



Council of the
European Union

**Brussels, 26 June 2015
(OR. en)**

9752/15

CRS/CRP 22

SUMMARY RECORD

Subject: 2545th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 9, 10 and 12 June 2015

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

doc. 9700/15 OJ/CRP1 22

9698/2/15 REV 2 OJ/CRP2 22 COMIX 267

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

The following items are **added** :

(Coreper Part 2, under I)

58. Political and Security Committee Decision (CFSP) 2015/... on the appointment of the Head of Mission of the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo) and repealing Decision EUSEC/1/2012 (EUSEC/1/2015)

= **Authorisation for publication in the Official Journal**

9731/15 CSDP/PSDC 331 CFSP/PESC 232 COAFR 185 EUSEC-RDC 13
PSC DEC 32

9031/15 CSDP/PSDC 291 CFSP/PESC 172 COAFR 174 EUSEC-RDC 11
PSC DEC 25

60. Relations with the Republic of Moldova

– **Council Decision on the Union position to be taken in the Trade and Sustainable Development Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part**

9795/15 COEST 176 WTO 128

9369/15 COEST 158 WTO 119

1106/15

1107/15

61. Draft Council conclusions concerning the introduction of mandatory standardised marking of construction machinery and agricultural and forestry vehicles in order to better protect them against theft

9223/15 ENFOPOL 114

9665/15 ENFOPOL 135

(Coreper Part 2, under II)

59. Proposal for a Regulation of the European Parliament and of the Council establishing a European Union Agency for Law Enforcement Training (CEPOL), repealing and replacing the Council Decision 2005/681/JHA (First reading)

= **Analysis of the final compromise text with a view to agreement**

9298/15 ENFOPOL 115 CODEC 783

The following item is **withdrawn** :

(Coreper Part 2, under II)

33. Preparation of the Council meeting (Economic and Financial Affairs) on 19 June 2015

- **(poss.) Standard VAT Return**
 - **Proposal for a Council Directive amending Directive 2006/112/EC on the common system of value added tax, as regards a standard VAT return**
 - = **Orientation debate**
 - 9672/15 FISC 66 ECOFIN 454
 - 9673/15 FISC 67 ECOFIN 455

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

* * *

The following interventions were made on the following item:

22. Code of Conduct (Business Taxation)

- **Report to the Council**
- **Draft Council conclusions**
 - = **Endorsement**
 - 9621/15 FISC 61 ECOFIN 444
 - 9620/15 FISC 60 ECOFIN 443

As IT requested the addition of a unilateral statement to the minutes of the ECOFIN Council meeting when adopting the conclusions on the Code of Conduct work , as set out in 9897/15, the Commission stated that it does not share the views expressed by IT in its statement and IE recalled its understanding of the current rules on modified nexus and stressed the need for all Member States and countries to adhere to these rules to ensure consistency.

A joint statement by AT, SK, CZ and FI is made on the following item.
The same item was on the COREPER 1 agenda as **item 35** :

11/35. 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 1) (Part 2)**
9371/15 JUR 340 TRANS 184 AVIATION 62

"Austria, Slovakia, Czech Republic and Finland state that they do not share the conclusions drawn in paras 10 and 17 a) of the Information Note 9371/15 by the Legal Service of the Council that – in addition to the Council decision and to the procedures required by the respective constitutional provisions of the Member States – a decision of the Representatives of the Governments of the Member States should be adopted for the signature (and - if applicable - the provisional application) and the adoption of those parts of mixed agreements which fall under the competence of the Member States.

Before applying such conclusions to the agreements in question as well as to mixed agreements in general, a thorough legal analysis should be undertaken in the light of public international law and of the constitutional requirements of the Member States of the possible implications of such a way to proceed."

PT joined this statement.

* * *

The Council Legal Service explained that the statement was based on a misunderstanding of its information note. The note does not require the adoption of a decision of the representatives of the governments of the Member States on the signature, or on the provisional application, of those parts of a mixed agreement that fall within Member States' competence: whether to adopt such a decision and in which form is a matter for the Member States.

A joint statement is made on the following items:

29. Draft Council Decision authorising certain Member States to accept, in the interest of the European Union, the accession of Andorra to the 1980 Hague Convention on the Civil Aspects of International Child Abduction

= **Adoption**

9227/15 JUSTCIV 130 AND 1

+ COR 1

8933/15 JUSTCIV 117 AND 2

+ COR 1

+ COR 2 (de)

9699/15 JUSTCIV 144 AND 6

+ COR 1

Statement by the delegations of Belgium, Germany, Spain, France, Italy, Luxembourg, Austria and Poland

"Where the European Union adopts internal legislative acts and on this basis, it exercises external exclusive competence, the Member States bound by those legislative acts take part in the acts that the Union adopts as part of this external competence.

In the context of this Decision, all the Member States of the European Union bound by Council Regulation (EC) No 2001/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 consequently take part in the adoption of the decision authorising certain Member States, in the interest of the European Union, to accept the accession of Andorra to the 1980 Hague Convention on the Civil Aspects of International Child Abduction."

30. Draft Council Decision authorising certain Member States to accept, in the interest of the European Union, the accession of Singapore to the 1980 Hague Convention on the Civil Aspects of International Child Abduction

= **Adoption**

9228/15 JUSTCIV 131 COASI 60

+ COR 1

8935/15 JUSTCIV 118 COASI 61

+ COR 1

9701/15 JUSTCIV 145 COASI 69

+ COR 1

Statement by the delegations of Belgium, Germany, Spain, France, Italy, Luxembourg, Austria and Poland

"Where the European Union adopts internal legislative acts and on this basis, it exercises external exclusive competence, the Member States bound by those legislative acts take part in the acts that the Union adopts as part of this external competence.

In the context of this Decision, all the Member States of the European Union bound by Council Regulation (EC) No 2001/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 consequently take part in the adoption of the decision authorising certain Member States, in the interest of the European Union, to accept the accession of Singapore to the 1980 Hague Convention on the Civil Aspects of International Child Abduction."

SK made a statement on the following item:

46. 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

"The Slovak Republic would like to express concerns about the retroactive application of the tariff suspensions, as it is not consistent with the fundamental principles of the EU legislation. However, we admit that there is a possibility of short-term retroactivity in extraordinary situations, such as reclassification of goods, changes in the GSP scheme or other legal and technical corrections.

The requests for the retroactive implementation of the tariff suspensions and other substantial amendments to the proposal for Regulation suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products cannot be submitted directly to the Customs Union Working Party (CUWP). In the first step they need to be discussed at the expert level and approved by the Economic Tariff Questions Group (ETQG).

The Slovak Republic is of the view that the requests for retroactivity unveil the need for definition of appropriate criteria in the existing scheme of tariff suspensions and quotas which would regulate the use of retroactivity. In this respect we are open for the discussion on possible modifications of the Commission Communication (2011/C 363/02)."

Coreper Part 2

II

5. Investment Plan for Europe

- **Commission Proposal for a Regulation of the European Parliament and of the Council on the European Fund for Strategic Investments and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013 (First reading)**
- = **Confirmation of the final compromise text with a view to agreement**
9627/15 ECOFIN 447 CODEC 835 POLGEN 90 COMPET 298
RECH 189 ENER 235 TRANS 197 ENV 389 EDUC 204 SOC 405
EMPL 264 EF 102 AGRI 312 TELECOM 143 UEM 218 JAI 427

The Committee confirmed the final compromise text.

6. Preparation of the Council (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
9657/15 DATAPROTECT 101 JAI 430 MI 380 DIGIT 50 DAPIX 96
FREMP 135 COMIX 266 CODEC 839
8745/3/15 REV 3 DATAPROTECT 73 JAI 280 MI 295 DIGIT 33
DAPIX 73 FREMP 100 COMIX 216 CODEC 689

On the basis of the Presidency compromise text annexed to document 9657/15, the Committee referred two issues to the JHA Counsellors in order to attempt to accommodate concerns voiced by some delegations.

The outcome of the discussion is set out in documents 9788/15 and 8745/3/15 REV 3.

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.

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

= **Policy debate**

7877/2/15 REV 2 EPPO 24 EUROJUST 74 CATS 45 FIN 267

COOPEN 89 GAF 9

7877/3/15 REV 3 EPPO 24 EUROJUST 74 CATS 45 FIN 267

COOPEN 89 GAF 9

The Chair noted that the redrafted text of Article 9 now on the table was a well balanced compromise that has been prepared in detail at expert level, and called for delegations to agree to the text. The Commission noted its reserve on certain aspects of the text. France, with some support, noted that the current text of Article 9(5) was not acceptable, and suggested an alternative wording. Portugal noted it had constitutional issues with the current draft with regard to the independence of prosecutors. The Chair took note of the interventions and concluded that the JHA Counsellors would be asked to address the wording of Article 9(5) and the Portuguese issue, whereupon the file would be discussed again in the next meeting of the Committee.

At the continuation of the discussion on 12 June 2015, the Chair reported that JHA Counsellors agreed on a compromise text for Article 9(5), and asked if delegations were now in a position to indicate whether they could agree in principle to the Presidency text. The Commission repeated its outstanding reserve on certain aspects of the text. Portugal noted that it would not be able to mark its agreement, given the constitutional problem regarding the independence of prosecutors. The Netherlands declared that it welcomed the text, but stated that it would not be able to 'agree' to it without first having a clear view of the entire text of the Regulation. The Chair took note of the interventions and concluded that the text would be submitted to the Council on 15 June 2015.

c) Draft Council conclusions on the Renewed European Union Internal Security Strategy 2015-2020

= **Adoption**

9416/1/15 REV 1 JAI 403 COSI 58

Following the addition of one paragraph, the Committee reached a consensus on the draft Council conclusions on the Renewed Internal Security Strategy.

d) Mixed Committee related issues

Migratory issues

- **Follow-up to the special meeting of the European Council on 23 April 2015**
- **A European Agenda on Migration**
 - = **Information from the Presidency**
8961/15 JAI 327 ASIM 26 FRONT 102 RELEX 385 CO-EUR PREP 24
COMIX 226
+ COR 1

The Presidency recalled that this item had already been examined by the Mixed Committee (see doc. 10001/15 JAI 470 COMIX 284).

e) Fight against terrorism : follow-up to the statement of the Member States of the European Council of 12 February 2015 on Counter-Terrorism

- **Report by Presidency**
- **Report by Counter Terrorism Coordinator (CTC)**
9418/1/15 REV 1 JAI 404 COSI 59 COPS 161 ENFOPOL 128 COTER 69
SIRIS 39 FRONT 111 COPEN 144 DROIPEN 55 CFSP/PESC 203
CATS 61 EUROJUST 113
9422/1/15 REV 1 JAI 405 CFSP/PESC 202 COSI 60 COPS 162 ENFOPOL 129
COTER 70 SIRIS 40 FRONT 112 CATS 60 EDUC 196

The Presidency and the CTC briefly presented their reports. One delegation took the floor to ask the Commission about the state of play of the establishment of a list of common risk indicators for external border controls.

f) Other items in connection with the Council meeting

The Presidency briefly mentioned that the Council will be informed on the state of play of the three following files:

- a) Proposal for a Directive of the European Parliament and of the Council on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings (First reading)
- b) Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings (First reading)
- c) Proposal for a Directive of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings (First reading)

The Presidency will debrief the Council about the EU-US Ministerial meeting held in Riga on 2/3 June 2015 and in particular about the Riga Statement that was agreed with the United States.

7. Debriefing of the G7 Summit (7-8 June 2015)

A debrief on the main outcomes of the G7 Summit, held in Germany on 7 and 8 June 2015, was given to the Committee by the Commission and the DE delegation.

32. Preparation of the Council (General Affairs) on 23 June 2015

a) Preparation of the European Council (25/26 June 2015)

= **Draft guidelines for the conclusions**

8392/15 CO EUR-PREP 18

On the basis of the draft guidelines the Committee started preparations for the June EC which will focus on migration, security and jobs, growth and competitiveness.

b) Other items in connection with the Council meeting

FYROM item is now confirmed on the Council agenda.

33. Preparation of the Council meeting (Economic and Financial Affairs) on 19 June 2015

– **Treatment of vouchers**

– **Proposal for a Council Directive amending Directive 2006/112/EC on the common system of value added tax, as regards the treatment of vouchers**

= **Political agreement**

9670/1/15 REV 1 FISC 64 ECOFIN 452

9671/1/15 REV 1 FISC 65 ECOFIN 453

The Committee held an exchange of views on the basis of the Presidency report. In the light of the discussion the Chair concluded that a decision on whether the item will be kept on the agenda will be taken by the next meeting of the Committee.

- **Administrative cooperation**
 - **Proposal for a Council Directive amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation**
 - = **State of play**
9495/15 FISC 55 ECOFIN 457

The Committee held an exchange of views on the basis of the Presidency report and invited the Council to discuss the state of play on this file and give orientation for further work on the selected issues as set out in the report.

- **Interest and Royalties Directive**
 - **Proposal for a Council Directive on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States (Recast)**
 - = **Political agreement**
9674/15 FISC 68 ECOFIN 456
9680/15 FISC 69 ECOFIN 458

The Committee held an exchange of views on the Presidency compromise relating to the Interest and Royalties Directive. The vast majority of Member States supported this compromise entailing a split of the proposal accompanied by two statements. Some Member States opposed such a split and advocated for a continuation of the discussion on the whole Directive. The Chair concluded that this compromise would be submitted to the Council (ECOFIN) on 19 June 2015, with the aim of reaching political agreement on this file.

- **Broad Economic Policy Guidelines**
 - **Report to the European Council**
6675/15 ECOFIN 169 UEM 74 SOC 137 COMPET 93 ENV 133 EDUC 69
RECH 63 ENER 79 POLGEN 69 TRANS 159 MI 294 IND 73
AGRI 254 AG 15 CO-EUR PREP 23
+ ADD 1

The Committee endorsed the BEPGs as set out in 6675/15 + ADD1 with a view to forwarding those guidelines to the Council (ECOFIN) on 19 June 2015.

– **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.

- 59. Proposal for a Regulation of the European Parliament and of the Council establishing a European Union Agency for Law Enforcement Training (CEPOL), repealing and replacing the Council Decision 2005/681/JHA (First reading)**
= **Analysis of the final compromise text with a view to agreement**
9298/15 ENFOPOL 115 CODEC 783

The Committee analysed the compromise text proposed by the Presidency in relation to the draft CEPOL Regulation on the basis of the outcome of the informal trilogues. The Commission indicated that it had reservations on some provisions related to the governance of the agency and could not support certain amendments relating to the financial provisions, and would therefore invoke unanimity during the adoption of the Regulation by the Council. As one delegation indicated that it could not support the proposed compromise in relation to the selection procedure of the Executive Director of the agency, the Chair concluded that further work was needed to reach a compromise.

Coreper Part 1

II

49. **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)**
- **Preparation for the informal trilogue**
9556/15 TRANS 193 CODEC 822

The Committee confirmed the mandate for the ninth trilogue as set out in 9556/15, as modified during the debate.

50. **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)**
- **Analysis of the final compromise text with a view to agreement**
9547/15 PI 39 CODEC 820
+ ADD 1
+ ADD 2

The Committee endorsed the texts of both the Regulation and the Directive as agreed upon with the European Parliament, as contained in 9547/15 ADD 1 and ADD 2. The UK delegation was not in a position to endorse the texts, while the NL delegation indicated that it would most probably abstain.

Statement by the Estonian delegation

"Estonia wishes to underline that it fully supports the trade mark reform and will not therefore oppose the adoption of the regulation and the directive.

However, Estonia wishes to express its concerns on the proposed administrative procedure for the revocation or declaration of invalidity of a trade mark. Estonia regrets that a satisfactory compromise was not found during the negotiations. We remain of the opinion that the proposed administrative procedure will not be efficient and will create additional administrative burden. Furthermore, it will completely change our current system, which has proved to be cost-efficient and effective, posing therefore systematic problems for our legal system."

Statement by the Netherlands delegation

"Although the Netherlands welcomes many elements of the proposed trademark reform package, which will make the new system more accessible, efficient and less costly, it wishes to express - again - our grave concerns regarding the proposed provisions on goods in transit (Article 10 paragraph 5 of the Directive and Article 9 paragraph 5 of the Regulation as well as their corresponding recitals).

These provisions will introduce the possibility to detain goods on account of possible infringement of a national or EU-trademark, where those goods are merely in transit through EU-territory.

The Netherlands believes that the proposed measure will put a disproportionate and unnecessary burden on holders of goods and an impediment to legitimate international trade, including for legitimate generic medicines. The Netherlands has had a negative experience in 2008 with detaining medicines in transit and does not want that to happen again.

Although the Netherlands supports the battle against counterfeiting as this undermines trade, IP-rights etc., the proposed measure for detaining goods in transit is unacceptable for the Netherlands. Against this background the Netherlands will abstain from voting on the trademark reform package."

51. Technical harmonisation

- a) **Proposal for a Regulation of the European Parliament and of the Council on cableway installations (First reading) (Legislative deliberation)**
- b) **Proposal for a Regulation of the European Parliament and of the Council on personal protective equipment (First reading) (Legislative deliberation)**
- c) **Proposal for a Regulation of the European Parliament and of the Council on appliances burning gaseous fuels (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
 - 9527/15 ENT 101 MI 365 ECO 66 IND 93 CONSOM 98 CODEC 816
+ ADD 1
 - 9529/15 ENT 102 MI 366 ECO 67 SOC 387 CONSOM 99 IND 94 CODEC 817
+ ADD 1
 - 9607/15 ENT 106 TRANS 196 MI 375 ECO 71 IND 96 CODEC 833
+ ADD 1

The Committee examined the compromise texts concerning the Regulations on cableways, on appliances burning gaseous fuels and on personal protective equipment and mandated the Presidency to continue contacts with the representatives of the European Parliament, starting with the trilogues on 11 and 16 June 2015 on the basis of the above-mentioned texts.

52. Preparation for the Council meeting (Agriculture and Fisheries) on 16 June 2015

- **Communication from the Commission concerning a consultation on the fishing opportunities for 2016 under the Common Fisheries Policy (Non-legislative activity)**
 - **Presentation by the Commission**
 - **Exchange of views**
 - 9341/15 PECHE 185
+ ADD 1
 - 9560/15 PECHE 193

The Committee prepared the exchange of views on the Communication on Fishing Opportunities for 2016.

53. 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 Presidency gave a debriefing of the second trilogue with the European Parliament on the Baltic Sea fisheries management plan, which took place in Strasbourg on 8 June 2015. The Presidency underlined that the European Parliament asked numerous questions to the Council on its position, while giving few and limited answers as regards its own. It nevertheless became apparent that both institutions were keen to keep the Common Fisheries Policy reform and related Regulation as the overall framework for the discussions on the Baltic Plan proposal. The Presidency called on the Commission to play an active role in facilitating a compromise between the co-legislators respective approaches. A technical meeting has been planned for 15 June 2015 and another trilogue has been provisionally planned for 24 June 2015.

The Commission qualified the trilogue as a useful meeting and stressed that it would support the Presidency's efforts in advancing this file.

54. Proposal for a Council Regulation amending Regulation (EU) 2015/104 as regards certain fishing opportunities

– Political agreement
9662/15 PECHE 202
9663/15 PECHE 203

A political agreement was reached by the Committee based on a Presidency compromise as set out in 9662/15.

PT indicated that it still had some concerns about the redfish by-catch quotas in Norwegian waters of I and II and FR called for the introduction of a TAC for seabass.

The Committee agreed that the revised proposal will be adopted as an "A" item by the upcoming ECOFIN Council on 19 June 2015, once the lawyer-linguists have finalized their work.

55. Proposal for a Regulation of the European Parliament and of the Council on Animal Health (First reading) (Legislative deliberation)

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

9171/15 AGRI 281 VETER 44 AGRILEG 115 ANIMAUX 29 SAN 151 CODEC 769
+ ADD 1-6

The Committee confirmed by qualified majority its agreement on the final compromise text of the Regulation on Animal Health as set out in the addenda 1 to 6 to document 9171/15, as agreed with the European Parliament at an informal trilogue on 1st June 2015. It also agreed on an additional rewording of Articles 245f and 245g aimed at de-linking those Articles from the Regulation on Official Controls in line with the revised negotiation mandate endorsed by the Committee on 29 April 2015.

56. Proposal for a Regulation of the European Parliament and of the Council on novel foods (Legislative deliberation) (First reading)

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

9407/15 DENLEG 76 AGRI 293 CODEC 800

The Committee agreed with the text set out in the Annex to the revised document 9407/1/15 REV 1, subject to the addition of the following sentence to Article 28a:

"References to the repealed point (t) of Article 2(2) of Regulation (EU) No 1169/2011 shall be construed as references to point (f) of Article 2(2) of this Regulation."

The German delegation entered a scrutiny reservation.

The Committee further authorised the Chair to send a letter to the Chair of the ENVI Committee stating that if the European Parliament would adopt its position at first reading in the form of such text, the act will be adopted by the Council in the wording which corresponds to the European Parliament's position.

57. Preparation for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 18 and 19 June 2015

1. Proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures (First reading) (*Legislative deliberation*)

– **Progress report**

16433/12 SOC 943 ECOFIN 708 DRS 130 CODEC 2724

9020/15 SOC 331 GENDER 6 ECOFIN 367 DRS 40 CODEC 741

The Committee took note of the Progress report (doc. 9020/15) and agreed to submit it to the EPSCO Council.

2. Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (*Legislative deliberation*)

– **Progress report**

11531/08 SOC 411 JAI 368 MI 246

9011/15 SOC 330 ANTIDISCRIM 6 JAI 338 MI 326 FREMP 114

The Committee took note of the Progress report (doc. 9011/15) and agreed to submit it to the EPSCO Council.

3. Proposal for a Council Decision on guidelines for the employment policies of the Member States (*Non-legislative activity*)

– **General approach**

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure)

6144/15 SOC 70 EMPL 31 ECOFIN 97 EDUC 28 JEUN 12

+ ADD 1

8694/15 SOC 293 EMPL 176 ECOFIN 309 EDUC 123 JEUN 40

The Committee agreed to a minor modification (requested by MT and supported by other Member States) to the text and invites the Council to reach a general approach on the draft Decision contained in document 8694/15.

4. **Youth employment (*Non-legislative activity*)**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure)
- a) **Draft Council conclusions on European Court of Auditors' Special Report No 3/2015 "EU Youth Guarantee: first steps taken but implementation risk ahead"**
- **Adoption**
9300/15 FIN 390 SOC 369 EMPL 242 ECOFIN 407 EDUC 187 JEUN 43
REGIO 42
- b) **State of play on the implementation of EU actions**
- **Presentation by the Commission**
9301/15 SOC 370 EMPL 243 ECOFIN 408 EDUC 188 JEUN 44

The Committee invites the Council to adopt the draft conclusions set out in 9300/15 and to take note of the presentation by the Commission.

5. **Draft Council conclusions on equal income opportunities for women and men: Closing the gender gap in pensions (*Non-legislative activity*)**
- **Adoption**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure)
9302/15 SOC 371 GENDER 7 PENS 4

The Committee approved the draft conclusions set out in 9302/15 and agreed to submit them to the Council for adoption.

6. **Proposal for a Regulation of the European Parliament and of the Council on medical devices, and amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 (First reading) (*Legislative deliberation*)**
and
Proposal for a Regulation of the European Parliament and of the Council on in vitro diagnostic medical devices (First reading) (*Legislative deliberation*)
- **General approach ¹**
9048/15 PHARM 21 SAN 147 MI 331 COMPET 238 CODEC 750
9238/15 PHARM 22 SAN 155 MI 347 COMPET 259 CODEC 775
+ COR 1
+ ADD 1
+ ADD 1 COR 1
9239/15 PHARM 23 SAN 156 MI 348 COMPET 260 CODEC 776
+ ADD 1

The Committee agreed to

- forward the text set out in document 9238/15 + ADD 1 to the Council with a view to reaching a partial general approach (excluding recitals) on the proposed Regulation on medical devices;
 - forward the text set out in document 9239/15 + ADD 1 to the Council with a view to reaching a partial general approach (excluding recitals) on the proposed Regulation on in vitro diagnostic medical devices;
 - recommend to the Council to agree on a language derogation, in case not all 24 language versions of the text set out in document 9239/15 + ADD 1 would be available in time for the Council meeting;
 - invite the Council to instruct its preparatory bodies to examine the recitals with a view to complete the two general approaches; and to
 - change the subheading in the draft Council agenda from "General Approach" to "Partial General Approach".
- **Any other business**
- **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)**
 - **Information from the Presidency**

The Committee has been informed of the latest developments in the negotiations with the European Parliament and the preparations for the TTE Council on 12 June 2015.

- **Proposal for a Directive on the fight against fraud to the Union's financial interests by means of criminal law (PIF)**

Relevant information has been given by the Presidency on the state of play of this file.