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European Union

**Brussels, 28 November 2014
(OR. en)**

15375/14

CRS/CRP 45

SUMMARY RECORD

Subject: 2518th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 10, 12, 13, 14 and 17 November 2014

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

doc. 15277/14 OJ/CRP1 39 + ADD 1
15304/1/14 REV 1 OJ/CRP2 39 + CM 5020/14

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

The following items are **added** :

(Coreper Part 1, under I)

20. ICAO - Preparation for forthcoming ICAO meetings on the global market-based measure (GMBM)

- **European Union coordination of a common position**
15341/14 AVIATION 208 RELEX 910

21. Preparations for the ICAO High Level Safety Conference (2 - 5 February 2015)

- **European Union coordination of a common position**
14901/14 AVIATION 205 RELEX 878
+ ADD 1

(Coreper Part 2, under I)

67. (poss.) Draft Council conclusions on CSDP

15347/14 CSDP/PSDC 648 COPS 293 PESC 1156

68. (poss.) Report by the Head of the European Defence Agency to the Council

15388/14 CSDP/PSDC 651 PESC 1159 COPS 295 POLMIL 100
15390/14 CSDP/PSDC 652 PESC 1160 COPS 296 POLMIL 101

69. Georgia - Action Plan on Visa Liberalisation

- **Draft Council conclusions**
15507/14 COEST 423 JAI 870 VISA 299

70. - Council Decision 2010/413/CFSP concerning restrictive measures against Iran

- **Council Regulation (EU) No 267/2012 on restrictive measures against Iran**
= **Draft letter of reply**
15575/14 PESC 1187 CONUN 182 COMEM 209 CONOP 113
COARM 184 FIN 866

71. Protocol 36 to the Treaties

- **Complementary Statement to the Minutes of the Council by the United Kingdom**
15594/14 PROAPP 35 JAI 881 CATS 186 SCHENGEN 52 COMIX 613

(Coreper Part 2, under II)

72. Follow-up to the ECOFIN/Budget Council on 14 November 2014

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

DE made a statement on the following item:

51. Council Decision on the conclusion of the Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway

- **Adoption**

14766/1/14 REV 1JAI 812 COPEN 266

5307/14 JAI 36 COPEN 8

+ COR 1

"Germany does not consent to the decision on the conclusion of the Agreement.

Article 38 of the Agreement provides that the Contracting Parties shall notify each other of the completion of the procedures required to express their consent to be bound by this Agreement.

When giving their notification the Contracting Parties shall make any of the notifications or declarations provided for in different articles of the Agreement. Some of those declarations cannot be made after this date.

The decision of the Council aims at giving to a designated person the legal power to give the notification. Neither the Agreement itself nor other legislation of the European Union do provide for time limits to give the notification.

Germany as three other member states did not yet finalize its internal proceedings and therefore is not yet in a position to determine which notifications will be necessary to guarantee an effective use of the Agreement."

Coreper Part 1

II

9. **Setting of the provisional agenda for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 1 December 2014**

The Committee agreed on the provisional agenda of the forthcoming meeting of the Council (EPSCO) as set out in 15576/14.

10. **Setting of the provisional agenda for the Council meeting (Transport, Telecommunications and Energy) on 3 December 2014**

The Committee agreed on the provisional agenda for the next TTE Council meeting as set out in 15579/14.

11. **Setting of the provisional agenda for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 4 and 5 December 2014**

The Committee set the provisional agenda for the meeting of the Competitiveness Council.

12. **Preparation for the Council meeting (Education, Youth, Culture and Sport) on 25 November 2014**

1. **Draft Council conclusions on European Audiovisual policy in the digital era (Non-legislative activity)**

– **Adoption**

14922/14 AUDIO 62 TELECOM 191 PI 120

The outcome of the examination of this file by the Committee is contained in 15317/14.

2. **Draft conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on a Work Plan for Culture (2015-2018) (Non-legislative activity)**

– **Adoption**

14951/14 CULT 122 AUDIO 63 MI 837 RELEX 882 STATIS 119

The outcome of the examination of this file by the Committee is contained in 15319/14.

3. **Draft Council conclusions on participatory governance of cultural heritage (Non-legislative activity)**

– **Adoption**

14953/1/14 CULT 123 TOUR 19 REGIO 121 RELEX 883 REV 1

The outcome of the examination of this file by the Committee is contained in 15320/14.

4. Reinforcing the contribution of cultural and creative sectors, including cultural heritage, to the goals of the Europe 2020 strategy (*Non-legislative activity*)

– **Policy debate**

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

14752/14 CULT 121 EDUC 317 SOC 758 AUDIO 64 COMPET 605 EMPL 149
TOUR 23 TELECOM 197

The Committee agreed to forward the discussion paper (doc. 14752/14) to the Council as a basis for the policy debate to be held on this subject.

5. Draft conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on sport as a driver of innovation and economic growth (*Non-legislative activity*)

– **Adoption**

14954/14 SPORT 52 SOC 745 RECH 421 IND 311 COMPET 596

The Committee took note of the unanimous support for the text as contained in 14954/14 and forwarded the text to the Council for adoption.

6. Sport and physical activity at school age (*Non-legislative activity*)

– **Policy debate**

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

14956/1/14 SPORT 53 EDUC 314 JEUN 100 SAN 411 REV 1

The Committee agreed to forward the discussion paper (doc. 14956/1/14 REV 1) to the Council as a basis for the policy debate to be held on this subject.

13. Proposal for a Regulation of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport and amending Regulation (EU) No 525/2013 (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

15149/14 CLIMA 99 ENV 881 MAR 172 MI 854 ONU 132 CODEC 2182

The Committee considered the revised Presidency compromise suggestions set out in 15149/14 and gave the Presidency a mandate for negotiating with the European Parliament at the second (and last) informal trilogue foreseen on 18 November 2014, with a view to an early agreement on the file. The outcome of Committee's deliberations is set out in 15526/14.

- 14. Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high level of network and information security across the Union (First reading) (Legislative deliberation)**
– **Presidency debriefing on the outcome of the informal trilogue**

The Presidency briefed the Committee on the second trilogue held on 11 November 2014.

Presidency reported that the EP could accept the structure proposed by the Council for cooperation while suggesting a number of additions to the relevant articles. The issue of the scope appears to be the most divisive, the EP insisting that all sectors identified as "critical" in Annex II be treated the same way in all Member States and could not be left empty when Member States apply criteria to identify operators subject to the provisions of the Directive.

The Commission was more positive in its assessment of convergence between the co-legislators, but agreed that the issue of scope needs more work (in particular as regards the handling of internet enablers).

The third trilogue is tentatively scheduled in the 1st or 2nd week of December.

- 15. Proposal for a Regulation of the European Parliament and of the Council concerning type-approval requirements for the deployment of the eCall in-vehicle system and amending Directive 2007/46/EC (First reading) (Legislative deliberation)**
– **Presidency debriefing on the outcome of the informal trilogue**

The Presidency informed the Committee on the outcome of the second trilogue with the European Parliament stressing that the co-legislators reached agreement on a large number of issues. The relevant Working Party will now examine possible compromise proposals for the outstanding issues with a view to reaching a final agreement at the third trilogue with the European Parliament.

- 16. 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)**
– **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of an oral debriefing by the Presidency on the outcome of the first informal trilogue on the trade mark package, which took place on 12 November 2014.

- 17. Proposal for a Regulation 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 GMOs in their territory (Second reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the debriefing from the first trilogue (11/11/2014) and the revised calendar of meetings presented by the Presidency concerning the negotiations with the European Parliament.

A preliminary exchange of views showed that many delegations prefer to maintain the Council position at first reading on a number of relevant political aspects, notably, the "opt-out mechanism" and the mandatory co-existence measures. A number of delegations saw the need to find compromise solutions with the European Parliament's stance. In the light of delegations' remarks, the Presidency will now prepare a draft negotiation mandate which will be examined by the Committee on 19 November 2014.

- 18. Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
15146/14 ENV 880 MI 853 IND 319 CONSOM 231 CODEC 2181

The Committee agreed on a modified mandate for the Presidency, in view of the third and last informal trilogue on this proposal scheduled on 17 November 2014, with a view to an early agreement on this file. The outcome of Committee's deliberations is set out in 15591/14.

19. Forced Labour Convention

- a) **Proposal for a Council Decision authorising Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation with regard to matters related to judicial cooperation in criminal matters**
- b) **Proposal for a Council Decision authorising Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation with regard to matters related to social policy**
- **Preparation for the agreement in principle**
 - 14606/14 SOC 717 EMPL 138 MIGR 134 JAI 792
 - 14608/14 SOC 718 EMPL 139 MIGR 135 JAI 793
 - 15100/14 SOC 756 EMPL 146 MIGR 142 JAI 839

Following some legal clarifications, the Presidency concluded that revised texts would be circulated, and that the Committee would return to this matter.

DE made a statement (joined by HU, RO, EL and LU) to the minutes of the meeting:

Statement by DE

"The Commission presented two proposals for Council Decisions authorising Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation for those parts that fall within the competences of the Union (1) in accordance with Article 153(1)(a) and (b) TFEU or (2) in accordance with Article 82(2) TFEU. Article 218(6) (a) (v) TFEU is named as the procedural legal basis for the Council Decisions.

The Federal Republic of Germany underlines the legal and political significance of the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation. It explicitly supports the aims of the instruments and the ratification of the Protocol by all Member States also in the interest of the Union and the call on Member States to ratify, and it will initiate the ratification process in Germany as soon as possible.

However, there are divergent legal opinions about the underlying procedural norms that could not yet be resolved. From the German point of view Article 218(6) TFEU which is used as the procedural basis does not qualify for this purpose. However, because of the legal and political significance of the Protocol the Federal Republic of Germany is ready to endorse the presented proposals and to disregard the procedural concerns outlined in its written comment of 23 October 2014. The Federal Republic of Germany therefore endorses the present Decision notwithstanding its legal opinion concerning the interpretation of Article 218(6) TFEU.

The Federal Government wishes to seize this opportunity to explore, together with the Member States and the European Commission, viable ways of reconciling the procedural interests of the EU Member States as autonomous constituents of the ILO on the one hand and of the European Union as the guardian of the *acquis communautaire*, on the other."

Coreper Part 2

II

22. UN Draft modalities resolution on a multilateral legal framework for sovereign debt restructuring in reference to UN General Assembly resolution 68/304 of 9 September

On the basis of a joint Commission/EEAS note, the Committee was asked to discuss and agree on a common position to the United Nations discussions on the multilateral legal framework for Sovereign Debt Restructuring.

Member States reached an agreement on the proposed position.

23. Draft amending budgets to the general budget for 2014

The Committee held an exchange of views on the outstanding draft amending budgets relating to 2014 on the basis of the Presidency's compromise proposal and the Presidency's conclusions at the ECOFIN Council meeting on 7 November 2014.

The Committee took note of the information provided by the Commission that a proposal for an amendment to Council Regulation (EC, Euratom) No 1150/2000 would be provided during the coming days.

The Presidency noted that a qualified majority in favour of its compromise proposal on the package of outstanding draft amending budgets could not be reached at this stage. The Presidency informed that the Committee would come back to the issue during the discussion of agenda item 65 at its meeting on 13 November 2014.

56. Preparation of the Council meeting (Foreign Affairs) on 17/18 November 2014

a) Ebola

– Draft Council conclusions

15237/14 COAFR 310 COHAFA 111 SAN 421

The Committee updated the text of the draft Council conclusions on Ebola in light of the outcome of the G20 Summit in Brisbane and the visit of EU Ebola Coordinator to the region.

The Committee forwarded the revised text to Council for adoption (doc. 15475/14).

The Committee took note of the joint proposal of DE and FR for the White Helmets initiative. Presidency will reflect on how to take this initiative further within the Council.

b) **Ukraine**

The Committee took note of a presentation by the EEAS on the organisation of the Council discussion on Ukraine, which would be based on an EEAS issues paper. The EEAS indicated that draft Council conclusions were also under preparation. Several delegations called for additional restrictive measures to be prepared, so as to ensure that the Foreign Affairs Council would be able to decide on additional listings when it met. These should cover not only separatist leaders in Eastern Ukraine but also persons in Russia. Some delegations, however, were not convinced that work on additional listings should begin before the political debate in the Council. A number of delegations also called for a clear message to be sent to Ukraine on the need to address the reform.

- **Draft Council conclusions**
15477/14 COEST 421

At its meeting on 17 November, the Committee confirmed the broad agreement reached on 17 November 2014 by the Political and Security Committee on the draft Council conclusions on Ukraine and agreed to submit them to the Council for adoption, as set out in 15478/14.

c) **Iraq/Syria/ISIL**

This item was not discussed.

d) **MEPP**

- **Draft Council conclusions**
15505/14 COMEP 19 COMAG 102 PESC 1174

The Committee examined the draft Council conclusions on the Middle East Peace Process (MEPP) on the basis of document 15505/14 and agreed to forward them to Council for adoption, as set out in 15518/14.

e) **(poss.) Libya**

This item was not discussed.

f) (poss.) Western Balkans (BiH)

The EEAS noted that Germany and the UK could present their ideas on re-focussing the policy agenda with Bosnia-Herzegovina. Germany hoped that there could be political endorsement of the German/British ideas by the Foreign Affairs Council. Some delegations expressed their support for the German/British initiative. A few delegations indicated that they still had a number of questions on the German/British proposals, in particular their possible effect on agreed conditionality and the established enlargement methodology.

g) Other items in connection with the Council meeting

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

57. Relations with Georgia and the Republic of Moldova

- **Council and Commission Decision on the Union position to be adopted in the Association Council established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, in relation to the adoption of the rules of procedure of the Association Council and of the Association Committee, to the establishment of two specialised subcommittees, and to the delegation of certain powers by the Association Council to the Association Committee in Trade configuration**

- **Council and Commission Decision on the Union position to be adopted in the Association Council established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, in relation to the adoption of the rules of procedure of the Association Council and of the Association Committee, to the establishment of two specialised subcommittees, and to the delegation of certain powers by the Association Council to the Association Committee in Trade configuration**
15223/14 COEST 408
14598/14 COEST 382
14599/14 COEST 383

Following its decision of 6 November 2014 to task the EEAS/Commission to come with a proposal at its next meeting for a solution regarding the issue of replacement of the High Representative in his/her absence (Article 2 of the draft Council and Commission Decisions), the Committee continued its discussion. The outcome of the Committee's deliberations is set out in 15468/14.

In particular, the Committee agreed to amend Article 2 of the two Decisions in line with the wording suggested by the Council Legal Service (see doc. 10532/14) by adding "in her capacity as President of the Foreign Affairs Council of the European Union".

Furthermore, the Presidency indicated that the Committee would return to the issue of chairing arrangements on a more horizontal basis and that the agreement reached in the case of the EU-Georgia and EU-Republic of Moldova Association Councils did not set a precedent for the future. It was agreed that this would be reflected in the Committee's minutes (see the following Presidency Statement).

Statement by the Presidency

"With regard to the agreement reached on the Rules of Procedure of the EU-Georgia Association Council and the EU-Republic of Moldova Association Council respectively, the Presidency undertakes to return at COREPER level to the issue of chairing arrangements of future Association Councils on a more horizontal basis and notes that the agreement reached in the case of the EU-Georgia and EU-Republic of Moldova Association Councils does not set a precedent for the future."

58. Draft Council Decision establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena)

15309/14 PESC 1152 CSDP/PSDC 646 FIN 836

Two delegations could not agree to the inclusion of the transport costs of Battlegroup deployment in the text of the draft Decision. This issue will be discussed at FAC (Defence) on 18 November 2014. The proposal on the two other issues concerning common costs - Barracks and lodging and medical services were not retained.

59. European Defence Agency: Draft Budget 2015

15289/14 CSDP/PSDC 644 POLARM 4 IND 323 RECH 427 ECO 154

The Committee discussed the High Representative's proposal for the EDA 2015 budget based on zero real growth figures (total proposed budget of 31,1 million EUR). EDA Chief Executive explained the increase compared to the 2014 budget has been proposed to set off the inflation, and that despite new tasks entrusted to the Agency, the budget has been frozen since 2010. The Chair 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 November 2014 for further discussion so as to adopt the 2015 Budget of the Agency, as well as to agree to postpone by one year the adoption of the EDA 3-Year Financial Framework.

60. Partnership Agreement on Relations and Cooperation between the European Union and New-Zealand (PARC)

13471/14 COASI 118 ASIE 59 NZ 1 POLGEN 132

The Committee took note of the presentation by the EEAS representative as regards the outcome of the negotiations regarding the draft Partnership Agreement on Relations and Cooperation between the European Union and New Zealand, in view of initialling. The EEAS committed to modify Article 60 on Authentic Texts in the process of legal scrubbing. In addition, the EEAS underlined that the Joint Committee foreseen in the draft Agreement will not take any binding decisions without the consent of the Member States if the competences of the Member States are affected. The Committee approved the outcome of the negotiations given the EEAS commitments on the above.

The following statements are added to the minutes of the Committee.

UK statement

Partnership Agreement on Relations and Co-operation between the European Union and New Zealand (PARC) – Justice and Home Affairs Recital

"The United Kingdom accepts the proposed revised recital for inclusion within the draft Partnership Agreement on Relations and Co-operation between the European Union and New Zealand ('the Agreement') as an appropriate response in the circumstances to the question of the operation of Protocol 21 to the Treaties on the Position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice ('the Protocol') to future agreements or internal EU measures that might be adopted to implement the Agreement pursuant to Title V of Part III TFEU. However, unlike the long standing existing recital used in relevant agreements between the EU and third countries, it does not comment on the application of the Protocol to the provisions of the Agreement itself. Accordingly, the United Kingdom stresses that the recital is specific to the Partnership and Cooperation Agreement with New Zealand and should not form a precedent for future agreements with other States which may vary as to the parties, their content or scope. The United Kingdom will continue to review the justice and home affairs provisions of future agreements to determine the appropriate wording of the recital recording the application of the Protocol. The United Kingdom notes the Agreement is subject to conclusion with New Zealand. The United Kingdom will review the content of the Agreement at the point at which it is presented to the Council for Decisions on signature and conclusion to determine whether the Protocol should apply to its provisions."

DE statement

Partnership Agreement on Relations and Co-operation between the European Union and New Zealand (PARC) - Joint Committee

"It must be ensured that the Joint Committee foreseen in the Agreement does not take any binding decisions without the consent of the Member States if the competences of the Member States are affected."

61. Presentation of the agenda of the Council meeting (Justice and Home Affairs) on 4/5 December 2014

The Chair presented the draft agenda of the JHA Council on 4 and 5 December 2014. The Justice session will be held on 4 December and the Home Affairs session on 5 December.

62. 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 research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing (Recast) (First reading)

- **Scope**

14837/14 MIGR 138 RECH 416 EDUC 312 CODEC 2124 SOC 740

The Chair concluded that there was not sufficient support for the Presidency's compromise suggestion on the scope of the above legislative proposal and it would reflect on how to proceed in light of this outcome.

63. Follow-up to the Council meeting (Economic and Financial Affairs) on 7 November 2014

The Committee took note of the proceedings of this Council meeting.

64. Preparation of the Council meeting (Foreign Affairs/Trade) on 21 November 2014

a) **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1225/2009 on protection against dumped imports from countries not members of the European Community and Council Regulation (EC) No 597/2009 on protection against subsidised imports from countries not members of the European Community (First reading)**

- **Presidency compromise proposal: Lesser Duty Rule ("LDR")**

15198/14 COMER 222 WTO 291 ANTIDUMPING 57 CODEC 2188

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The Committee discussed the Presidency compromise proposal as featured in document 15198/14, in particular the LDR. The Chair concluded that this file would revert to the Trade Questions Working Party in view of further technical discussions on the definitions of Raw Materials and Energy.

He also stated that he would speak to the President of the Council indicating that the majority of delegations expressed their preference for an orientation debate at the Council.

b) Proposal for a Regulation of the European Parliament and of the Council on the access of third-country goods and services to the Union's internal market in public procurement and procedures supporting negotiations on access of Union goods and services to the public procurement markets of third countries (First reading)

- Orientation debate

15213/14 COMER 223 WTO 294 MAP 48 MI 858 CODEC 2189

The Presidency compromise proposal was not discussed, the Chair announced that an orientation debate regarding this file will take place at the Council on 21 November 2014.

c) WTO/DDA

- State of play

The Commission explained that the negotiations remained blocked at this point in time; however, the US-India talks were underway and news in this respect could be announced ahead of the next G20 Summit scheduled for 15/16 November 2014 in Brisbane.

d) EU-US TTIP negotiations

- Adoption of Council conclusions

15199/14 WTO 292 USA 26

The Committee discussed the latest revised text of draft Council conclusions on the TTIP, as featured in document 15199/14. After the discussion the Chair concluded that the Presidency had taken good note of all comments. As regards the procedure, the Trade Policy Committee (Deputies) was tasked to look again into the matter at its next meeting; if necessary, the text could still be discussed during the next Committee meeting, so as to allow ministers to focus their discussion on the substance.

e) Council conclusions on Trade

- Adoption of Council conclusions

15200/14 WTO 293

The Committee discussed the latest revised text of draft Council conclusions on trade, as featured in document 15200/14. After the discussion the Chair concluded that the Presidency had taken good note of all comments.

As regards the procedure, the Trade Policy Committee (Deputies) was tasked to look again into the matter at its next meeting; if necessary, the text could still be discussed during the next Committee meeting, so as to allow ministers to focus their discussion on the substance.

f) Bilateral Trade negotiations

- State of play of the negotiations with Japan and Vietnam

The Commission presented the overall state of play in FTA negotiations with Japan and Vietnam and prospects for their conclusion. More detailed update would be provided by Commissioner Malmström during the Council meeting.

g) Other items in connection with the Council meeting

The Chair briefly informed the Committee about planned lunch discussion with Bernd Lange, Chairman of the European Parliament's Committee on International Trade.

65. Preparation of the Conciliation Committee meeting and ECOFIN/Budget Council on 14 November 2014

The Committee discussed the Commission's proposal for an amendment to Council Regulation (EC, Euratom) No 1150/2000 as well as the state of play of the negotiations on the budget for 2015 and the outstanding draft amending budgets relating to 2014, taking into account the Presidency's revised compromise proposal.

The Presidency informed about the European Parliament's positions expressed at the trilogue on 11 November 2014 and called on the delegations to show openness to compromise at the upcoming meeting of the Conciliation Committee on 14 November 2014.

66. Preparation of the Council meeting (General Affairs) on 18/19 November 2014

a) Preparation of the European Council on 18/19 December 2014

- **Annotated Draft Agenda**
14866/14 CO EUR-PREP 39

The Committee took note of the annotated draft agenda submitted by the President of the European Council, setting out the main items the European Council is expected to address on the above mentioned meeting, in particular the Commission's initiative mobilising 300 billion euro of investment over the period 2015-2017.

b) Follow-up to the European Council

- **Thematic debate on Strategic Agenda priorities – Towards an Energy Union with a forward-looking climate policy**
15195/14 CO EUR-PREP 44 ENER 451 POLGEN 155

The Committee prepared the GAC discussion on the follow-up to the fourth chapter of the Strategic Agenda, 'Towards an Energy Union with a forward-looking climate policy', on the basis of a Presidency's report. The Presidency concluded that a revised version of the report would be issued to reflect the discussion in the Committee.

c) Strengthening interinstitutional annual and multiannual programming

- **Information from the Presidency and way forward**

The Committee took note of an update from the Presidency on the issue of annual and multiannual programming as well as on how it intends to handle this point at the 18/19 November 2014 GAC.

d) Ensuring respect for the Rule of Law

- **Exchange of views**

An exchange of views among delegations took place to prepare the discussion of this item at the GAC of 18 November 2014 as "B point".

e) Protocol 36 to the Treaties

The Chair introduced this item and informed the delegations on the way forward once reservations were to be lifted. No interventions.

f) Draft Council conclusions on the sixth report on economic, social and territorial cohesion

- Adoption

14779/14 FSTR 62 FC 42 REGIO 117 SOC 728 FIN 789

The Committee:

- discussed and recommended to the General Affairs Council on 19 November 2014 to examine the outstanding political issues left open and to adopt the Council conclusions on the sixth report on economic, social and territorial cohesion on the basis of what has been prepared by experts (doc. 14779/14).

g) Cohesion policy and the Europe 2020 Strategy mid-term review

- Exchange of views

14799/14 FSTR 63 FC 43 REGIO 118 SOC 733 AGRISTR 55
PECHE 499 CADREFIN 119

The Committee:

- prepared the discussion at the General Affairs Council on 19 November 2014 on cohesion policy and the Europe 2020 Strategy mid-term review.

h) Any other business

- State of play of the adoption of Partnership Agreements and Operational Programmes (OPs) - Treatment of OPs that will not be adopted by end of 2014 : impact on both adoption procedure and financial aspects (including treatment of 2014 commitments) and related timing**

The Committee:

- discussed the information received from the Commission on the late adoption of European Structural and Investment Funds (ESIF) programmes;

- tasked the Commission, in cooperation with the Presidency, to prepare a roadmap on the next steps for tackling the situation of the late adoption of programmes and the treatment of the 2014 commitments, to be presented at the General Affairs Council on 19 November 2014.

i) Other items in connection with the Council meeting

Presidency updated the Committee of the state of play of the Council's agenda.

72. Follow-up to the ECOFIN/Budget Council on 14 November 2014

The Committee reached an agreement on two draft joint statements of the European Parliament, the Council and the Commission and on two draft statements of the Commission which will be proposed by the Council for inclusion in the joint text to be agreed by the Conciliation Committee.

The Presidency informed that it would circulate in the course of the day a minor suggestion for modification of the amendment to Council Regulation (EC, Euratom) No 1150/2000 proposed by the Commission.

The Czech Republic delegation, supported by Hungary and Slovakia, asked to enter the following statement on the modification of the Own Resources Regulation (1150/2000) in the minutes of the Committee:

"The Czech Republic respects the political agreement reached at ECOFIN Council on 7 November 2014 as well as the objective of the revision of the Regulation 1150/2000 discussed and agreed in the Council, which is to solve the excessive additional payment of some Member States to the EU budget triggered by the GNI balances.

The Czech Republic generally agrees that for exceptional circumstances a long term solution for Member States is needed to facilitate them to meet their own resources payment obligation in more comfortable manner and enable them to split the excessive impact into two instalments from national budgets - one in December for the year in question and the other from national budgets of the following year as soon as new budget lines are available.

At the same time, the Czech Republic is convinced that any such solution should ensure fair and balanced treatment of all Member States and avoid potential risks for EU or other Member States' budget.

The 1150/2000 Regulation is to be replaced by new Own Resources Decision and accompanying legal acts in the near future and such long term solution will need to be reflected accordingly also in those acts. In this context, the Czech Republic is of the opinion that the Commission - when putting forward the draft amendment to these legal acts – should thoroughly consider all the possible impacts and, in particular ensure that the possible options for solving excessive own resources payment for some Member States should not bring additional financial advantage for some Member States nor additional budgetary burden for the other Member States.

Furthermore the Czech Republic calls upon the Commission to put forward the proposal focusing only on the Member States affected by significant and excessive budgetary impacts and recalls that the objective of such amendment should not be to help to ease Member States intra-year liquidity management."

The Presidency recalled that ECOFIN Council meeting would continue on the same day at 16h00 in the European Parliament's premises, and the Conciliation Committee would be reconvened at 17h00.

– **Any other business**

= **Presidency synthesis report on the Informal Ministerial meeting in Milan on 10 October 2014**

Presidency provided a short debrief on the Informal meeting of Cohesion Ministers in Milan on 10 October 2014.
