



Council of the
European Union

Brussels, 6 February 2015
(OR. en)

5649/15

CRS/CRP 4

SUMMARY RECORD

Subject: 2527th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 28 and 29 January 2015

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 - c) E-008536/2014 - Barbara Kappel (NI)
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1. Adoption of the provisional agenda and "I" items

doc. 5573/15 OJ/CRP1 4
5619/1/15 REV 1 OJ/CRP2 4 + CM 1332/15

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

The following item is **withdrawn** :

(Coreper Part 1, under I)

11. Commission Regulation (EU) No .../. of XXX establishing a Network Code on Interoperability and Data Exchange Rules

- **Decision not to oppose adoption**

16844/14 ENER 510

+ REV 1 (cs)

+ ADD 1

5347/15 ENER 11

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

Statements are made on the following item:

21. Recommendation for a Council Regulation amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank (ECB/2014/13)

- Political agreement

5465/15 STATIS 6 UEM 13 ECOFIN 40

14345/14 STATIS 107 UEM 332 ECOFIN 922

Statement by SI

"Slovenia generally supports the aim of the Recommendation to minimise the reporting burden on reporting agents and to enable proper performance of supervision of financial institutions, markets and infrastructures conferred on all competent authorities as well as a proper performance of the tasks conferred on authorities responsible for the protection of the stability of the financial system.

However, it has to be noted that the Recommendation is not clear regarding the transmission of confidential statistical information as defined in paragraph 4a of Article 8. Paragraph 4a states a legal basis for the transmission of confidential statistical information from the ESCB to authorities or bodies of the Member States and the Union responsible for the supervision of financial institutions, markets and infrastructure or the stability of the financial system, and to the European Stability Mechanism (ESM). Moreover, paragraph 4a also states a legal basis for further transmission of confidential statistical information from the ESM to national parliaments to the extent required under national law.

To be explicit, according to national rules governing the statistical confidentiality, confidential statistical information is to be used solely for statistical purposes, meaning the exclusive use for the development and production of statistical results and analyses, and prohibition of its use for non-statistical purposes (i.e. administrative, tax, judicial, inspection, etc.). National rules are in line with Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics. The national central bank forms, besides its particular sphere of competence, a part of the national statistical system, and is therefore obliged to conform to the rules on statistical confidentiality. In our opinion, paragraph 4a represents a "grey area" for the transmission of confidential statistical information. Although the Recommendation does not apply to confidential statistical information collected according to Regulation 223/2009 on European statistics, there should be a clear division between using confidential statistical information according to Regulation 2533/98 and in the sphere of the competences of the ESCB and authorities responsible for financial supervision, and using confidential statistical information in accordance with Regulation (EC) No 223/2009 and national statistical legislation.

To conclude, we are of the opinion that the Recommendation is not clear enough in the limitation of using confidential statistical information and it could contribute to lower standards of statistical confidentiality."

* * * * *

Statement by DE, AT and FI:

"Germany, Austria, Finland are subject to national constitutional provisions requiring swift and comprehensive submission of information regarding ESM activities to their national parliaments. In this context it is to be understood that the provisions regarding submission of information between ESM members and their respective parliaments as stated in Article 8, paragraph 4a, subparagraph 4 are without prejudice to constitutional obligations to transmit information without any delay."

Coreper Part 1

II

15. **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009 and repealing (EC) No 1434/98 as regards the landing obligation (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
5568/15 PECHÉ 29 CODEC 87

The Presidency informed delegations on the state of play of negotiations with the European Parliament on the proposal for an "omnibus" Regulation, and presented its proposal for a revised negotiating mandate as outlined in 5568/15.

The European Commission stressed that it would support all efforts in the negotiations between the co-legislators. It encouraged delegations to give the Presidency the necessary margins of manoeuvre to secure an early agreement with the European Parliament, notably as regards the proposal tabled by the rapporteur of a new reporting obligation.

Delegations welcomed the opening given by the European Parliament. They supported the way forward presented by the Presidency with the aim of reaching a rapid agreement on this file. Delegations nevertheless insisted that an agreement with the European Parliament should not increase the administrative burden for Member States either in terms of reporting or in relation to the treatment of landed undersized fish. Some delegations expressed a preference for a bi-annual reporting exercise rather than a yearly one, as per the Parliament drafting proposal. Delegations insisted that this exercise should as far as possible use already available information.

The Council Legal Service intervened to recall that reporting obligations from Member States should be directed to the Commission only, and not to the European Parliament as per the Parliament drafting proposal.

The Presidency concluded that the Committee had discussed the Presidency's proposal for a revised mandate and broadly supported the proposed approach. It added that the Committee provided the Presidency with a revised mandate to negotiate an agreement with the European Parliament during the trilogue scheduled for 29 January 2015.

16. Statistics (First reading) (Legislative deliberation)

- a) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1365/2006 on statistics of goods transport by inland waterways as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures**
- b) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics, as regards the collection of data on goods, passengers and accidents**
- c) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 471/2009 on Community statistics relating to external trade with non-member countries as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures**
- **State of play and guidance for further work**
5564/15 STATIS 7 COMPET 14 UD 10 TRANS 30 CODEC 86

The Committee took note of the state of play and gave guidance to the Working Party Chair on Statistics to explore possibilities to find compromise solutions, in order to reach early second reading agreements, ensuring:

- a) balance between requirements to provide relevant information and not creating unnecessary burdens;
- b) including a clause on consultation of experts, including experts of the Member States, by the Commission before adopting delegated acts.

Coreper Part 2

II

27. Follow-up to the Council meeting (Economic and Financial Affairs) on 27 January 2015

The Committee took note of the read-out from the Presidency on the follow-up of the Council meeting.

28. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 17 February 2015

The Committee agreed on the provisional agenda for this Council meeting which will include:

- EFSI - state of play
- AGS and Alert Mechanism
- Follow-up to the G20 Ministerial
- 2013 Budget discharge
- 2016 Budget guidelines
- Presentation by Mario Monti of the first report of the High level Group on Own Resources

29. Preparation of the Council meeting (General Affairs) on 10 February 2015

- Other items in connection with the Council meeting

The Committee took note of the latest changes to the agenda and handling of this Council meeting.

- A new item on the revision of the MFF Regulation and related DABs has been added.
- An item on the Rules of procedure of the General Court, which has been withdrawn from the ECOFIN Council has been inscribed to the list of A items of the GAC, and will be taken in a public session.
- Lunch with VP Timmermans, remains to be confirmed.
- The Presidency will prepare an information note on the item on the fight against terrorism.

30. Preparation of the extraordinary Council meeting (Foreign Affairs) on 29 January 2015 (restricted session)

- **Ukraine**
 - = **Draft Council conclusions**
 - 5669/15 COEST 27
 - 5684/15 COEST 29

The Committee had a first discussion on the draft Council conclusions on Ukraine, as they emerged from the Political and Security Committee on 28 January 2015 (doc. 5669/15), and a second discussion on the revised text of the conclusions on 29 January 2015 (doc. 5684/15).

The Committee reached broad agreement on the draft Council conclusions, with the exception of one paragraph which was left in square brackets. One delegation had a general reserve on the text. The Committee invited the Council to reach agreement on the text in square brackets and to adopt the draft conclusions.

31. Preparations for the Eastern Partnership Summit (Riga, 21-22 May 2015)

- **Orientation debate**
 - 5565/15 COEST 20

The Committee had an orientation debate on preparations for the Eastern Partnership Riga Summit on the basis of a note issued under the responsibility of the Cabinet of the President of the European Council, in close cooperation with the European External Action Service, Commission services and the Presidency (doc. 5565/15). The Committee largely endorsed the main lines of the note and made some additional suggestions. The recurring elements in interventions were management of expectations, differentiation, proactive communication by the EU as well as the need for clear political messages and concrete deliverables for the Summit. The Committee will revert to the preparations as needed.

32. Relations with Ukraine (restricted session)

- **Restrictive measures, cases relating to misappropriation of state funds**

The European External Action Service presented the state of play regarding the regular review of the restrictive measures under Council Decision 2014/119/CFSP imposing the freezing of assets belonging to certain persons having been identified as responsible for the misappropriation of Ukrainian State funds. The Committee decided to revert to this matter in one of the upcoming meetings.

- **Any other business**
 - **High Level Working Group on Competitiveness and Growth**
 - **Information from the Presidency on state of play**

The Committee took note of the oral information from the Presidency concerning the state of play of implementation of the Committee decision from 31 October 2014 to establish a High Level Working Group on Competitiveness and Growth.

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DE asked the Presidency to organise a discussion in COREPER (CRP2) on the issue of delegated/implemented acts.
