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European Union

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CRS/CRP 32

SUMMARY RECORD

Subject: 2507th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 23-25 and 28/29 July 2014

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

doc. 11965/14 OJ/CRP1 28 + ADD 1
12118/1/14 REV 1 OJ/CRP2 28 + CM 3745/14 + CM 3749/14 + CM 3764/14

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

The following items are **added** :

(Coreper Part 1, under I)

7. ITLOS Case 21 - oral statement on behalf of the European Union to be made on 2 September 2014

– **Union position**

11462/1/14 PECHE 337 COMAR 3 REV 1
12053/14 PECHE 368 COMAR 5

(Coreper Part 2, under I)

36. EU Strategy on Citizen Security in Central America and the Caribbean and draft Council conclusions

– **Decision to use the written procedure**

12258/14 COLAC 48 PESC 820 COPS 201 DEVGEN 196 JAIEX 58
CORDROGUE 60
12231/14 COLAC 46 PESC 813 COPS 199 DEVGEN 194 JAIEX 56
CORDROGUE 58
12237/14 COLAC 47 PESC 814 COPS 200 DEVGEN 195 JAIEX 57
CORDROGUE 59

The following item is **withdrawn** :

(Coreper Part 2, under I)

9. Draft Council decision amending the Council's Rules of procedure

12075/14 JUR 432 POLGEN 119
12077/14 JUR 433 POLGEN 120

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

The Commission made a statement on the following item:

7. ITLOS Case 21 - oral statement on behalf of the European Union to be made on 2 September 2014

– **Union position**

11462/1/14 PECHE 337 COMAR 3 REV 1

12053/14 PECHE 368 COMAR 5

"The Commission takes note of the Council view that, as the Council could not endorse any position on the oral statement to be made during the oral hearing before the Tribunal, no Union position exists and no statement can thus be submitted on behalf of the Union.

The Commission will take into consideration, as appropriate, the suggestions made by the delegations on the specific points to be addressed at the oral hearing. However, the Commission considers that Council endorsement of the oral statement is not legally required, since the participation in the hearing is an act of representation of the European Union in litigation, for which the Commission is empowered to act on behalf of the European Union by the Treaties, namely on the basis of Article 17 TEU and Article 335 TFEU.

Therefore the Commission intends to take its responsibility for the representation of the Union at the hearing before the Tribunal."

* * * * *

RO made a statement on the following item:

28. Enlargement

– **Accession negotiations with Serbia**

= **Outcome of screening on Chapter 23: Judiciary and fundamental rights**

12003/14 ELARG 77

"Romania considers that the recommendation concerning state neutrality in religious affairs should not be interpreted in the sense that the Serbian authorities are not recommended to take actions in this field in order to adjust the internal legislation to the international obligations Serbia undertook. Serbia should take active steps in order to ensure equal access to religious service in minority language throughout its territory and to guarantee the right to establish religious institutions, organizations and associations, in accordance with the obligations assumed at international level."

Coreper Part 1

II

5. **Revision of the European Trade mark (First reading) (Legislative deliberation)**
- a) **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark**
 - b) **Proposal for a Directive of the European Parliament and of the Council to approximate the laws of the Member States relating to trade marks (Recast)**
 - **Examination of the Presidency compromise proposal with a view to starting negotiations with the European Parliament**
 - 11825/14 PI 94 CODEC 1619
 - 11826/14 PI 95 CODEC 1620
 - 11827/14 PI 96 CODEC 1621

The Committee gave a mandate to the Presidency to engage in consultations and a first informal trilogue with the European Parliament on the basis of the Presidency compromise text, in view of an early second reading agreement on the package.

6. **Communication from the Commission on "Energy Efficiency and its contribution to energy security under the 2030 framework for climate and energy policy"**
- **Presentation by the Commission**

The Committee took note of the presentation given by the Commission.

Coreper Part 2

II

31. EU-Canada Summit preparations

11776/14 CDN 5 PESC 750 RELEX 593 ENER 351 POLGEN 115 COTRA 28
WTO 208 ENV 666 COEST 242 RESTREINT UE

The Committee had a preliminary discussion in relation to the preparations for the EU-Canada Summit on the basis of an orientation note (doc. 11776/14 EU RESTRICTED) and a presentation by the EEAS and the Commission.

Delegations largely welcomed and gave their support to the orientation note while offering comments on particular issues.

The Committee decided to task the COTRA, PSC and TPC working parties to contribute to the preparations and to report back to this Committee in due time.

The Committee also decided to revert to the Summit's preparations at a later date following further preparation in the relevant preparatory bodies of the Council as regards the Summit agenda, the Joint statement and the deliverables.

32. European Union Civil Service Tribunal

– Appointment of 2 judges

10286/1/14 REV 1 JUR 320 COUR 20

9590/14 JUR 285 COUR 18

+ COR 1 REV 1

+ ADD 1 to ADD 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.

33. Follow-up of the Council meeting (General Affairs) on 23 July 2014

The Committee took note of the proceedings of the General Affairs Council and the Presidency reminded that during the informal meeting at the end of August Ministers will continue the discussion on the functioning of the European Union.

34. Follow-up of the Council meeting (Foreign Affairs) on 22 July 2014

There were no comments by delegations on this item.

35. Ukraine (restricted session)

In follow-up to the European Council of 16 July 2014 and the Foreign Affairs Council of 22 July 2014 and in light of the letter which the President of the European Council addressed to the 28 Heads of State or Government on 25 July 2014, the Committee examined and agreed to restrictive measures aimed at persons and entities, including from the Russian Federation, that are materially or financially supporting actions undermining or threatening Ukraine's sovereignty, territorial integrity and independence as well as to a package of instruments expanding the restrictive measures targeting sectorial cooperation and exchanges with the Russian Federation.

At its meeting on 29 of July, the Committee agreed to extend the restrictive measures by targeting sectors of cooperation with Russia. First, by limiting access to EU primary and secondary capital markets for Russian state-owned financial institutions, development banks, their subsidiaries and those acting on their behalf. Secondly, an embargo on the import and export of arms and related material from/to Russia was agreed. Thirdly, the Committee also agreed to impose an export ban for dual use goods and technology for Russian military end users. Finally, the Committee agreed that exports of certain energy-related equipment and technology to Russia will be subject to prior authorization by competent authorities of Member States. To optimise consistency in the application and monitoring of EU restrictive measures, it was agreed to explore the viability of an informal mechanism, within RELEX; this is addressed in the Joint Council and Commission Declaration agreed to this effect.

Furthermore, the following Statement of the Commission on Art. 5c of the Council Regulation and Art. 1c of the Council Decision made:

"It is agreed that bonds, equity or similar financial instruments with a maturity exceeding 90 days, issued by subsidiaries established in the European Union of the entities targeted in Article 1 (a) of the Decision/ 5 (a) of the Regulation, are not covered by the prohibition set out in Article 1 of the Decision/ Article 5 of the Decision. This is what is specified in Article 1(b) of the Decision and Article 5 (b) of the Regulation.

Article 1 (c) of the Decision/Article 5 (c) of the Regulation cover other persons, entities or bodies that may act on behalf of the targeted entities to raise capital for them. This includes such persons, entities or bodies in the EU to avoid creating possibilities for circumvention of the prohibition set out in Article 1 of the Decision/Article 5 of the Regulation."

The Committee agreed to the use of written procedure for adoption of the Council Decision and Council Regulation as well as the Joint Declaration implementing those new measures (doc. 12305/14). The legal acts have been published in the Official Journal on 31 July 2014.

At the meeting on the 24 July 2014, the Committee examined the list of names proposed by the EEAS and agreed to include additional 15 persons and 18 entities on the list of persons and entities subject to the targeted restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. In line with the Council conclusions of 22 July 2014, the Committee also agreed to widen the designation criteria in order to cover persons and entities that actively support or are benefiting from Russian decision makers responsible for the annexation of Crimea or the destabilisation of Eastern Ukraine. The Committee agreed to the use of written procedure for adoption of Council Decision, Council Regulation and Council Implementing Regulation implementing those new listings. The legal acts have been published in the Official Journal on 25 July 2014.

Furthermore, at the meeting on 29 July 2014, the Committee examined the list of names proposed by the EEAS and agreed to include additional 8 persons and 3 entities on the list of persons and entities subject to the targeted restrictive measures, under the expanded criteria adopted on 25 July 2014. The Committee agreed to the use of written procedure for adoption of Council Decision and Implementing Regulation implementing those new listings.

The legal acts have been published in the Official Journal on 30 July 2014. In agreeing to the Council Decision and the Council Regulation in relation to these listings, the Committee also decided to enter the following statement into its minutes:

"En ce qui concerne les entités et organismes non désignés dans l'annexe [à la Décision et au Règlement], dans lesquels une personne, entité ou organisme désigné dans cet annexe détient une participation, l'obligation de geler les fonds et ressources économiques de la personne désignée n'empêche pas ces entités ou organismes non désignés de continuer à exercer une activité légitime dans la mesure où cette dernière n'implique pas la mise à disposition de quelques fonds ou ressources économiques que ce soit au profit d'une personne ou organisme désigné."

In addition, the Committee, at its meeting of 28 July 2014, agreed on trade and investment restrictions for Crimea and Sevastopol. The Committee agreed to a ban on new investment in the following sectors in Crimea and Sevastopol: infrastructure projects in the transport, telecommunications and energy sectors and in relation to the exploitation of oil, gas and minerals. Key equipment for the same six sectors may not be exported to Crimea and Sevastopol; finance and insurance services related to such transactions must not be provided. The Committee agreed to the use of the written procedure for adoption of Council Decision and Council Regulation implementing this agreement. The legal acts have been published in the Official Journal on 30 July 2014.

In addition the following declaration by the Italian Presidency was entered to the minutes of the Committee:

"Following the Council conclusions on Ukraine of 22 July 2014, the Italian Presidency hereby confirms its intention to give, during its presidency, further consideration to the possible designation, as terrorists organisations, of armed militants in Eastern Ukraine and elsewhere whose illegal activities have caused the loss of life of many innocent people".

– **Any other business**

– **Draft reply of the HR/VP to a letter of Switzerland requesting the revision of the Agreement on the Free Movement of Persons**

The Committee expressed its support for the draft reply of the HR/VP to the Swiss President, rejecting the request of Switzerland to revise the Free Movement of Persons Agreement.