



**COUNCIL OF
THE EUROPEAN UNION**

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11015/07

CRS CRP 24

SUMMARY RECORD

**Subject : 2189th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 20 June 2007**

SUMMARY

Page

1. Adoption of the provisional agenda and items "I" 6

Coreper Part 1

I

2. Replies to written questions put to the Council by Members of the European Parliament
- (a) n° E-1658/07 put by Emilio Menéndez del Valle
"US anti-missile shield on European soil - Statements by the High Representative for CFSP"
 - (b) n° E-2674/07 put by Jeanine Hennis-Plasschaert, Sophie In 't Veld
"Actions towards Member States that violate ECHR ruling"
 - (c) n° E-2819/07 and n° E-2821/07 put by Graham Watson
"The non-recognition of civil partnership agreements contracted in the UK and other Member States" and "Application of Directive 2004/38/EC and free movement"
 - (d) n° E-2823/07 put by James Allister
"Cancellation of the Dalai Lama's visit to Belgium"
3. Draft minutes of Council meeting
- 2777th (Agriculture and Fisheries) of 29 January 2007
4. Case before the Court of First Instance
Case T-91/07 (WWF-UK Limited against Council of the European Union)
5. Governing Board of the European Foundation for the Improvement of Living and Working Conditions
- (a) Appointment of Mr Joël BLONDEL, to replace Ms Mireille JARRY, French full Member, who has resigned
 - (b) Appointment of Ms Mireille JARRY, to replace Mr Robert PICCOLI, French alternate Member, who has resigned
6. Public access to documents
- Confirmatory application 11/c/02/07
7. Enlargement of the Euro area
Draft reply to the letter of Mr Hans-Gert PÖTTERING, President of the European Parliament

8. Regulatory agencies
Draft reply to a letter to be addressed to Mr Hans-Gert PÖTTERING, President of the European Parliament
9. Taxation of savings (Directive 2003/48/CE) functional and technical specifications for implementing the revised version of the standard format for the exchange of information and the use of CCN-Mail 2
10. Recommendation from the Commission to the Council authorising the Commission to negotiate renewal of the Agreement between the European Atomic Energy Community (Euratom) and the Korean Peninsula Energy Development Organisation (KEDO)
11. Report N° 6/2007 from the Commission to the European Parliament and the Council on EAGF expenditure (Early Warning System)
12. Proposal for a Council Decision concerning the signature and provisional application of the Agreement on Scientific and Technical Cooperation between the European Community and the State of Israel
13. Proposal for a Decision of the Council and of the Commission on the signature and provisional application on behalf of the European Community and the European Atomic Energy Community of the Agreement on Scientific and Technological Cooperation between the European Communities of the one part and the Swiss Confederation of the other part
14. Council Decision on the signature and provisional application of the Agreement between the European Community and the Republic of Azerbaijan on certain aspects of air services
15. Council Resolution on a new Community strategy 2007-2012 on health and safety at work
16. Proposal for a Council Decision on the accession of the European Communities to the World Customs Organisation and the exercise of rights and obligations akin to membership ad interim
17. Proposal for a Council Regulation granting derogations to Bulgaria and Romania from certain provisions of Regulation (EC) No 2371/2002 relating to reference levels of fishing fleets
18. Proposal for a Council Regulation amending Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy
19. Proposal for a Regulation of the European Parliament and of the Council establishing a new statistical classification of products by activity (CPA) and repealing Council Regulation (EEC) N° 3696/93 (First reading)

20. Inland waterways and motorways of the sea
21. (poss.) Enlargement
 - Accession negotiations with Croatia
 - (a) Chapter 3: Right of establishment and freedom to provide services
 - (b) Chapter 6: Company law
 - (c) Chapter 9: Financial Services
 - (d) Chapter 10: Information Society and Media
 - (e) Chapter 18: Statistics
 - (f) Chapter 32: Financial Control
22. Proposal for a Regulation of the European Parliament and of the Council on roaming on public mobile networks within the Community and amending Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services (First reading)
23. Proposal for a Directive of the European Parliament and of the Council on the retrofitting of mirrors to heavy goods vehicles registered in the Community (First reading)

II

24. Preparation of the Council meeting "Competitiveness" (Internal Market, Industry and Research) on 25 June 2007
 - Proposal for a Regulation of the European Parliament and of the Council laying down the Community Customs Code (Modernized Customs Code)7
25. Proposal for a Council Regulation opening and providing for the management of autonomous Community tariff quotas for certain fishery products for the period 2007 to 20097
26. Proposal for a Decision of the European Parliament and of the Council establishing a second programme of Community action in the field of health (2007-2013) (Second reading)8
27. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 78/855/EEC concerning mergers of public limited liability companies and Council Directive 82/891/EEC concerning the division of public limited companies as regards the requirement for an independent expert's report on the occasion of a merger or a division (First reading)8
28. Communication from the Commission on enhancing the patent system in Europe9

29.	Preparation of the Council meeting (Environment) on 28 June 2007	
1.	Proposal for a Council Decision concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a potato product (<i>Solanum tuberosum</i> L. line EH92-527-1) genetically modified for enhanced content of the amylopectin component of starch	10
2.	Preparation for the ninth ordinary meeting of the Conference of the Parties (COP 9) to the Convention on Biological Diversity (CBD) (Bonn, 19 to 30 May 2008)	10
3.	New impetus for EU Environmental Policy	
1)	Mid-term review of the 6th Community Environment Action Programme	10
2)	Economic Instruments	10
3)	Environment, Innovation, Employment	10
30.	Recommendation from the Commission to the Council concerning the participation of the European Community in the negotiations on a proposed amendment to the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) of 1992 in relation to carbon capture and geological storage	11
31.	Energy Community	
	Proposal for a Council Decision on establishing the European Community position within the Ministerial Council of the Energy Community (Podgorica 29 June 2007)	11
32.	Third railway package (Third reading)	
(a)	Proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/440/EEC on the development of the Community's railways	12
(b)	Proposal for a Directive of the European Parliament and of the Council on the certification of train crews operating locomotives and trains on the Community's rail network	12
(c)	Proposal for a Regulation of the European Parliament and of the Council on International Rail Passengers' Rights and Obligations	12
33.	Proposal for a Regulation of the European Parliament and the Council establishing the European Institute of Technology (EIT)	12
34.	Community Plant Variety Office	
-	Employment contract of the President (This item will be taken in restricted session) ..	12
-	Any other business	
=	Better Regulation	
(a)	State of play of proposals included in the Commission's simplification programme	13
(b)	State of play of fast-track proposals for the reduction of administrative burdens	13

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

doc. 10938/07 OJ/CRP1 24

The above mentioned agenda is approved with the following changes :

The following item is **added** :

(Coreper Part 1, under AOB)

= **2nd Conference of the Parties to the WHO Framework Convention on tobacco control (requested by the BE delegation)**

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

24. Preparation of the Council meeting "Competitiveness" (Internal Market, Industry and Research) on 25 June 2007

- **Proposal for a Regulation of the European Parliament and of the Council laying down the Community Customs Code (Modernized Customs Code)**
 - **Implementing the Community Lisbon programme**
- **Political agreement**
(Public deliberation, pursuant art.8(1)(b) CRP)
15380/05 UD 152 ENFOCUSTOM 86 MI 138 COMER 186 TRANS 277
CODEC 1144
10911/07 UD 65 ENFOCUSTOM 69 MI 163 COMER 97 TRANS 223 CODEC 680

The Committee marked its approval of a Presidency compromise text (doc. 10911/07), and agreed to forward it to the Council (Competitiveness) for political agreement at its forthcoming session on 25 June 2007 as an item without discussion.

25. Proposal for a Council Regulation opening and providing for the management of autonomous Community tariff quotas for certain fishery products for the period 2007 to 2009

- **Adoption**
10564/07 PECHE 189
10865/07 PECHE 205

The Committee examines the proposal and decides to:

- insert a recital in order to derogate from the six weeks period for national Parliaments given the urgency of the matter;
- reintroduce the 80 grammes size of herring per piece;
- introduce a gradual increase of the tariff quota for tuna loins for 2007-2009 (respectively 8000, 9000 and 10 000 tonnes);
- inscribe a joint statement by the Council and the Commission on ice-glazing in the minutes of Council and to publish this statement in the Official Journal of the European Union;

- inscribe the statement by the Commission on the monitoring of the market situation in the minutes of the Council, and to
- forward the proposal to Council for adoption under an "A" item procedure as soon as the text as finalised by the legal-linguistic service would be available.

26. Proposal for a Decision of the European Parliament and of the Council establishing a second programme of Community action in the field of health (2007-2013) (Second reading)

- **Analysis of the final compromise text with a view to agreement**
10831/07 SAN 135 CONSOM 84 CADREFIN 33 CODEC 675

The Committee agreed to the compromise package elaborated during the informal trialogues as presented by the Presidency.

The Commission informed that it would make a unilateral declaration on the implementation of the budget of the health programme.

The Presidency concluded that a letter would be sent to the Chairman of the ENVI Committee informing that if, at its plenary in July 2007, the EP adopts the amendments to the common position and the trilateral declaration in the exact form as set out in the compromise package, the Council would do alike. This would permit the act in question to be deemed to have been adopted in the form of the common position thus amended.

27. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 78/855/EEC concerning mergers of public limited liability companies and Council Directive 82/891/EEC concerning the division of public limited companies as regards the requirement for an independent expert's report on the occasion of a merger or a division (First reading)

- **Analysis of a compromise text with a view to agreement**
10738/07 DRS 29 COMPET 195 CODEC 663

The Committee reached agreement on a text on the basis of the Presidency compromise proposal set out in the Annex to 10738/07. This text will serve as a basis for an agreement with the European Parliament for the adoption of the proposed Directive at first reading. The Chair was mandated to inform the European Parliament accordingly.

The French and Spanish delegations were not in a position to support the agreed text.

While endorsing the agreed text in the name of an overall compromise, the Polish delegation pointed out that the obligation imposed on Member States to communicate to the Commission a correlation table should be interpreted as an exception to a long-established practice, consisting of transforming such an obligation to a mere encouragement in the recitals. According to the Polish delegation, such an exception should not be seen as setting a precedent.

28. Communication from the Commission on enhancing the patent system in Europe

- Progress report

10710/07 PI 28 + REV 1 (en)

The Committee took note of the Presidency progress report, as contained in 10710/07 + REV 1(en) and agreed on the need to continue work towards finding solutions for an appropriate Community Patent system, as well as for a legally secure and cost effective patent litigation system.

The Committee took also note of the following joint statement by the Italian and Spanish delegations:

"The Italian and Spanish delegations wish to express their dissatisfaction regarding the Presidency's progress report, in particular on the following points:

1.- Despite the repeated request to translate into the other languages the Presidency questionnaire (8566/07) which forms the basis for discussion in the Working Party, the document was not translated, nor was any explanation given.

2.- Point 5 of the Presidency report does not properly reflect the position of the Member States which consider the political agreement of 2003 to be a valid basis for continuing negotiations, in particular as regards the language regime envisaged.

3.- Point 13 of the report, in which the Committee is invited to continue work, makes no reference to the principle of non-discrimination – which is mentioned in Barcelona European Council conclusions and is as important as the other principles referred to – or to the Commission Communication (8302/07) of 4 April 2007, which several delegations consider a good basis for continuing negotiations."

29. Preparation of the Council meeting (Environment) on 28 June 2007

- 1. Proposal for a Council Decision concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a potato product (*Solanum tuberosum* L. line EH92-527-1) genetically modified for enhanced content of the amylopectin component of starch**

- **Adoption**
10803/07 AGRILEG 88 ENV 337
10812/07 AGRILEG 89 ENV 341

The Committee agreed to forward the matter to the Environment Council, as a "B" item, in order to verify whether there is a sufficient majority in favour or against the proposal.

- 2. Preparation for the ninth ordinary meeting of the Conference of the Parties (COP 9) to the Convention on Biological Diversity (CBD) (Bonn, 19 to 30 May 2008)**

- **Adoption of Council conclusions**
10062/07 ENV 294 AGRI 171 DEVGEN 97 RECH 155 ENER 156 PI 23
FORETS 32 ONU 29

The outcome of the Committee's proceedings is summarized in 10788/07.

- 3. New impetus for EU Environmental Policy**

- 1) Mid-term review of the 6th Community Environment Action Programme
- 2) Economic Instruments
- 3) Environment, Innovation, Employment
- **Adoption of Council conclusions**
10401/07 ENV 312 SAN 126 ENT 66 ENER 166 ECOFIN 247 TRANS 207
AGRI 179 DEVGEN 104 FIN 256 SOC 242

The outcome of the Committee's proceedings is summarized in 10796/07.

DE made the following statement:

"Public procurement is subject to the budgetary autonomy of the respective public contracting authorities. Germany therefore considers that the text of the fourth indent of paragraph 28 does not necessarily refer to objectives and targets for the Member States as well."

30. Recommendation from the Commission to the Council concerning the participation of the European Community in the negotiations on a proposed amendment to the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) of 1992 in relation to carbon capture and geological storage

- Exchange of views

8379/07 ENV 189 RESTREINT UE

The Chairman indicated that discussion within the Working Party on the Environment on whether a new mandate was needed had been inconclusive. The representative of the Commission expressed the Commission's belief on the existence of community competence in the area and on the consequent need for a negotiating mandate from the Council.

The Chairman took note of the Commission's position but indicated that no new mandate could be approved, given the lack of qualified majority within the Committee.

31. Energy Community

Proposal for a Council Decision on establishing the European Community position within the Ministerial Council of the Energy Community (Podgorica 29 June 2007)

- Adoption

10777/07 ENER 177 RELEX 469 COWEB 94

10778/07 ENER 178 RELEX 470 COWEB 95

10779/07 ENER 179 RELEX 471 COWEB 96 RESTREINT UE

10780/07 ENER 180 RELEX 472 COWEB 97

10781/07 ENER 181 RELEX 473 COWEB 98 + COR 1

Le Comité est parvenu à un accord sur le projet de position tel que figurant au document 10781/07 + COR 1 + COR 2, tout en prenant note de la réserve parlementaire de la Pologne et de l'objection de Chypre concernant le point 2.3 de l'ordre du jour du conseil ministériel. Sur ce point une déclaration de la délégation chypriote sera actée au procès verbal du Conseil.

32. Third railway package (Third reading)

- (a) Proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/440/EEC on the development of the Community's railways**
- (b) Proposal for a Directive of the European Parliament and of the Council on the certification of train crews operating locomotives and trains on the Community's rail network**
- (c) Proposal for a Regulation of the European Parliament and of the Council on International Rail Passengers' Rights and Obligations**
- Follow-up of the Trilogue**

La Présidence informe d'abord le Comité des résultats de la délégation du PE suite au trilogue du 19 juin. Plus tard, le Comité marque son accord sur ce compromis en tant que résultat final du processus de conciliation qui sera conclu par un échange de lettres.

33. Proposal for a Regulation of the European Parliament and the Council establishing the European Institute of Technology (EIT)

- Presidency briefing on the outcome of the trilogue**

The Committee recommended to the Competitiveness Council meeting on 25 June 2007 to adopt a General Approach on the basis of the Presidency compromise text set out in DS 570/07, after resolving the last open issues contained in the cover page and the footnotes of this document.

34. Community Plant Variety Office

- Employment contract of the President (This item will be taken in restricted session)**

The Committee agreed on a draft letter to be signed by the President of the Committee and addressed to the Deputy Chairman of the Administrative Council of the Community Plant Variety Office aimed at clarifying some aspects of the employment contract of the President of this Agency.

- **Any other business**
- = **Better Regulation**
 - (a) **State of play of proposals included in the Commission's simplification programme**
 - (b) **State of play of fast-track proposals for the reduction of administrative burdens**
 - **Information from the Presidency**
10718/1/07 COMPET 194 TRANS 216 DRS 27 AGRILEG 84
DENLEG 49 REV 1

The Committee takes note of a Presidency report on the state of play.

- = **2nd Conference of the Parties to the WHO Framework Convention on tobacco control (requested by the BE delegation)**

The Belgian delegation draws the attention to the need for a good preparation of this Conference and requested the Presidency to take this dossier to the Committee in case preparatory work at Working Party's level is not sufficient.

- = **Meetings taking place outside the seat of the Council**

The Committee approved the following meeting :

- Working party "Public Health" in Bangkok on 30 June 2007.

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