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European Union

**Brussels, 18 March 2015
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CRS/CRP 9

SUMMARY RECORD

Subject: 2532nd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 4 and 5 March 2015

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II

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

doc. 6689/15 OJ/CRP1 9
6706/1/15 REV 1 OJ/CRP2 9 COMIX 94

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

The following items are **added** :

(Coreper Part 2, under I)

45. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 223/2009 on European Statistics (First reading) (LA+S)

– **Adoption**

a) **of the Council's position at first reading**

b) **of the statement of the Council's reasons**

6582/15 CODEC 252 STATIS 15 ECOFIN 137

+ ADD 1

5161/15 STATIS 3 ECOFIN 22 CODEC 30

+ COR 1 (el)

+ COR 2 (fr, fi, pt, sv)

+ COR 3 (ro)

+ COR 4 (es, sl)

+ COR 5 (hr)

+ COR 6 (pt)

+ ADD 1

46. Trio proposals on the organisation of the Council preparatory bodies (follow-up to the informal joint meeting of the EU Foreign and Home Affairs Ministers (Rome, 27 November 2014))

6589/15 JAI 112 POLGEN 32

The following item is **withdrawn** :

(Coreper Part 2, under II)

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

b) **Mixed Committee related issues**

ii) **The Greek Government's Road Map on Asylum for 2015 (follow up to the Revised Greek Action Plan on Asylum and Migration Management)**

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

UK made a statement on the following item:

45. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 223/2009 on European Statistics (First reading) (LA+S)

– **Adoption**

a) of the Council's position at first reading

b) of the statement of the Council's reasons

6582/15 CODEC 252 STATIS 15 ECOFIN 137

+ ADD 1

5161/15 STATIS 3 ECOFIN 22 CODEC 30

+ COR 1 (el)

+ COR 2 (fr, fi, pt, sv)

+ COR 3 (ro)

+ COR 4 (es, sl)

+ COR 5 (hr)

+ COR 6 (pt)

+ ADD 1

"With reference to the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 223/2009 on European Statistics, the United Kingdom considers that, while Article 338(1) TFEU is the legal basis for Regulation 223/2009, it does not constitute an appropriate legal basis for Article 12.3(b) of the proposed Regulation. The latter Article provides for a competence of the European Commission to initiate and conduct an investigation where sectoral legislation provides for fines in cases where Member States misrepresent statistical data. The United Kingdom underlines that Article 338 TFEU does not provide for the imposition of fines or other sanctions in the field of statistics in sectoral legislation, therefore Article 12.3(b) is not considered as a legally permissible basis for future sectoral legislation."

LT and FI joined the above-mentioned statement.

Coreper Part 1

II

- 16. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area (First reading) (Legislative deliberation)**

– **Presidency debriefing on the outcome of the informal trilogue**

The Presidency informed the Committee about the first informal trilogue held on 2 March 2015. The meeting progressed well towards a compromise, but some issues of horizontal concern, namely which type of procedure to use for granting derogations to certain fisheries conservation measures, resulted in the need for further reflection. The Committee took note of the oral report.

- 17. Proposal for a Regulation of the European Parliament and of the Council laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211/2009 and (EU) No 531/2012 (First reading) (Legislative deliberation)**

– **Preparation for the informal trilogue**

6574/15 TELECOM 54 COMPET 63 MI 115 CONSOM 38 CODEC 250

The Committee approved a mandate as set out in 6710/15 for the Presidency to start negotiations with the European Parliament.

- 18. Proposal for a Directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (First reading) (Legislative deliberation)**

– **Preparation for the informal trilogue**

6559/15 CLIMA 17 ENER 46 ENV 87 ENT 30 TRANS 61 AGRI 80
POLGEN 30 CODEC 246

The Committee agreed on a mandate for the Presidency to start negotiations with the European Parliament with a view to a second reading agreement on the above-mentioned proposal. The mandate can be found in 6823/15.

Coreper Part 2

II

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

a) **Fight against terrorism: follow up to the statement of 12 February by the Members of the European Council and to the Riga Joint Statement of 29 January by the Ministers of Justice and Home Affairs of the EU**

– **Implementation of measures**

6606/15 JAI 114 PESC 213 COSI 28 COPS 55 ENFOPOL 52 COTER 41
SIRIS 13 FRONT 48 COPEN 63 DROIPEN 21

The Committee exchanged views on the topics suggested by the Presidency in 6606/05 in implementation of the measures contained in the recent counter-terrorism statements. The CTC highlighted the importance of quick progress and deadlines and the requirements that Member States would have to put in place for systematic checks of travel documents. Delegations welcomed in general the issues outlined where progress is necessary and can be achieved before the meetings of the JHA Council and European Council in June. A number of Member States called for a more ambitious approach and highlighted the importance of making progress quickly on all areas of the Riga and HoSG statements, including prevention and the judicial aspects. They also suggested additional topics for the debate at the JHA Council. Some delegations asked for a broader overview of the implementation of measures to be presented to Ministers on 12 March 2015. Some delegations raised concerns regarding the deadline suggested for ensuring systematic checks of travel documents at external borders.

The Presidency welcomed the presentation of the draft report on the proposal on an EU PNR in LIBE on 26 February 2015 and noted that work in preparation of the informal trilogues would start soon.

On the basis of the discussions, the Presidency concluded that it would prepare a revised document and present it to the Committee at its next meeting in view of the Ministers' discussion on 12 March 2015. The Presidency also asked the CTC to provide a general overview of implementation at the Council.

- b) **Mixed Committee related issues**
 - i) **Migratory pressures: Trends and further actions**
 - 6565/15 JAI 111 ASIM 12 FRONT 47 RELEX 162 COMIX 92
 - **Information from the Presidency**

The Presidency recalled that this item had already been examined by the Mixed Committee (see doc. 6943/15 JAI 165 COMIX 110).

- c) **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)**
 - **Joint declaration on external competence**
 - 6599/15 JUSTCIV 37 FREMP 31 CODEC 256
 - + ADD 1

The outcome of the discussions is set out in 6812/15 + ADD 1.

d) Other items in connection with the Council meeting

The Presidency indicated that, at the next JHA Council meeting, it would inform delegations about the state of play regarding the proposal for a Directive on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing ("SDR") and the proposal for a Regulation on determining the Member State responsible for examining the application for international protection of unaccompanied minors with no family member, sibling or relative legally present in a Member State ("unaccompanied minors").

- e) **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**
 - **Chapter II**
 - **One-stop-shop mechanism (Chapter VI and VII)**
- 6286/2/15 REV 2 DATAPROTECT 18 JAI 95 MI 91 DRS 14 DAPIX 25
FREMP 24 COMIX 76 CODEC 201
- 17072/4/14 REV 4 DATAPROTECT 189 JAI 1029 MI 1012 DRS 178
DAPIX 190 FREMP 233 COMIX 683 CODEC 2549

The Presidency presented the draft texts of Chapters II, VI and VII to the Committee with the request whether they could be supported with a view to reaching a partial general approach at the Council meeting on 12-13 March 2015. Following the discussion, the Chair concluded that the JHA Counsellors would be convened to attempt some further fine-tuning of the text of Chapter II. The current version of Chapters VI and VII would be submitted to the Council, subject to a possible modification of one provision.

40. Decision to make public the TISA negotiating directives

6575/15 WTO 54 SERVICES 12 FDI 13

6891/13 ADD 1 WTO 53 SERVICES 11 FDI 4 OC 96 RESTREINT UE

The Committee discussed the question of making the Trade in Services Agreement (TiSA) negotiating directives public and the implications of such a decision for the future.

During the discussion, serious concerns were expressed with regard to the potential spill-over effects of the decision in question to domains other than trade, in particular on the content of future negotiating directives, as well as on the ability of the European Union to negotiate effectively and on the EU's institutional balance. The Committee agreed that there was a need for a broader debate on these issues in the future.

Notwithstanding the above, the Committee reached an agreement to recommend to the Council to make the TiSA negotiating directives public at the earliest convenience, as contained in document 6891/13 ADD 1 EU RESTRICTED.

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.

The Committee also agreed on a statement to be entered in the minutes of the Council. As a next step, the item will be submitted as an "A" point to the ECOFIN Council on 10 March 2015.

41. Relations with the European Parliament (March 2015)
6448/15 PE 30 INST 54 POLGEN 23 CODEC 231

The Committee took note of the document 6448/15.

42. Preparation of the Council (General Affairs) on 17 March 2015

- a) **Preparation of the European Council on 19/20 March 2015**
– **Draft guidelines for the conclusions**
5496/15 CO EUR-PREP 2

The Committee took note of the draft guidelines for the conclusions of the March EC, which focused on the Energy Union, the European Semester/Growth and Jobs and as regards the External Relations part, on Eastern Partnership, Russia/Ukraine and Libya.

b) **Other items in connection with the Council meeting**

The Presidency informed that a discussion on the future Interinstitutional Agreement will take place over lunch, in the presence of first VP Timmermans.

43. Proposal for a Regulation of the European Parliament and of the Council establishing a European Union Agency for Law Enforcement Training (Cepol), repealing and replacing the Council Decision 2005/681/JHA (First reading)
– **Mandate for negotiations with the European Parliament**
6558/15 ENFOPOL 51 CODEC 245

The Committee discussed the draft CEPOL Regulation, where some delegations and the Commission commented on the appointment procedure of the Executive Director of the agency. The Committee agreed to the Presidency's compromise text set out in 6558/15 and adopted the mandate for negotiations with the EP in the context of the ordinary legislative procedure.

44. Preparation of the Council (Economic and Financial Affairs) on 10 March 2015

a) Investment Plan for Europe

- **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)**

- **General approach**

6584/15 ECOFIN 138 CODEC 254 POLGEN 31 COMPET 64
RECH 35 ENER 47 TRANS 62 ENV 92 EDUC 42
SOC 107 EMPL 53 EF 42 AGRI 81 TELECOM 55

The Committee endorsed the compromise text agreed at Working Party level and agreed to submit it to the Council with the aim of reaching a General Approach at the 10 March Council (ECOFIN).

Belgium requested that the following unilateral statement be added to the Committee minutes:

"Belgium shares the general objective of the EFSI which is to support strategic investments in the EU delivering high societal and economic value with a view to create sustainable jobs and promote long-term growth and competitiveness. EFSI should target socially and economically viable projects to address high investments needs or markets failures and sub-optimal investment situations.

Due to such market failures or sub-optimal investments situations, investment projects with a positive societal and economic impact may not always attract private investments. This may notably be the case in sectors such as transport or research. For these reasons, investment projects in those sectors are also supported by dedicated EU policies and EU budget lines implemented in the framework of the Connecting Europe Facility and Horizon 2020, through grants.

Belgium regrets that the budget lines related to grants in both Connecting Europe Facility (CEF) and Horizon 2020 are subject to the reallocation/redeployment during the period between 2015 and 2020 in order to provide the necessary payments to the EU guarantee fund that shall be established under EFSI.

These reallocations might imperil the financing of a significant number of existing and future investment projects with high societal and economic value in the transport and research sectors but dependent on grants.

Given the added value and complementarity of a relaunch of all types of investments in the EU, a particular attention should be paid to the budgetary appropriations related to CEF and Horizon 2020 in the context of the mid-term review of the Multiannual Financial Framework due to take place in 2017. On this occasion, as well as under the normal budgetary procedure, Belgium invites the Commission to duly take into account the impact of EFSI on CEF and Horizon 2020 related budget appropriations."

b) European Semester: Country reports

– **Presentation by the Commission**

6632/15 ECOFIN 154 UEM 59 SOC 120 COMPET 79 EMPL 66
ENV 115 EDUC 55 RECH 49 ENER 64 JAI 127

The Presidency and the Commission informed delegations about the presentation in the Council (ECOFIN) of the Country Reports in the context of the European Semester.

c) Implementation of the Stability and Growth Pact

– **Draft Council Recommendation**

6704/15 ECOFIN 177 UEM 81

Further to the EFC debate on the matter, the Committee approved the Draft Recommendation and submitted it to the ECOFIN Council for adoption.

d) Other items in connection with the Council meeting

The Presidency informed delegations about the changes to the ECOFIN Council agenda.
