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European Union

**Brussels, 30 April 2015
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CRS/CRP 14

SUMMARY RECORD

Subject: 2537th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 15-17 April and in Luxembourg on 20 April 2015

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

doc. 7852/15 OJ/CRP1 14 + ADD 1
7887/15 OJ/CRP2 14 + CM 2267/15

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

The following items are **added** :

(Coreper Part 1, under I)

71. Action Plan on cooperation in customs enforcement of intellectual property rights in the European Union and Hong Kong, China

– **Approval of the Council statement**

7525/15 UD 54 ADD 2

(Coreper Part 2, under II)

67. Preparation of the Council meeting (Foreign Affairs) on 20 April 2015

e) **Yemen**

– **Draft Council conclusions**

7976/15 YEMEN 5 MOG 5 CFSP/PESC 55

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:

41. Proposal for a Directive of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (First reading)

– **Adoption**

a) of the Council's position at first reading

b) of the statement of the Council's reasons

7768/15 CODEC 463 EF 65 ECOFIN 235 DROIPEN 30 CRIMORG 32

+ ADD 1

5933/15 EF 26 ECOFIN 70 DROIPEN 14 CRIMORG 16 CODEC 142

+ COR 1

+ ADD 1

+ ADD 1 COR 1

+ REV 1 (cs)

"While the Czech Republic welcomes compromise on the proposal for an AML Directive and Regulation, it nevertheless regrets that these acts set additional rules which do not duly correspond to the spirit of the relevant FATF recommendation (No 11). This recommendation stipulates only a minimum limit for keeping all necessary records for prosecution of criminal activity. Article 39 of the AMLD proposal (and similarly Article 16 of the AMLR proposal) however counteracts the meaning and purpose of the measures against money laundering and terrorist financing by setting the maximum time period for record keeping (10 years). This limitation on record keeping contradicts the needs of the criminal proceeding. The records on transactions may be important for criminal investigation of serious crimes for which the prescription period is stipulated up to 20 years in the Czech Republic or the prescription is fully excluded in case of terrorist criminal offences including terrorist financing. Investigation of these crimes would be thus in many cases hampered by disposing of evidence.

The Czech Republic assumes that only the minimum limit for record keeping should be stipulated to fulfil the meaning and purpose of these acts. The determination of the maximum time period for record keeping should be left on consideration and decision of Member States to ensure compliance with their national prescription period for criminal offences and the needs of the criminal proceeding."

CZ, NL and PT made statements on the following item:

56. Proposal for a Council Directive on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries

– **Adoption**

7608/15 COCON 7 PESC 339 COTRA 4

7228/15 COCON 6 PESC 290 COTRA 3

Statement by CZ

- "The Czech Republic remains convinced that the existing legislation, namely the Vienna Convention on Consular Relations, Treaty on the Functioning of the EU, Article 23, subparagraph 1, and Council Decision 95/553/EC, offers sufficient guarantees and options for providing consular protection to EU citizens abroad.
- The Czech Republic reiterates its concern that the adoption of the Directive will create excessive financial and administrative burden.
- The Czech Republic has repeated negative experience with the abuse of consular assistance, in particular as regards providing financial assistance in cash. In the view of the Czech Republic, the proposed Directive in its current version does not provide sufficient protection against such abuse.
- The Czech Republic points out that it is prepared to continue providing consular assistance to non-represented EU citizens in accordance with the existing legislation. In practice, the Czech Republic has been doing so on a long-term basis, e.g. in Syria where it represents a number of EU Member States without the need for new legislation such as the proposed Directive."

Statement by NL

- "The Netherlands underlines the importance it attaches to the adoption by the Council of the Proposal for a Council Directive on the coordination and the cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries.
- The Netherlands would have preferred that Chapter 3 'Financial procedures' and in particular Article 14 'General rules' be limited to establishing the arrangements for coordination and cooperation between Member States, in line with the current consular cooperation practice on providing consular protection to non-represented EU citizens in third countries.
- The Netherlands observes that Article 14 leaves sufficient room to take into account Member States' current practice (i.e. to decide whether or not to ask for reimbursement of the costs of consular protection from its citizens) while ensuring compliance with Treaty obligations."

Statement by PT

"During the negotiations of this Directive, Portugal has always worked constructively and positively towards a balanced outcome. We recall that the discussion of the financial aspects lasted over 2 years without having been reached a final consensus and during which at least 4 Members States expressed their reservations. We would therefore like to welcome the adoption of this Directive under the understanding that the application of the financial provisions, namely Article 14 will take into account the other relevant provisions and the corresponding recitals of the document, in particular Article 10 (2)."

Coreper Part 1

II

31. Preparation for the Council meeting (Agriculture and Fisheries) on 20 April 2015

1. Proposal for a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (First reading) (*Legislative deliberation*)

– General approach

7259/3/15 PECHE 96 CODEC 361 REV 3

7862/15 PECHE 122 CODEC 475

The Presidency presented its compromise proposals on the above-mentioned proposal and related draft Council statement, both prepared with a view to the adoption by the Council of a general approach on 20 April 2015.

The Council Legal Service intervened to offer elements for delegations to consider when making their assessment of the proposal.

The European Commission stressed that it would support the Presidency's efforts in advancing this file.

Delegations taking the floor showed support for the efforts of the Presidency and the overall approach proposed in the Presidency compromise. A number of delegations nevertheless voiced concerns as regards the timing of the Presidency compromise, in the context of ongoing legal proceedings, and suggested to put part of the text in brackets for the time being. Some delegations underlined that the solutions put forward in the Presidency compromise could not prejudice of other solutions developed in other regional frameworks to take account of the specificities of the concerned fisheries, and welcomed in that regard the draft Council statements.

The Presidency concluded that the Committee had prepared the discussions of the Agriculture and Fisheries Council on 20 April 2015, and that this point would be kept on the agenda of the Council.

This point was reopened on 17 April 2015, under AOB, on the basis of document 7957/15, following an exchange of views, the Presidency closed the discussion by repeating that the Committee had prepared discussions of the upcoming Agriculture and Fisheries Council.

2. Draft Council conclusions on the position to be taken by the EU and its Member States at the 11th session of the United Nations Forum on Forests (New York, 4-15 May 2015) (*Non-legislative activity*)

– **Adoption**

7529/15 FORETS 8 ENV 187 RELEX 258 PROBA 10 DEVGEN 38 CONUN 57

The Committee endorsed the consensus reached by the Working Party with one amendment in paragraph 1 of the draft Council conclusions with regard to the reference to "Indigenous Peoples". The Committee recommended adoption of the revised text by the Council.

32. 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 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**

7502/15 PI 18 CODEC 409

The Committee provided a mandate for the next trilogue on the basis of the Presidency note set out in 7502/15.

The Estonian delegation expressed its concern with the request by the European Parliament and the Commission for a mandatory administrative procedure in Art.47 (1) of the trade marks Directive, which is alien to the Estonian legal order and is likely to lead to administrative burden.

33. Revision of Appendix B to the Convention concerning International Carriage by Rail (COTIF)

- **European Union coordination of a common position**
7805/15 TRANS 125

The Committee took note of the agreement found in the Working Party and of the favourable vote of the Member States on this matter.

34. 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**
7535/15 CONSOM 56 MI 191 TOUR 4 JUSTCIV 65 TRANS 110 CODEC 417

The Committee gave the Presidency a revised mandate in a view of the third informal trilogue on 22 April 2015.

35. 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**
7741/1/15 TELECOM 84 COMPET 142 MI 210 CONSOM 59
CODEC 458 REV 1

The Committee granted the Presidency a mandate, as set out in 7741/1/15 REV 1.

Coreper Part 2

II

- 66. Follow-up to the Statement by the members of the European Council (12 February 2015) (restricted session)**
– **Improving information exchange in the area of counter-terrorism across the EU**

Delegations took note of the information provided by the representatives of security services of four EU Member States on the abovementioned subject.

- 67. Preparation of the Council meeting (Foreign Affairs) on 20 April 2015**

The Committee took note of the preparations of the Council meeting (Foreign Affairs) on 20 April 2015, as presented by the EEAS. Discussion items will include Latin America and the Caribbean (strategic discussion), Libya, and the Strategic Review.

Council conclusions are foreseen on the European Neighbourhood Policy (ENP) review, Sahel Regional Action Plan 2015-2020, the EU Position for the 2015 NPT Review Conference and Yemen.

a) Latin America and the Caribbean

The Committee took note of a presentation by the EEAS, including of the Issues Paper (doc. 7770/15) on this item. The EEAS indicated that there would be no Council conclusions, but rather a "unified message", which would be given directly to the press, in the wake of the FAC. Delegations commended the timely submission (8 April) of the Issues Paper. One delegation referred to recent measures taken by Argentina in the South Atlantic, which would be raised by their Minister at the FAC. Another MS advised to avoid controversies on this particular point.

- b) **Strategic Review**
- c) **Libya**

These items were not discussed by the Committee in detail, they were only addressed in the context of the general handling of the Foreign Affairs Council.

d) Other items in connection with the Council meeting

UNSCR 1325 on Women, Peace and Security and FYROM will be discussed under AOB. Iran nuclear talks and Yemen will be discussed over lunch.

The following side events will take place in the margins: meeting of Ministers of Foreign Affairs of the Eastern Partnership and the EU-Chile Association Council.

e) Yemen

- **Draft Council conclusions**
7976/15 YEMEN 5 MOG 5 CFSP/PESC 55

The Committee examined the draft Council conclusions on Yemen on the basis of document 7976/15 and agreed to forward them to the Council for adoption, as set out in 8083/15.

68. Preparations for the Eastern Partnership Summit (Riga, 21-22 May 2015)
7802/15 COEST 110

The Committee discussed the open issues in the draft Joint Declaration of the Eastern Partnership Summit on the basis of document 7802/15. The Committee agreed on the draft text of the Declaration to be transmitted to the Partners (doc. 7802/2/15 REV 2), with a view to beginning negotiations with them on the text and with the understanding that the Committee will revert to the text in the light of the discussion of 16 April 2015 and negotiations with the Partners.

Hungary submitted the following statement to the minutes of the meeting:

"Unilateral statement by Hungary on the
Draft Joint Declaration
of the Eastern Partnership Summit (Riga, 21-22 May, 2015)

Hungary reiterates its deep concern that the text of the Draft Joint Declaration of the Eastern Partnership Summit does not contain any reference to the protection of the rights of persons belonging to national minorities.

Hungary recalls having repeatedly asked for the inclusion of such a reference during the negotiations of the Draft Joint Declaration, since the protection of the rights of minorities is one of our shared common values. In a constructive spirit Hungary has prepared several text proposals to this end, however, none of them has been considered in substance in the course of the negotiations.

Hungary reserves the right to revert to this issue during the future negotiations of the Joint Declaration with the Eastern Partners."

69. Presentation of the agenda of the Council meeting (Foreign Affairs/Trade) on 7 May 2015

The Presidency informed the Committee about the provisional agenda of the above-mentioned meeting which would cover the EU-US TTIP negotiations and investor-state dispute settlement (ISDS); preparations for the 10th World Trade Organisation Ministerial Conference, with a particular focus on the Doha Development Agenda and the environmental goods agreement negotiations; and as a lunch item, trade aspects of the Eastern Partnership. The Commission also gave information on some of the agenda items.

Furthermore the Presidency informed the Committee of the Eastern Partnership Trade Ministerial meeting that will be held back-to back to the meeting of the Foreign Affairs Council (Trade).

70. Preparation of the Council meeting (General Affairs) on 21 April 2015

a) Inter-institutional Agreement

The Committee had a discussion on the Council's priorities in the upcoming Inter-institutional Agreement (IIA) negotiations, on the basis of a Non-paper prepared by the Presidency.

b) Other items in connection with the Council meeting

The lunch debate will address on the implementation of the Heads Statement on the Fight against Terrorism of February 2015.

IT requested an additional item on the 4 Presidents EMU report.

– **Any other business**

- **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)**

– **Information from the Presidency on the state of play**

7570/15 SOC 201 SAN 85 EGC 11 CODEC 426

+ COR 1

+ COR 2

The Presidency informed the Committee of the state of play as outlined in 7570/15 + COR 1 + COR 2.
