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European Union

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CRS/CRP 48

SUMMARY RECORD

Subject: 2520th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 26, 27 and 28 November 2014

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

doc. 15928/14 OJ/CRP1 41
16012/14 OJ/CRP2 41 COMIX 642

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

The following item is **withdrawn** :

(Coreper Part 1, under II)

27. (poss.) Proposal for a Regulation of the European Parliament and of the Council on Animal Health (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**

15958/14 AGRI 734 VETER 105 AGRILEG 233 ANIMAUX 55 SAN 448
CODEC 2343

- + ADD 1
- + ADD 2
- + ADD 3
- + ADD 4
- + ADD 5

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

CZ made a statement on the following item:

5. Proposal for a Council Directive on laying down calculation methods and reporting requirements pursuant to Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels

- Decision on transmission to the European Parliament

14009/14 CLIMA 90 ENV 814 ENER 424 TRANS 465 ENT 281 IA 7

+ ADD 1 REV 1 (en, bg, de, es, it, sv)

15759/14 CLIMA 104 ENV 918 ENER 469 TRANS 543 ENT 267

15798/14 CLIMA 107 ENV 923 ENER 471 TRANS 546 ENT 270

"The Czech Republic regrets that due to procedural reasons, the proposal is to be already submitted to the European Parliament, although the Czech Republic would have preferred to discuss it and work on it further since we still have serious problems with some parts of the text.

In our opinion, the way the proposal is drafted favours unconventional types of crude oil compared to conventional ones. In general, higher greenhouse gas emission (GHG) intensity values are connected with unconventional crude oils. The proposal gives these types of crude oil a double advantage in comparison to the conventional ones.

Firstly, by using the weighted life cycle unit GHG intensity value, which is in the case of unconventional crude oil much lower than the actual real life cycle unit GHG intensity value. Secondly it gives the unconventional crude oils further advantage by their higher potential of upstream emission reduction (UER), which is deducted from weighted life cycle unit GHG intensity value. During discussion on this proposal the Czech Republic asked for deletion of such upstream emission reduction mechanism.

Combination of these two advantages might cause higher demand for unconventional types of crude oil, which still in reality produce higher emissions overall.

We appreciate all the efforts of the Presidency and the Commission to make changes in the text and provide further explanations. Nonetheless, the changes made are not sufficient from the point of view of the Czech Republic and they did not defuse our concerns. We still believe that by promoting fuels with higher real life emissions the proposal goes against the purpose of the Fuel Quality Directive. For this reason, the Czech Republic cannot support this proposal."

DE and RO made statements on the following item:

12. Draft Decision of the Council authorising the Commission to open negotiations for an agreement enlarging the scope of the agreement on the international occasional carriage of passengers by coach and bus, the "Interbus Agreement", and to cover the international regular carriage of passengers by coach and bus

- **Adoption**

17412/10 TRANS 367 PECOS 8 (EU RESTRICTED)

14892/1/14 TRANS 498 PECOS 5 REV 1

+ ADD 1

15601/14 TRANS 532 PECOS 6

+ ADD 1 (EU RESTRICTED)

Statement by DE

"The Government of the Federal Republic of Germany sticks to its opinion, according to which it will not agree to a negotiating mandate for the European Commission if this mandate also empowers the Commission to negotiate, in a Community agreement, rules governing motor vehicle tax, in particular reciprocal exemption, with third countries.

Fiscal rules should never be a component of legal acts relating to transport. The Government of the Federal Republic of Germany believes that a negotiating mandate, plus a Council decision on the conclusion of an enlarged Interbus Agreement, should at any rate also be based on Article 113 of the Treaty on the Functioning of the European Union. Germany thus welcomes the opinion of the Council's Legal Service on the European Commission's statement in connection with the granting of the negotiating mandate on the Interbus Agreement. The same applies to the statements made on the issue of the negotiating guidelines."

Statement by RO

"Romania fully supports the objective of the conclusion of an agreement amending the 'Interbus Agreement' on the international occasional carriage of passengers by coach and bus to enlarge its geographical scope and for an agreement on international regular carriage of passengers by coach and bus. Romania strongly believes that this revision will be in the interest of both EU Member States and EU neighbouring countries.

However, Romania is concerned that during the negotiations, which may prove lengthy, Member States will not be able to revise or update the existing bilateral agreements, even if this proves necessary. This may negatively impact Member States' bilateral relations with neighbouring countries.

In this context, Romania expresses its hope that negotiations will be concluded swiftly and recalls that loyal cooperation requires an appropriate exchange of information between the European institutions and Member States which should allow the latter to maintain their functional cooperation in this field with the neighbouring countries."

HU and HR made statements on the following item:

42. Commission Delegated Regulation (EU) No .../. of 10.10.2014 supplementing Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II)

- Intention not to raise objection to a delegated act

15643/14 EF 313 ECOFIN 1053 DELACT 222

14263/14 EF 259 ECOFIN 913 DELACT 195

+ ADD1 to ADD 15

Statement by HU

"Hungary regrets the fact that sufficient time for the proper examination of the Delegated Regulation was not made available, especially considering the importance and the length of this Regulation, which is crucial for the implementation of Solvency II.

In any case, Hungary has not found any reason to oppose the Delegated Regulation, but hopes that at least some significant mistranslations will be corrected by the Commission. As the Regulation will be directly applicable, it is important that it is understandable, workable and coherent with existing pieces of legislation."

Statement by HR

"Croatia supports the adoption of the Commission Delegated Regulation (EU) No .../. supplementing Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (doc. 14263/14 + Annexes from ADD1 to ADD 15) and the framework of rules envisaged under the Solvency II regime.

Bearing in mind the underlying purpose of the new rules to ensure financial stability through robust risk management practices by insurance undertakings in the Union, we regret that the application of the Solvency Capital Requirement with the standard formula in the case of the Croatian insurance sector is likely to produce very serious negative consequences for the domestic sovereign debt market, thus undermining and in our view outweighing the intended benefits in the foreseeable period.

For reasons of policy and legislative background, euro-denominated domestic government bonds which are settled and traded in the domestic currency account for 34% (9.7 billion HRK) of total investments of Croatian insurance companies, and furthermore 59% (8.7 billion HRK) of total life technical provision. Given that these instruments have not been included in the scope of risk-free exposures referred to in Article 180 and Article 187, the resulting capital requirements on Croatian insurance companies are expected to be entirely unattainable without vast disinvestment from the currency clause domestic-issue government bonds. We have serious concerns about the impact of this behaviour on the sovereign borrowing in the domestic market. It is regretful that this overarching domestic financial stability issue could not be taken into consideration.

Looking towards a possible solution, we strongly encourage early action under the review clause set out in Recital (150) regarding the market risk module, according to which the Commission is to re-examine the methods, assumptions and standard parameters used to calculate the SCR with the standard formula by December 2018. In particular, it is stated that the “review should make use of the experience gained by insurance and insurance undertakings during the transitional period and the first years of application of these delegated acts”.

We will continue a constructive dialogue and submission of relevant data and analyses on this matter. We trust that evidence of justifiable concerns will contribute to the decision to undertake steps under the review as urgently as possible."

Coreper Part 1

II

- 16. Setting of the provisional agenda for the Council meeting (Agriculture and Fisheries) on 15 and 16 December 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 15 and 16 December 2014 as set out in 16635/14.

- 17. Setting of the provisional agenda for the Council meeting (Environment) on 17 December 2014**

With some modifications to the initial draft the Committee approved the provisional agenda as set out in 16777/14.

- 18. 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)**

- **Consideration of the final agreement in preparation for political agreement**
15779/14 CLIMA 106 ENV 922 MAR 181 MI 917 ONU 147 CODEC 2303

The Committee endorsed, by qualified majority, the agreement reached with the European Parliament with a view to adopting a political agreement, subject to receiving an approval letter from the Chair of the European Parliament's ENVI Committee. EL, CY, MT and PL indicated they could not support the agreement. CY, MT, NL, FI and the Commission indicated they would submit statements to be included in the Council's minutes. EL indicated that the following statement has to be included in the Committee's and the Council's minutes:

"1. The Hellenic Republic considers that the text of the final agreement on the 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 fails to take fully under consideration concrete practices of the global shipping industry and, to that extent, it is rather questionable as to its suitability to achieve the desired purpose, namely the facilitation of the development of international rules within the IMO for the monitoring, reporting and verification of CO₂ emissions from international transport.

2. We consider that not all data required for each ship to be monitored and reported are relevant for the purpose of monitoring, reporting and verifying CO₂ emissions from ships, thus increasing the administrative burden and costs for both the flag States and the shipowners with no evident benefit to the marine environment. For these reasons, Greece has, from the beginning of the deliberations for the proposed Regulation, supported that the focus should be on the collection of data from ships' fuel consumption in combination with distance travelled, i.e. data already available on ships.

3. In addition, the Hellenic Republic is not convinced about the proportionality and added value of publishing commercially sensitive data, especially those related to "transport work" and "cargo carried", taking especially into account that ships operate in an environment subject to many variables which are not under the control of any party and influence their performance.

4. Furthermore, we still consider that the technical parts of the proposed Regulation have not been given the necessary consideration and sufficient time for elaboration, in order to enable the development of an MRV system which shall be workable both for the industry and for the authorities.

5. At the same time, the Hellenic Republic questions the added value of the proposed EU MRV system, as included in the text of the final agreement, to serve as a model and promote the adoption of a global system, given that the ongoing discussions within the IMO follow a less complex and easy to implement approach towards the development of a global data collection system for fuel consumption of ships. It is of significant importance to ensure that, as soon as an international system is established through the IMO, the Regulation is reviewed, in order to be fully aligned to the global system.

Bearing in mind the above, the Hellenic Republic is not in a position to consent to the final agreement on the proposed Regulation."

19. 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 information presented by the Presidency on the main results of the second informal trilogue with the European Parliament which took place on 25 November 2014 in Strasbourg. Meanwhile a tripartite technical meeting with the European Parliament had been scheduled to take place on 28 November 2014.

In the light of the results of both meetings, the Presidency will then adjust the text of the previous mandate (doc. 15835/14) and will submit the revised version to the next Committee meeting on 2 December 2014. The next trilogue has been scheduled to take place on 3 December 2014 in Brussels.

20. Preparation for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 1 December 2014

1. Medical devices (First reading) (*Legislative deliberation*)

Proposal for a Regulation of the European Parliament and of the Council on medical devices, and amending Directive 2001/83/EC, Regulation (EC)

No 178/2002 and Regulation (EC) No 1223/2009

and

Proposal for a Regulation of the European Parliament and of the Council on in vitro diagnostic medical devices

- Progress report

14493/12 PHARM 71 SAN 215 MI 597 COMPET 600 CODEC 2305

+ COR 1

14499/12 PHARM 72 SAN 216 MI 598 COMPET 599 CODEC 2312

+ COR 1

15881/14 PHARM 93 SAN 447 MI 929 COMPET 693 CODEC 2327

The Committee took note of the Presidency's intention to forward the progress report set out in 15881/14 to the Council (EPSCO) for its meeting on 1 December 2014. In that progress report the Council is invited to instruct the Council preparatory bodies to continue the work with the goal of establishing a Council position.

2. Draft Council conclusions on innovation for the benefit of patients (*Non-legislative activity*)

- Adoption

15838/14 PHARM 92 SAN 446 MI 922 COMPET 636

The draft Council conclusions as set out in the Annex to document 15838/14 will be submitted to the EPSCO Council (Health) on 1 December 2014 for adoption.

21. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 9 December 2014

1. 2030 Climate and Energy framework - Follow-up to the European Council (Non-legislative activity)

- Policy debate

15723/14 ENER 466 ENV 913 CLIMA 103 POLGEN 166

The Committee agreed that a policy debate could be held at the Council on the basis of the questions set out in 15723/14 with the addition of a third question.

2. Draft Council conclusions on the completion of the Internal Energy Market (Non-legislative activity)

- Adoption

15877/14 ENER 475

Following the amendment of paragraph 8 the Committee could agree to the conclusions as set out in 16037/14 and to submit them to Council for adoption.

3. Europe 2020 Strategy - Mid-term review (Non-legislative activity)

- Policy debate

15724/14 ENER 467 POLGEN 167

The Committee agreed that a policy debate could be held at the Council on the basis of the questions set out in 15724/14.

4. External relations in the field of energy (Non-legislative activity)

- Report from the Presidency and Commission

15524/14 ENER 460 COEST 424 RELEX 926

+ COR 1

The Committee agreed to forward the report set out in 15524/14 + COR 1, noting that this report might have to be adjusted given that some of the meetings referred to have yet to take place.

22. Preparation for the Council meeting (Education, Youth, Culture and Sport) on 12 December 2014

1. Draft Council conclusions on entrepreneurship in education and training (*Non-legislative activity*)

- **Adoption**

14402/14 EDUC 307 SOC 698 JEUN 95

The Committee took note of the unanimous support for the text as contained in 14402/14 and forwarded the text to the Council for adoption.

2. The economic case for education and training in the context of the mid-term review 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 [proposed by the Presidency])

15203/14 EDUC 319 SOC 760 COMPET 608 ECOFIN 1023

The Committee agreed to forward the discussion paper (doc. 15203/14) to the Council as a basis for the policy debate to be held on this subject.

3. Draft Council conclusions on young people's access to rights in order to foster their autonomy and participation in civil society (*Non-legislative activity*)

- **Adoption**

15613/14 JEUN 108 EDUC 327 SOC 791 JUR 854

14429/14 JEUN 96

The Committee took note of the unanimous support for the text as contained in 15613/14 and forwarded the text to the Council for adoption.

4. The cross-sectoral approach of youth policies as a tool for better tackling socio-economic challenges and more targeted policies for young people (*Non-legislative activity*)

- **Policy debate**

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])

15635/14 JEUN 109 EDUC 328 SOC 792CULT 131 EMPL 165 SPORT 57

The Committee agreed to forward the discussion paper (doc. 15635/14) to the Council as a basis for the policy debate to be held on this subject.

23. Preparation for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 11 December 2014

1. Proposal for a Directive of the European Parliament and of the Council on seafarers amending Directives 2008/94/EC, 2009/38/EC, 2002/14/EC, 98/59/EC and 2001/13/EC (First reading) (*Legislative deliberation*)

- General approach/Progress report

16472/13 SOC 960 MAR 180 CODEC 2641

15752/14 SOC 801 EMPL 168 MAR 180 CODEC 2295

The outcome of the Committee's deliberations is reflected in document 16148/1/14 REV 1.

The draft text will be submitted to the Council (EPSCO) on 11 December 2014 with a view to reaching a general approach.

DE entered the following statement into the minutes of the meeting :

"On 19 November 2014, the Commission presented a proposal for a Directive of the European Parliament and of the Council on seafarers amending Directives 2008/94/EC, 2009/38/EC, 2002/14/EC, 98/59/EC and 2001/23/EC for the purpose of including seafarers in the scope of and the protection afforded by the above Directives.

The Federal Republic of Germany supports the amending Directive's objectives of improving the living and working conditions of seafarers.

Nonetheless, the Federal Republic of Germany doubts that the adoption of the Directive can be founded on Article 153 (2) TFEU in conjunction with Article 153 (1) point (b) and point (e) TFEU and issued in accordance with the ordinary legislative procedure. This notably applies to the amendments to Directive 98/59/EC of the Council of 20 July 1998 (Collective Redundancies Directive) provided for in Article 4 and the amendments to Directive 2001/23/EC of the Council of 12 March 2001 (Acquired Rights Directive) provided for in Article 5.

From the point of view of the Federal Republic of Germany, Article 153 (2) in conjunction with Article 153 (1) point (d) TFEU is the proper legal basis for amendments to the Collective Redundancies Directive and for amendments to the Acquired Rights Directive since it relates to the protection of workers where their employment is terminated. This is clearly the thematic focus of the two instruments to be amended. Pursuant to this legal basis the Council shall adopt the Directive by unanimous decision in accordance with a special legislative procedure. In line with this, the Directives were adopted by unanimous decision.

In the opinion of the Federal Government the focus of the regulatory substance of the two aforementioned Directives is not on "working conditions" (Article 153(1)(b)) TFEU) nor on "information and consultation of workers" (Article 153(1)(e)) TFEU) to which the ordinary legislative procedure could be applied, i.e. that could be adopted by qualified majority decision.

The Federal Government underlines that it shares and supports the substantive objectives pursued by the amending Directive. The Federal Republic of Germany therefore endorses the present Decision notwithstanding its legal opinion concerning the issue of the appropriate rule governing competence."

2. Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (First reading) (*Legislative deliberation*)

- **Orientation debate**

- **Progress report**

11531/08 SOC 411 JAI 368 MI 246

15705/14 SOC 797 EGC 49 JAI 899 MI 906 FREMP 212

+ ADD 1

15819/14 SOC 807 EGC 52 JAI 916 MI 920 FREMP 216

The Committee invited the EPSCO Council to hold an orientation debate on the basis of the Presidency Note as set out in 15705/14. CZ lifted its general reservation and stated that it could now support the proposal in principle. FR lifted footnotes 61, 75 and 80 in 15819/14 ADD 1. The consolidated text accompanying the Note will be revised to take into account changes in delegations' positions (doc. 15705/14 ADD 1 REV 1). The Committee took note of the Progress Report and agreed to submit it to the Council (EPSCO) in slightly modified form following clarifications from the Commission regarding the possible "Accessibility Act" (doc. 15819/1/14 REV 1).

3. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (First reading) (*Legislative deliberation*)

- **Report from the Presidency**

13983/08 SOC 575 SAN 217 CODEC 1285

15764/14 SOC 804 SAN 441 EGC 51 CODEC 2298

The Committee took note of the document prepared by the Presidency (doc. 15764/14) and agreed to forward it to the EPSCO Council.

4. **Proposal for a Council Directive implementing the European Agreement concluded by the European Barge Union (EBU), the European Skippers Organisation (ESO) and the European Transport Workers' Federation (ETF) concerning certain aspects of the organisation of working time in inland waterway transport (*Non-legislative activity*)**
- **(poss.) Political agreement**
(Public debate in accordance with Article 8(1) of the Council's Rules of Procedure [proposed by the Presidency])
11688/14 SOC 558 EMPL 95 SAN 282 TRANS 355
+ ADD 1
15753/14 SOC 802 EMPL 169 SAN 440 TRANS 541
+ ADD 1
+ ADD 2

The Committee agreed to submit the file to the Council for political agreement. CZ, EE and UK (and DK, although approving the proposal) indicated possible statements to the Council minutes. IE, CY and MT informed that their Ministers intend to take the floor on different issues.

24. **Preparation for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 4 and 5 December 2014**

1. **Proposal for a Directive of the European Parliament and of the Council on package travel and assisted travel arrangements, amending Regulation (EC) No 2006/2004, Directive 2011/83/EU and repealing Council Directive 90/314/EEC (First reading) (*Legislative deliberation*)**
- **General approach¹ / Progress report**
15700/14 CONSOM 245 MI 905 TOUR 27
15951/14 CONSOM 254 MI 934 TOUR 28

The Committee endorsed the Presidency compromise text by a majority of delegations and decided to submit it to the Competitiveness Council for adopting a general approach.

2. **Science with and for Society (*Non-legislative activity*)**
- **Policy debate**
15451/14 RECH 440

The Committee took note of the questions for the Policy debate as set out in 15451/14 and decided to put them forward to the Council.

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.

3. Proposal for a Regulation of the European Parliament and of the Council on personal protective equipment (First reading) (*Legislative deliberation*)

- General approach

8453/14 ENT 100 CONSOM 96 SOC 242 MI 331 ECO 51

IND 130 CODEC 986

+ ADD 1

15735/14 ENT 265 CONSOM 247 SOC 799 MI 909 ECO 164

IND 346 CODEC 2292

15736/14 ENT 266 CONSOM 248 SOC 800 MI 910 ECO 165

IND 347 CODEC 2293

The Committee has reached an agreement on the text of the legislative proposal as set out in 15735/1/14 REV 1 and has forwarded it to the Competitiveness Council of 4 December 2014 for confirmation of a General approach.

4. Industrial Competitiveness - an agenda for growth and jobs

(Non-legislative activity)

- **Presentation of the SME Envoys' report**

- **Policy debate**

- **Draft Council conclusions on the Industrial Competitiveness Agenda**

- **Adoption**

15312/14 IND 325 COMPET 613 MI 868 RECH 431 ECOFIN 1035 ENV 890

ENER 455 DATAPROTECT 162

15758/14 IND 348 COMPET 633 MI 912 RECH 447 ECOFIN 1064 ENV 917

ENER 468 DATAPROTECT 175

The Committee took note of the questions for the Policy debate as set out in 15758/14 and decided to put them forward to the Council.

The outcome of proceedings on the draft Council conclusions is set out in 15760/14.

25. **Preparation for the Council meeting (Transport, Telecommunications and Energy) on 3 December 2014**

1. **Proposal for a Council Decision authorising Member States to sign and/or ratify, in the interest of the European Union, the International Convention on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel, 1995, of the International Maritime Organisation (*Non-legislative activity*)**

- **Agreement in principle**

13350/13 ETS 29 MI 727 COMPET 625 EDUC 326 MAR 123 MARE 12
PECHE 359 SOC 660

15714/14 MAR 177 ETS 30 MI 908 COMPET 632 EDUC 329 MARE 13
PECHE 544 SOC 798

The Committee solved the outstanding issues and agreed to forward the proposal to the Transport Council meeting on 3 December 2014. Greece and Romania announced that they would submit statements to the minutes of the Committee and of the Council.

The Commission announced that it would submit a statement to be included in the minutes of the Council.

Statement by EL

"The Hellenic Republic would like to express its concerns relating to the use of Article 218(6)(a)(v) of the TFEU and the first sub paragraph of Article 218(8) TFEU as a legal basis of the Council Decision authorising Member States to sign and/or ratify, in the interest of the European Union, the International Convention on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel, 1995, of the International Maritime Organisation.

According to our understanding, Article 218(6)(a)(v) and the first subparagraph of Article 218(8) of the TFEU apply only in cases where the Union is or intends to become itself party to an agreement. Consequently, Article 2(1) TFEU is considered to be the correct legal basis for the Council Decision at hand.

Notwithstanding the legal interpretation of Article 218(6) TFEU, the Hellenic Republic can agree in principle with the proposed Council Decision given that it has no reservations relating to the Decision in its substance."

Statement by RO

"On August 20th 2013, the Commission submitted a proposal for a Council Decision authorising Member States to become party, in the interest of the European Union, to the International Convention on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel, 1995, of the International Maritime Organization. Article 218(6)(a)(v) and the first subparagraph of Article 218(8) are named as the procedural legal basis for the Council Decision.

Romania does not contest the competence of the European Union on the matter. However, in the context of the divergent interpretations of Article 218 TFEU, Romania considers that its

provisions do not qualify and are not necessary for the purpose of authorising Members States of the EU to become a party to the mentioned Convention.

Furthermore, Romania would like to use this opportunity to invite Member States and the European Commission, to explore viable ways of reconciling the procedural interests of the EU Member States on the one hand, with the role of the European Union in its various areas of external competence, on the other."

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

- a) **Proposal to amend Directive 2012/34 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**
- b) **Proposal to amend Regulation (EC) No 1370/2007 concerning the Opening of the market for domestic passenger transport services by rail (PSO – Public service obligation)**
- **Progress report**
 - 5985/13 TRANS 36 CODEC 216
 - 5960/13 TRANS 35 CODEC 209
 - 15489/14 TRANS 528 CODEC 2240

The Committee took note of the progress report, as set out in 15489/14, and decided to submit it to the forthcoming TTE Council on 3 December 2014.

- c) **Proposal to repeal Regulation 1192/69 on common rules for the normalisation of the accounts of railway undertakings**
 - **General approach** ⁽¹⁾
 - 6015/13 TRANS 41 CODEC 228
 - 15479/14 TRANS 525 CODEC 2237

The Committee examined the draft general approach and decided to transmit it to the TTE Council for adoption at its session on 3 December 2014.

3. SES II+ (First reading) (*Legislative deliberation*) (restricted session)

- **Proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (SES II+)**
 - **General approach** ⁽¹⁾
 - 11501/13 AVIATION 91 CODEC 1588
 - 15425/14 AVIATION 209 CODEC 2228

The Committee took note of delegations positions, resolved some of the major outstanding issues and agreed to forward the text to the Council inviting it to reach a general approach.

26. Draft Council Decision on the conclusion, on behalf of the European Union, of the European Convention on the legal protection of services based on, or consisting of, conditional access

- **Agreement in principle**
- **Request by the Council for a consent of the European Parliament**
7597/1/14 AUDIO 17 MI 265 TELECOM 81 CATS 41 COJUR 4 REV 1
15540/14 AUDIO 67 MI 885 TELECOM 206 CATS 185 COJUR 16

The Committee gave its agreement to the text and agreed to forward it to the Council with a view to requesting the consent of the European Parliament. The Committee noted the intention of the FR, NL and RO delegations, as well as of the Commission, to submit statements for the Council minutes.

28. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 96/53/EC laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
15754/14 TRANS 542 CODEC 2296

The Committee confirmed the mandate for the third trilogue as set out in 15754/14 as revised.

29. 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)

- **Preparation for the informal trilogue**
15818/14 ENT 271 MI 919 CODEC 2311

The Presidency announced to the Committee that all differences with the European Parliament have been resolved and that compromise proposals have been considered as acceptable by the relevant Working Party. There was one outstanding issue concerning the use of delegated or implementing acts for the privacy and data protection rules. The Presidency proposal to provide partly for delegated acts and partly for implementing acts was supported by the Committee which mandated the Presidency to reach a final agreement with the EP at a third trilogue.

- 30. 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)**
 - **Preparation for the informal trilogue**
15836/14 PI 131 CODEC 2315

On the basis of the proposals contained in 15836/14, the Committee gave a new mandate to the Presidency for the third informal trilogue with the European Parliament, scheduled to take place on 2 December 2014.

Coreper Part 2

II

62. Preparation of the Council meeting (Justice and Home Affairs) on 4/5 December 2014

a) Mixed Committee related issues

- i) **Proposal for a Directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data (First reading)**

= **Information from the Presidency**

15730/14 DATAPROTECT 173 JAI 903 DAPIX 177 FREMP 213
COMIX 622 CODEC 2289

The Presidency informed delegations that the Mixed Committee at Ministerial level would be informed about the state of play of the Data Protection Directive.

- ii) **Managing migratory flows: follow-up to Council conclusions "Taking action to better manage migratory flows" of 10 October 2014**

= **Information from the Presidency**

The Committee confirmed the outcome of the discussions held during the Mixed Committee (doc. 16177/14).

- iii) **The functioning of the Schengen area**

= **Sixth Biannual Report from the Commission to the European Parliament and the Council on the functioning of the Schengen area (1 May 2014 - 31 October 2014)**

15783/14 JAI 913 SCHENGEN 55 COMIX 627

The point was not discussed by the Committee, as the above-mentioned document had not been transmitted on time by the Commission.

- iv) **(poss.) Draft Council Decision on the framework for the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania**

= **Information from the Presidency**

The Committee took note of the outcome of the discussion in the Mixed Committee (doc. 16177/14).

b) Fight against terrorism

i) Foreign Fighters and returnees: implementation of measures

- Orientation debate

15715/14 JAI 902 PESC 1201 COSI 117 COPS 308 ENFOPOL 373
COTER 82 SIRIS 79 FRONT 242
16002/14 JAI 940 PESC 1233 COSI 138 COPS 314 ENFOPOL 409
COTER 87 SIRIS 81 FRONT 255

The Committee took note of the two reports presented by the Counter-Terrorism coordinator who noted that important progress has been made in implementing of the measures agreed at the Council on 9 October 2014. To address further challenges, two topics - namely the judicial response to the foreign fighters phenomenon and improvements in information exchange on foreign fighters - were suggested for discussion of Ministers. Delegations agreed that the topics were relevant and should stay high on Ministers' agenda but some were of the view that there are still many issues to be addressed in order to reach the objective of a decrease in travelling of foreign fighters to combat zones.

ii) Draft Guidelines for the EU Strategy for Combating Radicalisation and Recruitment to Terrorism

- Adoption

13469/14 ENFOPOL 288 COTER 65

The Committee agreed on the draft Guidelines implementing the EU Strategy for combating Radicalisation and Recruitment with one amendment in Guideline 13. A revised document will be submitted to the Council for approval.

iii) Report on the implementation of the EU Counter-Terrorism Strategy

15799/14 JAI 915 ECOFIN 1066 TRANS 547 RELEX 949 PESC 1203
COTER 83 ENFOPOL 375 PROCIV 99 ENER 472 ATO 88
DATAPROTECT 177 TELECOM 216 COMAG 106 COAFR 325
COASI 138 COHOM 163 COMEM 213 COTRA 35
+ ADD 1

iv) Report on the implementation of the revised Strategy on Terrorist Financing

12243/14 JAI 624 ECOFIN 766 EF 207 RELEX 645 ENFOPOL 236 COTER 60

The Committee took note of the reports under iii) and iv) submitted by the Counter-terrorism coordinator.

- v) **Proposal for a Directive of the Council and the European Parliament on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime**
- **State of play**

The Presidency gave an update on the state of play on the EU PNR Directive; the meeting in LIBE on 11 November 2014 had shown that there was still strong opposition to the proposal amongst MEPs. Furthermore, and stressing the EP opposition to the PNR-issue, the vote in the EP plenary on 25 November 2014 on the motion by ALDE deciding to ask for an opinion from the Court of Justice on the PNR Canada agreement was highlighted. On 3 December 2014, Commissioner Avramopoulos will present the Commission's ideas on possible ways forward in the LIBE Committee. PNR - both the proposed EU-Directive and the third country agreements - will be discussed over lunch at the JHA-Council (5 December 2014).

- 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)**
- **Public sector and Chapter IX**
= **Partial general approach** ⁽¹⁾
- **The one-stop-shop mechanism**
= **Orientation debate**
15655/14 DATAPROTECT 169 JAI 890 MI 897 DRS 153 DAPIX 171
FREMP 209 COMIX 615 CODEC 2275
15656/14 DATAPROTECT 170 JAI 891 MI 898 DRS 154 DAPIX 172
FREMP 210 COMIX 616 CODEC 2276

The Committee discussed extensively the Presidency note on the public sector and Chapter IX.

Following this debate the Chair concluded that on the question of the inclusion of the public sector the right compromise had been found, but that on some other issues the document would be revised by JHA Counsellors with a view to submitting a revised document for a partial general approach to the Council.

The Committee also discussed the Presidency note on the one-stop-shop mechanism. It was agreed that this question was not ripe for a partial general approach. The Chair concluded that the Presidency would endeavour to revise the document for the Council in order to take account of some of the most important comments made.

d) Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office

- **Orientation debate**

15862/14 EPPO 70 EUROJUST 205 CATS 194 FIN 878 COPEN 298 GAF 64

Several delegations noted that the permanent chambers would contribute to the independence of the EPPO. The Presidency noted that the chapter C3 in the document would be made more balanced.

e) Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (EUROJUST) (First reading)

- **Partial general approach**

15909/14 EUROJUST 206 EPPO 71 CATS 195 COPEN 299 CODEC 2335

A number of reservations were lifted. A change would be made to Articles 8 and 21. The Council Legal Service is asked to provide a written opinion on the issue of transparency.

f) Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1346/2000 on insolvency proceedings (First reading)

- **Political agreement**

15414/14 JUSTCIV 285 EJUSTICE 109 CODEC 2225

+ ADD 1

The outcome of the discussions is set out in 15414/14 + ADD 1 + COR 1.

g) Proposal for a Regulation of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (First reading)

- **Orientation guidelines**

15843/14 JUSTCIV 303 FREMP 217 CODEC 2319

The outcome of the discussions is set out in 15843/14.

- h) - **Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes**
= **State of play**
- **Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships**
= **State of play**
15888/1/14 REV 1 JUSTCIV 304

The outcome of the discussions is set out in 16171/14.

- i) **Draft Council conclusions on the role of law enforcement cooperation in combating food crime**
15908/14 ENFOPOL 392 AGRI 733 DENLEG 181

Following the lifting of the UK scrutiny reservation, the Committee agreed to invite the Council to approve the draft Council conclusions on the role of law enforcement cooperation in combating food crime, as set out in 15908/14.

- j) **Draft Council conclusions on the Glossary of Firearms Terminology in law enforcement cooperation**
15910/14 ENFOPOL 393 COSI 122

Following an intervention by the UK delegation with the explanation that its reservation on the draft Council conclusions was maintained because of the operational character of the Glossary of Firearms Terminology and the possible undesirable implications on the national firearms legislation, the Chair concluded that the draft conclusions would be sent back to the Working party.

- k) **Other items in connection with the Council meeting**

The Presidency informed about the handling of the issues regarding training and PIF. No comments were made.

63. Follow-up to the Council meeting (Foreign Affairs/Trade) on 21 November 2014

The Chair addressed the follow-up to the above-mentioned Council meeting. As regards the EU-US TTIP negotiations, the Commission made a brief presentation of the recently adopted Communication concerning transparency in TTIP negotiations.

64. EU-US Energy Council preparations (Brussels, 3 December 2014)

15805/14 USA 32 COTRA 36 PESC 1204 RELEX 950 POLGEN 168
ENER 473 CLIMA 108

The Committee was debriefed by the EEAS and the Commission on the state of preparations for the forthcoming EU-US Energy Council to be held on 3 December 2014 in Brussels on the basis of document 15805/14.

The EEAS (MD Leffler) presented the draft agenda of the meeting and an overall view of the Joint Statement which is still under negotiation with the American side (cf. 15805/14).

Discussions would focus mainly on Ukraine, climate change/COP21, energy security (including sources of supply) and energy policy and technology.

The Commission echoed the EEAS' intervention on the overview topics.

Several delegations intervened on specific points of the draft Joint Statement in view to set the political guidance and to fine-tuning the language in the text.

The Committee took stock of COTRA work so far and requested COTRA to coordinate and to follow the preparations of the Ministerial, including to convey additional meetings if necessary.

65. Preparation of the Council meeting (Economic and Financial Affairs) on 9 December 2014

- Other items in connection with the Council meeting

The Presidency announced that:

- In light of the comprehensive package adopted by the Commission, the Presidency intended to group some of the items on the ECOFIN agenda under one single "package" item.
- Following the High Level Group meeting the day before, the three reports on taxation would become A items.

- Regarding the meetings in the margins of the ECOFIN on Monday 8 December 2014:
 - There would be two Eurogroup meetings. The first one, which was originally foreseen for 1 December, would start at 10:00 and deal with the draft budgetary plans. There was no exact ending time.
 - The second Eurogroup meeting would start at 15:00.
 - After the second Eurogroup, there would be a short ESM Board of Governors' meeting.
 - The informal meeting of the Trio Presidencies with the European Parliament scheduled for 13:00 would have to be cancelled.

66. Presentation of the agenda of the Council meeting (General Affairs) on 16 December 2014

The Committee took note of the draft agenda of the December GAC which will include: the Enlargement and Association and Stabilisation process, the Rule of Law Initiative, the Strengthening interinstitutional annual and multiannual programming, the final report of the FoP Group on Improving the Functioning of the EU, the Proposal for a Council Decision determining the composition of the Committee of the Regions, the European Semester, the follow-up to the June 2014 European Council (Strategic agenda priorities). Over lunch, Ministers will discuss the Europe 2020 Mid-Term Review and will examine the draft conclusions of the European Council on 18/19 December 2014.

67. Presentation of the agenda of the Council meeting (Foreign Affairs) on 15 December 2014

The Committee took note of the presentation by the European External Action Service of the agenda of the Council meeting (Foreign Affairs) on 15 December 2014. Items would include Syria, Iraq, Western Balkans/BiH, Ebola, ENP, Russia and Ukraine.

68. Presentation of the agenda of the Council meeting (Foreign Affairs/Development) on 12 December 2014

The EEAS updated the Committee on the preparation of the meeting of the Council (Foreign Affairs/Development) on 12 December 2014 and made a presentation of the provisional agenda.

69. Ukraine (restricted session)

The Committee discussed the proposals presented by the Commission and the European External Action Service with regard to restrictive measures in view of Russia's actions destabilising the situation in Ukraine (doc. 15637/14 + ADD 1) and to restrictive measures in response to the illegal annexation of Crimea and Sevastopol (doc. 16046/14 and 16168/14). The second part of the discussion was in a restricted session and addressed a proposal from the European External Action Service for new listings under Council Decision 2014/145/CFSP and Council Regulation (EU) 269/2014, as well as the possible delisting of individuals under Council Decision 2014/119/CFSP.

– Any other business

- **2015 Annual Growth Survey and the Investment package**
 - **Information from the Commission**

The Committee took note of the information given by the Commission on the package based on the following elements : renewed investment, fiscal responsibility and structural reforms. The package also includes the Alert mechanism report (Macroeconomic imbalances procedure), the draft Joint employment report and Commission opinions on the euroarea Member States' draft budget plans.

In December, the Commission will have bilaterals with Member States on the European Semester. The AGS will be discussed at ECOFIN and EPSCO Councils in December. The Investment package will be discussed at December Competitiveness Council.

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FR, supported by several delegations, raised its serious concerns over Commissioners' attendance in Council meetings.

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ES inquired about difficulties to access the Council car park.