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SUMMARY RECORD

Subject: 2531st meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 25-27 February 2015

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

doc. 6437/1/15 REV 1 OJ/CRP1 8
6442/15 OJ/CRP2 8 + COR 1 + COR 2

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

The following item is **added** :

(Coreper Part 1, under II)

64. 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)

– **Council's statement for the minutes**
6605/15 CODEC 259 ENV 99 MI 120 IND 26 CONSOM 40

The following item is **withdrawn** :

(Coreper Part 2, under I)

7. Proposal for a Council Regulation amending Regulation (EEC/Euratom) No 354/83, as regards the deposit of the historical archives of the institutions at the European University Institute in Florence

– **Adoption**
6205/15 INF 22 ARCH 1 OC 7
6867/13 INF 27 ARCH 4 OC 95
+ COR 1

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

The Commission made a statement on the following item:

51. 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

5347/1/15 REV 1 ENER 11

"La Commission confirme qu'un PCI (projet d'intérêt commun) vise à examiner la question de l'odorisation du gaz dans le cadre d'un projet pilote entre la France et l'Allemagne. Sur base des résultats de cet examen, la Commission proposera, si nécessaire, les amendements adéquats."

Coreper Part 2

II

36. Presentation of the agenda of the Council meeting (General Affairs) on 17 March 2015

The Committee took note of the main items to be included in the March GAC agenda, namely the March EC preparation (conclusions) and the European Semester (Synthesis report and updated roadmap).

37. Preparation of the Council meeting (Justice and Home Affairs) on 12/13 March 2015

- a) **Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (First reading)**
 - **Partial general approach¹: One-stop-shop mechanism**
6286/15 DATAPROTECT 18 JAI 95 MI 91 DRS 14 DAPIX 25 FREMP 24
COMIX 76 CODEC 201

The Committee discussed the three questions set out in the Presidency's note. Following a lengthy debate, the Chair concluded that the draft text of the General Data Protection Regulation would be amended according to the following points:

- 1) no quantitative threshold would be set for submitting cases to the European Data Protection Board;
- 2) a system of judicial review of legally binding EDPB decisions would be designed in such a way that the time period for launching an action for the annulment of EDPB decisions will be triggered by the publication of that decision; and
- 3) the autonomy of staff from the European Data Protection Board working for the European Data Protection Board would be increased.

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.

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

- **Orientation debate**
- **State of play**

6318/15 EPPO 18 EUROJUST 48 CATS 33 FIN 126 COPEN 54 GAF 4

The Chair briefly presented the document and the questions to be submitted to Ministers.

Three delegations suggested that the first question should be reformulated, and one delegation argued that the two first questions should be deleted. The Chair took note of the interventions and concluded that a majority of delegations support the document in its current wording, and that the questions as suggested by the Presidency would be presented to Ministers.

c) Proposal for a Directive of the European Parliament and of the Council on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings (First reading)

- **General approach**

6327/15 DROIPEN 18 COPEN 56 CODEC 211

The Committee agreed that the text, as set out in 6327/15 should be submitted for a General approach to the Council ("Justice and Home Affairs"). FR, ES, BE, PT, BG, LT and IT requested that their reservations on certain aspects of the text are retained in the document with a view to the upcoming negotiations with the European Parliament.

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

- **General approach**

6298/15 EUROJUST 47 EPPO 17 CATS 32 COPEN 53 CODEC 204 CSC 40

The Chair outlined the reasons for not including European Public Prosecutor's Office (EPPO) provisions and invited support for the General approach. The Commission cited several concerns regarding the text but applauded the Presidency for its efficiency in handling the file. SE and FI retained their reservations on Transparency (Article 60) but all other Member States' reservations were lifted either during the Committee meeting or shortly afterwards.

- e) **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)**
 - **Partial general approach (on the provisions)¹**
6345/15 JUSTCIV 27 FREMP 28 CODEC 215
+ ADD 1

The outcome of the discussions is set out in 6599/15 + ADD 1.

f) Other items in connection with the Council meeting

The Presidency informed delegations that the next JHA Council meeting will be held with Ministers seated at the inner-table in Room 50.1.

38. Presentation of the agenda of the Council meeting (Foreign Affairs) on 16 March 2015

The Committee took note of a presentation by the EEAS of the provisional agenda of the Council (Foreign Affairs) to be held on 16 March 2015.

The main discussion items foreseen were Africa, Libya, Migration and preparation of Eastern Partnership Summit on 21-22 May 2015.

The EEAS indicated that the following issues would be taken as "A" items: Gulf of Guinea Action Plan 2015-2020 (Council conclusions) and possibly EU Strategy for Syria, Iraq as well as the Da'esh threat.

The EEAS also informed the Committee about three side events that would take place on the margins of the Council: the EU-Kazakhstan Cooperation Council, the EU-Moldova Association Council and the EU-Tunisia Association Council.

The EEAS took note of the proposals by some delegations to examine the possibility of adoption by the Council (Foreign Affairs) on 16 March 2015 of Council conclusions on Crimea as well as of Council conclusions on Bosnia and Herzegovina.

39. EU-Australia Framework Agreement
6204/15 COASI 14 ASIE 7 AUS 1 POLGEN 17

The Committee took note of the presentation by the EEAS and the Commission representatives as regards the outcome of the negotiations of the draft EU-Australia Framework Agreement, in view of initialling. The Committee endorsed the outcome of the negotiations as set out in 6204/15, including the commitments given by the negotiator on the composition of the Joint Committee (Article 55).

40. Preparation of the Council meeting (Economic and Financial Affairs) on 10 March 2015
– **Other items in connection with the Council meeting**

Regarding the item on implementation of the Banking Union, at the Council the President of the Single Resolution Board will inform Member States on the establishment of the Board and the work ahead.

41. Proposal for a Regulation of the European Parliament and of the Council on the European Fund for Strategic Investments and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013 (First reading)

- **Orientation debate**
6397/15 ECOFIN 122 POLGEN 20 COMPET 50 RECH 28 ENER 37 TRANS 57
ENV 70 EDUC 35 SOC 88 EMPL 40 EF 36 AGRI 72 TELECOM 41
CODEC 225
6474/1/15 REV 1 ECOFIN 129 CODEC 236 POLGEN 24 COMPET 56
RECH 30 ENER 39 TRANS 58 ENV 75 EDUC 36 SOC 93
EMPL 44 EF 39 AGRI 75 TELECOM 47
5112/15 ECOFIN 11 CODEC 19 POLGEN 5 COMPET 8 RECH 2 ENER 6
TRANS 9 ENV 7 EDUC 4 SOC 5 EMPL 3 EF 5
+ ADD 1

The Committee held an orientation debate on the above proposal on the basis of a Presidency report (doc. 6397/15) and a Presidency compromise proposal (doc. 6474/1/15 REV 1). The Committee endorsed the Presidency's proposed way forward on the outstanding issues and mandated the ad-hoc Working Party to work further on the fine-tuning of the text.

Coreper Part 1

II

56. **Setting of the provisional agenda for the Council meeting (Agriculture and Fisheries) on 16 March 2015**
(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 16 March 2015 as set out in 6988/15.

57. **Proposal for a Regulation of the European Parliament and of the Council on novel foods (First reading) (Legislative deliberation)**
– **Presidency debriefing on the outcome of the informal trilogue**

The Committee was informed of the results of the trilogue which took place on 26 February 2015.

The trilogue was not conclusive as the European Parliament needed to proceed with internal consultations before taking a decision in relation to the 'package' of proposed solutions discussed at the trilogue.

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

1. **European Semester 2015: Contribution to the European Council (Brussels, 19-20 March 2015) (Non-legislative activity)**
 - **Policy debate**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
6138/15 SOC 65 EMPL 26 ECOFIN 92 EDUC 23
 - a) **Priorities for action in the areas of employment and social policies: political guidance in 2015**
 - i) **Draft Council conclusions on the 2015 Annual Growth Survey and Joint Employment report: political guidance on employment and social policies**
6147/15 SOC 72 EMPL 33 ECOFIN 99 EDUC 30
 - ii) **Draft Joint Employment report**
6142/15 SOC 68 EMPL 29 ECOFIN 95 EDUC 26 JEUN 11
 - **Adoption**
 - b) **Social Europe: Aiming for inclusive growth - 2014 Annual report of the SPC on the social situation in the EU**
 - **Endorsement of key messages**
6194/15 SOC 78
+ ADD 1

The Committee recommended the Council

- to have a policy debate on the basis of the submitted documents and the Presidency background note 6138/15;
 - to adopt the draft conclusions set out in 6147/15;
 - to adopt the Joint Employment Report set out in 6142/15;
 - to endorse the key messages contained in document 6194/15;
 - to forward to the Council for information the report contained in document 6194/15
- ADD 1.

2. Financing arrangements and the effectiveness and efficiency of resources allocation: Joint report by SPC and Commission services (*Non-legislative activity*)

- **Endorsement of key messages**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
6140/15 SOC 66 EMPL 27 ECOFIN93 SAN 44
+ ADD 1
+ ADD 2
+ ADD 3
+ ADD 4

The Committee forwarded to the Council for information the report contained in 6140/15 ADD 1. The Committee recommended the Council to endorse the key messages contained in 6140/15.

3. Draft Council conclusions on moving towards more inclusive labour markets (*Non-legislative activity*)

- **Adoption**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
6182/15 SOC 75 EMPL 36 ECOFIN 102 EDUC 32

The Committee recommended the Council to adopt the draft conclusions set out in 6182/15.

4. Draft Council conclusions on the EU Strategic Framework on Health and Safety at Work 2014-2020: Adapting to new challenges (*Non-legislative activity*)

- **Adoption**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
6184/15 SOC 76 EMPL 37

The Committee recommended the Council to adopt the draft conclusions set out in 6184/15, as all the remaining (scrutiny) reservations on the text had been lifted.

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

- **The road to the UNFCCC Conference of the Parties in Paris (*Non-legislative activity*)**
 - **Exchange of views**
 - **Adoption of the submission of EU and Member States intended national determined contribution**
6313/15 CLIMA 12 ENV 59 ONU 22 DEVGEN 20 ECOFIN 112 ENER 31
FORETS 3 MAR 11 AVIATION 24 MI 118
+ COR 1

The Committee agreed with the course of action that was proposed by the Presidency for this item at the Council (Environment) on 6 March 2015.

The Committee also discussed the draft INDC submission contained in Annex to document 6313/15 + COR 1. Following the comments/requests from delegations, the Presidency revised the draft on the basis of the discussions in the Committee and decided to send the revised draft to the Council for final consideration and adoption.

60. 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)**
 - **Presidency debriefing on the outcome of the informal trilogue**

The Committee was debriefed by the Presidency on the outcome of the latest informal trilogue on the trade marks package, which had taken place on 24 February 2015.

61. 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)

- **Preparation for the informal trilogue**
6356/1/15 CONSOM 33 MI 98 TOUR 2 REV 1

The Committee adopted a revised negotiation mandate based on the Presidency proposal in view of the second informal trilogue on 5 March 2015.

62. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 13 March 2015

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

- a) **Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area, as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure**
- b) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail**
- **Policy debate**
5985/13 TRANS 36 CODEC 216
5960/13 TRANS 35 CODEC 209
6262/15 TRANS 47 CODEC 196

The Committee took note of the questions presented by the Presidency, as set out in 6262/15, and decided to submit them to the forthcoming TTE Council on 13 March 2015.

2. Contribution to the EU competitiveness, growth and jobs through Transport policy developments (*Non-legislative activity*)

- **Policy debate**
6264/15 TRANS 48 POLGEN 18

The Committee took note of the questions presented by the Presidency, as set out in 6264/15, and decided to submit them to the forthcoming TTE Council on 13 March 2015.

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

- a) **Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004**
- b) **Proposal for a Directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (Recast)**
- c) **Proposal for a Directive of the European Parliament and of the Council on railway safety (Recast)**
- **Preparation for the informal trilogue**
5974/15 TRANS 41 CODEC 152

The Committee confirmed the mandate for the fifth trilogue as set out in 5974/15.

64. **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)**
- **Council's statement for the minutes**
6605/15 CODEC 259 ENV 99 MI 120 IND 26 CONSOM 40

The Committee agreed to suggest that the Council decide that the statement in the annex to note 6605/15 be entered into the minutes of the Council meeting in which the Council would adopt its first-reading position and statement of reasons for this Directive.

- **Any other business**
 - **Export credits (CRP 2)**

The Presidency informed the Committee that work on an EU position on export credits in view of COP 21 would continue after the March OECD meeting. An EU position would be required with a view to reaching an agreement in the OECD Export Credit Committees on 9-12 June 2015.
