



Council of the  
European Union

**Brussels, 12 September 2014  
(OR. en)**

**11897/14**

**CRS/CRP 31**

## **SUMMARY RECORD**

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Subject: 2506th meeting of the PERMANENT REPRESENTATIVES COMMITTEE  
(Part 2) held in Brussels on 15, 17 and 22 July 2014

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## SUMMARY

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- Case T-372/14, HK Intertrade Co. Ltd v. Council
3. Judgement of the Court of Justice in Case C-350/12 P - Council v. Sophie In 't Veld
4. Case T-290/14, A. Portnov v. Council  
Case T-331/14, M.Y. Azarov v. Council  
Case T-332/14, O.M. Azarov v. Council  
Case T-339/14, S.V. Kurchenko v. Council  
Case T-340/14, A. Klyuyev v. Council  
Case T-341/14, S. Klyuyev v. Council  
Case T-346/14, V.F. Yanukovych v. Council  
Case T-347/14, V.V. Yanukovych v. Council  
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13. Proposal for a Regulation of the European Parliament and of the Council on improving securities settlement in the European Union and on Central Securities Depositories (CSDs) and amending Directive 98/26/EC (First reading)
14. Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/65/EC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) as regards depositary functions, remuneration policies and sanctions (First reading)
15. Proposal for a Directive of the European Parliament and of the Council on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (First reading)
16. Proposal for a Regulation of the European Parliament and of the Council establishing a framework for managing financial responsibility linked to investor-state dispute settlement tribunals established by international agreements to which the European Union is party (First reading)
17. Proposal for a Directive of the European Parliament and of the Council establishing a framework for maritime spatial planning (First reading)
18. Proposal for a Regulation of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market (First reading)
19. 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)
20. Proposal for a Directive of the European Parliament and of the Council on marine equipment and repealing Directive 96/98/EC (First reading)
21. Proposal for a Directive 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 genetically modified organisms (GMOs) in their territory (First reading)
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    - b) of the statement of the Council's reasons
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  - Adoption of the Croatian language version
23. Draft Council Regulation on the financial regulation applicable to the 11th European Development Fund

24. Draft Council Regulation on the implementation of the 11th European Development Fund
25. Political and Security Committee Decision EUFOR RCA/4/2014 on the acceptance of a third States' contribution to the European Union military operation in the Central African Republic (EUFOR RCA)
26. (poss.) Main aspects and basic choices of the CFSP (Part II, point E, paragraph 25 of the Interinstitutional Agreement of 2 December 2013) - 2013
  - Draft Annual report from the High Representative of the European Union for Foreign Affairs and Security Policy to the European Parliament
27. = Council Decision 2010/413/CFSP concerning restrictive measures against Iran  
 = Council Regulation (EU) No 267/2012 on restrictive measures against Iran
28. Relations with Russia
  - Draft Council Decision on the signing, on behalf of the European Union and its Member States, and provisional application, of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Croatia to the European Union
  - Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and its Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Croatia to the European Union
29. Draft Council conclusions on EU Strategy on Citizen Security in Central America and the Caribbean
30. Activity Report of the Joint Supervisory Body of Eurojust for the year 2013
31. Report on the implementation of the obligations under the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management - 5th review Meeting of the Contracting Parties, Vienna, May 2015
32. Proposal for a Council Decision on the signing, on behalf of the European Union, and provisional application of an Agreement between the European Union and the Kingdom of Norway on reciprocal access to fishing in the Skagerrak
33. Atlanto Scandian herring
  - Endorsement of letter to the President of the Commission
34. Commission Regulation (EU) No.../... of XXX amending Annex to Commission Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards specifications for Calcium Propionate
35. Commission Regulation (EU) No.../... of XXX amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of Calcium ascorbate (E 302) and Sodium alginate (E 401) in certain unprocessed fruit and vegetables
36. Council Decision appointing one member of the Management Board of the European Chemicals Agency

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

doc. 11865/1/14 REV 1 OJ/CRP2 27 + CM 3677/14 + CM 3678/14

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

The following items are **added** :

(Coreper Part 2, under I)

### 43. Council Decision on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine)

11880/14 CSDP/PSDC 438 PESC 767 COEST 251 RELEX 605 CONUN 121  
CSC 173 EUAM UKRAINE 3

11585/14 SCDP/PSDC 411 PESC 726 COEST 234 RELEX 576 CONUN 115  
CSC 168 EUAM UKRAINE 2

### 44. Council Decision authorising the opening of negotiations with Ukraine in order to conclude an Agreement between the European Union and Ukraine on the status of the European Union CSDP mission in Ukraine

11881/14 CSDP/PSDC 439 PESC 768 COEST 252 RELEX 606 CONUN 122  
EUAM UKRAINE 4

11691/14 CSDP/PSDC 418 PESC 734 COEST 236 RELEX 585 CONUN 116  
CSC 170 EUAM UKRAINE 1

### 45. Strengthening of EU Action Plan in Pakistan

#### - Six Implementation Report

11698/14 COASI 78 ASIE 36 PESC 736 RELEX 587  
COTER 58 JAI 593 POLGEN 111 COHOM 118  
COHAFA 69 CIVCOM 139 DEVGEN 177

### 46. Six-Monthly Progress Report on the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (2014/I)

11743/14 PESC 744 CODUN 26 CONOP 62

11709/1/14 REV 1 PESC 740 CODUN 25 CONOP 61

### 47. Implementation of the December 2013 European Council conclusions on Common Security and Defence Policy

11930/1/14 REV 1 COPS 185 PESC 772 CSDP/PSDC 443 CIVOM 145  
POLMIL 69 COARM 113 CODUN 27 CONOP 66

11620/14 COPS 169 PESC 732 CSDP/PSDC 415 CIVCOM 137  
POLMIL 65 COARM 109 CODUN 24 CONOP 59

11903/14 COPS 183 PESC 769 CSDP/PSDC 441 CIVCOM 144  
POLMIL 68

- 48. Relations with Russia**
- **Draft Council Decision on the conclusion, on behalf of the European Union and its Member States, of the Protocol to the partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Croatia to the European Union**
  - **Draft Council Decision approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Croatia to the European Union**  
11967/14 COEST 254 ATO 56  
11878/14 COEST 249  
11879/14 COEST 250 ATO 54
- 49. Draft Council conclusions on the Great Lakes Region**  
11858/14 COAFR 207 DEVGEM 181 RELEX 603  
COHAFA 72 CSDP/PSDC 436 ACP 121 COPS 182
- 50. Draft Council conclusions on the Central African Republic**  
11856/14 COAFR 206 CSDP/PSDC 435 POLMIL 67  
COHAFA 71 PESC 761 DEVGEM 180 ACP 120 COPS 181
- 51. CDE - Centre for the Development of Enterprise**
- **Appointment of the members of the Executive Board**  
11769/14 ACP 119 PTOM 38 FIN 476
- 52. Restrictive measures against Libya**
- **Letters of reply to lawyers of two persons subject to the restrictive measures provided for in Council Decision 2011/137/CFSP and in Council Regulation (EU) No 204/2011**  
12036/14 PESC 787 COMEM 134 COARM 117 FIN 498
- 53. - 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**  
11975/14 PESC 778 RELEX 614 COARM 114 COMEM 130 FIN 490  
11875/14 PESC 764 COARM 111 COMEM 127 FIN 487  
+ ADD 1 RESTREINT UE  
11877/14 PESC 766 RELEX 604 COARM 112 COMEM 128 FIN 488  
+ ADD 1 RESTREINT UE
- 54. - Council Decision 2013/255/CFSP concerning restrictive measures against Syria**
- **Council Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**
  - = **Amendment of statements of reasons**  
12032/14 PESC 785 RELEX 618 COARM 116 COMEM 133 FIN 496

- 55. - **Council Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine**
- **Council Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine**
- = **Review of restrictive measures**  
12033/14 PESC 786 RELEX 619 COEST 260 FIN 497
- 56. **Relations with Ukraine**
- **Statement for the minutes of the Council**  
11978/1/14 REV 1 COEST 255

(Coreper Part 2, under II)

42. **European Council on 16 July 2014 (restricted session)**

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



Statements are made on the following item:

**13. Proposal for a Regulation of the European Parliament and of the Council on improving securities settlement in the European Union and on Central Securities Depositories (CSDs) and amending Directive 98/26/EC (First reading)**

- **Adoption of the legislative act**

PE-CONS 49/14 EF 63 ECOFIN 202 CODEC 599

11727/14 CODEC 1602 EF 194 ECOFIN 739

Joint statement by BE, DE, LU

"Belgium, Germany and Luxembourg welcome the adoption of the Regulation on improving securities settlement in the EU and on centralized securities depositories. This regulation is an important step in the achievement of a European regulatory framework in the field of financial market infrastructures, in line with internationally agreed standards.

As part of the legislative process, Belgium, Germany and Luxembourg would like to recall the importance of the work performed by the lawyers-linguists in the legislative procedure in order to ensure the quality of legislation and the translation of EU legislative acts in all official languages.

At that stage of the legislative procedure, any modification to the text agreed between the European Parliament and the Council, be it a modification on the form or on the substance, requires unanimous agreement of the Member States and the European Parliament.

In the absence of unanimous agreement, the text of the political agreement between the European Parliament and the Council must remain unchanged.

Belgium, Germany and Luxembourg regret that this principle has not been complied with regard to this regulation and expect that it is strictly adhered to in future cases."

\* \* \* \* \*

Statement by FI:

"Openness and transparency is a crucial objective for financial markets. Finland wants to retain its current 100% transparency regarding domestic ownerships in Finnish listed companies and cannot therefore support the regulation which may endanger this transparency. Finland emphasizes the need to improve the level of available shareholder information across EU and urges including this in the preparation of EU securities law legislation (SLL) and amendment of the shareholders' rights directive (SHRD)."

Statements are made on the following item:

**14. Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/65/EC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) as regards depositary functions, remuneration policies and sanctions (First reading)**

- **Adoption of the legislative act**

11728/14 CODEC 1603 EF 195 ECOFIN 740

+ ADD 1

PE-CONS 75/14 EF 84 ECOFIN 270 CODEC 808

Statement by Austria

"The Austrian constitutional law presently does not allow for administrative pecuniary sanctions in the amount provided for in Article 99 UCITS. 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 Sweden

"Access to data traffic records held by providers of public electronic communications networks by public authorities amounts to a serious interference with the right to respect of private and family life and the right to protection of personal data. Issues of privacy and surveillance are highly sensitive topics that need to be dealt with in a consistent manner across all EU policy areas. Such powers should be restricted to investigations of crimes. Sweden is worried that this power is spreading to financial market files which do not deal with such matters. The judgment of the European Court of Justice on the 8th of April in which the ECJ declares the Data Retention Directive (2006/24/EC) to be invalid further reinforces this view (see Cases C-293/12 and C-594/12)."

## Coreper Part 2

### II

#### 37. European Union Civil Service Tribunal

- **Appointment of two judges**
  - 10286/14 JUR 320 COUR 20
  - 9590/14 JUR 285 COUR 18
  - + COR 1 REV 1
  - + ADD 1 to 6

The Committee had an exchange of views concerning the appointment of two judges to the European Union Civil Service Tribunal, in view of filling the two vacant posts following the end of the mandates of Sean VAN RAEPENBUSCH (President of the Civil Service Tribunal) and Horst-Peter KREPPEL.

#### 38. Preparation of the Council meeting (Foreign Affairs) on 22 July 2014

- a) **Ukraine**
  - **Draft Council conclusions**
    - 12080/14 COEST 265

The Committee finalised, at its level, the draft Council conclusions on Ukraine, as set out in 12081/14, and decided to submit them to the attention of the Council, with a view to their adoption.

- b) **Iraq**

The Committee took note of information provided by the EEAS on the handling of this item in the Council. It was noted that no Council conclusions were foreseen at this stage.

- c) **MEPP**
  - **Draft Council conclusions**
    - 11820/14 COMEP 11 PESC 758

The Committee took note of information provided by the EEAS on the handling of this item in the Council, which would be taken over lunch. It was noted that the Council would adopt conclusions, which were still under discussion at working party level.

#### **d) Other items in connection with the Council meeting**

The EEAS indicated that the High Representative might also briefly refer in the Council to the nuclear talks with Iran and give a chance to Ministers to say a few words in preparation of the Eastern Partnership Ministerial meeting, which would be held after the Council. A few delegations indicated that their Ministers would want to say something under 'Any Other Business' in the Council on Bosnia and Herzegovina, including on the Donors' Conference in response to the recent floods in BiH and Serbia.

#### **39. Ukraine (restricted session)**

The Committee took note of a presentation by the European External Action Service on the situation on the ground in Ukraine. The Committee was also informed of the agreement reached in the Political and Security Committee on a statement to the Council minutes on discontinuing the application of the agreement of 20 February 2014 on export licences. Moreover, the Committee took note of a presentation by the Commission of the EEAS/Commission options paper on Crimea (COREU EAS/0814/14 RESTREINT UE/EU RESTRICTED), as well as of information by the Commission on the Ministerial-level consultations held on 11 July 2014 between the Commission, Russia and Ukraine on the implementation of the EU-Ukraine Association Agreement/DCFTA, the situation regarding the trilateral talks on gas supplies to Ukraine, and the high-level meeting held on 8 July 2014 on coordinating and implementing international support to Ukraine.

The Cabinet of the President of the European Council subsequently presented the text of draft European Council conclusions on Ukraine and had an exchange of views. The Committee also took note of draft European Council conclusions on the Middle East Peace Process, without however entering into an exchange of views.

On 17 July 2014 and in follow-up to the European Council of 16 July 2014, the Committee agreed to expand the restrictive measures, with a view to targeting also entities, including from the Russian Federation, that are materially or financially supporting actions undermining or threatening Ukraine's sovereignty, territorial integrity and independence. The Committee invited RELEX to finalise the necessary legal instruments (Council Decision and Regulation) and agreed to proceed to their adoption by written procedure. The legal acts have been published in the Official Journal on 19 July 2014.

In preparation of the Foreign Affairs Council on 22 July 2014, the Committee had an exchange of views on the situation in Ukraine following the downing of the Malaysian Airlines airplane and took note of a first draft of Council conclusions on the matter.

#### **40. Preparation of the Council meeting (General Affairs) on 23 July 2014**

##### **a) European Council follow-up**

The Committee held a preparatory discussion on the possible improvement of the follow-up to European Council conclusions, in preparation for the General Affairs Council of 23 July 2014.

##### **b) Europe 2020 strategy Mid-Term Review**

###### **- Roadmap for the second semester 2014**

11645/14 CO EUR-PREP 26 POLGEN 109 ENV 660 ENER 349 MI 533  
RECH 326 COMPET 444 IND 207 ECOFIN 733 SOC 556  
EDUC 263 TELECOM 141 CULT 94 AGRI 483  
REGIO 80 SAN 277

The Committee prepared the item on Europe 2020 strategy Mid-Term Review for the General Affairs Council.

##### **c) Accession of Lithuania to the Economic and Monetary Union**

###### **- Adoption**

###### **i) Proposal for a Council Decision on the adoption by Lithuania of the euro on 1 January 2015**

10925/14 UEM 269 ECOFIN 671

###### **ii) Proposal for a Council Regulation amending Regulation (EC) No 974/98 as regards the introduction of the euro in Lithuania**

10932/14 UEM 270 ECOFIN 673

###### **iii) Proposal for a Council Regulation amending Regulation (EC) No 2866/98 as regards the conversion rate to the euro for Lithuania**

11524/14 UEM 286 ECOFIN 719 RESTREINT UE

The Committee agreed to submit the three acts for adoption by the Council.

##### **d) Other items in connection with the Council meeting**

No items were raised under this heading.

**41. Draft budget of the European Union for the financial year 2015**  
**- Council's position**

After the intervention of the Commission and an exchange of views, the Committee reached an overall agreement, by a qualified majority, on the Council's position on the draft general budget for 2015 on the basis of the Presidency proposal set out in documents

11532/1/14 REV 1 FIN 454 + ADD 1 REV 1 + ADD 2 REV 1 + ADD 3 + ADD 4 + ADD 5.

It agreed on a draft Council statement on payment appropriations for entry in the Council minutes.

The Committee took note that the 3329th meeting of the Council of the European Union (Economic and Financial Affairs/Budget) convened on 17 July 2014 will be cancelled.

It took note of the parliamentary scrutiny reserve of the United Kingdom delegation.

The Bulgarian, Croatian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovakian and Slovenian delegations indicated that they would present a unilateral statement to be entered in the Council minutes.

The Austrian, Danish, Dutch, Finnish, French, German, Swedish and United Kingdom delegations also indicated that they would present a unilateral statement to be entered in the Council minutes.

**42. European Council on 16 July 2014 (restricted session)**

The Committee examined the draft EC conclusions for the extraordinary EC of the 16 July 2014.