



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 21 November 2013
(OR. en, fr)**

15873/13

CRS/CRP 39

SUMMARY RECORD

Subject: 2473rd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 6, 7 and 8 November 2013

SUMMARY

Page

1. Adoption of the provisional agenda and "I" items 9

Coreper Part 1

I

2. Replies to written questions put to the Council by Members of the European Parliament
- a) E-010076/2013 - Marc Tarabella (S&D)
Horizon 2020 funding
 - b) E-010217/2013 - Marc Tarabella (S&D)
EMSS and shortcomings of the 2007 IMP
 - c) E-010636/2013 - Marc Tarabella (S&D)
Financial Transaction Tax (FTT) disputed by the Council
3. Case before the General Court
Case T-411/13 (T&L Sugars Ltd and Sidul Açúcares Unipessoal Lda against European Commission)
4. Case before the Court of Justice of the European Union
Case C-508/13 (Republic of Estonia against European Parliament and Council of the European Union)
5. Management Board of the European Chemicals Agency
Appointment of one member
6. Commission delegated Regulation (EU) No .../.. of 21.8.2013 amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers as regards information on the absence or reduced presence of gluten in food
7. World Anti-Doping Agency (WADA) (Johannesburg, 12-15 November 2013)
8. Recommendation for a Council Decision authorising the opening of negotiations on a comprehensive agreement for scientific and technological cooperation between the European Union and European Atomic Energy Community and the Swiss Confederation associating the Swiss Confederation to Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020 and regulating Switzerland's participation in the ITER project in the years 2014-2020

II

9. Proposal for a Council Decision on the conclusion, 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 11
10. Proposal for a Council Regulation on the allocation of the fishing opportunities under the Protocol agreed between the European Union and the Kingdom of Morocco setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two Parties currently in force 12
11. Preparation for the Council meeting (Education, Youth, Culture and Sport) on 25 and 26 November 2013
 1. Setting of the provisional agenda 13
 2. Proposal for a Council Recommendation on promoting health-enhancing physical activity across sectors 13
 3. The contribution of sport to the EU economy, and in particular to addressing youth unemployment and social inclusion 13
 4. Good governance in sport
(Public debate in accordance with Article 8 (2) of the Council's Rules of Procedure) 13
12. 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) 14
13. Proposal for a Regulation of the European Parliament and of the Council on occurrence reporting in civil aviation amending Regulation (EU) No 996/2010 and repealing Directive No 2003/42/EC, Commission Regulation (EC) No 1321/2007 and Commission Regulation (EC) No 1330/2007 (First reading) (Legislative deliberation) 14
14. Proposal for a Regulation of the European Parliament and of the Council on the Fund for European Aid to the Most Deprived (First reading) (Legislative deliberation) 14
15. Amended proposal for a Directive of the European Parliament and of the Council on minimum requirements for enhancing worker mobility by improving the acquisition and preservation of supplementary pension rights (First reading) (Legislative deliberation) 14

16.	Proposal for a Regulation of the European Parliament and of the Council on establishing a Union programme to support specific activities in the field of financial reporting and auditing for the period of 2014-2020 (First reading) (Legislative deliberation)	15
18.	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)	15
19.	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)	15
20.	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)	16
21.	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)	16
22.	Proposal for a Regulation of the European Parliament and of the Council on fluorinated greenhouse gases (First reading) (Legislative deliberation)	16
23.	Proposal for a Decision of the European Parliament and of the Council amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas allowances (First reading) (Legislative deliberation)	16
24.	Proposal for a Council Regulation on the Statute for a European Foundation (FE)	17
25.	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)	17
26.	Proposal for a Regulation of the European Parliament and of the Council on establishing a Health for Growth Programme, the third multi-annual programme of EU action in the field of health for the period 2014-2020 (First reading) (Legislative deliberation)	17
27.	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)	17

Coreper Part 2

I

28. Case before the General Court
Case T-552/13 Oil Turbo Compressor against the Council of the European Union
29. Case T-331/11 before the General Court, Besselink v. Council
30. Amended proposal for a Regulation of the European Parliament and of the Council establishing an action programme to improve the operation of taxation systems in the European Union for the period 2014-2020 (Fiscalis 2020) and repealing Decision n° 1482/2007/EC (First reading)
31. Council Implementing Decision authorising Romania to continue to apply a special measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax
32. Council Implementing Decision authorising Luxembourg to introduce a special measure derogating from Article 285 of Directive 2006/112/EC on the common system of value added tax
33. Council Implementing Decision authorising the Italian Republic to continue to apply a special measure derogating from Article 285 of Directive 2006/112/EC on the common system of value added tax
34. Council Implementing Decision amending Decision 2007/441/EU authorising the Italian Republic to apply measures derogating from Articles 26(1) and 168 of Directive 2006/112/EC on the common system of value added tax
35. Council Implementing Decision authorising the Kingdom of Denmark and the Kingdom of Sweden to extend the application of a special measure derogating from Articles 168, 169, 170 and 171 of Directive 2006/112/EC on the common system of value added tax
36. Council Implementing Decision amending Decision 2007/884/EC authorising the United Kingdom to continue to apply a measure derogating from Articles 26(1)(a), 168 and 169 of Directive 2006/112/EC on the common system of value added tax
37. Proposal for a Council Implementing Decision amending Implementing Decision 2011/344/EU on granting Union financial assistance to Portugal
38. Proposal for transfer of appropriations No DEC 33/2013 within Section III - Commission - of the general budget for 2013
39. Proposal for transfer of appropriations No DEC 34/2013 within Section III - Commission - of the general budget for 2013
40. Proposal for transfer of appropriations No DEC 35/2013 within Section III - Commission - of the general budget for 2013

41. Recommendation to the Council concerning the approval of a second-party evaluated cryptographic product
42. Council Decision amending Decision 2012/389/CFSP on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR)
43. Rules applicable to international contracted staff in EU civilian CSDP missions
44. Single Progress Report on the Development of EU Military Capabilities from November 2012 to October 2013
45. MILEX 14 - Exercise Specifications (EXSPEC)
46. Extension of the Friends of the Presidency Group mandate
47. Proposal for a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures (First reading)
 - Adoption
 - a) of the Council's position at first reading
 - b) of the statement of the Council's reasons
48. Proposal for a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated powers for the adoption of certain measures (First reading)
 - Adoption
 - a) of the Council's position at first reading
 - b) of the statement of the Council's reasons
49. Proposal for a decision of the European Parliament and of the Council on the European Year of Development (2015)
 - Optional consultation of the European Economic and Social Committee and of the Committee of the Regions
50. (poss.) Enlargement
 - Accession negotiations with Montenegro
 - Outcome of screening on Chapter 15 : Energy
51. 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)
52. Approval of the election of the Vice-President of the College of EUROJUST

II

53.	Preparation Conciliation Committee meeting and ECOFIN/Budget Council on 11 November 2013	18
54.	Multiannual Financial Framework 2014-2020 (MFF Justice) - Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Justice Programme (First reading)	18
55.	Multiannual Financial Framework 2014-2020 (MFF Justice) - Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Rights, Equality and Citizenship Programme (First reading)	18
56.	Cohesion Policy legislative package (First reading)	19
57.	Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) n° 1083/2006 as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability and to the decommitment rules for certain Member States	19
58.	EU-Korea Summit (Brussels, 8 November 2013)	21
59.	EU-Japan Summit (Tokyo, 19 November 2013)	21
60.	EU-China Summit (Beijing, 21 November 2013)	21
61.	European Defence Agency : Draft Budget 2014	22
62.	Multiannual Financial Framework 2014-2020 (Home Affairs) - Proposal for a Regulation of the European Parliament and of the Council laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (First reading)	22
63.	Preparation of the Council meeting (Economic and Financial Affairs) on 15 November 2013	
a)	Anti-money laundering (First reading) - 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	22
b)	EU statistics	23
c)	Other items in connection with the Council meeting	23
d)	Single Resolution Mechanism (First reading) - Proposal for a Regulation of the European Parliament and of the Council establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Bank Resolution Fund and amending Regulation (EU) No 1093/2010 of the European Parliament and of the Council	23

64.	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) n° 223/2009 on European Statistics (First reading)	23
65.	EEAS Review	
-	Coreper discussion on short term recommendations 23, 24, 25, 26	23
-	Any other business	
a)	Galileo Interinstitutional Panel (GIP)	24
b)	CO2 cars	24

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

doc. 15662/13 OJ/CRP1 39 + COR 1
15650/13 OJ/CRP2 39 COMIX 582 + COR 1

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

The following items are **withdrawn** :

(Coreper Part 1, under II)

- 15. (poss.) Amended proposal for a Directive of the European Parliament and of the Council on minimum requirements for enhancing worker mobility by improving the acquisition and preservation of supplementary pension rights (First reading) (Legislative deliberation)**
 - **Presidency debriefing on the outcome of the informal trilogue**

- 17. Amended proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation (EC) No 861/2006 and Council Regulation No XXX/2011 on integrated maritime policy] (First reading) (Legislative deliberation)**
 - **Presidency debriefing on the outcome of the informal trilogue**

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

LU, supported by ES, made a statement on the following item :

30. Amended proposal for a Regulation of the European Parliament and of the Council establishing an action programme to improve the operation of taxation systems in the European Union for the period 2014-2020 (Fiscalis 2020) and repealing Decision n° 1482/2007/EC (First reading)

- **Approval of the final compromise text**
15095/13 FISC 187 CODEC 2322 ECOFIN 913

"Concernant la proposition de règlement établissant le programme Fiscalis 2020, le Luxembourg a constaté que le Royaume-Uni a communiqué une notification formelle d'opt-in en accord, selon lui, avec l'article 3 paragraphe 1 du protocole 21 au traité de Lisbonne. Il résulte de la récente jurisprudence de la Cour de Justice que le Protocole 21 n'est d'application si l'acte n'a pas une base juridique qui relève du Titre V de la Troisième Partie du TFUE (voir Arrêt du 22 octobre 2013, dans l'affaire C-137/12, points 73 à 75). Dès lors, le Luxembourg estime que la notification du Royaume-Uni est sans objet et par conséquent ne le lie pas. Cette prise de position vaut par ailleurs pour toute autre mesure ne relevant pas de la troisième partie, titre V, du traité sur le fonctionnement de l'Union européenne, mais pour laquelle le Royaume-Uni aurait notifié un opt-in ou considère être en position d'opt-out."

Coreper Part 1

II

9. **Proposal for a Council Decision on the conclusion, 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**
- **Amendment of the legal basis**
 - **Request by the Council for the consent of the European Parliament**
 - 14165/13 PECHE 408
 - 14162/13 PECHE 406
 - 15506/13 PECHE 488

With regard to the proposal for a Council Decision on conclusion of the Protocol, the Committee confirmed, with the exception of the Swedish delegation, the Working Group's intention to amend the legal basis so that Article 43 TFEU is referred to in general. The Czech delegation insisted on the need to mention both paragraphs (2 and 3) of Article 43 TFEU as a legal basis, but will not stand in the way of a final compromise that mentions Article 43 as a whole. The Commission would have preferred the legal basis to stay unchanged. To allow for a swift conclusion of the protocol, it will not oppose the change, but will reserve its position for future cases through issuing a statement. The Spanish delegation expressed its gratitude towards the Commission.

The Netherlands delegation expressed its dissatisfaction about the change to the text put forward by the Working Party which contains a procedure for establishing the Union position in the Joint Committee that will oversee the protocol's implementation and will have the power to amend some of its provisions.

The Netherlands delegation, as well as the Finnish delegation, announced its intention to abstain in the final vote on concluding the protocol. The Swedish and Danish delegations announced their intentions to vote against the final conclusion.

The Presidency concluded that a qualified majority was ready to change the legal basis and to forward the draft decision on conclusion to the European Parliament for its content. The file would be sent to Council as an "A" item.

10. Proposal for a Council Regulation on the allocation of the fishing opportunities under the Protocol agreed between the European Union and the Kingdom of Morocco setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two Parties currently in force

– **Adoption**

14164/13 PECHE 407

14162/13 PECHE 406

15506/13 PECHE 488

With regard to the proposal for a Regulation on fishing opportunities, the Presidency compromise foresees an adjustment in the allocation of additional fishing opportunities for "industrial pelagic fishing". The Polish and United Kingdom delegations regretted that the compromise did not meet the needs of their industries, which were engaging in creating added value locally; they took the view that the principle of "relative stability" would not apply to increased fishing opportunities under this protocol. Poland would be able to lift its parliamentary reserve on 13 November 2013, the United Kingdom intends to oppose the Regulation.

The German, French and Irish delegations, on the other hand, stressed the importance of "relative stability" also in external fisheries relations and held the view that the compromise, deviating from this principle, should not be regarded as a precedent.

The Netherlands and Spanish delegations expressed their support for the compromise. The French delegation supported the Spanish delegation in underlining the high political value of the protocol.

Finally, the Danish and Swedish delegations opposed the Regulation as they did the decision on signing, and the Finnish and Irish delegations intended to abstain.

The Presidency concluded that the Committee had identified sufficient support for passing the proposal to the next Council as an "A" item. The Presidency encouraged Member States to ensure full quota use through exchanges of quota, where necessary.

11. Preparation for the Council meeting (Education, Youth, Culture and Sport) on 25 and 26 November 2013

1. Setting of the provisional agenda

The Committee agreed to the provisional agenda for the forthcoming Council meeting (Education, Youth, Culture and Sport) as set out in 16178/13.

2. Proposal for a Council Recommendation on promoting health-enhancing physical activity across sectors

– **Adoption**

15300/13 SPORT 90 SAN 410 EDUC 405 ENV 966 TRANS 547

The Committee took note of the broad support of the text and agreed to submit it, following legal-linguistic verification, to Council for adoption. NL maintained its general reservation and UK maintained its parliamentary scrutiny reservation.

3. The contribution of sport to the EU economy, and in particular to addressing youth unemployment and social inclusion

– **Adoption of Council conclusions**

15301/13 SPORT 91 JEUN 99 EDUC 406 SOC 863

The outcome of the examination of this file by the Committee is contained in document 15757/13.

4. Good governance in sport

– **Policy debate**

(Public debate in accordance with Article 8 (2) of the Council's Rules of Procedure)

15302/13 SPORT 92

The Committee agreed to forward the discussion paper (doc. 15302/13) to the Council as a basis for the policy debate to be held on this subject.

12. **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)**
- **Presidency debriefing on the outcome of the informal trilogue**
 - **Analysis of the final compromise text with a view to agreement**

The Committee endorsed the agreement reached with the European Parliament at the informal trilogue on 4 November 2013, as set out in the Annex to 15695/13, and mandated the Presidency to inform the European Parliament accordingly in view of the future adoption of the proposed Directive at first reading.

13. **Proposal for a Regulation of the European Parliament and of the Council on occurrence reporting in civil aviation amending Regulation (EU) No 996/2010 and repealing Directive No 2003/42/EC, Commission Regulation (EC) No 1321/2007 and Commission Regulation (EC) No 1330/2007 (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the information provided by the Presidency on the results of the second informal trilogue, which took place on 4 November 2013.

14. **Proposal for a Regulation of the European Parliament and of the Council on the Fund for European Aid to the Most Deprived (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee was informed on the outcome of the informal trilogue of 5 November 2013. The next trilogue is scheduled for 21 November 2013.

15. **Amended proposal for a Directive of the European Parliament and of the Council on minimum requirements for enhancing worker mobility by improving the acquisition and preservation of supplementary pension rights (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
15441/13 SOC 872 PENS 2 ECOFIN 941 CODEC 2402
+ ADD 1

The Committee renewed the mandate for the Presidency to continue negotiations with the European Parliament at the fourth informal trilogue.

- 16. Proposal for a Regulation of the European Parliament and of the Council on establishing a Union programme to support specific activities in the field of financial reporting and auditing for the period of 2014-2020 (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the debriefing delivered by the Presidency, and decided to return to the file at one of its next meetings with a view to agreeing on a revised mandate for reaching agreement at the third informal trilogue.

- 18. 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)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the information provided by the Presidency on the outcome of the informal trilogue of 7 November 2013.

- 19. 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)**
- **Presidency debriefing on the outcome of the informal trilogue**
 - **Analysis of the final compromise text with a view to agreement**
15639/13 TELECOM 280 AUDIO 107 CODEC 2443

The Committee could endorse the agreement provisionally reached at the 2nd trilogue on 5 November 2013, as set out in 15639/13. The Commission noted that its agreement was ad referendum in relation with art. 8(2)(e) and is considering entering a statement.

- 20. 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)**
– **Presidency debriefing on the outcome of the informal trilogue**

The Presidency informed the Committee about the outcome of the second informal trilogue held on 5 November 2013 and indicated that the Committee would revert to this issue in order to prepare the third informal trilogue to be held on 28 November 2013.

- 21. 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)**
– **Presidency debriefing on the outcome of the informal trilogue**

The Presidency informed the Committee about the outcome of the first informal trilogue with the European Parliament on 5 November 2013 and indicated that the Committee would revert to this issue to prepare for the second informal trilogue scheduled for 26 November 2013, to be hosted by the Council.

- 22. Proposal for a Regulation of the European Parliament and of the Council on fluorinated greenhouse gases (First reading) (Legislative deliberation)**
– **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the results of the second informal trilogue with the European Parliament on the above-mentioned Regulation, held in Brussels on 6 November 2013. After tripartite technical meetings, the Presidency will seek for a revised mandate from the Committee for the third and the last informal trilogue scheduled for 27 November 2013.

- 23. Proposal for a Decision of the European Parliament and of the Council amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas allowances (First reading) (Legislative deliberation)**
– **Preparation for the informal trilogue**
13391/13 ENV 810 ENER 405 IND 245 COMPET 631 MI 732 ECOFIN 770
TRANS 464 AVIATION 144 CODEC 1965

The Committee agreed with the approach suggested by the Presidency and set out in the Annex of document 13391/13. The Presidency undertook to get in touch with the Rapporteur and discuss the best way forward in view of reaching an agreement at first reading on this file.

- 24. Proposal for a Council Regulation on the Statute for a European Foundation (FE)**
– **Guidance for future work**
15221/13 DRS 189 SOC 857

The Committee provided guidance to the Working Party on the issue of tax treatment of European Foundations by agreeing unanimously that the Statute of the European Foundation should become a civil law instrument and all tax provisions should be removed from the proposal.

- 25. 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)**
– **Presidency debriefing on the outcome of the informal trilogue**

The Presidency informed the Committee on the outcome of the first informal trilogue held on 6 November 2013 in Brussels. Low-intervention clinical trials, IT systems and the Authorisation procedure for clinical trials had been discussed. The next informal trilogue would take place on 13 November 2013.

- 26. Proposal for a Regulation of the European Parliament and of the Council on establishing a Health for Growth Programme, the third multi-annual programme of EU action in the field of health for the period 2014-2020 (First reading) (Legislative deliberation)**
– **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the oral information provided by the Chair on the outcome of the trilogue that took place on 6 November 2013. The Presidency will submit the consolidated text of the Regulation to the Committee on 13 November 2013 for analysing the final text with a view to an agreement.

- 27. 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)**
– **Preparation for the informal trilogue**
15546/13 SAN 420 944 483 FISC 209 COD 2422

The Committee agreed to give a mandate to the Presidency for the second trilogue on the basis of the approach set out in 15546/13. The next trilogue will take place on 12 November 2013 and the Presidency will debrief the Committee on 13 November 2013.

Coreper Part 2

II

53. Preparation Conciliation Committee meeting and ECOFIN/Budget Council on 11 November 2013

The Committee held an exchange of views with the Commission and took note of the information provided by the Presidency concerning the preparation of the meeting of the Conciliation Committee and the meeting of the Ecofin/Budget Council on 11 November 2013.

54. Multiannual Financial Framework 2014-2020 (MFF Justice)

- **Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Justice Programme (First reading)**
 - **Analysis of the compromise with a view to agreement**
15579/13 JAI 959 CADREFIN 278 DROIPEN 133 COPEN 178 CATS 66
JUSTCIV 248 EJUSTICE 86 JURINFO 38 CORDROGUE 112
CODEC 2432

The Committee confirmed the agreement reached by the Presidency with the European Parliament at the last trilogue on 5 November 2013 as set out in 15579/13 and mandated the Chairman of the Committee to inform the Chairman of the European Parliament LIBE Committee, by letter that, should the European Parliament adopt the amendments to the Commission proposal in the exact form, the Council would adopt the proposal thus amended in order to reach agreement at first reading.

55. Multiannual Financial Framework 2014-2020 (MFF Justice)

- **Proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Rights, Equality and Citizenship Programme (First reading)**
 - = **Analysis of the compromise with a view to agreement**
15582/13 JAI 960 CADREFIN 279 FREMP 168 DATAPROTECT 155
CULT 113 SOC 880 CODEC 2433

The Committee confirmed the agreement reached by the Presidency with the European Parliament at the last trilogue on 5 November 2013 as set out in 15582/13 and mandated the Chairman of the Committee to inform the Chairman of the European Parliament LIBE Committee, by letter that, should the European Parliament adopt the amendments to the Commission proposal in the exact form, the Council would adopt the proposal thus amended in order to reach agreement at first reading.

The UK delegation entered a parliamentary scrutiny reservation.

56. Cohesion Policy legislative package (First reading)

- **Validation of trilogue results**

15525/13 FSTR 133 FC 77 REGIO 237 SOC 877 AGRISTR 134
PECHE 490 CADREFIN 276 CODEC 2417
+ ADD 1-2

The Committee:

- reached QMV and thus validated the texts of the pending issues and the recitals as set out in ADD 1 and 2 to document 15525/13,
- mandated the Presidency to communicate the outcome of Committee's discussion to the European Parliament.

57. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) n° 1083/2006 as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability and to the decommitment rules for certain Member States

- **Preparation of trilogues**

15628/13 FSTR 134 FC 78 REGIO 241 SOC 884 CADREFIN 282
FIN 690 CODEC 2442
+ ADD 1

The Committee:

- did not support the Presidency compromise proposal as set out in 15628/13 ADD 1,
- therefore mandated the Presidency to continue negotiations with the European Parliament on the basis of the Council's general approach reached in July 2013,
- as announced in the Committee on 29 October 2013, item 35 (Cohesion Policy legislative package - Outstanding political issues: final compromise text) the Commission presented the following declaration linked to the agreement on the performance reserve and the pre-financing reached at the Committee 29 October 2013:

"Commission Declaration on the impact of the agreement reached by the co-legislators on the performance reserve and pre-financing levels on the payment ceilings

The Commission considers that the additional payment appropriations, which may be required in 2014 -2020, as a result of the changes introduced for the performance reserve and pre-financing, remain limited. The consequences should be manageable respecting the draft MFF Regulation. The annual fluctuations in the global level of payments, including those generated by the changes referred to, will be managed through the use of the global margin for payments and the special instruments agreed upon in the draft MFF Regulation. The Commission will monitor the situation closely and present its evaluation as part of the mid-term review."

- In reaction to the above Commission declaration Denmark (supported by: Austria, Finland, France, Germany, the Netherlands and Sweden), proposed the following declaration related to maintaining the payment ceilings following the agreement on the performance reserve and the pre-financing:

"Denmark, Austria, Finland, France, Germany, the Netherlands and Sweden agree to the final compromise on the cohesion legislative package on the understanding that the increase in payments can be managed within the payments ceilings as stated repeatedly by the Commission during the negotiations."

- "The Legal Service recalled its previously expressed view that the principle of equal treatment, which the Council is bound to respect, is relevant to the consideration of the draft amending regulation. Any solution must ensure that all Member States in a comparable situation are treated in a similar way, including as regards retroactive application. The suggestions from the Presidency, which allow Member States which exited the adjustment programs before the entry into force of the amending Regulation to also benefit, under certain conditions, from an increase of the co-financing rates, constitute an effort to address the identified problem. The Legal Service is not in a position to determine, however, whether the solution offered is adequate in its material content."

58. EU-Korea Summit (Brussels, 8 November 2013)

- **State of play of preparations**

15481/13 COASI 160 ASIE 45 PESC 1308 CSDP/PSDC 715 RELEX 969
POLGEN 202 DEVGEN 271 CONOP 135 WTO 279
ECOFIN 950 ENER 487 COMPET 755 RECH 485 JAI 951 CYBER 26

The Committee discussed the state of play of preparations for the 7th EU-Republic of Korea Summit on the basis of document 15481/13.

The discussion provided input and orientations - in particular as regards political and security cooperation, trade, and regional security issues - for further negotiations of the draft Summit Joint Press Statement and the draft Joint Declaration on the occasion of the 50th anniversary of the establishment of diplomatic relations between the EU and the Republic of Korea.

59. EU-Japan Summit (Tokyo, 19 November 2013)

- **State of play of preparations**

15482/13 COASI 161 ASIE 46 PESC 1309 CSDP/PSDC 716 RELEX 970
POLGEN 203 DEVGEN 272 CONOP 136 WTO 280
ECOFIN 951 ENER 488 COMPET 756 RECH 486 JAI 952 CYBER 27

The Committee discussed the state of play of preparations for the 21st EU-Japan Summit on the basis of document 15482/13.

The discussion provided input and orientations for the draft Summit Agenda and further negotiations of the draft Summit Joint Press Statement with focus on continued progress in the Strategic Partnership Agreement and the Free Trade Agreement negotiations, regional and global issues.

60. EU-China Summit (Beijing, 21 November 2013)

- **State of play of preparations**

15483/13 COASI 162 ASIE 47 PESC 1310 CSDP/PSDC 717 RELEX 971
POLGEN 204 DEVGEN 273 CONOP 137 WTO 281
ECOFIN 952 ENER 489 COMPET 757 RECH 487 JAI 953 CYBER 28

The Committee discussed the state of play of preparations for the 16th EU-China Summit on the basis of document 15483/13.

The discussion provided input and orientations for the draft Summit Agenda and further negotiations of the Summit output documents with focus on political and security cooperation, trade and investment, human rights, green growth and climate change.

61. European Defence Agency : Draft Budget 2014

15498/13 COSDP 1031 POLARM 4 IND 299 RECH 490 ECO 192

The Committee discussion on proposal for the EDA 2013 budget based on zero real growth figures (total proposed budget of 31,6M EUR). EDA Chief Executive explained the increase compared to the 2013 budget has been proposed to set off the inflation in 2013 and that the Agency's budget has been frozen since 2010. The Presidency concluded that no agreement could be reached on the draft budget proposal.

The Committee Chair announced that the issue would be referred to the FAC (Defence Ministers) on 18/19 November 2013 for further discussion so as to adopt the 2014 Budget of the Agency, including the Agency's 2014 Staff Establishment Plan, as well as to agree to postpone by one year the adoption of the EDA 3-Year Financial Framework.

62. Multiannual Financial Framework 2014-2020 (Home Affairs)

- **Proposal for a Regulation of the European Parliament and of the Council laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (First reading)**
 - = **Art.19(d), Article 33 and Article 45**
15583/13 JAI 961 ENFOPOL 341 ASIM 91 PROCIV 128 CADREFIN 280
CODEC 2434

The Committee approved the proposals made by the Presidency to change the mandate as reflected in document 15583/13 and which had been agreed before in the meeting with COMIX partners.

63. Preparation of the Council meeting (Economic and Financial Affairs) on 15 November 2013

- a) **Anti-money laundering (First reading)**
 - **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**
 - = **State of play**
15574/13 EF 208 ECOFIN 964 CRIMORG 128 DROIPEN 132 CODEC 2429
6231/13 EF 24 ECOFIN 103 DROIPEN 15 CRIMORG 15 CODEC 282
+ ADD 1
+ ADD 2
15667/13 EF 212 ECOFIN 969 CRIMORG 129 DROIPEN 134 CODEC 2446

The Committee prepared for the debate in the ECOFIN of 15 November 2013 on the progress of the work on AML, requested by some Member States.

b) EU statistics

- **Draft Council conclusions**

15442/13 STATIS 104 ECOFIN 942 UEM 356

15456/13 STATIS 105 ECOFIN 944 UEM 357

The Committee agreed to relay the draft conclusions to Council without any changes.

Slovakia informed the Committee of its intention to reopen the draft conclusions at Council level.

c) Other items in connection with the Council meeting

The Committee reviewed the state of readiness of the agenda items listed.

d) Single Resolution Mechanism (First reading)

- **Proposal for a Regulation of the European Parliament and of the Council establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Bank Resolution Fund and amending Regulation (EU) n° 1093/2010 of the European Parliament and of the Council**

= General approach

=

General approach

15503/13 EF 206 ECOFIN 956 CODEC 2408

15507/13 EF 207 ECOFIN 957 CODEC 2410

The Committee clarified and took note of the positions of delegations on outstanding issues and decided to submit this file for further deliberation at the ECOFIN of 15 November 2013.

64. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) n° 223/2009 on European Statistics (First reading)

- **Preparation for the next informal trilogue**

15470/13 STATIS 110 ECOFIN 949 CODEC 2406

The Committee did not approve the Presidency compromise proposal and returned the file to the Working Party.

65. EEAS Review

- **Coreper discussion on short term recommendations 23, 24, 25, 26**

15592/13 POLGEN 208 INST 562 PESC 1314 CSDP/PSDC 727

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 23, 24, 25 and 26 of the EEAS Review Report on the basis of Presidency note 15592/13.

- **Any other business**
 - a) **Galileo Interinstitutional Panel (GIP)**
 - = **Presidency debriefing on the outcome of the fifth meeting**

The Committee took note of the information provided by the Presidency on the results of the fifth meeting of the Galileo Interinstitutional Panel (GIP) (Brussels, 5 November 2013).

- b) **CO2 cars**
 - = **Information from the Presidency**

The Presidency informed the Committee of the latest informal exploratory meeting held with the European Parliament on the file. Two delegations took the floor to emphasise the importance of maintaining the overall balance and fairness for all manufacturers of the compromise package. The Presidency confirmed its efforts were geared around this objective and undertook to keep the Committee fully informed on any further steps.

- **EU-US Working Group on data protection (Brussels, 6 November 2013)**
 - = **Debriefing third meeting**

The Presidency and the Commission succinctly debriefed the Committee regarding the third meeting of the EU-US Working Group on data protection, which took place in Brussels on 6 November 2013. The EEAS underlined the importance of contributing to the internal US review of their intelligence gathering practices. The EEAS underlined the importance of contributing to the internal US review of their intelligence gathering practices. The Chair announced that a written report was being prepared and would be submitted to the Committee by the end of November. The Chair also informed the Committee that the US would welcome EU input for the US debate on reform regarding surveillance activities.
