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SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
11, 12 and 14 June 2024

COREPER (PART 1)

Statements to the “II” items set out in doc. 10936/24

Fisheries

52. Council Regulation (EU) 2024/257 fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks (2nd amendment)
Preparation for adoption

☐ 10856/24
10591/2/24 REV 2


Statement by the Commission on pollack in the Atlantic Iberian waters (ICES divisions 8.c, 9.a)

“Article 5(3) of the Western Waters multiannual plan provides for management of mixed fisheries with regards to by-catch stocks taking into account the difficulty of fishing all stocks at MSY at the same time, especially in situations where that leads to a premature closure of the fishery. Such difficulty should be demonstrated and supported by specific, reliable and verifiable socio-economic data. Where the difficulty to fish all stocks at MSY occurs, the Commission invites the Member States to submit socio-economic data from verifiable sources, in particular obtained through the EU Data Collection Framework.

The Commission takes note of the submission made by Spain on 7 and 10 June 2024 stating that the TACs set by the Council for the pollack stock in the Atlantic Iberian waters, in ICES divisions 8.c and 9.a, would result in the premature closure of mixed fisheries, leading to potentially serious socio-economic consequences. Considering the socio-economic data submitted by Spain to substantiate the choke effect for its fleet segments in the Atlantic Iberian waters, the Commission will request the STECF in its July plenary to carry out an assessment of the choke phenomenon and, based on that assessment, the Commission will consider submitting a proposal for an in-year amendment to adjust the TACs for pollack in the Atlantic Iberian waters (POL/08C. and POL/9/3411) for 2024.

The same approach would be considered by the Commission for Portugal should they timely provide specific, reliable and verifiable socio-economic data regarding their TAC for pollack in the Atlantic Iberian waters (POL/9/3411) set for 2024.”

Environment

54. Directive on priority substances in the field of water policy  10796/24
Mandate for negotiations with the European Parliament 10860/24

Statement by Germany

“The German government continues to support the objectives of the Water Framework Directive, the Groundwater Directive and the Environmental Quality Standards Directive. We believe that the dossier is on the right track, which is why we want to bring it to a successful conclusion. We expressly support many of the amendments included in the current proposed compromise.


Germany supports this compromise package as Coreper’s negotiating position. We would have preferred a more detailed discussion on some technical aspects and would like to once again highlight the issues that were important to us but were not included.

We think that these issues should be included in the future negotiations to further improve the text of the Directive.

In our opinion, the PFAS sum parameters under consideration need to be harmonised between the Groundwater Directive (GWD), the Environmental Quality Standard Directive and the Drinking Water Directive. Germany therefore expressly supports the reference to the Drinking Water Directive and the mandate to revise the value (Recital 8b).

A sum parameter for the four PFAS considered particularly problematic by the EFSA should first be introduced to the Drinking Water Directive before it is introduced as a parameter to the GWD. This means that the value now stipulated in the Groundwater Directive for the four PFAS should not set a precedent for a value for the four PFAS that may be defined in the Drinking Water Directive. Instead, it should be the quality standards of the Drinking Water Directive that are regarded as the policy-defining quality standards in the course of further harmonisation, as is also expressed in Recital 8b.

The parameter on individual pharmaceutical active substances with a threshold value of 2.5 µg/l in Annex II Part D does not appear justified to us. We are of the opinion that several pharmaceutical active substances can usually be detected in groundwater. In addition, 2.5 µg/l is not sufficiently protective for a single active pharmaceutical active substance. The parameter should therefore refer to the sum of pharmaceuticals that are detectable in the groundwater body, with 2.5 µg/l as the parameter value, and be included in Annex I of the GWD. This would also serve as a proxy for cumulative/mixture effects.”

59. Regulation on detergents and surfactants, amending Regulation (EU) 2019/1020 and repealing Regulation (EC) No 648/2004  10740/24
Mandate for negotiations with the European Parliament

Statement by Germany

“Die deutsche Bundesregierung unterstützt nachdrücklich die Ziele, die mit dem Vorschlag für eine neue Detergenzien-Verordnung verfolgt werden. Auch wenn der Vorschlag bereits ausgewogen gestaltet ist und wir der Erteilung des Verhandlungsmandats ausdrücklich zustimmen, wären weitere Verbesserungen beim Schutz der Umwelt und der Verbraucherinnen und Verbraucher wünschenswert.

In diesem Sinne hätte Deutschland es begrüßt, wenn in der Position des Rates die folgenden weiteren Aspekte Berücksichtigung gefunden hätten:

Die deutsche Bundesregierung hält ambitioniertere Grenzwerte von Phosphat und anderen Phosphorverbindungen (P) für Waschmittel und Maschinengeschirrspülmittel des Haushaltsbereichs acht Jahre nach ihrer Einführung und die erstmalige Einführung von P-Begrenzungsregelungen für Waschmittel und Maschinengeschirrspülmittel des industriellen und institutionellen (I&I) Bereichs zwanzig Jahre nach Inkrafttreten der Detergenzien-Verordnung (EG) Nr. 648/2004 für notwendig und sachgerecht. Damit die Herstellerfirmen sich hierauf einstellen können, sollten angemessene Übergangsfristen vorgesehen werden. Die Begrenzung von Phosphat und anderen Phosphorverbindungen in Detergenzien tragen dazu bei, die Ziele des HELCOM Baltic Sea Action Plan zu erreichen und die Eutrophierung der Binnengewässer zurückzudrängen. Es ist darüber hinaus im Sinne eines vorbeugenden und vorsorgenden Umweltschutzes, den Eintrag von Phosphat und anderen Phosphorverbindungen in Detergenzien bereits an der Quelle, also beim Produkt selbst, zu vermindern, als den Stoff später aufwändig in Kläranlagen eliminieren zu müssen.

Ferner befürwortet die deutsche Bundesregierung die Aufbringung sämtlicher Kennzeichnungselemente auf einem physischen Etikett, wobei eine digitale Kennzeichnung nur zusätzlich zur physischen Kennzeichnung (auf freiwilliger Basis) erlaubt sein sollte. Die Bundesregierung setzt sich daher dafür ein, dass sämtliche gesundheits- und verbraucherrelevanten Kennzeichnungselemente wie Inhaltsstoffe, Gefahren-, Warn- und Sicherheitshinweise verpflichtend auf dem physischen Kennzeichnungsetikett aufgebracht werden müssen, um Verbraucherinnen und Verbraucher, einschließlich der vulnerablen Gruppen, bestmöglich zu schützen. Es ist bei Weitem nicht sichergestellt, dass alle Bevölkerungsschichten gleichermaßen auf digitale Informationen zugreifen können bzw. digital ausreichend affin sind. Auch in der medizinischen Notfallberatung kann die schnelle Nennung von Inhaltsstoffen (z.B. beim Verschlucken durch Kinder) von entscheidender Bedeutung sein. Dies ist nur bei Angabe sämtlicher Inhaltsstoffe auf einem physischen Etikett sichergestellt.

Deutschland würde es begrüßen, wenn in den nun anstehenden Trilogverhandlungen diese Gesichtspunkte Berücksichtigung fänden. ”

Curtesy translation

“The German government firmly supports the goals of the proposal for a new Detergents Regulation. Although the proposal is already well rounded and we clearly agree with issuing the negotiating mandate, further improvements to protect the environment and consumers would be desirable.

Germany would have liked to see a stronger focus on the following aspects in the Council’s position:

In the view of the German government, it is necessary and proper to have more ambitious limits on phosphates and other phosphorous compounds (P) in consumer laundry detergents and automatic dishwasher detergents eight years after their introduction and to establish initial rules restricting P compounds in industrial and institutional laundry detergents and automatic dishwasher detergents 20 years after the entry into force of the Detergents Regulation (EC) No 648/2004. Appropriate transition periods should be stipulated so that manufacturers can adjust. Restricting phosphates and other phosphorous compounds in detergents contributes to achieving the goals of the HELCOM Baltic Sea Action Plan and fighting the eutrophication of inland waters. Reducing the discharge of phosphate and other phosphorous compounds in detergents at the source, in the product itself, rather than painstakingly removing the substance later in wastewater treatment plants is also in line with preventive, precautionary environmental protection.

The German government also supports putting all labelling elements on a physical label; digital labelling should be allowed only as a complement to physical labelling (on a voluntary basis). The German government advocates compulsory declaration of all health and consumer-relevant elements such as ingredients, hazard information, warnings and safety instructions on the physical label to ensure the best possible protection of consumers, including vulnerable groups. It is in no way guaranteed that all population groups have equal access to digital information or are sufficiently digitally savvy. When providing advice for medical emergencies, quickly listing ingredients (e.g. if a child has swallowed something) can be of decisive importance. This is only ensured if all ingredient information is provided on a physical label.

Germany would welcome it if these points were taken into account in the upcoming trilogue negotiations.”

COREPER (PART 2)

Statements to the “I” items set out in doc. 10964/1/24 REV 1

Economic and Financial Affairs

28. Retail Investment Strategy 10825/24
EF
- (a) Retail Investment Directive 10825/24 ADD 1
- (b) Retail Investment Regulation (PRIIPs) 10825/24 ADD 2
Mandate for negotiations with the European Parliament

Statement by Poland

“Poland supports the proposal and the goals that RIS aims to achieve, that is to provide retail investors with the opportunity to make more informed investment decisions in order to invest to a greater extent in products offered on European financial markets. Nevertheless, in PL's opinion, the drafted provisions on Value for Money are too far-reaching and to some extent contradict the above mentioned objectives. Creating two separate mechanisms for comparing products in the form of peer groups and EU benchmarks will expand the entire process and make it overly complicated and cumbersome without any clear benefit to retail customers. Such a move could weaken the international position of EU markets, raising costs for their participants, which may translate into outflow of retail customers from these markets. In spite of these concerns, PL supports the adoption of the whole Retail Investment Strategy.”

Statement by Luxembourg

“Luxembourg supports the core objectives of the Retail Investment Strategy (RIS).

However, a number of elements in the text risk introducing additional fragmentation in the internal market. This is the case in particular for the options in relation to the national benchmarks, the opt-in mechanism, the inducement test, as well as the prior notification of marketing communications. This fragmentation will undermine the seamless flow of cross-border investments. Furthermore, the RIS text introduces significant additional administrative burden for financial intermediaries, with no commensurate beneficial effect on the protection of the retail investor.

Luxembourg believes that further adjustments will be necessary on these elements during the trilogue process in order to ensure that the compromise package on the RIS will effectively achieve its stated objectives.”

Statement by Denmark

“Denmark strongly supports the objectives of the proposal on the retail investment strategy to strengthen the system and improve governance procedures to secure better products, more objective advice and empower consumers to make sound investment decisions.

We recognize that the Presidency has contributed to significant progress on this file. However, we regrettable do not consider the compromise proposal to meet the ambitions of improving product governance and cost-efficiency in investment products in the EU and ensuring that customers only pay for the services they receive.

In particular, the Value-for-Money approach has the potential to succumb to an overly complex system with excessive burdens on both market participants and competent authorities. We applaud the Presidency in seeking solutions to improve not only cost aspects but also strengthening the product governance procedures within the entities as well as gaining experience in the authorities with a new approach. Overall, we believe the peer group analysis as a basis for the Value-for-Money approach would bring about the desired change and contribute to better results. We could also support ensuring a proportional approach to lighten the burden of smaller entities.

However, the combination of peer group analysis, with Member State and entity opt-in variations, national benchmark systems combined with potentially binding supervisory EU benchmarks will result in an overly complex system. We are concerned that burdens and obligations on the market participants will be unclear especially combined with many aspects of reporting and methodology only to be dealt with at level 2 based on broad mandates to the European Insurance and Occupational Pensions Authority, the European Securities and Markets Authority and the Commission. We are also concerned that the proposal will lead to an unwanted market fragmentation. Thus, we fear that this would be detrimental to the overall added value and finally the benefits for retail investors and customers.

We support the objectives of the proposal of RIS, however in our view, certain aspects of the proposal should have been more adequately addressed. We recognize the texts reflect a compromise in the Council and find it important to ensure an efficient and practical approach to ensuring a simple system for reporting as well as compliance with the new rules to preserve trust in the investment products and services. We hope to revisit these issues especially the complexity and the burdens on market participants and competent authorities during the trilogue negotiations.”

Statement by the Netherlands

“The Netherlands has always been a strong supporter of the Package. Effective and efficient measures are essential to boost the trust of consumers in investment services and products, allow good access to capital markets, increase participation, and allow them to meet their financial needs. Moreover, this stimulates mobilizing private capital in light of the CMU and contributes to the need for more financing for the green and digital transitions.

The Netherlands acknowledges the efforts made by the Spanish and Belgian Presidency in order to achieve the objectives of the Retail Investment Package.

However, the Netherlands would like to take this opportunity to share its concerns with the outcomes of the negotiations regarding the lack of strict inducement and Value-for-Money rules at a EU-level. Since these two measures are at the heart of the proposal, we believe the Package’s ability to bring about the necessary and fundamental change has been greatly reduced.

Moreover, the Netherlands remains concerned about the many questions that remain about the Value-for-Money regime, seeing a high risk of disproportional and high compliance costs for Member States who have a full inducement ban in place.

While the Netherlands is willing to achieve a compromise, we would support continuing the discussions in the triologue negotiations in order to reach to a workable, pragmatic compromise solution for these issues.”

Statement by Finland

“Finland strongly supports the objectives of the Retail Investment Strategy to ensure that retail investors are empowered to make more informed investment decisions and are adequately protected in the single market by a coherent regulatory framework. Enhancing the trust and confidence of the retail investor can build up increased retail investor participation.

The most effective way to boost retail participation in the European Union is to ensure that cost-effective products that provide value for money to the retail investor are accessible in the market. The ability of the retail investor to rely on the service provider without compromising the client’s best interest is a key component of enhancing trust in financial markets.

Increasing the retail participation as part of actions to unlock the full potential of Capital Markets Union is an important measure to increase the access to capital in regards of EU companies’ competitiveness.

Finland recognizes the hard work of the Presidency and supports the outcome of Council negotiations. Finland sees, however, that the outcome on the Retail Investment Strategy is not aligned with the April 2024 European Council conclusions as regards the Capital Markets Union. Finland emphasizes that the objectives the Capital Markets Union should be more ambitiously supported by the Retail Investment Strategy which delivers only minor improvements to the retail sector.”



First reading



Item based on a Commission proposal