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European Union

Brussels, 12 May 2015
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8382/15

CRS/CRP 16

SUMMARY RECORD

Subject: 2539th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 29 April 2015

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Budget cuts in Spain, increase in funding for the Catholic Church and interference in the non-confessional nature of the state
 - b) E-002330/2015 - Siôn Simon (S&D)
Monitoring the ethnic origin of staff in the Council
 - c) E-002377/2015 - Joëlle Bergeron (EFDD)
European Council proceedings
 - d) E-002527/2015 - Tom Vandenkendelaere (PPE)
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 - b) 3368th meeting of the Council of the European Union (General Affairs), held in Brussels on 10 February 2015
 - c) 3370th meeting of the Council of the European Union (Economic and Financial Affairs), held in Brussels on 17 February 2015
28. (poss.) Interinstitutional Agreement
 - Letter to the Commission on the Council's priorities in view of the IIA negotiations
29. Case before the Court of Justice of the European Union (C-72/15 (Rosneft))
 - Reference for a preliminary ruling from the High Court of Justice (England & Wales), Queen's Bench Division (Divisional Court) (United Kingdom)
30. Judgment of the Court of Justice of 14 April 2015 in Case C-409/13 (Council of the European Union, supported by Czech Republic, Federal Republic of Germany, Kingdom of Spain, French Republic, Italian Republic, Kingdom of the Netherlands, Slovak Republic, Republic of Finland, Kingdom of Sweden and United Kingdom of Great Britain and Northern Ireland, interveners, against European Commission)
31. Case before the Court of Justice (Opinion 1/15)
 - Request by the European Parliament for an opinion pursuant to Article 218(11) TFEU on the compatibility with the treaties of the proposed agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data
32. Special Report No 17/2014 "Can the EU's Centres of Excellence initiative contribute effectively to mitigating chemical, biological, radiological and nuclear risks from outside the EU?"
33. New draft design of a commemorative 2 euro coin submitted by Belgium
34. Enlargement: Accession negotiations with Serbia
 - Outcome of screening on Chapter 20: Enterprise and industrial policy
35. Enlargement: Accession negotiations with Serbia
 - Outcome of screening on Chapter 5: Public procurement
36. Appeal against the judgments of the General Court of 19 March 2015 in Cases T-412/13 and T-413/13 (Dumping - Imports of bicycles - Circumvention)
37. Initiative to Promote Fundamental Labour Rights and Practices in Myanmar/Burma
 - Agreement that the European Union should join the Initiative

38. a) Council Decision on the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union and Saint Lucia, the Commonwealth of Dominica, Grenada, Saint Vincent and the Grenadines, the Republic of Vanuatu, the Democratic Republic of Timor-Leste, the Independent State of Samoa and the Republic of Trinidad and Tobago on the short-stay visa waiver
 - Adoption
- b) Council Decision on the conclusion of the Agreement between the European Union and Saint Lucia, the Commonwealth of Dominica, Grenada, Saint Vincent and the Grenadines, the Republic of Vanuatu, the Democratic Republic of Timor-Leste, the Independent State of Samoa and the Republic of Trinidad and Tobago on the short-stay visa waiver
 - Request by the Council for the consent of the EP
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40. Approval of the re-election of the President of the College of Eurojust

II

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

doc. 8332/15 OJ/CRP1 16

8367/15 OJ/CRP2 16

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.

The Commission made a statement on the following item:

13. Proposal for a Council Decision authorising the Commission to negotiate, on behalf of the European Union, amendments to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer

– **Adoption**

8196/15 CLIMA 45 ENV 235 MI 251

7819/15 CLIMA 39 ENV 208 MI 215

+ ADD 1

"The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.

The Commission notes that the Council added in Article 1 a reference to "matters falling within Union competence and in respect of which the Union has adopted rules". The Commission considers that this reference is inappropriate, since substantive provisions of the Convention come within the Union's sphere of competence. The Union is therefore competent to undertake commitments with regard to the implementation of these provisions.

Finally, the Commission takes note of the position expressed by the Council as far as its obligations of reporting to the consultative committee are concerned. The Commission recalls that it will conduct the negotiations in full compliance with the rules laid down in the Treaties."

* * * * *

DE and UK made a statement on the following item:

28. Interinstitutional Agreement

– **Letter to the Commission on the Council's priorities in view of the IIA negotiations**

8294/15 INST 130 POLGEN 59

"In a joint letter dating April 1st ministers from eleven member states proposed the creation of an external and independent Impact Assessment Board scrutinizing impact assessments from all three EU institutions. Germany and the United Kingdom will continue to advocate this goal within the IIA negotiations as well as on other occasions."

Coreper Part 1

II

- 19. 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)**
- **Presidency debriefing on the outcome for the informal trilogue**

The Committee took note of the debriefing prepared by the Presidency on the outcome of the third informal trilogue of the 22nd of April 2015.

- 20. Fourth Railway Package (First reading) (Legislative deliberation)**
- 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**
 - Proposal for a Directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union (Recast)**
 - Proposal for a Directive of the European Parliament and of the Council on railway safety (Recast)**
- **Presidency debriefing on the outcome for the informal trilogue**

The Committee took note of the information provided by the Presidency on the outcome of the informal trilogue of 28 April 2015.

- 21. Proposal for a Decision of the European Parliament and of the Council concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
8162/15 CLIMA 44 ENV 230 MI 249 IND 59 ENER 124 ECOFIN 257
TRANS 137 COMPET 156 CODEC 559

The Committee examined the Presidency's latest compromise suggestions set out in 8162/15. The Committee gave the Presidency a mandate for the second informal trilogue with a view to a first reading agreement with the European Parliament on the basis of a revised four column table (set out in the Annex to doc. 8513/15) and following two statements made by the Commission, which are set out below. The trilogue will be held on 5 May 2015 in Council premises.

Commission's statements

"In line with European Council conclusions of October 2014 the ETS review will inter alia consider whether unallocated allowances should be used for addressing the risk of carbon leakage."

"The temporary exemption foreseen in Art 1.3, 2nd subparagraph does not constitute a precedent for the ETS review."

22. Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

8298/15 TELECOM 95 DATAPROTECT 59 CYBER 30 MI 264
CSC 88 CODEC 594

The Committee granted the Presidency a mandate, as set out in 8298/15 with the drafting changes proposed by the French delegation.

23. Recommendation for a Council Decision authorising the opening of negotiations on a revised Lisbon Agreement on appellations of origin and geographical indications

– **Agreement on the text**

8210/15 PI 26 COMER 59 AGRI 220 EU RESTRICTED

The Committee endorsed the text of the Council Decision authorizing the opening of negotiations on a revised Lisbon Agreement on Appellations of Origin and Geographical indications, as well as the related Negotiating Directives as set out in the Annex of the document 8210/15, with deletion of Art. 207 from the legal base, and invites the Council to adopt this Decision as an "A" point at a forthcoming meeting.

24. Proposal for a Directive of the European Parliament and of the Council on seafarers amending Directives 2008/94/EC, 2009/38/EC, 2002/14/EC, 98/59/EC and 2002/23/EC (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

8105/15 SOC 244 EMPL 145 MAR 51 CODEC 548

The Committee agreed on a negotiating mandate on the basis of the Presidency's compromise texts as set out in the fourth column of the annex to document 8105/15.

25. Proposal for a Regulation of the European Parliament and of the Council on animal health (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

8123/15 AGRI 202 VETER 29 AGRILEG 83 ANIMAUX 16 SAN 114 CODEC 550
+ ADD 1- 6

The Presidency compromise texts set out in the addenda 1 to 6 to document 8123/15, including some amendments agreed during the meeting, received the support of a qualified majority of delegations. This will allow the Presidency to continue negotiations with the European Parliament with a view to reaching a pre-negotiated second reading agreement and to proceeding with the adoption of the Regulation.

As a response to a number of delegations who asked for clarification in respect of the review of the list of diseases, the Commission representative made the following statement:

"The Commission will, during the review of the list of diseases in close cooperation with experts, including Member State experts, assess the diseases. This assessment will include in particular Aujeszky, EBL, BVD, IBR, PRRS and Paratuberculosis, and other diseases."

26. Preparation for the Council meeting (Education, Youth, Culture and Sport) on 18 and 19 May 2015

1. Setting of the provisional agenda

The Committee agreed to the provisional agenda for the forthcoming Council meeting (Education, Youth, Culture and Sport) as set out in 8605/15.

2. "ET2020" mid-term stocktaking and preparation of the 2015 Joint Report (*Non-legislative activity*)

– **Policy debate**

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])

8039/15 EDUC 104 JEUN 28 SOC 240 EMPL 143 RECH 96 MI 235
COMPET 151

The Committee agreed to forward the discussion paper (doc. 8039/15) to the Council as a basis for the policy debate to be held on this subject.

3. Draft Council conclusions on the role of early childhood education and primary education in fostering creativity, innovation and digital competence (*Non-legislative activity*)

– **Adoption**

6528/15 EDUC 37 SOC 97 CULT 8 JEUN 13 AUDIO 4 TELECOM 50 DIGIT 1

The outcome of the examination of this file by the Committee is contained in 8397/15.

4. Draft Council conclusions on enhancing cross-sectorial policy cooperation to effectively address the socio-economic challenges facing young people (*Non-legislative activity*)

– **Adoption**

7863/15 JEUN 24 EMPL 134 SOC 226 EDUC 95 SPORT 10 CULT 18

The Committee took note of the unanimous support for the text as contained in 7863/15 and forwarded the text to the Council for adoption.

5. Draft Council conclusions on reinforcing youth work to ensure cohesive societies (*Non-legislative activity*)

– **Adoption**

8093/15 JEUN 30 EDUC 106 SOC 242 EMPL 144

The outcome of the examination of this file by the Committee is contained in 8407/15.

6. Empowering young people for political participation in the democratic life of Europe (*Non-legislative activity*)

– **Policy debate**

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])

8095/15 JEUN 31 EDUC 107 SOC 243

The Committee agreed to forward the discussion paper (doc. 8095/15) to the Council as a basis for the policy debate to be held on this subject.

7. Draft Council conclusions on maximising the role of grassroots sport in developing transversal skills, especially among young people (*Non-legislative activity*)

– **Adoption**

7875/15 SPORT 11 JEUN 25 EDUC 96 SOC 228 EMPL 136

The Committee took note of the unanimous support for the text as contained in 7875/15 and forwarded the text to the Council for adoption.

- 8. Physical activity as an essential element of quality education at all levels – cooperation models with the sport sector (*Non-legislative activity*)**
- **Policy debate**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
8096/15 SPORT 14 EDUC 108 JEUN 32

The Committee agreed to forward the discussion paper (doc. 8096/15) to the Council as a basis for the policy debate to be held on this subject.

- 9. Recommendation for a Council Decision designating the European Capital of Culture for the year 2019 in Bulgaria and Italy (*Non-legislative activity*)**
- **Adoption**
8101/15 CULT 19
8103/15 CULT 20

The outcome of the examination of this file by the Committee is contained in 8488/15.

Coreper Part 2

II

41. **Presentation of the agenda for the Council meeting (Foreign Affairs) on 18 May 2015**
42. **Presentation of the agenda for the Council meeting (Foreign Affairs /Defence) on 18 May 2015**

The Committee took note of the presentation by the European External Action Service of the preparation of the Council meetings (Foreign Affairs/Defence and Foreign Affairs) on 18 May 2015. The Defence session will be mainly devoted to preparation of the June European Council discussion on the Common Security and Defence Policy. In that context, the FAC/Defence will start with the meeting of the European Defence Agency Steering Board.

Discussion items of the Foreign Affairs session will include Middle East Peace Process. Council conclusions are foreseen on Burundi.

43. **Debrief of the EU-Ukraine Summit (Kyiv, 27 April 2015)**

The Committee took note of the presentation by the European External Action Service and the Commission on the outcome of the 17th EU-Ukraine Summit in Kyiv on 27 April 2015.

44. **Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office**

– **Orientation debate**

8240/15 EPPO 25 EUROJUST 81 CATS 46 FIN 298 COPEN 98 GAF 10

The Chair explained that the current draft text of Chapter III in the draft Regulation is a balanced compromise and invited delegations to lift their outstanding reservations. The Commission noted its support to the Presidency text but also raised some concerns regarding the independence and efficiency of the Office under the proposed organisation. Twenty delegations took the floor, the great majority of them expressing support to the Presidency text, but also noting that more work at technical level is needed. The controversial issue of the concerned European Prosecutor's right of vote in the Permanent Chambers was particularly highlighted by many delegations in this context. With a few exceptions, the outstanding reservations in the text were upheld. The Chair took note of the interventions and concluded that discussions would continue at the technical level.

45. 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)

– **Preparation for a general approach: Chapter III**¹

7978/1/15 REV 1 DATAPROTECT 48 JAI 234 MI 222 DIGIT 14 DAPIX 55
FREMP 76 COMIX 174 CODEC 499

On the basis of the Presidency compromise text annexed to document 7978/1/15 REV 1, the Committee identified the main issues regarding Chapter III of the Regulation that will need further work with a view to reaching a General Approach in the Council on 15/16 June 2015.

46. Preparation of the Council meeting (Foreign Affairs/Trade) on 7 May 2015

– **Other items in connection with the Council meeting**

The Committee took note of the information provided by the Presidency regarding the handling and the agenda of the Council, as well as the remarks by delegations and the Commission in this regard.

As regards the Transatlantic Trade and Investment Partnership (TTIP) on the Council agenda, a few delegations regretted that the Commission concept paper on reformed Investor to State Dispute Settlement (ISDS) provisions in TTIP would only be available shortly before the Council. Furthermore, the Greek delegation requested the addition of an 'Any Other Business' item on the Council agenda regarding the protection of feta cheese as a geographical indication in the EU-Canada Comprehensive Economic and Trade Agreement (CETA).

The Presidency also informed the Committee on the organisation and handling of the Eastern Partnership Trade Ministerial meeting that will be held back-to-back to the meeting of the Foreign Affairs Council (Trade).

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.

47. Preparation of the Council meeting (Economic and Financial Affairs) on 12 May 2015
– **Other items in connection with the Council meeting**

The Committee reviewed the state of readiness of the agenda items listed.

48. Presentation of the agenda for the Council meeting (General Affairs) on 19 May 2015

The Committee took note of the items to be included in the agenda of the May **General Affairs Council**, namely the follow-up to the Special EC on 23 April 2015 and the preparations of the June 2015 EC.

IT requested a full B item on the 4 Presidents report on the EMU.

– **Any other business**

- **Developing a reliable and transparent Energy Union governance system**
= **Information from the Commission**

The Committee took note of the Commission's presentation on all five dimensions of the Energy Union governance system.

- **Tunisia's participation at Horizon 2020**

The Commission informed the Committee on the state of play of Tunisia's request to participate at the 'Horizon 2020' programme.

- **Nepal - Humanitarian Aid after the earthquake**

The Commission provided a quick update of the key actions taken to date to aid Nepal after the earthquake.