



**COUNCIL OF
THE EUROPEAN UNION**

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11063/11

CRS/CRP 25

SUMMARY RECORD

**Subject : 2366th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 31 May, 1 and 6 June 2011**

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

doc. 10886/11 OJ/CRP1 20

10856/2/11 REV 2 OJ/CRP2 20 COMIX 370 + CM 3260/11 + CM 3262/11

The above mentioned agendas are approved with the following change :

The following item is **added** :

(Coreper Part 2, under II)

50. Debrief of G8 Summit (Deauville, 26/27 May 2011)

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 Commission on the following item :

25. Enlargement

- **Accession negotiations with Croatia**
- **Chapter 13 : Fisheries**
10821/11 ELARG 43

"The Commission states that the new provision amending Council Regulation 1198/2006 of 27 July 2006 (article 27, new paragraph 5) does not affect the overall national envelope for the Slovenian fisheries sector and is therefore EU budget neutral. Moreover, the new provision does not prejudge the negotiations for the future EU financial instrument for fisheries."

Coreper Part 2

II

2. Relations with the European Parliament (June 2011)
10512/11 PE 238 INST 270 POLGEN 90 CODEC 869

Le Comité a eu un échange de vues sur les relations entre le Conseil et le Parlement européen sur base d'une note fournie par le Secrétariat Général du Conseil.

3. Annual Discharge procedure
10491/1/11 REV 1 FIN 344

The Presidency informed the Committee about the decision of the European Parliament to postpone discharge to the Council for the year 2009.

The Committee approved the draft letter to the President of the European Parliament and mandated the Presidency to take contact in the coming months with the relevant EP members to explain the position of the Council.

4. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 20 June 2011

The Committee agreed the provisional agenda for this Council meeting.

5. Proposal for a Decision of the European Parliament and of the Council granting an EU guarantee to the European Investment Bank against losses under loans and guarantees for projects outside the European Union
10819/11 ECOFIN 298 RELEX 581 CODEC 922

The Committee exchanged views on the issues of conditionality, risk capital and references to Kosovo, and agreed on a final package on all issues except the eligibility of Iceland. This agreement will be presented to the European Parliament during the informal trialogue on 1 June 2011.

6. Follow-up to the EU-Japan Summit

The Committee was briefed on the results of the EU-Japan Summit held in Val Duchesse on 28 May 2011.

7. Eastern Partnership Summit (Warsaw, 29-30 September 2011)

- Orientation debate

10780/11 NIS 75 COEST 181 RESTREINT UE

The Committee had an exchange of views on preparations for the Eastern Partnership Summit (Warsaw, 29-30 September 2011) on the basis of a note issued under the responsibility of the Cabinet of the President of the European Council, in close cooperation with the Presidency of the Council, the Commission services, and the European External Action Service (doc. 10780/11 RESTREINT UE).

8. Presentation of the agenda of the Council meeting (Foreign Affairs) on 20 June 2011

The EEAS Chief Operating Officer gave indications on the state of play regarding timing for the Council and content of the agenda items as well as the subject for lunch discussion.

9. Presentation of the agenda of the Council meeting (General Affairs) on 21 June 2011

Le Comité prend acte de la liste des points susceptibles de figurer à l'ordre du jour provisoire de la session du Conseil susvisée.

30. Draft Decision of the European Parliament and of the Council on the list of travel documents entitling the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list
9717/11 VISA 86 CODEC 748 COMIX 296

The Presidency confirmed the conclusions drawn in the Mixed Committee and indicated that the Presidency would proceed on that basis with the European Parliament.

31. Preparation of the Council meeting (Justice and Home Affairs) on 9/10 June 2011

- a) Proposal for a Regulation of the European Parliament and of the Council on establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice**
- **Possible agreement with the European Parliament**
10827/11 JAI 370 SIRIS 57 VISA 95 EURODAC 11 ENFOPOL 177
EUROJUST 86 COMIX 368 CODEC 924

The Committee confirmed the agreement of the Mixed Committee at the level of Senior Officials (1 June 2011) to include in Article 7(4)(b) a reference to Article 4B and to modify recital (6) in order to reflect the consensus among the Member States on the choice of the seat and sites of the Agency and its rational. The Committee also agreed to examine at its next meeting a draft statement of the Council declaring that the inclusion of the text reflecting this consensus in the Regulation only would not constitute a precedent for deciding on the seats of EU agencies in the future.

- b) Proposal for a Regulation of the European Parliament and of the Council amending Council regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX)**
- **Debriefing following the trilogue with EP on 30 May 2011**

The Committee took note of the information provided in the Mixed Committee.

- c) Schengen evaluation of BULGARIA - Draft Council conclusions on completion of the process of evaluation of the state of preparedness of Bulgaria to implement all provisions of the Schengen acquis**
9167/2/11 REV 2 SCHEVAL 76 COMIX 266 RESTREINT UE

The draft Council conclusions will be forwarded to the Council for debate and adoption.

- d) Schengen evaluation of ROMANIA - Draft Council conclusions on completion of the process of evaluation of the state of preparedness of Romania to implement all provisions of the Schengen acquis**
9166/2/11 REV 2 SCHEVAL 75 COMIX 265 RESTREINT UE

The draft Council conclusions will be forwarded to the Council for debate and adoption.

e) **Council conclusions on migration, borders and asylum**
10782/11 ASIM 58

Following an exchange of views on the draft conclusions, the Presidency indicated that it would prepare a revised version in the light of the comments made to date. The Committee invited JHA Counsellors to meet in order to consider that revised draft and to report back to the Committee.

f) **Draft Council conclusions defining the European Union strategy on readmission**
10799/11 MIGR 115

The Committee had an exchange of views on the draft conclusions and decided to come back to this issue at its following meeting on the basis of a revised version.

g) i) **Draft Council conclusions on enhancing the links between internal and external aspects of counter-terrorism**
10336/11 ENFOPOL 157 COTER 45 JAIEX 43 COSI 38 CATS 35

The Committee agreed to submit to the Council the draft Council conclusions as set out in 10336/11 and took note of the following declaration by the DE delegation:

"DE agrees to the text of the Draft Council conclusions on enhancing the links between internal and external aspects of counter-terrorism on the understanding that the CTC will coordinate its respective activities with the High Representative, the EEAS, the EU-Commission and EU Member States."

The FR delegation subsequently associated itself to this declaration.

ii) **EU Counter Terrorism Strategy : Discussion paper**
10622/11 JAI 353 ECOFIN 282 TRANS 155 RELEX 559 ECO 72
PESC 670 COTER 47 ENFOPOL 164 COSDP 517 PROCIV 71
ENER 119 ATO 50 DATAPROTECT 57 TELECOM 76

Delegations generally welcomed the CTC discussion paper set out in document 10622/11 although two delegations expressed hesitations about the mention of Turkey as a model for countries of the Arab world. The CTC explained that this reflected discussion widely found in the Arab world and media and that said paragraph mainly aimed at showing the beneficial influence of EU involvement in the reform of the security and justice sector.

- h) Proposal for a Directive of the European Parliament and of the Council on attacks against information systems, replacing Council Framework Decision 2005/222/JHA**
- **General Approach**
10751/11 DROIPEN 47 TELECOM 82 CODEC 915

The compromise on all elements of the proposal, reached in the Council preparatory bodies was confirmed by the Committee. It was agreed that the text of the proposal, as set out in 10751/11 should be submitted to the Council with a view to adopting a general approach.

- i) Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters**
- **Partial general agreement**
10749/11 COPEN 130 EUROJUST 85 EJM 70 CODEC 914

The Committee examined the outstanding issues submitted to it as set out in 10749/11.

The JHA Counsellors were instructed to further work on the Draft Directive and report to the Committee in the following week.

- j) Proposal for a Resolution of the Council on a Roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings**
- **Adoption**
10788/11 DROIPEN 49 COPEN 131 JUSTCIV 147 ENFOPOL 174
FREMP 64

The Committee examined the draft Resolution. Having taken note of certain issues to be reviewed, a further examination of the text was announced for the meeting of the Committee on 8 June 2011.

- k) Proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certification of Succession**
- **Political guidelines for the future work**
10767/11 JUSTCIV 146 CODEC 918

The outcome of the discussion could be found in 11067/11.

- l) Proposal for a Council Regulation on electronic publication of the Official Journal of the European Union**
10759/11 JURINFO 37 INF 90 JUR 266
10222/11 JURINFO 34 INF 76 JUR 238

The outcome of the discussion could be found in 11136/11.

- m) Accession Agreement of the European Union to the European Convention for the protection of Human Rights and Fundamental Freedoms**
- **State of play**

The Committee took note of the Presidency's intention to present the state of play on this file to the JHA Council on 9/10 June 2011.

- n) Other items in connection with the Council meeting**

The Presidency presented the practical details about the Council meeting on 9/10 June 2011.

32. 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**

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.

50. Debrief of G8 Summit (Deauville, 26/27 May 2011)

The Committee was briefed on the results of the G8 Summit which took place on 26/27 May 2011 in Deauville.

Coreper Part 1

II

41. Setting of the provisional agenda of the Council meeting (Environment) on 21 June 2011

The Committee approved the provisional agenda as set out in 11687/11.

42. Proposal for a Directive of the European Parliament and of the Council amending Directive 97/68/EC as regards the provisions for engines placed on the market under the flexibility scheme (First reading) (Legislative deliberation)

- Preparation for the next informal trialogue
10730/11 ENT 125 ENV 393 CODEC 912 MI 280

The Presidency explained to the Committee the difficulties of the negotiation with the European Parliament and presented a new compromise text annexed to document 10730/11. On the basis of this text the Presidency was mandated to proceed to a third informal trialogue with the European Parliament with a view to reaching a first reading agreement.

43. Proposal for a Council Decision appointing the Alternate of the Chairperson of the Board of Appeal of the Community Plant Variety Office (CPVO)

- Adoption
9633/1/11 AGRILEG 59 REV 1
10441/11 AGRILEG 70

On the basis of the Commission proposal containing three candidates, the Committee decided to recommend to the Council the appointment of Ms Sari HAUKKA as Alternate of the Chair of the Board of Appeal of the said Office.

The Chair concluded that the related draft Council Decision (doc. 10441/11), as finalised by the Legal/Linguistic experts, would be submitted to the Council under an "A" agenda item.

44. Proposal for a Council Decision appointing the President of the Community Plant Variety Office (CPVO)

- Adoption

9632/1/11 AGRILEG 58 REV 1

10444/11 AGRILEG 71

On the basis of the Commission proposal containing three candidates, the Committee decided to recommend to the Council the appointment of Mr Martin EKVAD as President of the said Office.

The Chair concluded that the related draft Council Decision (doc. 10444/11), as finalised by the Legal/Linguistic experts, would be submitted to the Council under an "A" agenda item.

45. 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

10481/11 CONSOM 80 JUSTCIV 138 CODEC 859

The Committee agreed on a mandate for the Presidency for the trialogue on 6 June 2011 based on proposals in document 10481/11, with the following changes:

- Recital (14) linked to Article 2(8) was modified,
- passenger rights should be covered only by Articles 11(1a), 22b and 28b,
- the reference to Article 9(8) in Article 4 was deleted,
- Article 5(1)(h) was modified.

Concerning Article 17(1), a combination of the first part of option 1 and the second part of option 2 was supported by the Committee. As for Articles 17-19, option 2 was supported by the Committee.

46. (a) **Draft Decision of the Representatives of the Governments of the Member States, meeting within the Council, authorising the Presidency of the Council to negotiate, on behalf of the Member States, the provisions of a legally binding agreement on forests in Europe, that fall within the competences of the Member States (*Non-legislative activity*)**
- (b) **Council Decision on the participation of the European Union in negotiations on a legally binding agreement on forests in Europe (*Non-legislative activity*)**
- **Debate**
10824/11 AGRIFORET 20 ENV 399 RELEX 582 PROBA 73
10825/11 AGRIFORET 21 ENV 400 RELEX 583 PROBA 74

The Committee discussed the texts of two Decisions related to the possible participation of the European Union and its Member States in negotiations on a legally binding agreement on forests in Europe.

The Presidency indicated that the Committee would come back to this issue at its meeting on 8 June with a view to reaching final agreement.

47. **Proposal for a Regulation of the European Parliament and of the Council on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area (First reading) (Legislative deliberation)**
- **Preparation for the next informal trilogue**
10330/11 PECHE 129 CODEC 846
10660/11 PECHE 133 CODEC 902

The Committee unanimously approved the mandate for the Presidency as set out in 10330/11 including a draft statement to be included in the Council minutes at the time of adoption.

Several delegations addressed the need for consistency in the Council's approach to delegated acts.

48. **Preparation of the Council meeting (Transport, Telecommunications and Energy) on 16 June 2011**

1. **White Paper - Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system**
- **Policy debate**
8333/11 TRANS 102 MAR 48 AVIATION 74 ENV 247 ENER 72 IND 39
10531/11 TRANS 153 MAR 77 AVIATION 144 ENV 378 ENER 118 IND 70

The Committee endorsed the questions prepared by the Presidency to structure the policy debate on the above mentioned issue to be held at the Transport Council meeting on 16 June 2011.

2. **"The way ahead towards integrated and competitive EU inland waterway transport"**
- **Adoption of Council conclusions**
10284/11 TRANS 147 MAR 73

Le Comité a approuvé le projet de conclusions et a décidé de le transmettre pour adoption au Conseil Transport du 16 juin 2011.

3. **Proposal for a Council Decision on the signing and conclusion of the Agreement between the European Union and the Intergovernmental Organisation for International Carriage by Rail on the Accession of the European Union to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999**
- **Adoption**
12802/09 TRANS 313
10762/2/10 TRANS 152 REV 2 + COR 1
9933/11 TRANS 137

The Committee endorsed the results of the negotiations with OTIF reflected in document 10762/2/10 REV 2 and decided to submit it to the Council for adoption.

49. **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 next trialogue**
10703/11 TRANS 161 DAPIX 57 ENFOPOL 171 CODEC 909

The Committee discussed the compromise package proposed by the Presidency, as in document 10703/11, with a view to preparing the second informal trialogue on 7 June 2011.

- **Any other business**
• **IMO - Election of the Secretary General**
- **Information from the Commission**

The Committee took note of the information provided by the Commission on the upcoming election of the Secretary General of the International Maritime Organisation (IMO).

- **Election of the new Secretary General of the Energy Charter (requested by the IT delegation)**

As the continuation of the last week Committee, the IT was interested to know whether the Presidency would take this issue up with the Italian minister during the TTE Council. The Presidency intends to do that.

- **Extraordinary Competitiveness Council (requested by the UK delegation)**

UK, supported by FR, SE and IT, reiterated their willingness previously expressed at the Competitiveness Council on 31 May to find an agreement on Euratom framework programme and to include this item on the Council agenda of 27 June. The Commission encouraged the Member States to reach agreement on this issue. The Presidency indicated that they are prepared to put the item on the Council agenda as a false B point, in case an agreement is probable.

- **"Interpretation regime during the Council lunches - (TTE)" (requested by the IT delegation)**

The IT delegation raised the point over the linguistic regime during Council lunches.
