



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 10 June 2011

10270/11

CRS/CRP 22

SUMMARY RECORD

**Subject : 2364th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 18, 19, 20 and 23 May 2011**

SUMMARY

Page

1. Adoption of the provisional agenda and items "I" 11

Coreper Part 1

I

2. Draft minutes of Council meetings
- (a) 3017th meeting of the Council of the European Union (Transport, Telecommunications and Energy), held in Brussels on 31 May 2010
 - (b) 3033rd meeting of the Council of the European Union (Agriculture and Fisheries), held in Brussels on 27 September 2010
 - (c) 3037th meeting of the Council of the European Union (Transport, Telecommunications and Energy), held in Luxembourg on 15 October 2010
 - (d) 3042nd meeting of the Council of the European Union (Agriculture and Fisheries), held in Luxembourg on 26 October 2010
 - (e) 3049th meeting of the Council of the European Union (Competitiveness (Internal Market, Industry, Research and Space)), held in Brussels on 25 and 26 November 2010
 - (f) 3050th meeting of the Council of the European Union (Agriculture and Fisheries), held in Brussels on 29 and 30 November 2010
 - (g) 3052nd meeting of the Council of the European Union (Transport, Telecommunications and Energy), held in Brussels on 2 and 3 December 2010
3. Proposal for a Council Decision on the conclusion of a Memorandum of Cooperation between the European Union and the United States of America in civil aviation research and development
4. Draft Council Decision concerning the conclusion, on behalf of the European Union, of the Agreement on the Protection and Sustainable Development of the Prespa Park Area

II

5. Proposal for a Decision of the European Parliament and of the Council on the European Year for Active Ageing (2012) (First reading) (Legislative deliberation)13
6. Setting of the provisional agenda of the Council meeting "Employment, Social Policy, Health and Consumer Affairs" on 6 June 201113
7. Proposal for a Directive of the European Parliament and of the Council on consumer rights (First reading) (Legislative deliberation)13
8. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 27 May 2011
 1. European Network and Information Security Agency (ENISA) (*Legislative deliberation*)
 - (a) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 460/2004 establishing the European Network and Information Security Agency as regards its duration14
 - (b) Proposal for a Regulation of the European Parliament and of the Council concerning the European Network and Information Security Agency (ENISA)14
 2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Critical Information Infrastructure Protection: "Achievements and next steps: towards global cyber-security" (CIIP) (*Non-legislative activity*)15
 3. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - The European eGovernment Action Plan 2011-2015 "Harnessing ICT to promote smart, sustainable & innovative Government" (*Non-legislative activity*)15
 4. Proposal for a Decision of the European Parliament and of the Council establishing the first radio spectrum policy programme (RSPP) (*Legislative deliberation*)15
 5. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - The European Union's policy approach to the ITU World Radiocommunication Conference 2010 (WRC-12) (*Non-legislative activity*)16
9. Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers (Second reading) (Legislative deliberation)16

10.	Preparation for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 30 and 31 May 2011	
1.	Report from the Commission to the European Parliament and the Council: "Interim Evaluation of the Eurostars Joint Programme" (<i>Non-legislative activity</i>)	17
2.	Report from the Commission to the European Parliament and the Council "First Interim Evaluation of the Ambient Assisted Living Joint Programme (AAL)" (<i>Non-legislative activity</i>)	17
4.	Proposal for a Council Decision concerning the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012 - 2013) (<i>Legislative deliberation</i>)	17
6.	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Smart Regulation (<i>Non-legislative activity</i>)	17
7.	Proposal for a Council Regulation on a European private company (<i>Legislative deliberation</i>)	18
8.	Proposal for a Directive of the European Parliament and of the Council amending Council Directive 78/660/EEC on the annual accounts of certain types of companies as regards micro-entities (<i>Legislative deliberation</i>)	18
9.	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Review of the "Small Business Act" for Europe (<i>Non-legislative activity</i>)	18
11.	Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (Eurovignette) (Second reading) (<i>Legislative deliberation</i>)	19
12.	Proposal for a Directive of the European Parliament and of the Council facilitating cross-border exchange of information on road safety related traffic offences (Second reading) (<i>Legislative deliberation</i>)	19

Coreper Part 2

I

13. Draft minutes of Council meetings

- a) 2992nd meeting of the Council (Foreign Affairs), held in Brussels on 25 January 2010
- b) 2996th meeting of the Council (Foreign Affairs), held in Brussels on 22 February 2010
- c) 3005th meeting of the Council (Foreign Affairs), held in Brussels on 22 and 23 March 2010
- d) 3009th meeting of the Council (Foreign Affairs), held in Luxembourg on 26 April 2010
- e) 3011th meeting of the Council (Foreign Affairs), held in Brussels on 10 May 2010
- f) 3023rd meeting of the Council (Foreign Affairs), held in Luxembourg on 14 June 2010
- g) 3029th meeting of the Council (Foreign Affairs), held in Brussels on 26 July 2010
- i) 3031st meeting of the Council (Foreign Affairs), held in Brussels on 10 September 2010
- j) 3032nd meeting of the Council (General Affairs), held in Brussels on 13 September 2010
- k) Extraordinary meeting of the Council (Foreign Affairs), held in Brussels on 16 September 2010
- l) 3040th meeting of the Council (General Affairs), held in Luxembourg on 25 October 2010
- m) 3044th meeting of the Council (Economic and Financial Affairs - Budget), held in Brussels on 11 November 2010
- n) 3045th meeting of the Council (Economic and Financial Affairs), held in Brussels on 17 November 2010
- o) 3047th meeting of the Council (General Affairs), held in Brussels on 22 November 2010

14. Transparency Register

- Approval of the reply to the letter of Ms Diana WALLIS, Vice-President of the European Parliament, and Mr Maroš ŠEFČOVIČ, Vice-President of the European Commission

15. Case T-130/11 (Marcel GOSSIO against the Council of the European Union) brought before the General Court

16. Case T-131/11 (Ibrahim EZZEDINE against the Council of the European Union) brought before the General Court
17. Case T-132/11 (Feh Lambert KESSE against the Council of the European Union) brought before the General Court
18. Case T-177/11 (Port autonome de San Pedro against the Council of the European Union) brought before the General Court
19. Case T-182/11 (Philippe Henry DACOURY-TABLEY against the Council of the European Union) brought before the General Court
20. Resolutions, decisions and opinions adopted by the European Parliament at its part-session in Strasbourg from 4 to 7 April 2011
21. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 55/2008 introducing autonomous trade preferences for the Republic of Moldova (First reading)
22. Proposal for a Directive of the European Parliament and of the Council on Alternative Investment Fund Managers and amending Directives 2004/39/EC and 2009/.../EC (First reading)
23. European Economic Area
 - Establishment of the European Union's common position for the 35th meeting of the EEA Council
24. Resolution on the Participation of the European Union in the work of the United Nations
25. Relations with Kazakhstan
 - Authorisation for the opening of negotiations of an enhanced Partnership and Cooperation Agreement between the EU and its Member States and the Republic of Kazakhstan
26. Relations with Russia
 - Key outstanding issues for the EU in its relations with Russia
27. Establishment of the position of the European Union for the eighth meeting of the EU-Russia Permanent Partnership Council (Foreign Ministers)
29. Council Decision on the signing and conclusion of the Agreement between the European Union and the Republic of Albania establishing a framework for the participation of the Republic of Albania in European Union crisis management operations
30. Council Decision defining the statute, seat and operational rules of the European Defence Agency

31. Report by the Head of the European Defence Agency to the Council
32. Draft Administrative Arrangement between the European Defence Agency and the European Space Agency concerning the establishment of their cooperation
33. Council Decision amending Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre
34. Council Decision amending Decision 2010/279/CFSP on the European Union Police Mission in Afghanistan (EUPOL Afghanistan)
35.
 - a) Council implementing Decision implementing Council Decision 2011/273/CFSP concerning restrictive measures against Syria
 - b) Council implementing Regulation implementing Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria
36.
 - a) Council implementing Decision implementing Council Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya
 - b) Council implementing Regulation implementing Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya
37.
 - a) Council Decision amending Council Decision 2010/413/CFSP concerning restrictive measures against Iran
 - b) Council implementing Regulation implementing Regulation (EU) No 961/2010 on restrictive measures against Iran
38.
 - a) Council implementing Decision implementing Decision 2010/639/CFSP concerning measures against certain officials of Belarus
 - b) Council implementing Regulation implementing Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus
39. Draft Council Decision concerning the allocation of funds decommitted from projects under the 9th and previous European Development Funds (EDF) for development cooperation in Southern Sudan
40. Draft Council conclusions on First Annual Report to the European Council on EU Development Aid Targets
41. Council Framework Decision on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union
42. List of competent authorities which are authorised to search directly the date contained in the Schengen Information System pursuant to Article 101(4) of the Schengen Convention
43. Multiannual table of authorised C.SIS installation expenditure - fourth quarter of 2010

44. Multiannual table of authorised C.SIS installation expenditure - first quarter of 2011
45. Guidelines on Methodological steps to be taken to check Fundamental Rights compatibility at the Council's Preparatory Bodies
46. Third implementation Report of the EU Action Plan for Afghanistan and Pakistan
47. Single Progress Report on the Development of EU Military Capabilities for the 1st semester of 2011

II

48. Follow up to the Council meeting (Justice and Home Affairs) on 12 May 201120
49. Proposal for a Directive on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA (First Reading)20
50. Proposal for a Directive of the European Parliament and of the Council on the right to information in criminal proceedings20
51. Draft Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service21
52. Presentation of the agenda of the Council meeting (Justice and Home Affairs) on 9/10 June 201121
53. EU-Japan Summit21
54. Relations with Russia21
55. Follow up to the Council meeting (Foreign Affairs/Trade) on 13 May 201122
56. External financial instruments
 - a) Proposal for a Council Regulation amending Regulation (EC) No 1934/2006 establishing a financing instrument for cooperation with industrialised and other high-income countries and territories (Second reading)22
 - b) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation (Second reading)22
 - c) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1889/2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (Second reading)22

d)	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation (Second reading)	22
57.	Discussion on the involvement of the European Parliament in the preparatory work of the next Multiannual Financial Framework	22
58.	Preparation of the Council meeting (Foreign Affairs) on 23 May 2011	
a)	Southern Neighbourhood Region	
i)	Syria : Draft Council conclusions	23
ii)	Libya : Draft Council conclusions	23
iii)	Bahrain : Draft Council conclusions	23
iv)	Yemen : Draft Council conclusions	23
b)	Middle East Peace Process	24
c)	Southern Caucasus	24
d)	Human Rights	24
e)	Sudan	24
f)	EEAS	24
g)	Other items in connection with the Council meeting	24
-	Preparation of the Council meeting (Foreign Affairs/Defence) on 23 May 2011	
a)	Operations	25
b)	Follow-up to Member State initiatives in the CSDP area/Capabilities	25
-	Preparation of the Council meeting (Foreign Affairs/Development) on 24 May 2011	
a)	Sudan	
b)	Accountability Report on EU Development Policy	
c)	Water	
d)	AOB	
		25
59.	Follow up to the Council meeting (Economic and Financial Affairs) on 17 May 2011	25

60.	(poss.) Economic governance	
-	Regulation amending Council Regulation 1466/97 (preventive arm of the Stability and Growth Pact)	
-	Regulation amending Council Regulation 1467/97 (corrective arm of the Stability and Growth Pact)	
-	Regulation on the effective enforcement of budgetary surveillance in the euro area	
-	Regulation on the prevention and correction of macroeconomic imbalances	
-	Regulation on enforcement measures to correct excessive macroeconomic imbalances in the euro area	
-	Council Directive on requirements for budgetary frameworks of Member States	
		26
61.	Preparation of the Council meeting (General Affairs) on 23 May 2011	
a)	Preparation of the European Council on 24 June 2011	26
d)	Croatia	26
e)	Other items in connection with the Council meeting	26
-	Any other business	27

1. **Adoption of the provisional agenda and items "I"**
doc. 10206/11 OJ/CRP1 18 + AMD 1
10366/1/11 REV 1 OJ/CRP2 18 + CM 3090/11

The above mentioned agendas are approved with the following changes :

The following items are **added** :

(Coreper Part 1, under AOB)

- **Novel foods**
= **Information from the Legal Service**

(Coreper Part 2, under II)

58. **Preparation of the Council meeting (Foreign Affairs) on 23 May 2011**
h) (poss.) **Draft Council conclusions on the demise of Osama Bin Laden**

(Coreper Part 2, under I)

62. **Draft Council conclusions on pooling and sharing of military capabilities**
10368/11 CSDP/PSDC 277 COSDP 492 PESC 644

The following items are **withdrawn** :

(Coreper Part 1, under II)

10. **Preparation for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 30 and 31 May 2011**

- 3. **Draft Council Conclusions on the development of the European Research Area (ERA) through ERA-related Groups (*Non-legislative activity*)**
 - **Adoption of Council conclusions**
10121/11 RECH 111 COMPET 189
- 5. **Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of Regions: "Towards a space strategy for the European Union that benefits its citizens" (*Non-legislative activity*)**
 - **Presentation and exchange of views**
 - **Adoption of Council conclusions**
8693/11 ESPACE 17 COMPET 132 RECH 76 IND 42 TRANS 111
ENER 78 REGIO 27 ECOFIN 180 CODUN 2 ENV 270 EDUC 66
COSDP 324 PESC 448 POLMIL 13 TELECOM 41
+ COR 1
10084/11 ESPACE 27 COMPET 183 RECH 104 IND 60 TRANS 142
ENER 105 REGIO 40 ECOFIN 263 CODUN 7 ENV 358 EDUC 94
COSDP 467 PESC 596 POLMIL 22 TELECOM 65

(Coreper Part 2, under I)

13. Draft minutes of Council meetings

- h) 3030th meeting of the Council (Economic and Financial Affairs), held in Brussels on 7 September 2010**
13269/10 PV/CONS 44 ECOFIN 502 + COR 1 (lv)

- 28. (poss.) Council Decision on the signing and conclusion of the Agreement between the European Union and the Republic of Mauritius on the conditions of transfer of suspected pirates and associated seized property from the EU-led naval force to the Republic of Mauritius and on the conditions of suspected pirates after transfer**
9883/11 COSDP 445 PESC 563 COAFR 134 CONUN 44 SOMALIA 40
9298/11 COSDP 392 PESC 521 COAFR 128 CONUN 43 SOMALIA 37
+ REV 1 (fi)

The following CRP2 agenda items are **transferred** from Part II to Part I :

61. Preparation of the Council meeting (General Affairs) on 23 May 2011

- b) Roma Inclusion**
 - Presidency Report**
10122/1/11 REV 1 SOC 400 POLGEN 88 JAI 331 EDUC 97 FREMP 56
COHOM 140 FSTR 20 FC 20 REGIO 42
- c) Draft Council conclusions on the Council's actions and initiatives for the implementation of the Charter of Fundamental Rights of the European Union**
10139/1/11 REV 1 FREMP 53 JAI 318 COHOM 131 JUSTCIV 128
JURINFO 30

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

Coreper Part 1

II

5. **Proposal for a Decision of the European Parliament and of the Council on the European Year for Active Ageing (2012) (First reading) (Legislative deliberation)**
- **Presidency briefing on the outcome of the informal trialogue**
 - **Analysis of the final compromise text with a view to agreement**
9824/11 SOC 389 SAN 85 CODEC 771

The Committee approved the agreement reached on the text of the proposal for the Decision in the version resulting from the third trialogue, as set out in document 9824/11. It authorised the Chair to send a letter containing the agreed compromise text to the Chair of EMPL Committee.

6. **Setting of the provisional agenda of the Council meeting "Employment, Social Policy, Health and Consumer Affairs" on 6 June 2011**

The Committee agreed to the provisional agenda of the above Council meeting as set out in 10720/1/11 REV 1.

7. **Proposal for a Directive of the European Parliament and of the Council on consumer rights (First reading) (Legislative deliberation)**
- **Preparation for the next informal trialogue**
10144/11 CONSOM 76 JUSTCIV 130 CODEC 817

Concerning the mandate asked by the Presidency for the next trialogues of 24 and 25 May 2011 related to Chapters II and III (doc. 10144/11), the Committee agreed on a mandate for this trialogue based on the Presidency proposals in the above document, with the following exceptions:

- some modifications are made to paragraphs 1 and 2 of Article 5 in Chapter II;
- the recital linked to Article 9(5) is modified;
- the text of Article 11(1a) is maintained as agreed at the Committee of 6 May 2011;
- the last part of the sentence of Article 16(3) of the general approach is reinserted;
- no decision is taken on the text of Articles 17(3)-(4)/19(1)(a);
- Article 28b is withdrawn from the mandate;
- on Article 10(2aa), the CZ and FR proposals respectively on the scope and on the price and the durable medium are kept.

8. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 27 May 2011

1. European Network and Information Security Agency (ENISA) (*Legislative deliberation*)

(a) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 460/2004 establishing the European Network and Information Security Agency as regards its duration

- Adoption

14322/10 TELECOM 98 MI 344 DATAPROTECT 69 CAB 15 INST 358
CODEC 936

PE-CONS 12/1/11 TELECOM 35 MI 171 DATAPROTECT 24

CAB 26 INST 190 CODEC 506 REV 1

10102/11 TELECOM 67 MI 254 DATAPROTECT 51 CAB 32 INST 246
CODEC 804

The Committee agreed to submit this file to the Council with the view to adoption.

(b) Proposal for a Regulation of the European Parliament and of the Council concerning the European Network and Information Security Agency (ENISA)

- Progress report

14358/10 TELECOM 99 MI 346 DATAPROTECT 70 JAI 794 CAB 16
INST 361 CODEC 943

10018/11 TELECOM 63 MI 251 DATAPROTECT 49 JAI 309 CAB 31
INST 240 CODEC 792

The Committee agreed to submit the progress report and the annexed modified text to the consideration of the Council.

2. **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Critical Information Infrastructure Protection: "Achievements and next steps: towards global cyber-security" (CIIP) (*Non-legislative activity*)**
- **Exchange of views**
 - **Adoption of Council conclusions**
8548/11 TELECOM 40 DATAPROTECT 27 JAI 213 PROCIV 38
10003/11 TELECOM 60 DATAPROTECT 48 JAI 308 PROCIV 64

The Committee agreed to submit the draft conclusions to the Council with the view to adoption.

3. **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - The European eGovernment Action Plan 2011-2015 "Harnessing ICT to promote smart, sustainable & innovative Government" (*Non-legislative activity*)**
- **Adoption of Council conclusions**
18135/10 TELECOM 157 MI 562 SOC 866 COMPET 446
10012/11 TELECOM 62 MI 250 SOC 394 COMPET 182

The Committee agreed to submit the draft conclusions to the Council with the view to adoption.

4. **Proposal for a Decision of the European Parliament and of the Council establishing the first radio spectrum policy programme (RSPP) (*Legislative deliberation*)**
- **Progress report**
13872/10 TELECOM 91 AUDIO 26 MI 314 CODEC 872
9988/11 TELECOM 58 AUDIO 11 MI 247 CODEC 788

The Committee agreed to submit the RSPP Progress Report and the annexed modified text to the consideration of the Council.

5. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - The European Union's policy approach to the ITU World Radiocommunication Conference 2010 (WRC-12) (*Non-legislative activity*)

- Adoption of Council conclusions

8758/11 TELECOM 42 AUDIO 8 TRANS 112 AVIATION 87 ESPACE 18

MI 187 COMPET 135 RECH 78 ENV 272

9989/11 TELECOM 59 AUDIO 12 TRANS 138 AVIATION 129 ESPACE 26

MI 248 COMPET 180 RECH 102 ENV 352

The Committee agreed to submit the draft Council conclusions on WRC-12 for adoption by the Council.

9. Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers (Second reading) (Legislative deliberation)

- Preparation for the next informal dialogue

10130/11 DENLEG 76 SAN 93 CONSOM 75 CODEC 813 AGRI 369

The Committee agreed on a mandate to the Presidency for the dialogue of 24 May 2011 as outlined in the third column of the Annex to the above document.

The Committee decided:

- to propose to the European Parliament to include in Article 29 the provision for a Commission report on trans fats, that should take into account the situation at EU level and might be accompanied, if appropriate, by a legislative proposal ;
- to propose to the European Parliament to insert in the draft legislative the following recital:

"Consumers of the European Union may show an increasing interest in animal welfare at the time of slaughter. In this respect, a study on the opportunity to provide consumers with the relevant information on the stunning of animals may be considered in the context of future European Strategy for animal welfare."

10. Preparation for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 30 and 31 May 2011

1. Report from the Commission to the European Parliament and the Council: "Interim Evaluation of the Eurostars Joint Programme" (*Non-legislative activity*)

- **Adoption of Council conclusions**
8986/11 RECH 81 COMPET 144 MI 202
10120/11 RECH 110 COMPET 188 MI 256

The outcome of the proceedings of the meeting of the Committee is set out in the document 10436/11.

2. Report from the Commission to the European Parliament and the Council "First Interim Evaluation of the Ambient Assisted Living Joint Programme (AAL)" (*Non-legislative activity*)

- **Adoption of Council conclusions**
5047/11 RECH 1 COMPET 1 TELECOM 1 SOC 3 MI 3
9745/11 RECH 97 COMPET 170 TELECOM 54 SOC 386 MI 240

The outcome of the proceedings of the meeting of the Committee is set out in the document 10010/11.

4. Proposal for a Council Decision concerning the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012 - 2013) (*Legislative deliberation*)

- **General approach**
7421/11 RECH 56 ATO 11 COMPET 87
10119/11 RECH 109 ATO 43 COMPET 187

The Committee referred the item to the Working Party.

6. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Smart Regulation (*Non-legislative activity*)

- **Adoption of Council conclusions**
9721/11 COMPET 169

The Committee has decided to forward the draft Council conclusions (doc. 9721/11) to the Council for adoption.

7. **Proposal for a Council Regulation on a European private company (*Legislative deliberation*)**
- **Political agreement**
11252/08 DRS 17
9713/11 DRS 69 SOC 384

The Committee examined the Presidency compromise text on the main outstanding issues as reflected in document 9713/11, took note of delegations' positions and comments, and took note of the Presidency's intention to submit a compromise text to the Competitiveness Council on 30/31 May 2011 with a view to reaching a political agreement.

8. **Proposal for a Directive of the European Parliament and of the Council amending Council Directive 78/660/EEC on the annual accounts of certain types of companies as regards micro-entities (*Legislative deliberation*)**
- **Political agreement**
7229/1/09 DRS 18 COMPET 125 ECOFIN 176 CODEC 298 REV 1
9756/11 DRS 70 COMPET 171 ECOFIN 235 CODEC 762
10389/11 DRS 76 COMPET 196 ECOFIN 275 CODEC 853

The Committee discussed the Presidency compromise text and the main outstanding issues as reflected in document 9756/11, took note of delegations' positions and comments, and will revert to this matter at the following meeting.

9. **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Review of the "Small Business Act" for Europe (*Non-legislative activity*)**
- **Adoption of Council conclusions**
7017/11 COMPET 65 IND 23 MI 96 ECO 20
9873/11 COMPET 176 IND 57 MI 243 ECO 57

The outcome of the proceedings of the meeting of the Committee is set out in the document 9874/11.

- 11. Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (Eurovignette) (Second reading) (Legislative deliberation)**
- **Preparation for the next informal trialogue**
10083/11 TRANS 141 FISC 56 ENV 357 CODEC 802

The Committee examined the Presidency's overall package in order to prepare the trilogue on 23 May 2011 and with a view to reaching a second reading agreement on the above file.

- 12. Proposal for a Directive of the European Parliament and of the Council facilitating cross-border exchange of information on road safety related traffic offences (Second reading) (Legislative deliberation)**
- **Preparation for the informal trialogue**
10032/11 TRANS 140 DAPIX 48 ENFOPOL 144 CODEC 793

The Committee discussed the compromise package proposed by the Presidency, as set out in document 10032/11, with a view to preparing the first informal trialogue on 23 May 2011.

Coreper Part 2

II

48. Follow up to the Council meeting (Justice and Home Affairs) on 12 May 2011

The Presidency and the Commission presented information on the follow-up to the Council with reference in particular to the discussion on the Southern Neighbourhood and the preparation of the European Council.

The Presidency indicated its intention to convene a meeting of the Committee on 26 May to deal with the FRONTEX Amendment Regulation following the planned trialogue on 23 May 2011.

49. Proposal for a Directive on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA (First Reading)

- **Review and analysis of the outcome of the informal trialogue on some of the Articles of the proposal**

10141/1/11 REV 1 DROIPEN 41 JAI 320 CODEC 815

The Committee took note of the state of play with regard to this file and discussed some issues as set out in 10141/11.

50. Proposal for a Directive of the European Parliament and of the Council on the right to information in criminal proceedings

- **Outstanding issues**

10114/1/11 REV 1 DROIPEN 40 COPEN 110 CODEC 809

The Committee discussed the outstanding issues on the basis of document 10114/11.

Agreement was found on the compromise solutions concerning Articles 2 and 3 of the draft Directive. As for the proposal concerning Article 6, the Committee examined the text and gave guidance for further discussions to be held by the JHA Counsellors in the coming week.

51. Draft Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service

9492/11 JAI 268 AUS 1 DATAPROTECT 37 AVIATION 112 RELEX 417

RESTREINT UE

+ COR 1 RESTREINT UE

After a discussion, the Presidency concluded that the file will have to come back to the Committee in the future, as Member states were not yet ready with their analysis and that the UK and IE had not yet decided whether they would waive their 3 months opt-in period.

52. Presentation of the agenda of the Council meeting (Justice and Home Affairs) on 9/10 June 2011

The Presidency presented the draft agenda for the Justice and Home Affairs Council on 9/10 June. This will be a two-day Council, with two separate Ministerial lunches. At next week's Committee the Presidency will provide further information.

SI asked for an AOB item on a Western Balkans Ministerial on improving judicial Cooperation. AT asked for a full point on the Police Cooperation Performance concept.

53. EU-Japan Summit

- Preparation of the Summit

10225/11 COASI 86 PESC 626 RELEX 521 POLGEN 87 WTO 211

The Committee took note of the state of play of preparations of the EU-Japan Summit to be held on 28 May 2011 in Val Duchesse.

54. Relations with Russia

- Preparations for the EU-Russia Summit (Nizhnii Novgorod, 9-10 June 2011)

9885/11 COEST 158 PESC 564 POLGEN 80

The Committee had an exchange of views on the basis of an information note (doc. 9885/11) concerning the progress in preparations for the EU - Russia Summit to be held in Nizhnii Novgorod on 9-10 June 2011.

55. Follow up to the Council meeting (Foreign Affairs/Trade) on 13 May 2011

The Committee took note of the Presidency's intentions as to the follow-up to the main files discussed at the Council on 13 May, in particular the GSP Regulation, the Bilateral Investment Treaties Regulation and the Investment mandates, the DDA negotiations and the trade negotiations with Mercosur, India and Canada.

56. External financial instruments

- a) **Proposal for a Council Regulation amending Regulation (EC) No 1934/2006 establishing a financing instrument for cooperation with industrialised and other high-income countries and territories (Second reading)**
10179/11 CODEC 824 COASI 85 ASIE 31 COMEM 152 COLAT 14
COEST 166 DEVGEN 144 RELEX 508 CADREFIN 33
 - b) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation (Second reading)**
10180/11 CODEC 825 DEVGEN 145 NIS 66 PESC 617 RELEX 509
FIN 327 ACP 116 CADREFIN 34 COHOM 136
 - c) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1889/2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (Second reading)**
10182/11 CODEC 826 DEVGEN 146 NIS 67 PESC 619 RELEX 510
FIN 328 ACP 117 CADREFIN 35 COHOM 137
 - d) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation (Second reading)**
10183/11 CODEC 827 DEVGEN 147 ACP 118 AGRI 372 WTO 209
- = **Information on informal triologue**

La Présidence présente au Comité les résultats du trilogue du 11.5.2011 (cf. docs 10179/11, 10180/11, 10182/11 et 10183/11).

57. Discussion on the involvement of the European Parliament in the preparatory work of the next Multiannual Financial Framework

Le Comité a continué la discussion sur les intentions de la Présidence et du futur trio concernant les relations avec le Parlement européen dans le domaine du futur cadre financier pluriannuel.

58. Preparation of the Council meeting (Foreign Affairs) on 23 May 2011

a) Southern Neighbourhood Region

i) Syria : Draft Council conclusions
10165/11 COMAG 63 PESC 612

The Committee examined the draft Council conclusions on Syria as set out in 10165/11 and following the discussion agreed the text as set out in 10557/11 and submitted it to the Council for adoption.

The Committee also agreed to enter in its minutes the following statement :

"The Committee notes that, regarding paragraph 6 of the Syria FAC Conclusions, the Council's invitation to the EIB not to approve new EIB financing operations in Syria applies except for preparation of operations suspension of which may jeopardise ongoing operations."

ii) Libya : Draft Council conclusions
10362/11 LIBYE 17 PESC 640 JAI 336 COHAFA 51 POLMIL 25

The Committee discussed and agreed draft Council conclusions on Libya (doc. 10556/11) and forwarded them to the Council with a view to their adoption on 23 May 2011.

iii) Bahrain : Draft Council conclusions
10262/11 COMEM 156 PESC 630

The Committee discussed and agreed draft Council conclusions on Bahrain (doc. 10262/11) and forwarded them to the Council with a view to their adoption on 23 May 2011.

iv) Yemen : Draft Council conclusions
10257/11 COMEM 155 PESC 629

The Committee discussed and agreed draft Council conclusions on Yemen (doc. 10257/1/11 REV 1) and forwarded them to the Council with a view to their adoption on 23 May 2011.

b) Middle East Peace Process
- **Draft Council conclusions**
10364/11 COMEP 9 PESC 642

The Committee discussed and agreed draft Council conclusions on Middle East Peace Process (doc. 10364/11) and forwarded them to the Council with a view to their adoption on 23 May 2011.

c) Southern Caucasus

The Committee considers the handling of this item at the Foreign Affairs Council.

d) Human Rights

The EEAS informed the Committee about the High Representative's intentions concerning this point. The Council's discussion should launch the preparation of a European Strategy on Human Rights, to be adopted by the Council before the summer break. Some delegations suggested adopting, under this point, Council conclusions on the situation of Human Rights in China, while others called for an explicit reference to the situation of the coptic Christians in Egypt. As an alternative, the EEAS representative suggested that the High Representative mention these two issues at her press conference after the Council.

e) Sudan

The EEAS informed the Committee that there would only be a state of play since the real debate would take place in June. The EEAS recalled that Sudan was also on the agenda of the FAC (Development Ministers' formation).

f) EEAS

The Committee noted that this item would be raised over lunch, from the angle state of play and progress reached in setting up and resources. The EEAS would provide figures in advance.

g) Other items in connection with the Council meeting

Le Comité met au point l'ordre du jour provisoire de la session du Conseil Affaires étrangères.

h) (poss.) Draft Council conclusions on the demise of Osama Bin Laden

This item was withdrawn.

- Preparation of the Council meeting (Foreign Affairs/Defence) on 23 May 2011

Secretary General of the EEAS, Mr Vimont, informed delegations of the items and timetable for the FAC meeting by Ministers of Defence.

a) Operations

The discussions on Operations will take place in the presence of NATO Deputy Secretary General and focus on Horn of Africa, EUFOR Libya and Operation ALTHEA in BiH.

b) Follow-up to Member State initiatives in the CSDP area/Capabilities

The formal session will follow at 18h00 and focus on Capabilities, in particular on the follow-up of Weimar initiative. The FAC meeting will be followed by EDA Steering Board at 19h00.

- Preparation of the Council meeting (Foreign Affairs/Development) on 24 May 2011

- a) Sudan**
- b) Accountability Report on EU Development Policy**
- c) Water**
- d) AOB**

The Committee took note of the information on the state of play of preparations of the Foreign Affairs Council (Development).

59. Follow up to the Council meeting (Economic and Financial Affairs) on 17 May 2011

The Committee took note of the proceedings of this Council meeting.

60. Economic governance

- **Regulation amending Council Regulation 1466/97 (preventive arm of the Stability and Growth Pact)**
- **Regulation amending Council Regulation 1467/97 (corrective arm of the Stability and Growth Pact)**
- **Regulation on the effective enforcement of budgetary surveillance in the euro area**
- **Regulation on the prevention and correction of macroeconomic imbalances**
- **Regulation on enforcement measures to correct excessive macroeconomic imbalances in the euro area**
- **Council Directive on requirements for budgetary frameworks of Member States**
= **State of play/Information on informal dialogue**

The Presidency informed the Committee of the state of play regarding the trialogues conducted with the representatives of the European Parliament. The Committee held an exchange of views. The Dutch delegation welcomed the efforts of the Presidency in this process and stressed the importance of adopting the economic governance package in June.

61. Preparation of the Council meeting (General Affairs) on 23 May 2011

a) Preparation of the European Council on 24 June 2011

- **Annotated Draft Agenda**
9786/11 CO EUR-PREP 17

The Committee had an exchange of views on the annotated draft agenda of the European Council on 24 June 2011.

d) Croatia

This point was taken over breakfast.

e) Other items in connection with the Council meeting

Le Comité met au point l'ordre du jour provisoire de la session du Conseil Affaires générales.

- **Any other business**
 - **Novel foods**
 - = **Information from the Legal Service**

The CLS intervened in relation to the European Parliament public debate on the "Novel foods" dossier held on 11/05/2011 whereby the rapporteur quoted wrongly the CLS opinion on the compatibility with the WTO rules (doc. 7771/11). After the European Parliament's session, this opinion was also quoted by journalists. The representative of the CLS recalled the rules on the access to the CLS opinions which were not respected, and he explained the consequences of such unauthorised release, including for the international relations. Finally, the representative of the CLS referred to the statement of the CLS which was published by the Council Press Service to correct the misquotes of the opinion.

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