legislative deliberation*)**
– **Progress report**
10109/14 TELECOM 119 COMPET 294 MI 447 CONSOM 121 CODEC 1340

The Committee agreed to forwarding the report as set out in 10109/14 to the Council.

10. Preparation for the Council meeting (Environment) on 12 June 2014

1. Proposal for a Regulation of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory (First reading) (*Legislative deliberation*)

– Political agreement

12371/10 ENV 499 AGRILEG 100 AGRI 271 MI 254 DENLEG 71
CODEC 714 ADD 1
9371/14 ENV 420 AGRILEG 100 AGRI 340 MI 402 DENLEG 91
CODEC 1198

The Committee agreed, in principle, on a revised compromise text of the legislative proposal as proposed by the Presidency (doc. 9371/14 + COR 1) and therefore invited the "Environment" Council to adopt it as a Political agreement at its meeting on 12 June 2014.

2. Clean air package (First reading) (*Legislative deliberation*)

a) Proposal for a Directive of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants

18170/13 ENV 1236 ENER 601 IND 389 TRANS 694 ENT 357 SAN 557
PARLNAT 326 CODEC 3089
+ ADD 1
+ ADD 6

b) Proposal for a Directive of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC

18167/13 ENV 1235 ENER 600 IND 388 TRANS 693 ENT 356 SAN 555
PARLNAT 325 CODEC 3086
+ ADD 1
+ ADD 6

– Orientation debate

10112/14 ENV 467 ENER 192 IND 165 TRANS 280 ENT 126 SAN 207
PARLNAT 140 CODEC 1341

The Committee examined the Presidency questions in view of the Ministerial debate, some amendments being suggested by three delegations. The Presidency, upon reflection, decided to transmit the questions to the Council without modifications (doc. 10112/14) keeping in mind that Ministers were free to raise other points if they so wished.

3. **Draft Council conclusions on "Convention on Biological Diversity (CBD)" (Non-legislative activity)**
 - a) **Preparation of the 12th meeting of the Conference of the Parties (COP 12) to the CBD (Pyeongchang, Republic of Korea, 6 to 17 October 2014)**
 - b) **Preparation of the 7th meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP 7) (Pyeongchang, Republic of Korea, 29 September to 3 October 2014)**
 - c) **Preparation of the 1st meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit Sharing (COP-MOP 1) (Pyeongchang, Republic of Korea, 6 to 17 October 2014)**
 - **Adoption**
10147/14 ENV 471 AGRI 381 DEVGEN 141 FORETS 55 PI 73 PECHE 278
RECH 198 ONU 66 CADREFIN 82

The Committee discussed the draft conclusions and a number of Presidency compromise suggestions and agreed, in principle, on a revised text with the assumption that the Commission would confirm, at Council at the moment of adoption, the common understanding reached during CBD COP 11 on the implementation of the target on international financial resource flows. The Commission expressed its readiness to make a statement, to be included in the minutes of the Council meeting, in this sense.

11. **Preparation for the Council meeting (Transport, Telecommunications and Energy) on 13 June 2014**
 1. **Proposal for a Directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (First reading) (Legislative deliberation)**
 - **Political agreement**
9659/1/14 ENER 181 ENV 439 CLIMA 47 ENT 120 TRANS 259
AGRI 347 POLGEN 62 CODEC 1242 REV 1

While BE indicated its intention to vote against and CZ entered a reservation, the Committee reached agreement on the basis of the Presidency's compromise set out in 9659/1/14 REV 1, adding clarifying language on the provisional nature of estimated indirect land-use change emissions, at PL request, as well as reverting to "seek to achieve" instead of "aim to ensure" in Article 3(4)(e) as the request of those delegations keen to stress the indicative nature of targets for advanced biofuels. Several delegations announced their intention to table a statement on the 7% threshold for 1st generation biofuels and the Commission recalled that it would table a statement in relation with what they see in the text as affecting the 10% transport target for 2020.

2. **Follow-up to the March EC (*Non-legislative activity*)**
 - a) **Completing the internal energy market in 2014**
= **Information from the Commission**
 - b) **Communication from the Commission on a "European Energy Security Strategy" (EESS)**
= **Presentation by the Commission**
 - c) **Communication from the Commission on "A policy framework for climate and energy in the period from 2020 to 2030"**
 - **Policy debate**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedures)

The Committee agreed that the policy debate at the Council could proceed on the basis of the questions set out in 10223/14 with the addition of a question on the 2030 framework.

3. **Draft Council conclusions on "Energy prices and costs, protection of vulnerable consumers and competitiveness" (*Non-legislative activity*)**
 - **Adoption**
10073/14 ENER 191 COMPET 293 CONSOM 120 FISC 81

With the replacement of "and" with "or" in para 5, 2nd line, the Committee agreed with the draft conclusions as set out in 10073/14. On that occasion the Commission suggested alternative wording with respect to para 2c (State aid) which was not supported. The draft conclusions will be submitted to the Council on 13 June 2014 with a view to their adoption.

4. **International relations in the field of energy (*Non-legislative activity*)**
 - a) **Recent developments in the field of external energy relations**
 - **Information from the Commission and the Presidency**
9616/14 ENER 180 COEST 157 RELEX 385

The Committee was informed that the Presidency and the Commission will inform the Council about the recent developments in the field of external energy relations.

- b) **The value of multilateral frameworks**
 - **Policy debate**
9763/14 ENER 185
+ COR 1

The Committee agreed that the policy debate at the Council could proceed on the basis of the questions set out in 9763/14.

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II

35. Proposal for a Council Directive amending Directive 2011/96/EU on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States

– **Political agreement**

9926/14 FISC 80 ECOFIN 493

The Presidency sought support at the Committee on the compromise package. While there was broad support for the package among Member States, a substantial reservation was maintained by Malta. This file will therefore be submitted for discussion to the Council (ECOFIN) on 20 June 2014 (doc. 10419/14 FISC 92 ECOFIN 529).

36. Proposal for a Council Decision modifying the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on the financing of European Union aid under the multi-annual financial framework for the period 2014 to 2020, in accordance with the ACP-EU Partnership Agreement, and on the allocation of the financial assistance for the Overseas Countries and Territories to which part Four of the Treaty on the Functioning of the EU applies

– **Determination of the contribution of Croatia**

10009/14 ACP 90 FIN 369 PTOM 24 RELEX 429 DEVGEN 136

The Committee discussed the Commission proposal. The Committee did not reach an agreement on the document and concluded that further discussions would be needed.

37. Preparation of the Council meeting (Justice and Home Affairs) on 5/6 June 2014

a) Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (First reading)

- **Partial general approach¹ on Chapter V**
- **Orientation debate on one-stop-shop mechanism**

9865/2/14 REV 2 DATAPROTECT 71 JAI 312 MI 425 DRS 68 DAPIX 64
FREMP 90 COMIX 263 CODEC 1294
10139/14 DATAPROTECT 79 JAI 357 MI 450 DRS 71 DAPIX 68
FREMP 101 COMIX 276 CODEC 1346

The Committee discussed the Presidency proposal for a partial general approach on Chapter V, which received wide support from delegations. Austria and Slovenia made the following statement:

"Austria and Slovenia are prepared to support the partial general approach under the conditions stated in paragraph 10 points i-iii of the document 9865/2/14 REV 2. The support is granted for the basic concept of Chapter V under the understanding that important issues were not sufficiently resolved and thus Member States are not precluded from discussing and making further proposals for improvement of Chapter V and articles linked with the rules stipulated therein.

In this regard Austria underlines the importance of improvements and clarifications in particular regarding Art. 42 with a view to undoubtedly ensure that only legally binding and enforceable instruments may be considered as appropriate safeguards under this Article.

Furthermore, Austria and Slovenia recall their conviction that the current wording of Art. 44 para 1 subpara h poses a high risk of circumvention of the overall concept of legal barriers and guarantees as set out in Chapter V and which would therefore undermine the objective of the latter.

Finally, Austria and Slovenia underline the importance of the proposal for Art. 42a 'Disclosures not authorised by Union law' by the German Delegation (doc. 12884/13) and the corresponding amendments voted by the European Parliament to Art. 43a which should be discussed in detail at the technical level."

Four delegations indicated their intention to submit statements at the Council meeting.

The Presidency presented its discussion paper on the one-stop-shop mechanism. The Council Legal Service repeated its concerns regarding this mechanism, which had not been allayed by the amendments proposed by the Presidency. Some delegations took the same view, whereas others and the Commission disagreed.

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.

b) Proposal for a Directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data (First reading)

– **State of play**

9873/1/14 REV 1 DATAPROTECT 72 JAI 314 DAPIX 65 FREMP 91
COMIX 265 CODEC 1296

The Committee was informed by the Presidency that the Mixed Committee had heard the state of play on the above proposal. The note (doc. 9873/1/14 REV 1) will be forwarded to the June JHA Council for information.

c) 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)

– **General approach ¹**

9949/14 ENFOPOL 137 CODEC 1313 CSC 107

The Committee discussed the revised Presidency compromise proposal of the draft Europol Regulation as set out in 9949/14, based on the outcome of the Committee meeting of 15 May 2014 and the JHA Counsellors' meeting of 21 May 2014. Both the compromise text of the draft Regulation and the aim to reach the general approach at the Council meeting of 5-6 June 2014 were supported by a vast majority of delegations while it was also concluded that further technical work should be carried out in order to seek coherence, where relevant, between the data protection provisions in the draft legislative acts relating to various JHA agencies, in particular Eurojust and EPPO, while taking into account the special features of these agencies.

d) Other items in connection with the Council meeting

The Presidency informed the Committee on the handling at the Council of the following issues:

- Communication from the Commission to the European Parliament and the Council on the application of Directive 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third country nationals;

- Communication from the Commission to the European Parliament and the Council on the implementation of Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment ("EU Blue Card");
- 7th meeting of the Global Forum on International Migration and Development (Stockholm, 14-16 May 2014);
- Informal meeting of Interior Ministers of the BRDO process (Brdo pri Kranju, Slovenia, 2-3 June 2014);
- Proposal for a Common European Sales Law.

The Committee took note of the outcome of the discussions in the Mixed Committee (see doc. 10442/14 JAI 386 COMIX 298).

The Commission informed as an AOB item that the report on Visa liberalisation with Ukraine had been issued and presented in COEST.

The report includes the new legislative package approved by Ukraine to facilitate moving to the second phase on Visa liberalisation.

38. - **Proposal for a Directive of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (AMLD) (First reading)**
- **Proposal for a Regulation of the European Parliament and of the Council on information accompanying transfers of funds (AMLR) (First reading)**
- = **General approach**
- 10160/14 EF 155 ECOFIN 507 DROIPEN 80 CRIMORG 44 CODEC 1352
9673/1/14 REV 1 EF 147 ECOFIN 466 DROIPEN 70 CRIMORG 41
CODEC 1243
9752/1/14 REV 1 EF 149 ECOFIN 470 DROIPEN 71 CRIMORG 42
CODEC 1261

The Committee discussed the compromise texts with a view to agreeing on a negotiating mandate and concluded that some specific limited concerns still remain to be addressed. The Presidency is to prepare the final package for one of the June Committee meetings so as to reach a general approach swiftly.

- **Any other business (CRP2)**
- = DK informed the Committee of the positive outcome of the Danish referendum on the United Patent Court.
- = BE requested a debrief from the G7 Summit in an upcoming meeting of the Committee.