



Council of the
European Union

**Brussels, 17 June 2015
(OR. en)**

9526/15

CRS/CRP 21

SUMMARY RECORD

Subject: 2544th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 3 and 4 June 2015

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

doc. 9449/15 OJ/CRP1 21 + COR 1
9467/1/15 REV 1 OJ/CRP2 21

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

The following items are **withdrawn** :

(Coreper Part 1, under I)

- 3. Case before the Court of Justice of the European Union
Judgment of the Court of Justice (Grand Chamber) of 28 April 2015 in
Case C-28/12**
- **Information note to the Permanent Representatives Committee (Part 1)**
9371/15 JUR 340 TRANS 184 AVIATION 62
- 11. Proposal for a Council Regulation amending Regulation (EU) No 1387/2013
suspending the autonomous Common Customs Tariff duties on certain
agricultural and industrial products**
- **Adoption**
9363/15 UD 129
9357/15 UD 126
9358/15 UD 127

(Coreper Part 2, under I)

- 20. Case before the Court of Justice of the European Union
Judgment of the Court of Justice (Grand Chamber) of 28 April 2015 in Case
C-28/12 (European Commission, supported by European Parliament, intervener,
against Council of the European Union, supported by French Republic, Czech
Republic, Federal Republic of Germany, Hellenic Republic, Republic of Finland,
Italian Republic, Kingdom of the Netherlands, Republic of Poland, Portuguese
Republic, Kingdom of Sweden, United Kingdom of Great Britain and Northern
Ireland and Kingdom of Denmark, interveners)**
- **Information note to the Permanent Representatives Committee (Part 2)**
9371/15 JUR 340 TRANS 184 AVIATION 62

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

DE made a statement on the following item:

8. Commission Directive (EU) .../... of XXX amending several annexes to Directives 2004/107/EC and 2008/50/EC laying down the rules concerning reference methods, data validation and location of sampling points for the assessment of ambient air quality

– **Decision not to oppose adoption**

9283/15 ENV 365 ENER 222 IND 89 TRANS 180 ENT 98

8460/15 ENV 254 ENER 131 IND 64 TRANS 150 ENT 73

+ ADD 1

"Further improving air quality is an important issue for the Federal Republic of Germany.

Therefore, in the current negotiating process, Germany is actively advocating the inclusion of stringent provisions in the legislative projects proposed in the European Commission's Clean Air Policy Package of December 2013.

Independent of this, in the competent Commission committee Germany rejected the proposed amendments to Annexes to Directives 2004/107/EC and 2008/50/EC for several reasons.

The suggested amendments are aimed at achieving certain clarifications and updating reference methods. In Germany's opinion, there is no pressing need for these amendments as the provisions have been in place for up to fifteen years. It would be more appropriate to implement the proposed amendments in national law in the context of the transposition of the proposed Directive on the reduction of national emissions of certain atmospheric pollutants, which is currently being discussed at EU level. In addition, the proposed amendment regarding the function of national reference laboratories, i.e. the shift from laboratories being involved in coordination to being responsible for coordination, raises constitutional problems in Germany. In Germany, according to the division of competences laid down in the Basic Law, monitoring air quality is the responsibility of the Länder. Thus, national reference laboratories holding responsibility as opposed to Länder authorities is not provided for."

Statements are made on the following item:

29. Proposal for a Directive of the European Parliament and of the Council on payment services in the internal market and amending Directives 2002/65/EC, 2013/36/EU and 2009/110/EC and repealing Directive 2007/64/EC (First reading)

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

9337/15 EF 93 ECOFIN 418 CONSOM 97 CODEC 795

9336/15 EF 92 ECOFIN 417 CONSOM 96 CODEC 794

Joint statement by the Czech Republic and the Netherlands

"While the Netherlands and the Czech Republic are fully committed to the purpose of the Payments Services Directive 2 and in the spirit of compromise consider the final outcome as a balanced result, we would nonetheless like to express our concern about the level of security of Payment Initiation Services during the transitional period. The Payment Services Directive 2 seems to allow Payments Initiation Service Providers in this period to offer services under a European Passport while the technical standards of EBA ensuring the security of these payments are not yet in force. Incidents in this period due to the absence of adequate security standards, could be detrimental to the trust of the public in electronic payments."

* * * * *

Statement by Luxembourg

"The first payment services Directive (2007/64/EC) provided the legal basis for the creation of an EU-wide single market for payments and put in place a single passport for payment services providers.

The new payment services Directive which repeals Directive 2007/64/EC, undermines the passporting regime established by Directive 2007/64/EC and the principle of home Member State supervision, and thereby reintroduces potential for market fragmentation. Such development in the area of cross-border supervision of payment institutions is in contradiction with the aim of the initial proposal which is to help developing an EU-wide market for electronic payments, and runs counter to the existing achievements in other financial services legislation. Luxembourg considers that the text does not reflect a coherent approach on cross-border supervision and on the respective balance between the powers of home and host competent authorities with regard to other financial services files.

In light of the above, Luxembourg does not support the political agreement reached on the Directive on payment services in the internal market."

* * * * *

Statement by the Commission

"The Commission welcomes the political agreement reached between the European Parliament and the Council on a revised set of rules to improve the internal market for payment services to ensure better consumer protection, to foster competition and to facilitate e-commerce.

However, the Commission notes with great regret that whilst the compromise text provides host Member States with extended powers in terms of supervision and monitoring of the activities conducted in their territories through networks of agents by payment institutions authorised in another Member State, those host Member States can still require those payment institutions to set up a central contact point in their territories to ensure adequate provision of information on the agents' activities. This requirement to set up a central contact point may create barriers to the proper functioning of the Internal Market, where renewed efforts to improve administrative and supervisory cooperation between the relevant competent authorities of both home Member State and host Member State would provide a proportionate response to the monitoring needs of host Member States."

Coreper Part 1

II

13. Preparation for the Council meeting (Environment) on 15 June 2015

1. Proposal for a Directive of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC (First reading) (*Legislative deliberation*)

– Policy debate

9247/15 ENV 346 ENER 203 IND 87 TRANS 177 ENT 96 SAN 157
PARLNAT 55 CODEC 777

The Committee took note of the Presidency questions and decided to transmit them to the Council with a view to the policy debate on 15 June 2015. The Commission stated its willingness to address some of the open issues and find solutions to reach an agreement on this proposal, while preserving its level of ambition as regards health benefits.

2. The road to the UNFCCC Conference of the Parties (Paris, 30 November-11 December 2015) (*Non-legislative activity*)

a) Communication from the Commission: The Paris Protocol - A blueprint for tackling global climate change beyond 2020

b) State of play of negotiations under UNFCCC

– Exchange of views

9257/15 CLIMA 57 ENV 355 ONU 72 DEVGEN 83 ECOFIN 398 ENER 212
FORETS 11 AGRI 287 MAR 68 AVIATION 59 MI 349

The Committee took note of the questions contained in document 9257/15 and transmitted those to the Council (Environment) on 15 June 2015. The Presidency indicated that Ministers would also discuss further issues related to the climate negotiations (long-term goal, Lima Paris Action Agenda) over lunch. FR asked that the Commissioner debrief Ministers over lunch about the implementation of the climate diplomacy action plan and climate financing.

14. Proposal for a Directive of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants (First reading) (*Legislative deliberation*)

– Presidency debriefing on the outcome of the informal trilogue

The Committee took note of the results of the second informal trilogue with the EP on the above-mentioned Directive, held on 2 June 2015 in the Council premises.

15. Proposal for a Regulation of the European Parliament and the Council establishing 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)

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

The Committee was debriefed by the Presidency on the outcome of the first trilogue with the European Parliament on the Baltic Sea fisheries management plan, which took place on 1 June 2015. The Presidency gave a presentation to the European Parliament of the Council's approach on the proposal and defended the Council's position issue by issue. The Presidency indicated that the explanations given by the EP on its own approach were not very detailed and in some cases consultations of political groups were still needed. The Presidency concluded that participants had provisionally agreed on the principle of a second trilogue meeting on 8 June 2015.

16. Fourth Railway Package (Technical Pillar) (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)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the information provided by the Presidency on the outcome of the informal trilogue of 2 June 2015, bearing in mind that a detailed debriefing will also be provided at working party level.

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)

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

The Committee has been informed of the outcome of the third informal trilogue which took place on 2 June 2015 in Brussels.

18. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 11 and 12 June 2015

- **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*)**
 - **Political agreement**
 - 9290/15 TELECOM 129 COMPET 281 MI 351 CONSOM 95 CODEC 782
 - 13555/13 TELECOM 232 COMPET 646 MI 753 CONSOM 161 CODEC 2000
 - + ADD 2
 - + REV 1 (sv)

The Committee discussed the preparation for the Council meeting and agreed on the next steps as well as on one modification to the agenda.

19. Impact assessment within the Council - 2015 Annual Report

- **Endorsement**
 - 8749/15 MERTENS 2 POLGEN 70 COMPET 187

The Committee endorsed the report as presented by the Presidency.

Coreper Part 2

II

42. Presentation of the agenda of the Council meeting (Foreign Affairs) on 22 June 2015

The Committee took note of a presentation by the EEAS of the provisional agenda of the Council (Foreign Affairs) to be held on 22 June 2015.

The main discussion items foreseen were Asia, EU-UN cooperation and Energy Diplomacy.

The EEAS indicated that Council conclusions were expected to be adopted on the EU-ASEAN relations, on Myanmar/Burma and on Central Asia.

The EEAS also informed the Committee that an EU-Montenegro Association Council would take place in the margins of the Council.

43. EU-Japan Summit (Tokyo, 29 May 2015) – Debriefing

The Committee was debriefed by the EEAS and the Commission on the outcome of the 23rd EU-Japan Summit, held in Tokyo on 29 May 2015.

It was a productive and fruitful Summit which focused on progress as regards the twin negotiations for an EU-Japan Strategic Partnership Agreement and a Free Trade Agreement as well as on enhanced cooperation on peace and security, including through concrete crisis management cooperation.

Leaders exchanged views on international, regional and global issues, including counter-terrorism, climate change and post-2015 development agenda.

44. Presentation of the agenda of the Council meeting (General Affairs) on 23 June 2015

The Committee took note of the agenda of the June GAC. Main items to be discussed will be the preparations of the June EC (draft conclusions), the European Semester (approval of the CSRs), the Better Regulation Agenda and possibly FYROM.

45. Better Regulation Agenda
– **Information from the Presidency**

The Presidency mapped out the key elements of the Commission's Better Regulation Agenda and set out the working methods and division of labour within the Council. The June GAC will have an orientation debate on the entire Better Regulation Agenda on the basis of a Presidency report on the key outcomes of the examination of the Interinstitutional Agenda and a Presidency note on the entire Better Regulation Agenda package.

46. Relations with the European Parliament (June 2015)
9156/15 PE 105 INST 174 POLGEN 82 CODEC 765

On the basis of document 9156/15, the Presidency informed the Committee about relevant recent developments in relations between the Council and the European Parliament and in view of the forthcoming June plenary part-session.

47. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 19 June 2015

The Committee agreed the provisional agenda for this Council meeting.

48. Extension of restrictive measures in response to the illegal annexation of Crimea and Sevastopol
– **Exchange of views**

The Committee agreed on the principle to extend the restrictive measures and requested the EEAS to prepare a draft HR proposal for a Council Decision and invited RELEX to discuss the proposal and prepare the appropriate legal act as soon as possible.

49. Preparation of the Council meeting (Justice and Home Affairs) on 15/16 June 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)

– **Preparation for a general approach**¹

9281/15 DATAPROTECT 91 JAI 384 MI 350 DIGIT 44 DAPIX 85 FREMP 119
COMIX 243 CODEC 780

8745/2/15 REV 2 DATAPROTECT 73 JAI 280 MI 295 DIGIT 33 DAPIX 73
FREMP 100 COMIX 216 CODEC 689

The Committee examined the Presidency compromise text for the General Data Protection Regulation in its entirety (doc. 9281/15) and the compromise text for the draft Data Protection Directive on scope (doc. 8745/2/15 REV 2). As a result of this examination, the Presidency instructed the Justice and Home Affairs Counsellors to prepare new compromise texts on the scope of the draft Regulation and Directive, the right to liability and compensation and other issues with a view to further discussion in the Committee on 9 June 2015.

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

– **Policy debate**

7877/15 EPPO 24 EUROJUST 74 CATS 45 FIN 267 COPEN 89 GAF 9

The Chair noted that the new compromise is well balanced and has been prepared in detail at expert level, and called for delegations to agree to the text. The Commission noted its reserve on some aspects of the text. A number of delegations took the floor, mainly to express certain misgivings regarding Article 9 in the text. Some delegations also called for a reformulation of the question to be submitted to Ministers. The Chair took note of the interventions and concluded that a meeting of JHA Counsellors would be convened to consider both issues.

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.

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

The Chair announced that the Council would be informed about the state of play of the following file:

"Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 861/2007 of the European Parliament and the Council of 11 July 2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure (First reading)".
