



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 19 December 2013
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17521/13

CRS/CRP 43

SUMMARY RECORD

Subject: 2477th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 3, 4 and 6 December 2013

SUMMARY

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

doc. 17180/13 OJ/CRP1 43 + COR 2
17179/1/13 REV 1 OJ/CRP2 43 COMIX 666

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

The following items are **added** :

(Coreper Part 2, under I)

118. Council Decision in support of the UNSCR 2118 (2013) and OPCW Executive Council EC-M-33/Dec 1, in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

17213/13 PESC 1460 COMEM 270 CONOP 150 COARM 176 FIN 875
16799/13 PESC 1425 COMEM 264 CONOP 148 COARM 169 FIN 839

119. Review of restrictive measures against Syria :

- **Letters of reply to persons subject to the restrictive measures provided for in Council Decision 2011/782/CFSP and in Council Regulation (EU) n° 36/2012**
17209/13 PESC 1459 RELEX 1103 COMEM 269 COARM 175 FIN 873

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117. 148th session of the FAO Council (Rome 2-6 December 2013)

- **Declaration of Competence and Voting Rights submitted by the European Union and its Member States**
 - = **Item 20.1 Proposed Technical Consultation on Low Levels of Genetically Modified Crops in International Food and Feed Trade**
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The following items are **withdrawn** :

(Coreper Part 2, under I)

21. Resolutions, decisions and opinions adopted by the European Parliament at its part-session in Strasbourg from 18 to 21 November 2013

16455/13 PE-RE 13

(Coreper Part 1, under II)

105. Audit (continued)

Proposal for a Directive of the European Parliament and of the Council amending Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts (First reading) (Legislative deliberation)

Proposal for a Regulation of the European Parliament and of the Council on specific requirements regarding statutory audit of public-interest entities (First reading) (Legislative deliberation)

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

109. Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment (First reading) (Legislative deliberation)

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

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 :

36. Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/65/EC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) as regards depositary functions, remuneration policies and sanctions (UCITS V) (First reading)

– **General Approach**

17094/13 EF 248 ECOFIN 1094 CODEC 2784 SURE 25

17095/13 EF 249 ECOFIN 1095 CODEC 2785

"Exemption of central securities depositaries from sub-custody rules

The Review of UCITS directive (UCITS V) represents a very important piece of legislation complementing the Alternative Investment Managers Directive (AIFMD). UCITS V cannot be seen in isolation and we should very carefully scrutinize the interplay between UCITS V, AIFMD and currently negotiated the Draft Regulation on Central Securities Depositaries (CSDR).

For reasons expressed during negotiations the Czech Republic is concerned regarding the compromise text of Recital 16 of UCITS V dealing with the exemption of central securities depositaries from sub-custody rules. We expect that this Recital can be revisited during the negotiations with the European Parliament in order to achieve a more appropriate solution.

It is essential to align the wording of the Recital 16 of UCITS V with the wording of the complementary Recital 41 in AIFMD to ensure legal consistency across different pieces of legislation governing collective investment schemes. Any other approach would put UCITS into an enormous disadvantage to the detriment of UCITS investors because of significant restrictions on UCITS investments.

Concentration rules

According to the UCITS Directive, the limits on investments of UCITS funds are calculated as a percentage of their assets (see for example Articles 52 to 55, 58 and 83). In July 2012, ESMA has published an answer regarding Article 54 (ESMA/2012/429, question 3), claiming that the limits should be calculated as a percentage of net assets (net asset value). The Czech Republic considers it crucial to ensure a single interpretation of the UCITS Directive and a consistency between the interpretation and the wording of the UCITS Directive. Although this issue is not dealt with in the current proposal, we would like to discuss it during the trilogues negotiations with the European Parliament."

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PL and NL made also a statement on the above mentioned item (UCITS) :

"Despite the acceptance of the proposed approach, Poland and the Netherlands remain concerned with the provisions relating to entities permitted to act as UCITS depositaries. In the opinion of Poland and the Netherlands it is important that in addition to banks and investment firms, other entities are entitled to act as UCITS depositaries under certain conditions. We consider that introducing restrictions based on CRD eligibility criteria is not an appropriate approach and could significantly limit the number of the UCITS depositaries. Harmonisation of the eligibility criteria of the UCITS depositary should be based on the operational risk and liability constraints associated with depositary activities. In the opinion of the Netherlands and Poland any institution which is subject to prudential regulation and ongoing supervision and were appointed as a depositary before entry into force of UCITS V should be able to act as a depositary for a UCITS fund.

Poland and the Netherlands expect that this subject can be revisited during the negotiations with the European Parliament to achieve a more effective and harmonised regime."

* * * * *

AT, CZ, DK, HU and NL made a statement on the following item :

37. Draft Council Regulation laying down the form of the laissez-passer issued by the European Union

– **Adoption**

17027/13 STAT 48 RELEX 1082 VISA 260 JAI 1085 POLGEN 244 FIN 851
16225/13 STAT 43 RELEX 1029 VISA 238 JAI 1009 POLGEN 223 FIN 763

"The delegations of Austria, the Czech Republic, Denmark, Hungary and the Netherlands are in favour of granting a laissez-passer to the categories of persons mentioned in Appendix II, yet consider that the proper legal basis for doing so should have been further examined and insist that such a legal basis will be provided at the first possible occasion."

* * * * *

IT made a statement on the following item :

38. Draft proposal for a Directive of the European Parliament and of the Council establishing a framework for Maritime Spatial Planning (First reading)

– **General Approach**

16983/13 POLGEN 242 POLMAR 28 PESC 1440 COSDP 1112 AGRI 795

TRANS 629 JAI 1077 ENV 1137 PECHE 578 CODEC 2755

16979/13 POLGEN 241 POLMAR 27 PESC 1439 COSDP 1111 AGRI 794

TRANS 628 JAI 1076 ENV 1134 PECHE 577 CODEC 2753

"Italy confers a great importance to Integrated Coastal Zones Management (ICZM) and reaffirms the key role of the Protocol signed on the subject in Madrid, on January 21st 2008, as part of the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution. Italy hopes that a constructive dialogue between EP and Council on ICZM could be pursued during the following stages of the legislative procedure."

DK and CY joined the IT statement.

* * * * *

RO made also a statement on the above mentioned item :

"Romania confers a great importance to Integrated Coastal Zone Management (ICZM) and considers maritime spatial planning and ICZM as complementary tools, which need to be coordinated. Romania hopes that a constructive dialogue between EP and Council on ICZM could be pursued during the following stages of the legislative procedure."

- 87. Proposal for a Council Decision on the signing, on behalf of the European Union, of the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control, with the exception of its provisions on obligations related to judicial cooperation in criminal matters, the definition of criminal offences and police cooperation**
- **Adoption**
14929/13 UD 262 SAN 392 COPEN 154 DROIPEN 121
17051/13 UD 322 AELE 73
- 88. Adoption of a Council Decision on the signing, on behalf of the European Union, of the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control, as regards its provisions on obligations related to judicial cooperation in criminal matters, the definition of criminal offences and police cooperation**
- **Adoption**
14711/13 UD 257 SAN 391 COPEN 153 DROIPEN 120
+ ADD 1
17054/1/13 UD 323 AELE 74 REV 1

Council Legal Service intervened on items 87 and 88 regarding the signature of the Tobacco Protocol, one related to title V, the other covering other matters. Contrary to CLS advice and recent practice, the decisions do not specify which articles of the Protocol relate to title V. This is an issue of legal certainty. The identification of the articles should be made at the latest when the protocol is concluded.

Coreper Part 2

II

2. Preparation of the Council meeting (Justice and Home Affairs) on 5-6 December 2013

- a) **Draft Council Decision on the framework for the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania**
 - (poss.) Adoption

The Committee took note of the outcome of the discussion in the Mixed Committee as set out in 17413/13.

The Presidency concluded that the topic will be put on the agenda of the Council as "state of play" instead of "(poss.) adoption".

- b) **The situation in the Schengen area - Fourth bi-annual report from the Commission to the European Parliament and the Council on the functioning of the Schengen area (1 May-31 October 2013)**
16933/13 JAI 1072 SCHENGEN 41 COMIX 642

The Committee took note of the outcome of the discussion in the Mixed Committee.

The Presidency concluded that the Report will be dealt with by Ministers during lunchtime, providing them with an opportunity for an informal political discussion thereon.

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

The Presidency outlined which issues will be dealt with under Justice AOB and informed delegations that during the lunch of the Justice session the Proposal on the establishment of the European Public Prosecutor's Office will be discussed.

- d) **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) n° 1346/2000 on insolvency proceedings (First reading)**
 - **Orientation debate**
17003/13 JUSTCIV 292 EJUSTICE 104 CODEC 2764
+ COR 1

The outcome of the discussions is set out in document 17304/13.

- e) **Draft Council conclusions on combating hate crime in the European Union**
16573/13 FREMP 188 JAI 1032 COPEN 211 DROIPEN 143 SOC 965

The Committee agreed, without any discussion, to submit the draft Council conclusions to the Council for adoption.

- f) **Proposal for a Regulation on 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)**
– **Essential elements of the one-stop-shop mechanism**
16626/3/13 REV 3 DATAPROTECT 177 JAI 1042 MI 1063 DRS 208
DAPIX 145 FREMP 192 COMIX 625 CODEC 2675

The Chair outlined the Presidency note, with which the Commission disagreed. A few delegations intervened, expressing regret that it had not been possible to achieve further progress on the important question of the one-stop shop mechanism. The Chair concluded that the Presidency note would be submitted to the Council.

- g) **The Future development of the JHA area**

The Committee was informed about the handling of this item at the Council, which will be supported by the note, which the Presidency issued under reference 17170/13.

3. **Draft Regulation of the European Parliament and of the Council amending Council Regulation (EC) n° 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (amendment to Annexes)**
– **Preparation of future negotiations with the European Parliament**
16625/13 VISA 251 CODEC 2674 COMIX 624

The Committee took note of the discussions at the Mixed Committee as set out in 17413/13.

4. Proposal for a Directive of the European Parliament and of the Council on the freezing and confiscation of proceeds of crime in the European Union (First reading)

– **Approval of the final compromise text**

16861/13 DROIPEN 151 COPEN 217 CODEC 2716

+ ADD 1

The Committee examined the final compromise text of the draft Directive and the two accompanying declarations on the basis of document 16861/13 + COR 1 + ADD 1. A very large majority of Member States indicated that they could accept the texts as provisionally agreed; the PL delegation, however, stated that it would vote against this package, since in Article 3(2) of the Directive the criterion of the "seriousness" of the criminal offences had been deleted. The Presidency concluded that it had a mandate to inform the European Parliament by the habitual letter that the Council approves the final compromise text, including the two declarations.

The IT delegation requested that the declarations be published in the *Official Journal*, in order to ensure greater visibility, but there was no support for this request by other delegations. The Chair therefore concluded that the declarations would, as usual, be inserted in the minutes of the Council meeting at which the Directive will be finally adopted, but that they will not be published in the *Official Journal*.

5. Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters (First reading)

– **Approval of the final compromise text**

16674/13 COPEN 214 EUROJUST 128 EJM 71 CODEC 2683

The Committee confirmed the agreement reached by the Presidency with the European Parliament at the last trilogue on 26 November 2013 as set out in 16674/13 and mandated the Chairman of the Committee to inform the Chairman of the European Parliament LIBE Committee, by letter that, should the European Parliament adopt the amendments to the Commission proposal in the exact form, the Council would adopt the proposal thus amended in order to reach agreement at first reading.

The UK delegation entered a parliamentary scrutiny reservation.

The DK delegation stated that with the current wording of the text indicating that the EEW is *replaced* in relation to all MS which participated in the adoption of the EIO, the obligations of the EEW would remain applicable for DK but DK would have no one to cooperate with, which is an absurd situation and legally unclear.

The UK delegation said that the implications of the EEW for DK and IE needed further discussion and IE added that if IE would not opt in, which it is now considering doing, there were more solutions than Article 4a on inoperability in Protocol 21.

The CZ delegation would have preferred seeing the specific provisions to be replaced set out in an Annex and the AT delegation meant that to avoid legal difficulties it would have been better to say "repeal" and not "replace" in Article 29.2.

6. Preparation of the Council meeting (Economic and Financial Affairs) on 10 December 2013

- a) **Macroeconomic Imbalance Procedure - Commission Alert Mechanism Report**
– **Exchange of views**
15808/13 UEM 376 ECOFIN 985 SOC 905
+ COR 1

The Committee took note of the report which will be the basis for the Ministerial discussion.

- b) **Annual Growth Survey 2014**
– **Exchange of views**
15803/13 SOC 904 COMPET 781 EDUC 425 ENV 1025 RECH 509
ENER 502 FISC 214 JAI 1039 ECOFIN 984
+ COR 1
17155/13 ECOFIN 1098 UEM 413

The Committee took note of the Annual Growth Survey and of the EFC report on the main areas of coordination of economic policies and reforms, which will be the basis for the Ministerial discussion.

- c) **Assessment of Economic Partnership Programmes**
 - **Draft Council opinions on Spain, France, Malta, the Netherlands and Slovenia**
 - 16841/13 ECOFIN 1070 UEM 405
 - 16848/13 ECOFIN 1074 UEM 406
 - 16849/13 ECOFIN 1075 UEM 407
 - 16850/13 ECOFIN 1076 UEM 408
 - 16851/13 ECOFIN 1077 UEM 409

The Committee endorsed the opinions for the 5 MS in reference.

Items 6 a) and b) were taken together, in one round. They were prepared by the EFC on 28/29 November 2013.

- d) **Implementation of the Stability and Growth Pact**
 - i) **Council Decision establishing that no effective action has been taken by Poland in response to the Council Recommendation of 21 June 2013**
 - 16853/13 ECOFIN 1079 UEM 411
 - ii) **Council Recommendation with a view to bringing an end to the situation of an excessive government deficit in Poland**
 - 16852/13 ECOFIN 1078 UEM 410

The Committee endorsed the draft Council decision and recommendation for PL.

Items 6 c) and d) were taken together, in one round. They were prepared by the EFC on 28/29 November 2013.

- e) **Proposal for a Council Regulation establishing a facility for providing financial assistance for Member States whose currency is not euro**
 - = **State of play**
 - 16961/13 ECOFIN 1085 UEM 412
 - 16686/13 ECOFIN 1060 UEM 397

The Committee prepared the Ministerial discussion on the basis of a Presidency report.

- f) **Other items in connection with the Council meeting**

The Committee finalised the provisional agenda for this Council meeting and reviewed the state of readiness of the agenda items listed.

g) Saving taxation

- **Proposal for a Council Directive amending Directive 2003/48/EC on taxation of savings income in the form of interest payments**
= **Political agreement**
17097/13 FISC 243
17096/13 FISC 242

The Committee prepared the Ministerial discussion, which aims at a political agreement.

AOB: Mayotte (Taxation)

The Committee heard a presentation by the Council Legal Service concerning the legal basis of the proposed Directive (doc. 13313/13 FISC 158 POSEIDOM 6) on the exclusion of Mayotte from the territorial scope of the VAT and general Excise duty Directives (Legal opinion doc. 16952/13 JUR 610 FISC 239 POSEIDOM 27).

h) Bank recovery and resolution

- **Proposal for a Directive establishing a framework for the recovery and resolution of credit institutions and investment firms (BRR) (First reading)**
= **Consideration of the European Parliament's amendments in preparation for political agreement**
16992/13 EF 244 ECOFIN 1087 DRS 213 CODEC 2757

i) Deposit guarantee schemes

- **Proposal for a Directive on Deposit Guarantee Schemes (DGS) (Second reading)**
= **Consideration of the European Parliament's amendments in preparation for political agreement**
16992/13 EF 244 ECOFIN 1087 DRS 213 CODEC 2757

Items h) and i) were taken together in one table round. The purpose of the Committee discussion was to give the Presidency a final negotiating mandate on selected issues requiring political guidance.

j) Single Resolution Mechanism

- **Proposal for a Regulation of the European Parliament and of the Council establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Bank Resolution Fund and amending Regulation (EU) No 1093/2010 of the European Parliament and of the Council (First reading)**
= **General approach**
17055/13 EF 246 ECOFIN 1090 CODEC 2774
17079/13 EF 247 ECOFIN 1092 CODEC 2778

The Committee prepared the Ministerial discussion on the basis of a Presidency compromise.

7. Preparation of the EU-Russia Summit

– Orientation debate

16328/13 COEST 387 PESC 1454 POLGEN 249 RESTREINT UE

The Committee had an exchange of views on preparations for the EU-Russia Summit (to be held in Brussels in January 2014) on the basis of a Summit orientation note issued under the responsibility of the Cabinet of the President of the European Council, in close cooperation with the Presidency of the Council, the Commission services, and the European External Action Service (doc. 16328/13 RESTREINT UE). Delegations expressed broad support for the Summit orientation note and the approach proposed. It was noted that a further Committee discussion would take place closer to the Summit.

8. Report on the findings by the EU Co-Chairs of the ad hoc EU-US Working Group on Data Protection (*restricted session*)

– Presentation and follow-up

16987/13 JAI 1078 USA 61 DATAPROTECT 184 COTER 151 ENFOPOL 394
16824/1/13 REV 1 JAI 1066 USA 59 RELEX 1069 DATAPROTECT 182
COTER 147 RESTREINT UE

Following an intervention by the Commission, the Council Legal Service clarified that the Council and the Member States should fix the line to take with regard to the US in this matter. The Chair concluded that, following some minor editorial changes, there was consensus on the text of the draft contribution.

9. Proposals for external financing instruments under Heading 4 (2014-2020) (First reading)

The Committee confirmed the approval of the final compromise texts set out in Addenda to the Note 16997/1/13 REV1, and authorised the Presidency to send a letter to the Chair of the European Parliament's Committee on Foreign Affairs (AFET) and a letter to the Chair of the European Parliament's Committee on Development (DEVE) confirming that, should the European Parliament adopt its position at first reading, in accordance with Article 294 paragraph 3 of the Treaty, in the form set out in the final compromise text contained in the Annex to that letter (subject to revision by the legal linguists of both institutions), the Council would, in accordance with Article 294 paragraph 4 of the Treaty, approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the European Parliament's position.

The following statement of Malta shall be introduced into the minutes of Coreper:

"Draft National statement by Malta on sexual and reproductive health and rights (SRHR)"

Malta considers the Development Co-operation Instrument as an important instrument critical to increase the effectiveness of the EU development cooperation. It is imperative that EU development policy takes into consideration a changing world, the emergence of new donors, and new challenges in formulating and developing its assistance. The promotion of human rights, democracy and good governance should always remain central to this policy together with inclusive and sustainable growth."

10. EU-Korea Summit (Brussels, 8 November 2013)
– **Debriefing**

The Committee was debriefed by the EEAS and the Commission on the outcome of the 7th EU-RoK Summit (Brussels, 8 November 2013). Discussions focused on various areas covered by the Strategic Partnership, in particular the implementation of the EU-RoK Free Trade Agreement; political and security cooperation, including crisis management; international and regional issues; sectoral cooperation on research and innovation, education as well as industrial policy.

11. EU-Japan Summit (Tokyo, 19 November 2013)
– **Debriefing**

The Committee was debriefed by the EEAS and the Commission on the outcome of the 21st EU-Japan Summit (Tokyo, 19 November 2013). Discussions at the Summit 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 key international, regional and global issues, including climate change and maritime security.

12. EU-China Summit (Beijing, 21 November 2013)
– **Debriefing**

The Committee was debriefed by the EEAS and the Commission on the outcome of the 16th EU-China Summit (Beijing, 21 November 2013). Discussions at the Summit covered international and regional issues; economic and trade relations; human rights and rule of law; cooperation on sustainable development in areas such as innovation and urbanisation. The main deliverables of the Summit were the adoption of the EU-China 2020 Strategic Agenda and the launch of negotiations of the EU-China Investment Agreement. The Agenda sets a comprehensive framework to bring forward EU-China relations in the mid-to long term. It articulates four main objectives for the EU-China comprehensive strategic partnership: promoting peace and security, prosperity, sustainable development and people-to people exchanges.

13. Own Resources legislative package

- a) **Amended proposal for a Council Decision on the system of own resources of the European Union**
 - **Political agreement**
17109/13 RESPR 15 FIN 856 CADEFIN 333 POLGEN 246
- b) **Amended proposal for a Council Regulation laying down implementing measures for the system of own resources of the European Union**
 - **Agreement in principle**
17114/13 RESPR 16 FIN 857 CADREFIN 334 POLGEN 247
- c) **Amended proposal for a Council Regulation on the methods and procedure for making available the traditional, VAT and GNI-based own resources and on the measures to meet cash requirements (Recast)**
 - **Political agreement**
17117/13 RESPR 17 FIN 858 CADREFIN 335 POLGEN 248

The Committee took note of the results of the preparatory work carried out by the Working Party on Own Resources and examined the Presidency's proposals for the three legislative texts.

It decided to come back to this issue at its next meeting on 11 December 2013.

58. Relations with the European Parliament (December 2013)
16781/13 PE 560 INST 634 POLGEN 235 CODEC 2699

The Committee held a discussion on relations with the European Parliament on the basis of the document 16781/13.

59. Preparation of the Council meeting (General Affairs) on 17 December 2013

a) Preparation of the European Council of 19-20 December 2013

- **Draft guidelines for the conclusions**
15652/13 CO EUR-PREP 44

The Committee discussed the draft guidelines for the conclusions of the December European Council. Main points discussed were in the field of the EMU, the common security and defence policy and economic and social policy.

b) Other items in connection with the Council meeting

The Committee finalised the provisional agenda for this Council meeting.

c) Accession negotiations with Serbia

- **Adoption of the General EU position**
- **Procedure for accession negotiations with Serbia (internal arrangements)**
17033/13 ELARG 155
17034/13 ELARG 156

The Committee noted an agreement on the text of the Procedure for accession negotiations with Serbia (internal arrangements), as it appears in 17034/13 ELARG 156. As regards the adoption of the General EU position, the Committee held an exchange of views, following which it was concluded that a broad agreement on the text presented by the Presidency (doc. 17033/13 ELARG 155) could be noted, with the exception of a limited number of outstanding issues. The Committee will return to this item at its next meeting.

d) Enlargement and Stabilisation and Association Process

- **Draft Council conclusions**
17032/13 ELARG 154 COWEB 177

The Committee held an exchange of views, at the end of which the Presidency undertook to prepare a revised version of the draft Council conclusions, taking into account where possible the positions expressed by the delegations. On this basis, the Committee will return to this matter at its next meeting.

60. Relations with Morocco : Union position within the Association Council with regard to the adoption of a recommendation on the implementation of the EU-Morocco Action Plan implementing the advanced status (2013-2017)

– **Adoption**

15999/1/13 REV 1 MA 13 COMAG 105 MED 48 PESC 1351

15956/1/13 REV 1 MA 12 MED 45 PESC 1347

The Committee discussed the adoption of the Union position within the Association Council with regard to the adoption of a recommendation on the implementation of the EU-Morocco Action Plan implementing the advanced status (2013-2017), on the basis of document 15956/1/13 REV 1. The Committee agreed one change in the draft Declaration of the Council set out in Annex I to this document, and the Commission requested to enter a Declaration in the minutes of the Council meeting adopting the Union position.

Noting the urgency of this specific Action Plan, the Committee will invite the Council to adopt the Union position within the Association Council with regard to the adoption of a recommendation on the implementation of the EU-Morocco Action Plan implementing the advanced status (2013–2017), as set out in 15999/1/13 REV 1.

61. High Level Group on Own Resources

The Presidency informed the Committee about its intention to conduct consultations on the possible candidates for the High Level Group.

117. 148th session of the FAO Council (Rome 2-6 December 2013)

– **Declaration of Competence and Voting Rights submitted by the European Union and its Member States**

= **Item 20.1 Proposed Technical Consultation on Low Levels of Genetically Modified Crops in International Food and Feed Trade**
17233/13 AGRI 810 FAO 49

The Committee reached consensus with the Commission on the issue of competence and voting rights for item 20.1 of the FAO Council agenda namely "EU competence and EU vote on substance and Shared competence and Member State vote on procedural questions" on the understanding that this consensus was specific to this issue and did not constitute a precedent.

Moreover the Committee took note of the intention of the German delegation to submit the following statement for inclusion in the minutes of this meeting.

"The decision only refers to this specific point (TOP 20.1, 148th session of the FAO Council) and does not set any precedent for future decisions. DEU still considers the regulation of genetic modified organisms as falling under shared competence, which partly remains with Member States, since the area is not fully covered by Union law (e.g. competence of MS for coexistence and experimental releases)."

Several delegations joined the German statement : UK, AT, FR, BU.

Coreper Part 1

II

- 97. Proposal for a Directive of the European Parliament and of the Council amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (First reading) (Legislative deliberation)**

- **Analysis of the final compromise text with a view to agreement**
16915/13 CHIMIE 130 MI 1080 ENT 325 ENB 1117 SAN 487 CONSOM 208
COMPET 878 ECO 208 CODEC 2733 SOC 992
+ ADD 1

The Committee approved the final compromise text as set out in 16915/13 ADD 1 and authorised the Chair to send to the Chair of EP's EMPL Committee a letter containing this agreed text.

- 98. Proposal for a Directive of the European Parliament and of the Council on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers (First reading) (Legislative deliberation)**

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

The Committee was informed of the main results of the informal trilogue held on 2 December 2013.

- 99. Amended proposal for a Directive of the European Parliament and of the Council on minimum requirements for enhancing worker mobility by improving the acquisition and preservation of supplementary pension rights (First reading) (Legislative deliberation)**

- **Analysis of the final compromise text with a view to agreement**
16924/13 SOC 993 PENS 3 ECOFIN 1082 CODEC 2737
+ ADD 1

The Committee approved the final compromise text as set out in 16924/13 ADD 1 and authorised the Presidency to inform the European Parliament accordingly.

DE called for the reference to "the worker's informed consent" in Article 5(3) to be deleted, on the grounds that it would lead to administrative costs. UK and NL shared this concern. MT had concerns over legal uncertainty in connection with the definition of "an outgoing worker" in Article 3(g). Commission fully supported the compromise text, including Article 5(3) and Article 3(g).

100. Preparation for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 9 and 10 December 2013

- **Annual Growth Survey 2014 (AGS), draft Joint Employment Report (JER) and Alert Mechanism Report (AMR) (*Non-legislative activity*) (*Public debate in accordance with Article 8(2) of the Council's Rules of Procedure*)**
 - **Presentation by the Commission**
 - **Exchange of views**
15803/13 ECOFIN 984 SOC 904 COMPET 781 EDUC 425 ENV 1025
RECH 509 ENER 502 FISC 214 JAI 1039
+ COR 1
16348/13 SOC 953 EMPL 19 ECOFIN 1030 EDUC 442 JEUN 114
15808/13 UEM 376 ECOFIN 985 SOC 905
16843/13 SOC 983 EMPL 21 ECOFIN 1071 EDUC 449
- a) **Scoreboard of employment and social indicators - Chapter 3 of the JER**
 - **Approval of the scoreboard**
16844/13 SOC 984 EMPL 22 ECOFIN 1072 EDUC 450 JEUN 116
- b) **Employment Performance Monitor and Benchmarking**
 - **Endorsement of the updated EMCO report**
16845/13 SOC 985 EMPL 23 ECOFIN 1073 EDUC 451
- c) **SPC work on ex-ante coordination of major social policy reforms**
 - **Report of the Chair**
16890/13 SOC 989

The Committee agreed to invite the Council to hold an exchange of views on the forthcoming 2014 European Semester. The Commission will present the Annual Growth Survey, the draft Joint Employment Report and the Alert Mechanism Report. The discussion will be guided by a Presidency steering note and contributions from the EMCO and SPC (ADD 1 to doc. 16843/13). It agreed to recommend to the Council to approve the scoreboard of employment and social indicators (chapter 3 of the draft Joint Employment Report) and to endorse the Employment Performance Monitor.

101. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 528/2012 concerning the making available on the market and use of biocidal products with regard to certain conditions for access to the market (First reading) (Legislative deliberation)

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

The Committee took note of the results of the informal trilogue with the EP on the above-mentioned Regulation, held in Brussels on 2 December 2013, at which agreement *ad referendum* was reached with a view to a first reading agreement. The final consolidated text will be submitted to the Committee for approval to allow the Presidency to finalize the negotiations by sending the relevant letter to the European Parliament.

102. Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (First reading) (Legislative deliberation)

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

The Committee took note of the oral information provided by the Chair on the outcome of the trilogue that took place on 3 December 2013. The next informal trilogue will take place on 11 December 2013, on the basis of the current mandate.

103. Proposal for a Regulation of the European Parliament and of the Council on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**

The Committee discussed and agreed on positions regarding the timelines for authorisation of clinical trials, authorisation through tacit approval, informed consent in cluster trials and ethics committees to be presented by the Presidency in the upcoming informal trilogue.

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

The Committee was debriefed on the outcome of the informal trilogue that took place on 4 December 2013.

104. Proposal for a Regulation of the European Parliament and of the Council on establishing a Union programme to support specific activities in the field of financial reporting and auditing for the period of 2014-2020 (First reading) (Legislative deliberation)

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

The Committee took note of the concise Presidency debriefing about the outcome of the third trilogue which took place on 3 December 2013 and reached a political agreement on the text.

The Committee agreed to return to this file at its next meeting in order to confirm this political agreement after final expert meetings in the coming days.

105. Audit

Proposal for a Directive of the European Parliament and of the Council amending Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts (First reading) (Legislative deliberation)

Proposal for a Regulation of the European Parliament and of the Council on specific requirements regarding statutory audit of public-interest entities (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
16885/13 DRS 210 CODEC 2722

The Committee discussed a number of outstanding issues and agreed on a revised mandate for the third trilogue scheduled to take place on 5 December 2013.

106. Roadworthiness package (First reading) (Legislative deliberation)

- a) **Proposal for a Regulation of the European Parliament and of the Council on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC**
- b) **Proposal for a Regulation of the European Parliament and of the Council on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC**
- c) **Proposal for a Directive of the European Parliament and of the Council amending Council Directive 1999/37/EC on the registration documents for vehicles**
- **Preparation for the informal trilogue**
12786/12 TRANS 249 CODEC 1954
12809/12 TRANS 251 CODEC 1961
12803/12 TRANS 250 CODEC 1960
+ REV 1 (bg)
16954/13 TRANS 626 CODEC 2745

The Committee examined the proposals and gave the Presidency a narrow mandate to conduct negotiations with the European Parliament at the informal trilogue on 9 December 2013, in Strasbourg.

107. Inter-institutional Task Force on multiannual plans

- **Consideration of the interim outcome**
17016/13 PECHE 579 CODEC 2768
17018/1/13 PECHE 580 CODEC 2769 REV 1

The Committee endorsed the interim report and invited the Task Force to continue its work.

108. Amended proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation (EC) No 861/2006 and Council Regulation No XXX/2011 on integrated maritime policy] (First reading) (Legislative deliberation)

- **Preparation of the informal trilogue**
16696/1/13 PECHE 558 CODEC 2689 CADREFIN 326 REV 1

The Committee agreed on a revised partial mandate as set out in 16696/2/13 REV 2.

The Bulgarian and Romanian delegations did not support the revised mandate recalling their opposition to Article 17 of the General approach.

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

The Committee was debriefed on the outcome of the 4th trilogue held on 5 December 2013 in Brussels.

110. Proposal for a Regulation of the European Parliament and of the Council establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010 (First reading) (Legislative deliberation)

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

The Committee was informed on the outcome of the first informal trilogue with the European Parliament on the Proposal for a Regulation of the European Parliament and of the Council establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010.

111. Proposal for a Directive of the European Parliament and of the Council amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
16965/13 ENV 1124 CODEC 2750

The Committee decided to give the Presidency a mandate (doc. 17514/13) with a view to the third informal trilogue foreseen on 11 December 2013, while agreeing on a number of modifications to the Presidency compromise text submitted to the Committee.

112. Proposal for a Regulation of the European Parliament and of the Council on fluorinated greenhouse gases (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

17007/13 ENV 1144 ENT 330 MI 1103 CODEC 2766

The Committee considered a final possible compromise deal, including suggestions on Annex III of the proposal, and gave the Presidency a mandate (on the basis of doc. 17563/13) for the last trilogue meeting with a view to a first reading agreement on the file.

113. Proposal for a Regulation of the European Parliament and of the Council on multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and to marine pollution caused by oil and gas installations (First reading) (Legislative deliberation)

– **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 3 December 2013.

114. Proposal for a Directive of the European Parliament and of the Council on marine equipment and repealing Directive 96/98/EC (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

16823/13 MAR 183 ENT 151 CODEC 2709

The Committee examined the text and gave the Presidency a mandate to conduct negotiations with the European Parliament at the informal trilogue on 11 December 2013.

115. Proposal for a Regulation of the European Parliament and of the Council laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005, Directive 2009/128/EC and Regulation (EC) No 1107/2009 and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC (First reading) (Legislative deliberation)

– **Preparation for the informal trilogue**

16693/13 AGRI 773 AGRIFIN 194 VETER 111 AGRILEG 158
ANIMAUX 33 SAN 474 DENLEG 134 PHYTOSAN 56
SEMENCES 38 CODEC 2688

The Presidency presented a draft mandate for negotiation. Delegations supported the proposed approach of the mandate for negotiation.

Some delegations highlighted that the use of delegated acts to supplement the lists of animal diseases (Article 8) and of animal diseases and zoonoses (Article 11) should not create a precedent in the framework of the discussions of the proposal concerning the new animal health law. Some delegations expressed support for amendment 1 of the European Parliament, which introduces in a recital references to horizontal instruments to be used case of crises. Two delegations maintained it was necessary to anticipate the deadline for the approval of the work programme; end of February or end of March were suggested as alternative options. A number of delegations supported amendment 46 of the European Parliament.

The Committee approved a mandate for negotiation, with two changes to the table contained in document 16693/13: AM 1 will be listed as "acceptable"; AM46 will be no longer listed as "not acceptable".

116. Proposal for a Decision of the European Parliament and of the Council establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 (First reading) (Legislative deliberation)

– **Consideration of the outcome of the last informal trilogue**

The Presidency presented to the Committee the results of the two informal trilogues of 17 September 2013 and 16 October 2013. The Committee endorsed the compromises agreed with the European Parliament as set out in the fourth column of the Annex to document 14916/13. On the outstanding issue of designation (Article 11, recital 18) there was no agreement to change the Council's position, although a number of delegations did indicate some flexibility.

– **Any other business**

• **Interim report on pilot projects on Impact assessment**

= **Information from the Presidency**

16628/13 ECOFIN 1053 COMP 864 POLGEN 232 ENV 1100 SOC 969

Presidency presented its interim report on the two pilot projects under its Presidency.

• **Tobacco Products Directive**

Sweden, supported by France, requested that the preparation of the next informal trilogue on 11 December 2013 be put on the agenda of the Committee on 11 December 2013.

The Presidency informed that it will bring this issue to the Committee as requested.