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European Union

**Brussels, 5 March 2015
(OR. en)**

6328/15

CRS/CRP 7

SUMMARY RECORD

Subject: 2530th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 18 and 20 February 2015

SUMMARY

Page

1. Adoption of the provisional agenda 9

Coreper Part 1

I

2. Replies to written questions put to the Council by Members of the European Parliament
- a) E-008710/2014 - Giovanni La Via (PPE)
Access to credit for SMEs
 - b) E-009213/2014 - Emil Radev (PPE)
Procedure for the appointment of new judges to the Civil Service Tribunal
 - c) P-009805/2014 - Alberto Cirio (PPE)
Practical arrangements for implementing the REACH Regulation
 - d) E-010015/2014 - Olga Sehnalová (S&D)
Spread of unfair practices among air carriers
 - e) E-011010/2014 - Antonio Tajani (PPE)
Council conclusions of 25 November 2014 on sport as a driver for innovation and economic growth
 - f) E-011257/2014 - Victor Negrescu (S&D)
Roma integration
 - g) P-011263/2014 - Pablo Echenique (GUE/NGL) and Kostadinka Kuneva (GUE/NGL)
Proposal for a directive on the accessibility of public sector bodies' websites (COM(2012) 721 final)
3. Draft minutes of Council meetings
- a) 3351st meeting of the Council of the European Union (Employment, Social Policy, Health and Consumer Affairs), held in Brussels on 1 December 2014
 - b) 3358th meeting of the Council of the European Union (Education, Youth, Culture and Sport), held in Brussels on 12 December 2014
4. Case before the Court of Justice of the European Union
Case C-580/14
5. Draft Council Decision concerning the renewal of the Agreement for scientific and technological cooperation between the European Community and the Government of the Republic of India

6. Commission Regulation (EU) No .../. of XXX amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for 1,3-dichloropropene, bifenox, dimethenamid-P, prohexadione, tolylfluanid and trifluralin in or on certain products
7. Commission Regulation (EU) No .../. of XXX amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards removal from the Union list of the flavouring substance of N-Ethyl (2E,6Z)-nonadienamide
8. Commission Regulation (EU) No .../. of XXX amending Regulation (EC) No 1881/2006 as regards the maximum level of non dioxin-like PCBs in wild caught spiny dogfish (*Squalus acanthias*)
9. Draft Council Decision on the signing of a Protocol amending the Agreement on Maritime Transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, of the other part, to take account of the accession of the Republic of Croatia to the European Union
10. Draft Council Decision on the conclusion of a Protocol amending the Agreement on Maritime Transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, of the other part, to take account of the accession of the Republic of Croatia to the European Union
11. Draft Council Decision on the conclusion of a Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Senegal and the Implementation Protocol thereto

II

12. Preparation for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 9 March 2015
 1. Setting of the provisional agenda 10
 2. a) Proposal for a Council Decision establishing the Employment Committee and repealing Decision 2000/98/EC (*Non-legislative activity*) 10
 - b) Proposal for a Council Decision establishing the Social Protection Committee and repealing Decision 2004/689/EC (*Non-legislative activity*) 10
13. Preparation for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 2 and 3 March 2015
 1. Creating mutually enhancing and sustainable interrelations between actions fostering Innovation and those unlocking Europe's potential for growth in the European Research Area (*Non-legislative activity*)
 - a) Communication from the Commission on the Annual Growth Survey 2015
 - b) Investment Plan for Europe in the research and innovation area
..... 10
 2. Unlocking Europe's digital potential: faster and wider innovation through open, networked and data-intensive research (*Non-legislative activity*)
Communication from the Commission "Towards a thriving data-driven economy" 11
 3. EU Single Market (*Non-legislative activity*)
 - a) Communication from the Commission on the Annual Growth Survey 2015
 - b) The third pillar of the Investment Plan for Europe - improved investment environment
 - c) Draft Council conclusions on Single Market Policy
..... 11
 4. EU Industrial Competitiveness (*Non-legislative activity*)
 - a) Communication from the Commission on the Annual Growth Survey 2015
 - b) Industrial policy within future Digital Single Market strategy
..... 11
14. Revision of the European Trade Mark System (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)
..... 12

15.	Proposal for a Regulation of the European Parliament and of the Council on novel foods (First reading) (Legislative deliberation)	12
16.	Setting of the provisional agenda for the Council meeting (<u>Transport</u> , Telecommunications and Energy) on 13 March 2015	12
17.	Preparation for the Council meeting (Transport, Telecommunications and <u>Energy</u>) on 5 March 2015	
1.	Energy Union (<i>Non-legislative activity</i>)	13
2.	Energy infrastructure: developments and priorities (<i>Non-legislative activity</i>)	13
18.	Preparation for the Council meeting (Environment) on 6 March 2015	
1.	Greening the European Semester: Communication from the Commission on the Annual Growth Survey 2015 (<i>Non-legislative activity</i>)	13
2.	The global post 2015 agenda: taking stock of negotiations and looking ahead (<i>Non-legislative activity</i>)	13
3.	Energy Union and climate policy aspects (<i>Non-legislative activity</i>)	14
19.	International Labour Organisation	
a)	Draft 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)	Draft 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	
	14
20.	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)	16
21.	High Level Working Group on Competitiveness and Growth	17

I

22. Case before the Court of Justice
Case C-14/15 (European Parliament v. Council of the European Union)
 - Action for annulment of Council Decisions 2014/731/EU, 2014/743/EU and 2014/744/EU on the launch of automated data exchange with regard to Vehicle Registration Data (VRD) in Malta, Cyprus and Estonia respectively (Prüm)
23. Case before the General Court T-755/14 Herbert Smith Freehills against Commission
24. Case C-557/14 European Commission v. Portuguese Republic
 - Request for authorisation to produce Council documents for use in legal proceedings before the Court of Justice and decision on the necessary declassification of one restricted document
25. Adoption of a Council Decision establishing the position to be taken on behalf of the European Union within the Joint Committee set up under the Agreement between the European Union and Ukraine on the facilitation of the issuance of visas, with regard to the adoption of Common Guidelines for the implementation of the Agreement
26. Draft Joint Declaration on a Mobility Partnership between the Republic of Belarus and the European Union and its participating Member States
27. European Union Statement on the occasion of the Special segment on the preparations for the UNGA Special Session on the World Drug Problem to be held in Vienna on 9-12 March 2015, 58th CND session
28. Proposal for a Regulation of the European Parliament and of the Council on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules (recast) (First reading)
29. Proposal for a Council Decision establishing the position to be taken by the European Union within the General Council of the World Trade Organization on the United States' request for a WTO waiver to extend and expand the scope of the US Caribbean Basin Economic Recovery Act (CBERA)
30. Draft Council Decision adopting the Rules of Procedure of the Investment Facility Committee set up under the auspices of the European Investment Facility
31.
 - a) Council Implementing Decision implementing Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic
 - b) Council Implementing Regulation implementing Article 17(3) of Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic

32. a) Council Implementing Decision implementing Decision 2010/231/CFSP concerning restrictive measures against Somalia
- b) Council Implementing Regulation implementing Article 13 of Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia
33. Council Decision amending and extending Decision 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces (EUTM Somalia)
34. Council Decision concerning the temporary reception by Member States of the European Union of certain Palestinians
35. (poss.) Political and Security Committee Decision EUPOL COPPS/1/2015 on the appointment of the Head of Mission of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS)
36. Council Decision extending the mandate of the European Union Special Representative for the South Caucasus and the crisis in Georgia

II

37.	Follow-up to the Council meeting (Economic and Financial Affairs) on 17 February 2015	18
38.	Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 10 March 2015	18
39.	Presentation of the agenda of the Council meeting (Justice and Home Affairs) on 12/13 March 2015	18
40.	Statement of Heads of State or Government on Terrorism	18
41.	Delegated Acts	19
–	Any other business	19

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

doc. 6238/15 OJ/CRP1 7

6258/15 OJ/CRP2 7

The above-mentioned agendas are approved.

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

Coreper Part 1

II

12. Preparation for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 9 March 2015

1. Setting of the provisional agenda

The Committee agreed on the provisional agenda of the forthcoming meeting of the Council (EPSCO) as set out in 6520/15.

2. a) **Proposal for a Council Decision establishing the Employment Committee and repealing Decision 2000/98/EC (*Non-legislative activity*)**
- b) **Proposal for a Council Decision establishing the Social Protection Committee and repealing Decision 2004/689/EC (*Non-legislative activity*)**
 - **General approach**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
6077/15 EMPL 23 SOC 57 ECOFIN 84 EDUC 21
+ ADD 1
6079/15 SOC 58 EMPL 24 ECOFIN 85 SAN 42
+ ADD 1

The Committee agreed to forward both draft Decisions to the Council for reaching a general approach.

13. Preparation for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 2 and 3 March 2015

1. **Creating mutually enhancing and sustainable interrelations between actions fostering Innovation and those unlocking Europe's potential for growth in the European Research Area (*Non-legislative activity*)**
 - a) **Communication from the Commission on the Annual Growth Survey 2015**
 - b) **Investment Plan for Europe in the research and innovation area**
 - **Presentation by the Commission**
 - **Policy debate**
15985/14 ECOFIN 1088 SOC 823 POLGEN 171 EMPL 177 EDUC 335
ENV 933 RECH 458 ENER 479 FISC 208 TELECOM 221
+ REV 1 (cs)
6024/15 RECH 20 IND 17 COMPET 31 ECOFIN 104

The Committee took note of the questions for the policy debate as set out in 6024/15 and decided to put them forward to the Competitiveness Council.

2. Unlocking Europe's digital potential: faster and wider innovation through open, networked and data-intensive research (*Non-legislative activity*)
Communication from the Commission "Towards a thriving data-driven economy"

– **Policy debate**

11603/14 RECH 323 TELECOM 140 MI 521 DATAPROTECT 100

COMPET 440 CYBER 40

+ COR 1

+ ADD 1

6022/15 RECH 19 TELECOM 29 COMPET 30 IND 16

The Committee took note of the questions for the policy debate as set out in 6022/15 and decided to put them forward to the Competitiveness Council.

3. EU Single Market (*Non-legislative activity*)

a) Communication from the Commission on the Annual Growth Survey 2015

b) The third pillar of the Investment Plan for Europe - improved investment environment

– **Presentation by the Commission**

– **Policy debate**

15985/14 ECOFIN 1088 SOC 823 POLGEN 171 EMPL 177 EDUC 335

ENV 933 RECH 458 ENER 479 FISC 208 TELECOM 221

+ REV 1 (cs)

6117/15 COMPET 33 MI 78 ECOFIN 89 POLGEN 13

c) Draft Council conclusions on Single Market Policy

– **Adoption**

6115/15 MI 77 COMPET 32 MAP 4 TELECOM 31

The Committee was informed about the way the Presidency intends to handle this item in the Competitiveness Council on 2 March 2015.

4. EU Industrial Competitiveness (*Non-legislative activity*)

a) Communication from the Commission on the Annual Growth Survey 2015

b) Industrial policy within future Digital Single Market strategy

– **Presentation by the Commission**

– **Policy debate**

6019/15 IND 15 COMPET 29 TELECOM 28

The Committee took note of the questions for the policy debate as set out in 6019/15 and decided to put them forward to the Competitiveness Council.

14. Revision of the European Trade Mark System (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**
6110/15 PI 8 CODEC 77

The Committee discussed the options set out in 6110/15 and provided an extended mandate to the Presidency for the forthcoming trilogue, with regard to the issues not covered by the previous mandate, in particular:

- a) fees;
- b) bad faith as a relative ground of refusal of registration;
- c) designation and classification of goods and services;
- d) limitations on the effects of a trade mark.

15. Proposal for a Regulation of the European Parliament and of the Council on novel foods (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
6055/15 DENLEG 28 AGRI 53 CODEC 166

The Committee approved the negotiating mandate as set out in the Annex of document 6055/15, with the addition of compromise proposals for recital 23c (new) and Article 25a (possible alignment of data protection obtained under the proposed Regulation and the Regulation on nutritional and health claims).

16. Setting of the provisional agenda for the Council meeting (Transport, Telecommunications and Energy) on 13 March 2015

The Committee agreed on the provisional agenda for the next TTE Council meeting as set out in 6875/15.

17. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 5 March 2015

1. Energy Union (*Non-legislative activity*)

- **Presentation by the Commission**
- **Exchange of views**

5868/15 ENER 21 CLIMA 8 AGRI 56 COMPET 34 TRANS 45

The Committee agreed that an exchange of views could be held at Council on the basis of the questions set out in 5868/15.

2. Energy infrastructure: developments and priorities (*Non-legislative activity*)

- **Presentation by the Commission**
- **Policy debate**

5871/15 ENER 22

The Committee agreed that a policy debate could be held at Council on the basis of the questions set out in 5871/15.

18. Preparation for the Council meeting (Environment) on 6 March 2015

1. Greening the European Semester: Communication from the Commission on the Annual Growth Survey 2015 (*Non-legislative activity*)

- **Exchange of views**

15985/14 ECOFIN 1088 SOC 823 POLGEN 171 EMPL 177 EDUC 335

ENV 933 RECH 458 ENER 479 FISC 208 TELECOM 221

6143/15 ENV 50 ECOFIN 96 SOC 69 POLGEN 14 EMPL 30 EDUC 27

RECH 22 ENER 28 FISC 17 TELECOM 33

The Committee took note of the questions presented by the Presidency in view of the Ministerial debate and decided to forward the document to the Council.

2. The global post 2015 agenda: taking stock of negotiations and looking ahead (*Non-legislative activity*)

- **Exchange of views**

6168/15 ENV 52 DEVGEN 16 RELEX 123 ONU 19 ECOFIN 100

The Committee took note of the Presidency background note and the objectives of the exchange of views to be held at the Environment Council on 6 March 2015 on the above-mentioned topic.

3. Energy Union and climate policy aspects (*Non-legislative activity*)

- Presentation by the Commission
- Exchange of views

6225/15 CLIMA 11 ENV 53 ENER 29 AGRI 63 COMPET 42 TRANS 46

The Committee took note of the Presidency question for the exchange of views at the Council (Environment) on 6 March 2015, as set out in 6225/15, and decided to forward it to the Council. PL, supported by RO, suggested some adjustments to the question. DK/BE/NL/AT took the floor to support the wording proposed by the Presidency. The Presidency decided not to make changes to the question, recalling that it was meant to serve as a basis for the discussion but that Ministers would be free to raise any issues that they wished.

19. International Labour Organisation

- a) **Draft 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) **Draft 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**
- **Agreement in principle**

6171/15 SOC 73 EMPL 34 MIGR 7 JAI 89

6074/15 SOC 55 EMPL 21 MIGR 5 JAI 78

6075/15 SOC 56 EMPL 22 MIGR 6 JAI 79

The Committee approved the draft Decisions, as set out in documents 6074/15 and 6075/15 and agreed to forward them to the Council for agreement in principle.

DE, HU, MT and RO expressed doubts that Article 218(6) TFEU was the proper legal basis to be used in the case of these Council Decisions, DE, joined by EL, HU and RO, requested a statement to be entered in the Council minutes (see Annex to doc. 6171/15 + COR 1).

UK could not accept the Decisions as drafted, as it considered that the Union did not enjoy exclusive competence, entering a statement to the Committee and Council minutes.

CZ expressed doubts as to the existence of EU exclusive competence and as to the necessity of the proposed Decisions to be adopted. CZ could, however, support both draft Decisions, entering a statement to the Committee and Council minutes.

MT and HU shared these general concerns, being of the view that no clarification was given concerning the nature of the competences (exclusive/shared). MT was not in a position to support the draft Decisions and noted that it would enter a statement to the Council minutes.

IE was of the view that it should be made clear that the decisions concern only the exclusive competence and entered a statement to the Committee and Council minutes.

Statements to the Committee minutes:

Statement by the Czech Republic

"The Czech Republic wishes to underline that it fully supports the above-mentioned Protocol and will not therefore oppose the adoption of the two related Council decisions.

Nevertheless, from the legal point of view, the Czech Republic would like to express its doubts as to the existence of EU exclusive competence and as to the necessity of the proposed decisions to be adopted, in particular bearing in mind the wording of Art. 82(2) and Art. 153(2) TFEU (both provisions allowing the European Parliament and the Council to establish minimum rules or requirements) as well as the Opinion 2/91 in which the Court concluded specifically in the ILO context that the provisions of an international agreement are not of such a kind as to affect rules adopted by the EU, when both the agreement and the EU legislation set out minimum standards."

Statement by Ireland

"Ireland wishes to underline that it fully supports the Protocol of 2014 to the Forced Labour Convention of the International Labour Organisation.

Ireland wishes to make clear however that it considers that the 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 as regards Articles 1 to 4 of the Protocol with regard to matters related to judicial cooperation in criminal matters only applies to areas falling within exclusive EU competence insofar as the Protocol may affect EU common rules."

Statement by the United Kingdom

"The United Kingdom wishes to record its support for the Protocol of 2014 to the Forced Labour Convention, 1930, and to place on record its intention to ratify the Protocol.

The United Kingdom wishes to record its view that there is no exclusive external competence for the Union arising from the Protocol in respect of the subject matter referred to in the *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.*

Accordingly, there was no requirement for the Member States to be authorised to this extent to ratify the Protocol in the interests of the Union. Accordingly, Member States should have been able to consider ratification of the Protocol in their own right.

Further, the United Kingdom considers that the draft *Council Decision in relation to matters related to judicial cooperation in criminal matters*, being a measure proposed pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, is subject to Protocol (No 21) to the Treaties on the position of the United Kingdom and Ireland in Respect of the Area of Freedom, Security and Justice.

Accordingly, the United Kingdom does not consider that it is automatically bound, as suggested by Recital (9), to participate in the Council Decision simply on account of its participation on Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

As a result, the United Kingdom will not exercise its right under Protocol 21 to opt in to the *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.*"

20. 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)

– **Analysis of the final compromise text with a view to agreement**

5889/15 PECHE 44 CODEC 136

6023/15 PECHE 48 CODEC 160

The Presidency presented to the Committee for its approval the final compromise text as regards the above-mentioned proposal, as set out in 6023/15. The Commission confirmed its intention to table a statement upon the adoption of the Regulation on the provisions relating to measures to facilitate the storage and the finding of outlets for undersized catches once they are landed, underlining that these measures should be taken only where necessary and appropriate.

The United Kingdom, supported by France, Denmark and Portugal, insisted that it was time to address the underlying legislation in order to find solutions to existing practical and technical issues, and notably those identified in the course of discussions on the above-mentioned proposal. In addition, France called for advancing rapidly on the overall implementation of the new Common Fisheries Policy, including through its financial instrument.

Poland and Portugal saw merit in the suggested derogation for the sale of small quantities of undersized fish in coastal communities. Sweden and the Netherlands expressed concerns as regards the provisions concerning fish damaged by predators. These delegations could nevertheless support the proposed final compromise text.

After these interventions, the Committee took note of the agreement in favour of the outcome of negotiations with the EP on the "landing obligation" Regulation and invited the Presidency to send a letter to the Chair of the PECH Committee (EP) confirming this agreement.

21. High Level Working Group on Competitiveness and Growth

- **Approval of the work programme**
6188/15 COMPET 38 POLGEN 16

The Committee considered the work programme 2015 of the High Level Working Group on Competitiveness and Growth and approved it as set out in 6188/15.

Coreper Part 2

II

37. Follow-up to the Council meeting (Economic and Financial Affairs) on 17 February 2015

No delegation raised comments under this item.

38. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 10 March 2015

The Presidency presented the provisional agenda for the ECOFIN Council meeting of 10 March 2015.

FR requested an AOB on transparency and fight against aggressive tax planning. The Commission flagged that the Broad Economic Policy Guidelines (BEPG) probably would not be adopted early enough for the item to be sufficiently prepared for the ECOFIN Council.

39. Presentation of the agenda of the Council meeting (Justice and Home Affairs) on 12/13 March 2015

The Chair presented the draft agenda of the JHA Council on 12 and 13 March 2015. The Home Affairs session will be held on 12 March and the Justice session on 13 March. The Commission asked to add an item on the state of play of the Data Protection Directive and several delegations requested to adapt the title of the point on counter-terrorism to better reflect the need for implementation.

40. Statement of Heads of State or Government on Terrorism – Follow-up

Under this item, Denmark informed the meeting about the attacks in Copenhagen on 14 February 2015, also using the opportunity to thank colleagues for the expressions of support and solidarity received, stressing the even more acute urgency of implementing the anti-terrorism measures outlined.

As a follow-up to the statement adopted by the Heads of State or Government on 12 February 2015 and the request of France at the Committee of 13 February 2015, the Presidency outlined its plans to establish a roadmap with concrete timeframes for several measures with a stock-taking at the June Council (Justice and Home Affairs).

Following an in-depth debate on PNR, the Presidency concluded on the following way forward so as to make real progress on this file in view of the request to adopt the legislation by the end of 2015:

- an informal meeting of JHA Counsellors would be convened as soon as possible;
- the general approach from April 2012 should be used as a basis for negotiations together with the French non-paper that was explicitly welcomed by many delegations;
- the Committee would be informed about developments on a regular basis.

A number of delegations stressed the importance of leaving the Presidency a certain margin of manoeuvre, the need to continue preparing the Council position internally in a timely fashion as well as the fact that this file should not be linked to the data protection package.

41. Delegated Acts

6224/15 JUR 112 INST 41

The Committee exchanged views on how best to take forward the agreed Council position on consultation of Member States' experts in the preparation of delegated acts. It approved the text of a letter to be sent to the Commission and the European Parliament on this matter.

- **Any other business**
 - **Medical devices (requested by IE)**

At the request of the IE, Presidency informed the Committee on the state of play of the two proposals for a Regulation on diagnostic medical devices.
