



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 9 June 2010

10447/10

CRS/CRP 21

SUMMARY RECORD

**Subject : 2319th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 12 May 2010**

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 - sur les programmes de convergence de la Bulgarie, la République Tchèque, le Danemark, l'Estonie, la Lettonie, la Lituanie, la Hongrie, la Pologne, la Roumanie, la Suède et le Royaume Uni
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1. Adoption of the provisional agenda and items "I"

doc. 9623/10 OJ/CRP1 18
9651/1/10 REV 1 OJ/CRP2 18

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

The following items are **added** :

(Copeper Part 2, under I)

33. Convocation d'une Conférence des représentants des gouvernements des États membres

- **Nomination d'un juge à la Cour de justice de l'Union européenne**
9543/10 INST 154 JUR 219 COUR 33

(Copeper Part 2, under II)

34. Traité de Lisbonne - SEAE (session restreinte)

The following items are **withdrawn** :

(Copeper Part 2, under I)

18. Décision du Conseil modifiant et prolongeant l'action commune 2008/112/PESC relative à la mission de l'Union européenne visant à soutenir la réforme du secteur de la sécurité en République de Guinée-Bissau (UE RSS GUINEE-BISSAU)

9140/10 PESC 550 COSDP 361 COAFR 160 EUSSR G-BISSAU 20
9344/10 PESC 581 COSDP 385 COAFR 169 EUSSR G-BISSAU 22

23. Proposition de directive du Parlement européen et du Conseil concernant la prévention de la traite des êtres humains et la lutte contre ce phénomène, ainsi que la protection des victimes, abrogeant la décision-cadre 2002/629/JAI

9409/10 DROIPEN 47 MIGR 44

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

A declaration is made by the DE delegation on the following item :

25. Proposal for a Council Decision providing macro-financial assistance to Ukraine
- Letter to the European Parliament
8885/10 ECOFIN 215 RELEX 337 COEST 105 NIS 33 CODEC 349

"In giving its consent, the Federal Government wishes to emphasise the fact that the joint decision in favour of macro-financial assistance for Ukraine can be taken in advance of concrete results from the deliberations between the IMF and Ukraine only as an exception and does not, therefore, constitute a precedent.

In giving its consent, the Federal Government also wishes to emphasise the fact that in view of the general review of the Comitology Decision 1999/468/EC of 28 June 1999, the envisaged creation of a (solely) advisory committee to monitor implementation of macro-financial assistance for Ukraine does not set forth a precedent for other legislative proposals.

The Federal Government supports further discussions with the European Parliament to agree on a joint approach to the macro-financial assistance in the light of the Genval criteria in the version of 8 October 2002. "

Coreper Part 1

II

11. Proposal of a Directive of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC (Second reading)

- **Analysis of the final compromise text with a view to agreement**
8904/10 SOC 288 CODEC 351

The Committee agrees on the draft overall compromise package as set out in the second column of the comparative table laid down in Annex to document 8904/10 and takes note that a letter will be sent to the European Parliament in this respect.

12. Setting of the provisional agenda of the Council meeting (Transports, Telecommunications and Energy) on 31 May 2010

Le Comité a marqué son accord sur le projet d'ordre du jour.

13. Preparation of the Council meeting "Competitiveness" (Internal market, Industry and Research) on 25 and 26 May 2010

1. Future revision of the Trade Mark system in the European Union (*Non-legislative activities*)

- **Adoption of Council conclusions**
9405/10 PI 51

Following an exchange of views on the basis of document 9405/10, the Committee agreed on the text of the draft Council conclusions to be submitted to the next Competitiveness Council for adoption. The United Kingdom delegation entered a parliamentary scrutiny reservation on that text.

2. **Proposal for a Directive of the European Parliament and of the Council on combating late payment in commercial transactions (recast)**
- **General approach/Progress report**
8969/09 MI 168 COMPET 223 IND 45 ECO 55 FIN 146 CODEC 600
+ COR 1 (en)

The Committee agreed to delete this item from the 25-26 May 2010 Council agenda.

3. **Proposal for a Directive of the European Parliament and the Council on Consumer Rights**
- **Policy debate**
14183/08 CONSOM 140 JUSTCIV 220 CODEC 1315
9454/10 CONSOM 41 JUSTCIV 90 CODEC 393

The Committee took note of the Presidency's note containing three questions to ministers and agreed to forward it to the Competitiveness Council of 25 May 2010 with a view to holding a policy debate.

4. **Proposal for a Decision of the European Parliament and of the Council on the participation by the Community in a Joint Baltic Sea Research and Development Programme (BONUS-169) undertaken by several Member States**
- **Report from the Presidency on the proposed agreement at first reading**
15234/09 RECH 369 COMPET 457 ENV 756 CODEC 1260
9423/10 RECH 166 COMPET 139 ENV 263 CODEC 390

The Committee took note of the Presidency report as set out in 9423/10.

5. **Proposal for a Regulation of the European Parliament and of the Council on the European Earth Observation Programme (GMES) and its initial operations (2011-2013)**
- **Report from the Presidency on the proposed agreement at first reading**
10285/09 RECH 172 COMPET 294 IND 68 TRANS 215 POLARM 13
ECOFIN 399 TELECOM 119 ENER 194
9457/10 RECH 174 COMPET 146 IND 63 TRANS 120 POLARM 15
ECOFIN 251 TELECOM 44 ENER 135 CODEC 394

The Committee took note of the report as set out in 9457/10.

- 6. Contribution to the preparation of the European Council of 17th June 2010**
(Non-legislative activities)
- **Information from the Commission on the dialogue with the Member States regarding national targets for research and development in the context of Europe 2020 Strategy for growth and jobs**
 - **Exchange of views**

This item was postponed to the Committee of 21 May 2010.

- 7. Creating an innovative Europe** *(Non-legislative activities)*
- **Adoption of Council conclusions**
9422/10 RECH 165 COMPET 138

The outcome of the proceedings of the Committee is set out in 9448/10 + COR 1.

- 8. Simplified and more efficient European Research and Innovation programmes**
(Non-legislative activities)
- **Adoption of Council conclusions**
9421/10 RECH 164 COMPET 137

The outcome of the proceedings of the Committee is set out in 9449/10 + COR 1.

- 9. Various issues related to the development of the ERA** *(Non-legislative activities)*
- **Adoption of Council conclusions**
9420/10 RECH 163 COMPET 136

The outcome of the proceedings of the Committee is set out in 9451/10 + COR 1.

- 10. Proposal for a Regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products**
- **Political agreement/ Progress report**
10037/08 MI 167 ENT 110 COMPET 197 CODEC 676
9432/10 MI 131 ENT 46 COMPET 140 CODEC 391

The Committee clarified the main outstanding issues as set out in document 9432/10 and agreed to come back to certain other parts of the proposal on 19 May 2010.

11. Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee : A European Strategy on clean and energy efficient vehicles (*Non-legislative activities*)

- **Presentation by the Commission**
- **Adoption of Council conclusions**
- **Exchange of views**

9006/10 COMPET 119 ENV 241 IND 55 MI 115 RECH 145 ECO 27 ENER 124
ECOFIN 222 CONSOM 35 + COR 1
9458/10 COMPET 147 ENV 266 IND 64 MI 133 RECH 175 ECO 32 ENER 136
ECOFIN 252 CONSOM 42

The outcome of the proceedings of the Committee is set out in 9477/10.

14. Draft Council Decision on the participation of the European Union in the negotiations on a legally binding instrument on mercury further to Decision 25/5 of the Governing Council of the United Nations Environment Programme (UNEP)

- **Adoption**

9504/10 ENV 269 COMER 76 MI 139 ONU 79

The Committee debated on the two texts submitted to it: the Presidency's new compromise text of the draft Decision by the Council and the representatives of the Governments of the Member States, meeting within the Council and, respectively, the Commission's new proposal of a draft Decision of the Council. The Commission informed that its college decided, that very morning, the withdrawal of the Recommendation in case the Council will pursue its approach and adopt the Presidency text.

During the debate, it showed that a number of delegations (holding the blocking minority votes) opposed the Commission's proposal. A very large number of delegations supported the Presidency text (with some drafting amendments) while 5 delegations expressed preference to the Commission's proposal, but indicated that they will join the consensus, if achieved. As a result, the Presidency presented amendments to its proposal, which allowed the Committee to agree in unanimity on the text. The Committee also decided to send the item to be included as an A item on the Agenda of the next Council meeting.

As a result, the Commission announced that it will notify the withdrawal of its Recommendation during the following hours.

Coreper Part 2

II

26. Préparation de la session du Conseil (Affaires économiques et financières) du 18 mai 2010

a) Fiscalité

- **Directive relative à la fiscalité de l'épargne**
= **Accord politique**
16473/1/09 REV 1 FISC 170
+ COR 1 + ADD 1
+ COR 2 (pl) + REV 2 (sl)
- **Directive relative à la coopération administrative dans le domaine fiscal**
= **Accord politique**
16304/09 FISC 166
+ REV 1 (de) + REV 1 COR 1 (de) + COR 1 (et)
- **Accords de lutte contre la fraude avec des pays tiers**
 - **Proposition de Décision du Conseil relative à la signature, au nom de l'Union européenne, et à l'application provisoire de l'accord avec le Liechtenstein en matière de lutte contre la fraude**
= **Accord politique**
16989/09 AELE 40 FL 27 FISC 179 GAF 12 JAI 898 UD 265
- **Mandat de négociations en vue de la conclusion d'accords de lutte contre la fraude avec d'autres pays tiers**
= **Adoption**
16308/09 FISC 167 AND 5 CH 46 MC 5 SM 8 RESTREINT UE

After a discussion on the main political issues, the Committee decided to withdraw these taxation items from the agenda of the Council.

b) Services financiers: Directive sur les gestionnaires de fonds d'investissement alternatifs

- = **Orientation générale**
9343/10 EF 42 ECOFIN 237 CODEC 387
7377/10 EF 22 ECOFIN 154 CODEC 189

The Committee reached an agreement on the general approach, as set out in document 7377/10, and agreed to submit the text to the Council for confirmation of the agreement.

- c) **Stratégies de sortie: Secteur financier**
= **Conclusions du Conseil**
9398/10 ECOFIN 242 UEM 165

The Committee agreed, subject to confirmation in bilateral discussions with the Swedish delegation, the Commission and the President of the EFC, to submit the draft conclusions, as set out in document 9398/10, to the Council for adoption as an A item.

- d) **Dispositions en matière de stabilité financière et de gestion de crise**
= **Conclusions du Conseil**
9378/10 EF 43 ECOFIN 240

The Committee agreed to submit the draft Conclusions, as set out in document 9378/10 + COR 1, to the Council for adoption.

- e) **Stratégies de sortie: Cadres budgétaires**
= **Conclusions du Conseil**
9399/10 ECOFIN 243 UEM 166

The Committee agreed to submit the draft Conclusions, as set out in document 9399/10, to the Council for adoption.

- f) **Financement du changement climatique : Financement fast start**
= **Conclusions du Conseil**
9089/10 ECOFIN 229 ENV 267 POLGEN 70

The Committee agreed to submit the draft Council Conclusions, as set out in document 9089/1/10 REV 1, to the Council for adoption as an A item.

- g) **Autres points en rapport avec la session du Conseil**

Le Comité met au point l'ordre du jour provisoire de la session du Conseil visée en objet et fait le point sur l'état de préparation des différents points y figurant.

27. Projet de budget rectificatif n° 1 au budget général 2010 - Etat des recettes et des dépenses par Section - Section I - Parlement européen

Suite à l'information fournie par la Commission sur le financement du service européen pour l'action extérieure, le Comité a marqué son accord, à la majorité qualifiée, sur le projet de budget rectificatif n° 1/2010 tel que proposé par la Commission, les délégations britannique et slovène votant contre et la délégation tchèque s'abstenant.

28. Suivi de la session extraordinaire du Conseil (Affaires économiques et financières) du 9 mai 2010

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

29. Suivi de la session du Conseil "Affaires Etrangères" du 10 mai 2010

Le Comité est informé du suivi que la HR a l'intention de donner à la session du Conseil Affaires étrangères.

30. Suivi de la session du Conseil "Affaires Générales" du 10 mai 2010

Le Comité est informé du suivi que la présidence entend donner à la session du Conseil Affaires générales.

31. Présentation du projet d'ordre du jour de la session du Conseil (Justice et Affaires intérieures) des 3-4 juin 2010

Presidency presented the draft agenda of the two days Council meeting (Justice and Home affairs) in Luxembourg on 3 and 4 June. The first day the Council will deal with interior and migration and the second day with justice items. With regard to the European Protection order the Presidency referred to a Commission convocation of an expert meeting on 25 May. Such a meeting would only make sense after the Council meeting.

Austria requested an item under AOB on International Anticorruption Academy to be established in Laxenburg near Vienna.

Czech Republic asked for inclusion of an item on visa reciprocity with Canada which was accepted by the Presidency.

On a question posed by Slovenia on how the Commission will proceed with visa liberalisation for Albania and Bosnia and Herzegovina the Commission indicated that the proposal would be adopted on 28 May. According to the Commission it would be premature to take this issue already at the June Council before the necessary technical discussions take place.

France urged to resolve as quickly as possible all the outstanding problems related to the accession to the European Convention on Human Rights.

On TFTP agreement with the US the Commission deems too ambitious to expect the decision on a signature at the June Council.

32. Préparation du Sommet UE - Egypte

9666/10 EG 3 COMAG 6 COMEP 11 COAFR 184 COHOM 118

Le Comité a eu un échange de vues sur la préparation du Sommet UE - Egypte (Barcelone, 6 juin 2010), sur la base du document 9666/10.

34. Traité de Lisbonne -SEAE (session restreinte)

The Committee discussed a possible draft declaration that the High Representative intends to make on her political accountability.

- Any other business

(a) Council meeting on Education, Youth and Culture on 10 and 11 May 2010

- Information from the Presidency on the exchange of views held on the "The European cinema in the digital era"

The Presidency briefed the Committee on the main points made during the lunchtime discussion held between Audiovisual ministers on the above subject in the context of the EYC Council on 10 May 2010.

(b) Convening of a Conference of the Representatives of the Governments of the Member States : Location of the seat of the Office of the Body of European Regulators for Electronic Communications (BEREC)

- **Information from the Presidency**
9548/10 TELECOM 46 CODEC 407

The Presidency informed the delegations that a Conference of the Representatives of the Governments of the Member States will be convened in the margins of the TTE Council on 31 May 2010.

(c) Appointment of the Functional Airspace Coordinator (request by AT, CZ and IT)

AT expressed its surprise about the way in which the Functional Airspace Coordinator was appointed in the Single Sky Committee which - according to AT - was not in line with the general understanding which was reached before. Like several other delegations AT had concerns about the lack of consultations with Member States and the appointment of the single candidate. AT invited the Commission to explain why they acted this way. CZ, IT, MT and SK supported AT, adding that the vote at the Committee came as a surprise and expressed their misgivings about the lack of transparency. The Commission representative responded that she would report back these concerns to Commissioner Kallas, that, however, everybody had agreed at the TTE that the Commission had to move quickly and that in formal terms the procedure was respected. The Commission added that they are confident that this was a good choice since the appointed coordinator Jarembowski has a huge experience in this field.

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