



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 3 July 2014  
(OR. en, fr)**

**11101/14**

**CRS/CRP 26**

### **SUMMARY RECORD**

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Subject: 2502nd meeting of the PERMANENT REPRESENTATIVES COMMITTEE  
held in Brussels on 18 June and in Luxembourg on 23 June 2014

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

doc. 10998/14 OJ/CRP1 23  
11049/1/14 REV 1 OJ/CRP2 23 + CM 3285/14

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

The following items are **added** :

(Coreper Part 2, under I)

69. - **Council Decision concerning restrictions on goods originating in Crimea or Sevastopol, in response to the illegal annexation of Crimea and Sevastopol**  
- **Council Regulation concerning restrictions on the import into the Union of goods originating in Crimea or Sevastopol, in response to the illegal annexation of Crimea and Sevastopol**  
10956/14 PESC 611 RELEX 499 COEST 199 FIN 420  
10278/14 PESC 551 COEST 181 FIN 384  
10280/14 PESC 553 RELEX 455 COEST 183 FIN 386
70. **Case before the Court of Justice**  
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11079/14 JUR 368 COASI 73 DEVGEN 160 COMER 159 JAI 538 PESC 644
71. - **Council Implementing Decision implementing Decision 2013/255/CFSP concerning restrictive measures against Syria**  
- **Council Implementing Regulation implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**  
11144/14 PESC 662 RELEX 528 COARM 93 COMEM 107 FIN 433  
11061/14 PESC 639 COARM 91 COMEM 103 FIN 424  
+ ADD 1 RESTREINT UE  
11062/14 PESC 640 RELEX 517 COARM 92 COMEM 104 FIN 425  
+ ADD 1 RESTREINT UE
72. **Relations with Ukraine**  
- **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 Ukraine, of the other part, as regards Titles III (with the exception of the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other party) and Titles IV, V, VI and VII thereof, as well as the related Annexes and Protocols**  
- **Draft Council Decision on the signing, on behalf of the European Union, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other party**

- **Draft Council Decision on the conclusion, on behalf of the European Union, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, with the exception of the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other party**
- **Draft Council Decision on the conclusion, on behalf of the European Union, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other party**
- **Draft Council Decision approving the conclusion by the Commission, on behalf of the European Atomic Energy Community, of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part**
- **Draft Final Act between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the Association Agreement**

11111/1/14 REV 1 COEST 215 NIS 31 PESC 655 JAI 542 WTO 192 ENER 326  
 11126/14 COEST 216 NIS 32 PESC 656 JAI 543 WTO 193 ENER 328  
 11127/14 COEST 217 NIS 33 PESC 657 JAI 544 WTO 194 ENER 329  
 13613/3/13 REV 3 COEST 264 NIS 52 PESC 1081 JAI 772 WTO 200 ENER 412  
 14011/2/13 REV 2 COEST 284 NIS 56 PESC 1137 JAI 815 WTO 212 ENER 432  
 15622/1/13 REV 1 ATO 130 COEST 347  
 11128/14 COEST 218 NIS 34 PESC 658 JAI 545 WTO 195 ENER 330

**73. Crisis Management Concept for a civilian CSDP mission in support of Security Sector Reform in Ukraine**

11038/14 COPS 154 PESC 633 CSDP/PSDC 377 CIVCOM 121 RELEX 511  
 JAI 531 COEST 207  
 11206/14 COPS 158 CIVCOM 124 CSDP/PSDC 390 PESC 670 COEST 220  
 RELEX 533

The following CRP2 agenda item is **transferred** from Part I to Part II :

**43. Enlargement**

- **Accession negotiations with Montenegro**
  - = **Chapter 31: Foreign, security and defence policy**  
 10934/14 ELARG 69

The following CRP2 agenda item is **transferred** from Part II to Part I :

**61. Draft EU Annual Report on Human Rights and Democracy in the World in 2013**

11071/14 COHOM 107 PESC 642 CSDP/PSDC 378 FREMP 125 INF 225  
 JAI 535 RELEX 518  
 11077/14 COHOM 108 PESC 643 CSDP/PSDC 379 FREMP 126 INF 226  
 JAI 537 RELEX 519

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

A joint statement is made by FR and PL on the following item:

**49. Draft Council Decision on the financial contributions to be paid by the Member States to finance the European Development Fund in 2014, including the 2nd instalment 2014**

– **Adoption**

10933/14 ACP 105 FIN 414 PTOM 34

10931/14 ACP 104 FIN 413 PTOM 33

"La délégation française et la délégation polonaise prennent note de la communication de la Commission au Conseil du 13 juin 2014 relative à l'information financière sur le FED. Elles invitent la Commission européenne à réduire le montant de la troisième tranche de l'appel à contributions du FED pour 2014 de 44 M€ par rapport au montant indiqué à l'annexe 3 de cette communication."

\* \* \* \* \*

Commission made a statement on the following item:

**61. Draft EU Annual Report on Human Rights and Democracy in the World in 2013**

11071/14 COHOM 107 PESC 642 CSDP/PSDC 378 FREMP 125 INF 225

JAI 535 RELEX 518

11077/14 COHOM 108 PESC 643 CSDP/PSDC 379 FREMP 126 INF 226

JAI 537 RELEX 519

"The Commission welcomes that Member States agree to follow the practice on the denomination of oPt as "Palestine" in line with UNGA Resolution 67/19 of 29 November 2012. The Commission agrees that the designation "Palestine" does not imply recognition of Palestine as a State, and will make this clear through appropriate means."

# Coreper Part 1

## II

8. **Preparation for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 19 and 20 June 2014**
1. **European Semester 2014: Contribution to the European Council (Brussels, 26-27 June 2014) (*Non-legislative activity*)**
- **Policy debate**  
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])  
10921/14 SOC 521 EMPL 88 ECOFIN 670 EDUC 247
  - a) **Draft Council Recommendations on the National Reform Programmes 2014 to each Member State, including Macro-economic Imbalance Procedure (MIP) (Draft explanatory note)**
    - **Approval**  
10528/14 UEM 191 ECOFIN 569 SOC 435 COMPET 341 ENV 532  
EDUC 179 RECH 238 ENER 242 JAI 420  
10809/14 UEM 261 ECOFIN 649 SOC 500 COMPET 402 ENV 601  
EDUC 238 RECH 297 ENER 305 JAI 499  
10810/14 UEM 262 ECOFIN 650 SOC 501 COMPET 403 ENV 602  
EDUC 239 RECH 298 ENER 306 JAI 500  
10901/14 UEM 266 ECOFIN 667 SOC 518 COMPET 413 ENV 613  
EDUC 244 RECH 301 ENER 314 JAI 515
  - b) **Examination of the National Reform Programmes (2014) and the implementation of the 2013 Country-Specific Recommendations (CSRs)**
    - **Endorsement of the opinion of the Employment Committee (EMCO)**  
10338/14 SOC 399 ECOFIN 521 EDUC 148
  - c) **Assessment of the 2014 CSRs package on cross-cutting issues and the implementation of the 2013 CSRs**
    - **Endorsement of the key messages of the Social Protection Committee (SPC) report**  
10814/14 SOC 502 ECOFIN 651 EDUC 242
  - d) **Scoreboard of employment and social indicators**
    - **Endorsement of the joint EMCO and SPC opinion**  
10337/14 SOC 398 ECOFIN 520 EDUC 147  
+ ADD 1
  - e) **Employment Performance Monitor and Benchmarks (prepared by EMCO)**
    - **Endorsement**  
10763/14 SOC 472 ECOFIN 618 EDUC 210

- f) **Labour Market report**
  - **Endorsement of the EMCO report**  
10815/14 SOC 503 ECOFIN 652 EDUC 240
- g) **Implementation of the Youth Guarantee**
  - **Endorsement of the EMCO report**  
10339/14 SOC 400 ECOFIN 522 EDUC 149 JEUN 73

The Committee agreed to:

- some minor changes regarding the Country-Specific Recommendations (CSRs) for some Member States;
- submit the Country-Specific Recommendations (as listed in 10809/1/14 REV1) to the Council with a view to approve the employment-related elements of the CSRs;
- submit to the Council for endorsement the:
  - EMCO Opinion on the examination of the 2014 National Reform Programmes and the implementation of the 2013 Country-Specific Recommendations (contained in 10338/14);
  - key messages of the SPC report on its assessment of the 2014 package of Council Recommendations on cross-cutting issues (contained in 10814/14);
  - EMCO and SPC on the scoreboard of social and employment indicators (contained in 10337/14 + ADD1);
  - Employment Performance Monitor (contained in 10763/14);
  - Labour Market Report (contained in 10815/14);
  - EMCO report on the implementation of the Youth Guarantee (contained in 10339/14).

The Presidency provided a note (doc. 10921/14) for guiding the policy debate.

2. **Proposal for a Decision of the European Parliament and of the Council on establishing a European Platform to enhance cooperation in the prevention and deterrence of undeclared work (First reading) (*Legislative deliberation*)**
  - **(poss.) General approach/Progress report**  
9008/14 SOC 297 JAI 236 MIGR 50 ECOFIN 398 COMPET 243  
CODEC 1120  
10558/1/14 SOC 437 JAI 423 MIGR 95 ECOFIN 574 COMPET 342  
CODEC 1398 REV 1  
+ ADD 1 REV 1

The Committee agreed to submit a Presidency progress report to the Council, after it was established that a general approach could not be reached on the basis of document 10558/1/14 REV 1 + ADD 1 REV 1. The following delegations considered that more work was needed for a general approach: CZ, HU, LU, LV, MT, PL, SK and UK.

DE lifted its reservations on the text, CZ and DK lifted their parliamentary reservations.

**9. Proposal for a Council Regulation on the Statute for a European Foundation (FE)**

– **Guidance for future work**

10830/14 DRS 84 SOC 505

The Committee provided guidance to the Working Party on Company Law on the issue of minimum assets of European Foundations on the basis of the options set out in 10830/14. On this basis, the incoming Italian Presidency will determine how to proceed with work on this file in an appropriate manner.

**10. 2014 Annual report on Impact Assessment within the Council**

– **Endorsement of the Presidency report**

10882/14 POLGEN 92 ECOFIN 661 COMPET 409 ENV 610 SOC 513

The Committee endorsed the report as presented by the Presidency and exchanged views on possible further measures to strengthen the use of impact assessment within the Council.

**11. Communication from the Commission on "Regulatory Fitness and Performance Programme (REFIT)"**

– **Presentation / Information from the Commission**

The Committee took note of the presentation by the Commission of the Communication on Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook.

# Coreper Part 2

## II

### 43. Enlargement

- **Accession negotiations with Montenegro**  
= **Chapter 31: Foreign, security and defence policy**  
10934/14 ELARG 69

Following an exchange of views on the language concerning regional cooperation and good neighbourly relations, the Committee reached agreement on the EU Common Position for accession negotiations with Montenegro on Chapter 31 on the basis of a proposal by the Presidency.

### 60. Relations with the European Parliament (July I and II 2014)

10811/14 PE 307 INST 278 POLGEN 90 CODEC 1464

The Committee held a discussion on relations with the European Parliament on the basis of the document 10811/14.

### 62. Preparation of the Council meeting (Foreign Affairs) on 23 June 2014

#### a) Ukraine

- **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 Ukraine, of the other part, as regards Titles III (with the exception of the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other party) and Titles IV, V, VI and VII of the Agreement, as well as the related Annexes and Protocols**
- **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 Ukraine, of the other part, as regards the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other party**
- **Draft Final Act between the European Union and its Member States, of the one part, and Ukraine, of the other part, as regards the Association Agreement**

10957/14 COEST 200 NIS 30 PESC 612 JAI 521 WTO 190 ENER 318

The Committee took note of a presentation by the European External Action Service on the situation in Ukraine and the handling of the item on Ukraine in the Council.

The Committee also took note of a presentation by the Commission on the latest trilateral consultations between the EU, Ukraine and Russia on the implementation of the Association Agreement/DCFTA, as well as on the ongoing work concerning the Ukraine support group, and the trilateral gas talks between the EU, Russia and Ukraine.

The Committee considered the draft Decision(s) on signature and provisional application of the remaining provisions of the EU-Ukraine Association Agreement, and reached agreement on the addition of a JHA legal base and the splitting of the Decision into two, as set out in 10957/14, subject to the lifting of a parliamentary reservation by one delegation, and a scrutiny reserve by another.

In this regard, the Czech, Luxembourg and Belgian delegations, as well as the Austrian, Italian and Romanian delegations submitted the following statements to the minutes of the Committee:

#### **Statement by the Czech Republic**

"The Czech Republic fully supports the signing of the remaining parts of the Association Agreement with Ukraine and consequently accepts the above mentioned Council decision(s). Nevertheless, as far as internal legal matters of the Union are concerned, the Czech Republic considers the provision of Article 217 TFEU as a correct and fully sufficient legal basis for the signing of the Association Agreement with Ukraine. In our view and according to previous practice, for the purposes of establishing an association there is no need to add additional legal bases concerning Union policies covered by provisions of Part III TFEU. In this context, the Czech Republic also recalls its constant view: albeit founded on several specific legal bases, Council decisions adopted in accordance with Article 218 TFEU throughout the process of signing and concluding of the so-called mixed agreements should always relate to individual agreements in their entirety and should not be split into two separate decisions, each of them referring to different provisions of an agreement."

#### **Déclaration du Luxembourg**

"Le Luxembourg rappelle l'importance de la jurisprudence bien établie de la Cour de Justice de l'Union européenne concernant le choix des bases juridiques pour l'adoption des actes de l'Union européenne.

A la lumière de cette jurisprudence et en particulier de l'arrêt rendu dans l'affaire C-377/12 (Commission européenne contre Conseil de l'Union européenne), la base juridique de l'article 217 du TFUE couvre l'ensemble des éléments de l'accord d'association dont la signature et l'application provisoire par l'Union européenne sont autorisées par la présente décision du Conseil."

## Déclaration de la Belgique

"Compte tenu de l'importance de permettre, sans délai, la signature et l'application provisoire de l'accord d'association avec l'Ukraine, la Belgique se rallie à l'adoption des décisions du Conseil prévues à cet effet.

La Belgique considère toutefois que, compte tenu des objectifs de l'accord et des éléments qui y sont visés, une décision unique fondée sur l'article 217 TFUE aurait, en l'espèce, été suffisante pour y procéder."

## Statement by Austria, Italy and Romania

"Austria, Italy and Romania hold the view that Council decisions in accordance with Article 218 TFEU always concern an agreement in its entirety. A splitting into several decisions which refer to individual articles of an agreement is legally not viable.

Austria, Italy and Romania furthermore maintain that Article 217 TFEU as a legal basis covers all of the elements of the association agreement in their entirety which are addressed by the Council decision authorising the signing and the provisional application by the European Union."

In the continuation of the Committee's meeting on 23 June in Luxembourg, this item was transferred to the "I" item list.

- **Draft Council conclusions**  
11176/14 COEST 219

The Committee, at its meeting on 23 June in Luxembourg, reached agreement on the draft Council conclusions on Ukraine with the exception of paragraphs 3, related to sanctions, and 6, related to the Association Agreement/DCFTA. The Committee also invited the Council to further consider the use of the word "support" for the peace plan in paragraph 1, as well as the insertion of an additional sentence in paragraph 2 on inviting the Commission to consider further proposals, if needed, on the consequences of the illegal annexation of Crimea. The result of the Committee's work is contained in document 11224/14 COEST 221.

**b) Southern Neighbourhood**

- **Syria**
- **Libya**
  - = **Draft Council conclusions**  
11069/14 LIBYE 4 COMAG 58 PESC 641
- **(poss.) Egypt**

The Committee agreed to the High Representative's proposal to address the situation in Syria during the Council meeting.

The Committee examined the draft Council conclusions on Libya on the basis of document 11069/14 and agreed to forward them to Council for adoption, as set out in 11103/14.

Egypt was not discussed.

**c) Developments in Asia**

- **Draft Council conclusions on Thailand**  
11021/14 COASI 69 ASIE 32 POLGEN 99 RELEX 504 COHOM 104  
PESC 623

The sub-item draft Council conclusions on Thailand was transferred to part I. The Committee approved the draft Council conclusions on Thailand set out in 11021/14 and forwarded them to the Council for adoption.

**d) Draft Council conclusions on Iraq**

11031/14 COMEM 100 PESC 628

The Committee examined the draft Council conclusions on Iraq on the basis of document 11031/14 and agreed to forward them to the Council for adoption, as set out in 11106/14.

**e) Other items in connection with the Council meeting**

The Committee did not discuss other items in connection with the Council meeting.

### 63. EU-Canada Strategic Partnership Agreement (SPA)

10654/14 COTRA 25 CDN 3

10677/14 COTRA 26 CDN 4 RESTREINT UE

16689/10 CDN 21 RESTREINT UE

10491/1/09 REV 1 COPS 310 POLGEN 96 COHOM 125 COTER 59 CONOP 30

CODUN 14 COJUR 14 COAFR 201 COASI 97 COEST 200

COWEB 98 COTRA 15 COMEM 101 COMAG 13 COLAT 19

ACP 136 FISC 78 MIGR 71 RESTREINT UE

The EEAS presented the text of the SPA after the conclusion of the negotiations with Canada, with a view to its initialling in the near future. The Committee broadly welcomed the text.

Several delegations raised the issue of the formulation of the "political clauses", stressing that it could not constitute a precedent for future agreements.

Romania requested the inclusion of the following statement to the outcome of the Committee's proceedings:

"Romania expresses concerns at the lack of a legal link between SPA and CETA, considering it a strong argument against decoupling the two agreements. From the perspective of the Common approach on the use of political clauses, Romania looks forward to a timely discussion in COREPER on the implications that the solution identified in the SPA negotiations would have for future negotiations with partner countries".

The Committee will revert at a future meeting to the wider implications for the implementation of the EU common approach, including as regards criteria.

Some delegations also raised the lack of reference to geographical indications in the SPA. The EEAS committed to work to find a solution to this issue before the signing of the SPA.

Some delegations expressed preference for initialing and/or signing both agreements (SPA and CETA) simultaneously.

**64. Preparation of the Council meeting (Economic and Financial Affairs) on 20 June 2014**

- 1. Contribution to the European Council meeting on 26-27 June 2014 - European Semester 2014**
  - a) Draft Council Recommendations on the National Reform Programmes 2014 to each Member State, draft Council Opinions on the updated Stability or Convergence Programmes**
    - **Approval**  
10809/14 UEM 261 ECOFIN 649 SOC 500 COMPET 402 ENV 601  
EDUC 238 RECH 297 ENER 305 JAI 499
  - b) Draft Council Recommendation on the implementation of the broad guidelines for the economic policies of the Member States whose currency is the euro**
    - **Approval**  
10808/14 UEM 260 ECOFIN 648 SOC 499 COMPET 401 ENV 600  
EDUC 237 RECH 296 ENER 304 JAI 498

According to the established procedure under the European Semester, the Committee approved the Country Specific Recommendations without any modifications. The discussion was short. Hungary, Ireland, Croatia, Slovenia, Romania, the Czech Republic, the Netherlands, Luxembourg and Poland intervened.

Slovenia made the following statement:

"In tackling its macroeconomic imbalances Slovenia agrees with the priority areas of action put forward by the European Commission in the draft country-specific recommendations.

However, Slovenia would like to point out that parliamentary elections will be held on 13 July 2014. Since some recommendations suggested by the Commission demand the action of a fully functional national parliament and government with full powers, it will be difficult for Slovenia to comply with some of the deadlines proposed by the Commission.

Moreover, Slovenia would like to point out that in relation to the recommendation No 4, regarding the completion and preparation of privatisation of two state owned banks, Slovenia will respect the deadlines as put forward in the Commission Decision in Case SA.35709 (2013/N), Restructuring of NKBM, dated 18 December 2013, and deadlines to be determined by the pending decision regarding Abanka. A stipulation of deadlines as it stands in the current CSR is clearly price sensitive and thereby adverse to the required debt-reduction effort. Slovenia intends to fully honour its privatisation commitments and a privatisation process for NKBM is already well underway. The procedure regarding the restructuring of Abanka that will determine commitments and deadlines is still on-going and should similarly not be prejudged by this CSR. Slovenia reconfirms its commitment to complete the restructuring, consolidation and privatisation process in the banking sector as planned."

## 2. Implementation of the Stability and Growth Pact

### a) Abrogation of excessive deficit procedures (restricted session)

#### – Adoption of Council Decision / Recommendation

10518/14 ECOFIN 562 UEM 184  
10536/14 ECOFIN 571 UEM 193  
10521/14 ECOFIN 564 UEM 186  
10525/14 ECOFIN 567 UEM 189  
10527/14 ECOFIN 568 UEM 190  
10529/14 ECOFIN 570 UEM 192

The Committee approved the Council Decisions abrogating excessive deficit procedures in a number of Member States, in view of their adoption by the Council. These decisions had already been discussed in the Economic and Financial Committee (EFC).

### b) Review of the methodology for the assessment of effective action - Terms of reference

#### – Endorsement

10945/1/14 REV 1 UEM 271 ECOFIN 674  
+ REV 1 ADD 1 to 3

The Committee approved the Assessment of Effective Action, under the Excessive Deficit Procedure with a view to submitting it to the Council for endorsement. There was no discussion.

## 3. ECB/Commission Convergence Reports and enlargement of the euro area

### a) Recommendation by the euro area Member States on the Commission proposal on the adoption of the euro by Lithuania

#### – Adoption

10779/14 UEM 237 ECOFIN 624 OC 13

### b) Letter from the President of the Council to the European Council

#### – Preparation

10891/14 UEM 265 ECOFIN 664

The Committee agreed to submit the draft recommendation and the letter to the ECOFIN Council meeting on 20 June 2014.

#### **4. Other items in connection with the Council meeting**

Following the approval of the report on the Code of Conduct and the conclusions by the Committee on 11 June 2014 ("I item), the Presidency indicated that these texts would be submitted to the Council as an "A" item. Delegations could comment under this item as necessary.

It was noted that the Luxembourg Finance Minister intended to make an intervention at the Council meeting (ECOFIN) on 20 June 2014.

The Committee finalised the provisional agenda for this Council meeting and reviewed the state of readiness of the agenda items listed.

#### **65. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 8 July 2014**

The Committee agreed the provisional agenda for this Council meeting.

#### **66. Presentation of the draft agenda of the Council meeting (Economic and Financial Affairs/Budget) on 17 July 2014**

The Committee approved the draft provisional agenda. It took note that this Council meeting would not be convened if an agreement on the Council's position on the draft budget for 2015 has been reached before at Committee level.

67. - **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**

|                            |            |            |            |
|----------------------------|------------|------------|------------|
| 10973/14 EF 174 ECOFIN 677 | DROIPEN 86 | CRIMORG 62 | CODEC 1490 |
| 10970/14 EF 172 ECOFIN 675 | DROIPEN 84 | CRIMORG 60 | CODEC 1487 |
| 10971/14 EF 173 ECOFIN 676 | DROIPEN 85 | CRIMORG 61 | CODEC 1488 |

The Committee reached a General approach on the package, which allows the incoming Presidency to pursue negotiations with the European Parliament; the objective is an early second reading agreement.

Austria, Estonia, Malta and the UK issued the following statements (doc. 10973/14 ADD 1):

## **Statement by Austria**

### **"I) On Chapter III BENEFICIAL OWNERSHIP:**

Austria is strongly concerned that the current text does not enhance transparency on beneficial ownership necessary to avoid the abuse of corporate vehicles and trusts for the purpose of money laundering and terrorist financing. There is a clear need to establish mandatory central and public beneficial owner registries both for legal persons (Art. 29) and trusts (Art. 30). Unfortunately, the current text is just a mere reflection of the status quo and does not go beyond what is already in place in the EU. Therefore, Austria calls for further improvements of the text within the up-coming negotiations with the European Parliament.

### **II) On Chapter VI Section 4 SANCTIONS:**

The Austrian constitutional law presently does not allow for administrative pecuniary sanctions in the amount provided for in Article 56 para 1 and para 2 AMLD and Article 18 para 2 AMLR. Therefore, we cannot currently commit to the implementation of this provision, as implementation would require an amendment to constitutional law. It is not predictable whether such an amendment to the Constitution will be adopted."

## **Statement by Estonia**

"Estonia strongly supports the fight against money laundering and terrorism financing. We stand firmly behind the objectives of the proposal for the Directive. At the same time Estonia believes that measures for combating money laundering and terrorism financing should be effective, but also proportionate in respect of administrative burden on legal entities and governments. It is thus important to maintain a certain degree of flexibility in the implementation at national level.

Estonia believes that the current text of Article 29 does not provide for sufficient flexibility on obtaining and holding information of beneficial owners. Estonia is of the view that in its contacts with the European Parliament the Presidency should aim for a solution which would allow for Member States to use a risk-based-approach on determining how the beneficial ownership information should be held, in order to avoid disproportionate administrative burden to legal entities and governments."

## **Statement by Malta**

"Malta has fully supported the objectives of the proposed Directive from the beginning of the negotiations. In relation to gambling services, Malta supported the Commission's original proposal, i.e. to extend the scope of the Directive to all gambling services as defined under 3(10) of the proposed Directive. In this regard, Malta has disagreed with the exemptions introduced in the proposed Article 2(1)(a) as it believes that the Union must be able to address, consistently and holistically, all the risks posed by the sector irrespective of the channel used, the type of the operation or who the operator is.

Nonetheless, in the spirit of compromise, Malta accepted to introduce the possibility of non-discriminatory and evidence-based exemptions. It could not agree with the discrimination made against online gambling in previous compromise texts, which implied that the latter is inherently considered to be higher risk.

The most recent compromise text has introduced a further discriminatory factor - that only cross-border online gambling may not be subject to an exemption. This creates a further artificial distinction which is discriminatory and not based on any evidence. There is no evidence that cross-border online gambling is subject to more serious risks in terms of money laundering, than online gambling operated within borders. Furthermore, given the very nature of online gambling, it will be very difficult in practice to distinguish between cross-border and other forms of online gambling. This approach also risks opening the way for money laundering to take place 'within national borders', thus defeating the very objectives of the Directive.

Malta cannot accept the insertion which has come at such a late stage in the process and calls for the deletion of 'cross-border' under the proposed Article 2(1)(a)."

## **Statement by the United Kingdom**

"We are encouraged by the Hellenic Presidency's work on these important files intended to implement at EU level the latest guidance and recommendations of the Financial Action Task Force concerning money laundering and terrorist financing. We also support efforts to reach a compromise within Council that is both effective and workable ahead of further discussions with the European Parliament.

Looking ahead to the trilogue discussions during the Italian Presidency of the Council, which will cover several aspects of these files, we call for a closer examination of three issues in particular to provide for greater legal certainty.

The provisions relating to agents and distributors and whether these constitute establishments for the purposes of the Directive should be reviewed, not least in light of ongoing negotiations on the amending Payment Services Directive. We will wish to consider carefully how requirements relating to "cross-border online gambling" might be interpreted or implemented in a way that is non-discriminatory and compatible with the Single Market, and in a similar manner, we should seek to ensure that exemptions from certain customer due diligence measures for electronic money payment instruments being restricted to usage in one Member State are consistent with the effective operation of the Single Market.

In addition, ongoing discussions within the EU and FATF have demonstrated the need to further consider data protection measures, both their adequacy in connection with these legislative files and how they may affect Member States' ability to tackle money laundering and illicit financing effectively."

**68. Preparation of the Council meeting (General Affairs) on 24 June 2014**

**a) Preparation of the European Council on 26-27 June 2014**

- **Draft conclusions**  
8284/14 CO EUR-PREP 12

The Committee examined the draft European Council conclusions, which focus on "Freedom, Security and Justice", on "Growth, competitiveness and jobs", including the European Semester, as well as on "Climate and Energy".

**b) European Council follow-up**

- **Presidency Report on the implementation of EC conclusions**  
10812/14 CO EUR-PREP 19 POLGEN 91

The Committee took note of the Presidency report on the implementation of EC conclusions.

**c) Enlargement and Stabilisation and Association Process**

- **Council conclusions on Albania**  
11008/14 COWEB 68 ELARG 71

The outcome of the deliberations at the Committee is contained in 11140/14.

**d) European Semester: Integrated Country-specific recommendations**

- **Approval and report to the European Council**  
10886/14 CO EUR-PREP 20 POLGEN 93 AG 9 ECOFIN 662 UEM 264  
SOC 514 COMPET 410 ENV 612 EDUC 243 RECH 299  
ENER 313 JAI 511

The Commission submitted on 3 June 2014 to the Council a Recommendation, one for a Council Recommendation on the implementation of the broad guidelines for the economic policies of the Member States whose currency is the euro, and, for 26 Member States, Recommendations for Council Recommendations on the National Reform Programme 2014, and delivering a Council Opinion on the updated Stability or Convergence Programme.

Recommendations are being examined in parallel under EPSCO and ECOFIN Councils preparations and are expected to be approved at the General Affairs Council and transmitted to the June European Council.

**e) Draft European Union Maritime Security Strategy**

– **Adoption**

10913/14 POLGEN 95 POLMAR 15 PESC 604 CSDP/PSDC 358 AGRI 442  
TRANS 321 JAI 517 ENV 615 PECHE 312 POLMIL 55

10915/14 POLGEN 96 POLMAR 16 PESC 605 CSDP/PSDC 359 AGRI 443  
TRANS 322 JAI 518 ENV 616 PECHE 313 POLMIL 56

The Committee endorsed the European Union Maritime Security Strategy and submitted it to the General Affairs Council for adoption.

**f) Communication on the EU macro-regional strategy for the Adriatic-Ionian Region**

– **Presentation by the Commission**

– **Exchange of views**

10675/14 FSTR 32 FC 20 REGIO 75 SOC 468 AGRISTR 35 PECHE 300

The Committee:

- was informed by the Commission about the Communication on the EU macro-regional strategy for the Adriatic-Ionian Region (doc. 10675/14) that the Commission adopted on 17 June 2014 and will present at the General Affairs Council on 24 June 2014.

**g) Application of Article 10 of Protocol 36 to the Treaties**

– **Complementary note on the state of play report**

10168/14 PROAPP 13 JAI 359 CATS 79 SCHENGEN 18  
11057/14 PROAPP 14 JAI 534 CATS 89 SCHENGEN 22  
10167/14 PROAPP 12 JAI 358 CATS 78 SCHENGEN 17

The Committee briefly discussed the Complementary note on the state of play report of the Presidency (doc. 10167/14). The Commission thereby confirmed that the non-paper distributed (doc. 10168/14) expresses the official position of the Commission and briefly explained (assisted by the UK) the content of the agreement with the UK. A number of delegations (IE, SE, DE, FR) took the floor to welcome the agreement and to underline the interest to ensure that there will be no operational gap in key instruments by 1 December. Other delegations (AT, LU, NL, PL) stated that they would need time to analyse the situation. ES noted that it has doubts whether the Commission/UK agreement fully ensures coherence in the relevant acquis, and that it does not see the urgency in finding a global agreement already at the GAC of 24 June 2014. The Presidency concluded that talks will continue in view of the General Affairs Council next week.

**h) 18-month Programme of the Council**

– **Endorsement**

10948/1/14 REV 1 POLGEN 97

The Committee took note of the future Trio Programme which will be submitted to the General Affairs Council for endorsement.

**i) Other items in connection with the Council meeting**

The Committee:

- was informed that at the General Affairs Council (24 June 2014) the Presidency intends to make a short presentation on the Informal meeting of Ministers responsible for Cohesion Policy that met in Athens on 24-25 April 2014, on the basis of the Presidency GAC Information Note circulated prior to the GAC. The note highlights the wish for more regular and formal discussion on Cohesion Policy in the framework of the General Affairs Council.
-