



Council of the
European Union

**Brussels, 9 October 2014
(OR. en)**

13587/14

CRS/CRP 38

SUMMARY RECORD

Subject: 2511th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 24 and 25 September 2014

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 - e) 3323rd meeting of the Council of the European Union (Employment, Social Policy, Health and Consumer Affairs), held in Luxembourg on 19 and 20 June 2014
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8. Commission delegated Regulation (EU) No .../.. of 17.7.2014 supplementing Regulation (EU) No 223/2014 of the European Parliament and of the Council on the Fund for European Aid to the Most Deprived by laying down the content of the annual and final implementation reports, including the list of common indicators
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43. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1346/2000 on insolvency proceedings (First reading)
44. Approval by the Council of the EU of the Draft Memorandum of Understanding on cooperation between Eurojust and the European Union Agency for Fundamental Rights (FRA)
45. EU and Member States' position on the draft declaration of the Union for the Mediterranean ministerial meeting on the Digital Economy (Brussels, 30 September 2014)
46. Council Decision on the signing, on behalf of the European Union and its Member States, and provisional application of a protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union
47. China Reference Lines
48. European Union's Key Objectives and Priorities for the 2nd United Nations Conference on Landlocked Developing Countries (Vienna, Austria, 3-5 November 2014)
49. Council Decision amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO
50. - Council Decision repealing Common Position 2000/696/CFSP on the maintenance of specific restrictive measures directed against Mr Milosevic and persons associated with him and related Common Positions 1998/240/CFSP, 1998/326/CFSP, 1999/318/CFSP and 2000/599/CFSP
- Council Regulation repealing Regulation (EC) No 2488/2000 maintaining a freeze of funds in relation to Mr Milosevic and those persons associated with him
51. Council Decision amending Decision 2012/389/CFSP on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR)

II

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

doc. 13432/14 OJ/CRP1 32

13483/2/14 REV 2 OJ/CRP2 32 COMIX 480

The above-mentioned agendas are approved.

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

AT and MT made statements on the following item:

15. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (First reading) (Legislative deliberation)

– **Endorsement of the mandate for the informal trilogue**

13261/14 UD 212 AGRI 582 ENFOCUSTOM 102 CODEC 1826

13205/14 UD 210 AGRI 580 ENFOCUSTOM 101 CODEC 1814

AT statement

"With the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters, among other things, the gaps in existing systems for the detection and investigation of customs fraud shall be closed, in particular regarding false origin declarations, false descriptions of goods or the misuse of the transit system. Furthermore, customs risk management shall be improved.

One element of the changes is the establishment of a register (import, export and transit database), in which all data on the import, export and transit of goods shall be copied from the Union's e-customs system. The purpose of the data register is risk analysis. Access to the data register for competent authorities of the MS is to be regulated by an implementing act and is limited to certain data elements. Access by the Commission to the data register shall be restricted to authorized analysts.

In the course of negotiations in the working group Austria has repeatedly argued against the establishment of such a data register and set out the reasons for this rejection. Austria declares that it maintains its reservation against this compromise text for the following reasons:

Austria rejects the establishment of a register for data on the import, export and transit of goods, in which all data of customs-related activities in the EU should be duplicated, finding it disproportionate.

Such extensive data collection is not required to achieve the purposes of the Regulation, namely the proper application of customs and agricultural legislation.

Austria doubts that such a huge volume of data can be adequately analyzed due to a lack of appropriate human resources.

In connection with the import export and transit database Austria has serious concerns regarding the protection of personal data and data security especially concerning sensitive economic data. The restriction of MS access to specific data elements does not eliminate these concerns. On the contrary, such a restriction calls into question the added value of the data register for the risk analysis by MS, since the competent authorities of the MS already have this data available to them in their own systems."

* * * * *

MT statement:

"Malta deems it important to stress the need for the IT systems and databases as promulgated in the Communication from the Commission on the EU Strategy and Action Plan for Customs Risk Management *COM(2014) 527 final*, to be coherent and complimentary to those set forth in the Proposal for a Regulation amending Regulation *515/97*. It is to be ensured that the systems and databases are not duplicated, and that as much as possible do not bear any additional costs for the Member State administrations."

Coreper Part 1

II

19. **Setting of the provisional agenda for the Council meeting (Agriculture and Fisheries) on 13 and (poss.) 14 October 2014** (For the items in the remit of the Permanent Representative Committee)

The Committee agreed on the provisional agenda for the forthcoming Council meeting (Agriculture and Fisheries) on 13 and (poss.) 14 October 2014 as set out in 13949/14.

20. **Preparation for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 16 October 2014**

1. **Setting of the provisional agenda**

The Committee agreed on the provisional agenda of the forthcoming meeting of the Council (EPSCO) as set out in 14054/14.

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)**

– **General approach**

9008/14 SOC 297 JAI 236 MIGR 50 ECOFIN 398 COMPET 243

CODEC 1120

13297/14 SOC 635 EMPL 105 JAI 680 MIGR 123 ECOFIN 832

COMPET 518 CODEC 1843

+ ADD 1

The Committee considered the compromise text (set out in 13667/14 + ADD 1) and decided to submit the file to the EPSCO Council on 16 October 2014 to agree on a general approach.

HU having insisted on its proposal for a recital 11c(new), several other delegations argued that it was not necessary to repeat such a general clause in a legislative text. Commission also confirmed that the Platform would not have a legislative or norm-setting competence.

21. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 8 October 2014

1. Fourth Railway Package (First reading) (*Legislative deliberation*)

- a) **Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area, as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure**
5985/13 TRANS 36 CODEC 216
- b) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail**
5960/13 TRANS 35 CODEC 209
- **Policy debate**
13286/14 TRANS 434 CODEC 1837

The Committee took note of the questions presented by the Presidency, intended to structure the policy debate on two of the proposals of the "market pillar" of the Fourth Railway Package at the TTE Council on 8 October 2014.

2. Proposal for a Directive of the European Parliament and of the Council facilitating cross-border exchange of information on road safety related traffic offences (First reading) (*Legislative deliberation*)

- **General approach**
12107/14 TRANS 373 DAPIX 103 ENFOPOL 225 CODEC 1659
+ ADD 1
13264/14 TRANS 428 DAPIX 122 ENFOPOL 276 CODEC 1827

The Committee examined the draft general approach and decided to transmit it to the TTE Council for adoption at its session on 8 October 2014.

Coreper Part 2

II

52. Preparation of the Council meeting (General Affairs) on 29 September 2014

a) Preparation of the European Council on 23/24 October 2014

- Annotated Draft Agenda
12780/14 CO EUR-PREP 28

The Committee took note of the annotated draft agenda submitted by the President of the European Council, setting out the main items that the EC is expected to address on 23/24 October 2014, namely on the Climate change and energy package and on economic issues.

b) Follow-up to the European Council on 26/27 June 2014

- State of play on the orientations set out by the European Council in the area of Jobs, Growth and Competitiveness
13244/14 CO EUR-PREP 34 POLGEN 127

The Committee took note of the report on the basis of which the Council will examine the follow-up to the Strategic Agenda in the area of jobs, growth and competitiveness.

c) Other items in connection with the Council meeting

The Committee examined the provisional agenda for this Council meeting and decided to remove the item on the Council conclusions on the governance of macro-regional strategies.

53. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 14 October 2014

The Committee agreed the provisional agenda for this Council meeting.

54. Ukraine

– AA-DCFTA

13466/14 WTO 257 COEST 341 NIS 46 CODEC 1857

+ ADD 1

+ ADD 2

13519/14 COEST 342 WTO 259

The Committee took note of a presentation by the Commission of its proposals for a Regulation amending Regulation (EU) No 374/2014, prolonging the application of autonomous trade measures for Ukraine until the end of 2015 (doc. 13466/14), as well as for a Council Decision amending Council Decision 2014/668/EU of 23 June 2014 on the signing and provisional application of the EU-Ukraine Association Agreement (doc. 13519/14).

As regards the first proposal for a Regulation amending Regulation (EU) No 374/2014, it was noted that this was subject to the ordinary legislative procedure (co-decision).

With regard to the second proposal, the Committee reached agreement on the draft Council Decision amending Council Decision 2014/668/EU and agreed to submit the Decision, following legal-linguistic revision, as an "A" item to the Council (General Affairs) on 29 September 2014 (see doc. 13591/14).

In addition, following discussion by the Working Party on Eastern Europe and Central Asia (COEST), the Committee reached agreement on a Joint Statement of the Council and the Commission to the Council minutes, as set out in Annex to document 13591/14. It was agreed that this statement should be made public.

55. Preparation of the Council meeting (Justice and Home Affairs) on 9/10 October 2014

a) Taking action to better manage migratory flows

The Committee confirmed the outcome of the discussions held during the Mixed Committee (see doc. 13674/14 JAI 713 COMIX 496).

- b) **Draft Council Decision on the framework for the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania**
– **State of play/(poss.) Adoption**
13363/14 SCH-EVAL 96 COMIX 468

This item was postponed.

- c) **Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (First reading)**
– **Partial general approach¹ on Chapter IV**
12312/2/14 REV 2 DATAPROTECT 109 JAI 630 MI 579 DRS 104 DAPIX 109
FREMP 148 COMIX 403 CODEC 1675

The Committee discussed the questions in the Presidency note. A large number of delegations indicated that they would be able to support a partial general approach on Chapter IV on the understanding that the caveats referred to in the Presidency note applied.

Regarding the four questions set out in the Presidency note, it was concluded that JHA Counsellors would try to further fine-tune the proposed solutions and that the Committee would revert to the issue at its session of 1 October 2014.

d) Other items in connection with the Council meeting

The Presidency indicated that it would inform the Council about the state of play of the examination of the proposal for a recast of the Students' and Researchers' Directives.

¹ When adopting a General approach after the European Parliament has adopted its position at first reading, the Council is not acting within the meaning of Article 294(4) and (5) TFEU.