



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 6 July 2011

11673/11

CRS/CRP 27

SUMMARY RECORD

**Subject : 2368th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 15-17 June and in Luxembourg on 20 June 2011**

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1. **Adoption of the provisional agenda and items "I"**
doc. 11496/11 OJ/CRP1 22
11489/1/11 REV 1 OJ/CRP2 22 COMIX 404
+ CM 3512/11 + CM 3519/1/11 REV 1

The above mentioned agendas are approved with the following changes :

The following items are **added** :

(Coreper Part 2, under II)

69. **Preparation of the Council meeting (General Affairs) on 21 June 2011**
d) (poss.) Croatia

(Coreper Part 2, under I)

76. **Enlargement**
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11802/11 ELARG 57
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11804/11 ELARG 59
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= **Chapter 26 : Education and Culture**
11805/11 ELARG 60

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

38. **The Single Market Act - Priorities for re-launching the Single Market**
- **Draft Council conclusions**
11272/11 ECOFIN 347 UEM 132

70. a) **Council Decision amending Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus**
b) **Council Regulation amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus**

11182/11 PESC 729 COEST 194 FIN 382 COMEM 187 COARM 96

+ ADD 1 RESTREINT UE

11204/11 PESC 732 RELEX 624 COEST 196 FIN 384 COMEM 188

COARM 97

+ ADD 1 RESTREINT UE

11202/11 PESC 731 RELEX 623 COEST 195 FIN 383 COMEM 186

COARM 95

OR

11746/11 PESC 795 COEST 216 FIN 421 COMEM 189 COARM 98

+ ADD 1 RESTREINT UE

11747/11 PESC 796 RELEX 668 COEST 217 FIN 422 COMEM 190

COARM 99

+ ADD 1 RESTREINT UE

11748/11 PESC 797 RELEX 669 COEST 218 FIN 423 COMEM 191

COARM 100

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

20. Proposal for a Directive of the European Parliament and of the Council on consumer rights (First reading) (Legislative deliberation)

- Analysis of the final compromise text with a view to agreement
11427/11 CONSOM 98 JUSTCIV 163 CODEC 1009

The Committee endorsed by qualified majority, with Austria abstaining and the United Kingdom having a parliamentary scrutiny reservation, the compromise text as outlined in the Annex to document 11427/11. The Netherlands also provided the following statement :

- "During the negotiations, the NL have continuously tried to achieve a good balance between the interests of the consumer and trader, and administrative burden. On many points the text has moved forward toward the wishes of the EP with the result that the desired balance has reached its limit (to the detriment of the trader). This is reinforced by the introduced minimum harmonization in Chapter 2 and some other articles in Chapter 3. In addition to this, the NL note that the text is no 'sound' legislation since the text is 'diluted' on a number of points (for example: article 10(2aa), 11(1a), recital 21 jo. article 9 (1)(eaaa).
- During the last Committee's meeting, the Netherlands have indicated that it cannot accept the concerned articles 9 (1)(eaaa), 11(2a) and 11(1a).
 - the Netherlands positively consider that the paragraph relating to the obligation of the trader to inform the consumer of the costs of delivery for bulky goods ordered through a distance agreement, in case the consumer would like to use his right of withdrawal, is less stringent by means of the wording of the recital. Nevertheless, the Netherlands still have some concerns with regard to the practical application and implementation.
 - Secondly, the Netherlands are of the opinion that recital 22b (explanation on article 11(2a)) has positively been amended, in the sense that the description how to comply with the obligation to inform on any delivery restrictions has been deleted.
 - The Netherlands, at the end, are satisfied with the wording of article 11 paragraph 1a and the reasoning in its recital since these allow the necessary freedom for the execution in practice. The Netherlands read this provision in the sense that a website complies with the requirements, as long as it is sufficiently clear that the consumer places an order and pays. Dutch websites satisfy in principle to the desired objective (i.e.: consumers know when to pay). The Netherlands therefore assume that current practice will be sufficient to comply with the directive.
 - Nevertheless, the Netherlands still see added value in the compromise text. The internal market is pushed forward, which benefits both the consumer and the trader (particularly in the areas of e-commerce). This added value may be lost if the negotiations continue in the second reading.
 - For this reason, the Netherlands can agree with the text in order to have a first reading agreement."

Malta announced that it will provide a statement when the text is formally adopted by the Council.

The Committee mandated its Chair to communicate this Council's position to the Chair of the European Parliament's IMCO Committee with a view to reaching an agreement at first reading on the above proposal.

21. Preparation of the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 17 June 2011

- **Implementation of the Europe 2020 Strategy (*Non-legislative activity*)
(Public debate pursuant to Article 8 (2) of the Council's Rules of Procedure)**

Contribution to the European Council (23-24 June 2011)

- **Policy debate**
11283/11 SOC 499 ECOFIN 350 EDUC 142

The Committee recommends the Council to hold a policy debate based on the Presidency questionnaire in document 11283/11 and on the documents referred in points (i), (ii) and (iii) below.

(i) Recommendations for Council Recommendations on the National Reform Programmes 2011 to each Member State

- **Political agreement**
10954/11 UEM 131 ECOFIN 304 SOC 454 COMPET 221 ENV 414
EDUC 112 RECH 142 ENER 140
11278/11 SOC 497 ECOFIN 348 COMPET 260 ENV 472 EDUC 140
RECH 177 ENER 178

During the debate, one or other delegation make the following general remarks:

- the work of the Committees has been very effective and rapid;
- the recommendations should deliver a clear and focused message;
- amending the wordings of recommendations aims for the correct framework of national implementation;
- the EPSCO Council should deal with all employment aspects in recommendations, including the ones addressed to individual Member States dealing specifically with the Stability and Convergence Programmes as well as the recommendations addressed jointly to the countries whose currency is euro;
- more attention should be paid to the legal bases of the recommendations, including sanctions related to them;
- in 2012, the timetable should be less tight, allowing more time for the examination of the Commission recommendation by the Council and also by the national parliaments.

The Commission suggests bilateral discussions to solve the remaining open issues in the employment aspects of the recommendations to Member States, suggesting to explain the implementation issues to the Committee at a later stage.

The Chair of the Committee stresses the importance of closing the first European Semester by the end of June.

The results of the work of the Committee can be found in document 11657/11. It agrees to submit the employment-related elements of the country-specific recommendations to the Council with a view to reach a political agreement.

(ii) Examination of the 2011 National Reform Programmes

- **Endorsement of the joint opinion of the Employment Committee and of the Social Protection Committee**
10664/11 SOC 440 ECOFIN 287 EDUC 105

The Committee agrees to submit the joint EMCO/SPC Opinion on the examination of National Reform Programmes (doc. 10664/11) to the Council with a view to its endorsement.

(iii) Employment Performance Monitor

- **Endorsement of the Monitor of the Employment Committee**
10666/11 SOC 442 ECOFIN 288 EDUC 107

The Committee agrees to submit the pilot version of the Employment Performance Monitor (doc. 10666/11) to the Council with a view to its endorsement.

22. Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers (Second reading) (Legislative deliberation)
- **Presidency briefing on the outcome of the informal trialogue**

The Committee was informed by the Presidency about the outcome of the informal trialogue held on 14 June, at which the representatives of the European Parliament, the Council and the Commission reached an agreement of principle, to be endorsed by the respective institutions.

The last issues to be settled concern the deadline for the report of the Commission on the possibility of country of origin labelling for meats (2 years instead of 3 years) and the labelling of:

- a) origin of oils;
- b) allergens;
- c) aspartame.

The Committee will be invited to give its approval to the final compromise at its meeting on 22 June 2011.

23. Preparation of the Council meeting (Environment) on 21 June 2011

- **Proposal for a Regulation of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory (*Legislative deliberation*)**
 - **Progress report**
11326/11 ENV 481 AGRILEG 82 AGRI 440 MI 303 DENLEG 90 CODEC 994

The Committee feels that the progress report presented by the Presidency (doc. 11326/11) constitutes a good basis for the discussion to be held at the next "Environment" Council on 21 June 2011.

- ### **24. Proposal for a Decision of the European Parliament and of the Council on the detailed rules for access to the public regulated service offered by the global navigation satellite system established under the Galileo programme (First reading) (Legislative deliberation)**
- **Analysis of the final compromise text with a view to an agreement**
11376/11 TRANS 190 MAR 92 AVIATION 164 CAB 39 ESPACE 47 CODEC 1006

The Commission informed the Committee that it could confirm its statement as modified at the 8 June meeting of the Committee, which will be included in the minutes of the Council meeting which will adopt the above Decision.

The Committee authorised the Presidency to send a letter to the European Parliament stating that if the Parliament adopts the amended text of the draft Decision exactly in the same form as set out in the Annex to document 11376/11, the Council would adopt the Directive in the form of the Commission proposal as thus amended by the Parliament, subject to previous revision of the text by the legal-linguist experts.

25. 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 informal trialogue

11333/11 TRANS 187 DAPIX 62 ENFOPOL 193 CODEC 998

The Committee discussed the compromise package proposed by the Presidency, as in document 11333/11, with a view to preparing the third informal trialogue on 20 June 2011.

26. 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)

- Presidency briefing on the outcome of the informal trialogue

The Presidency presented orally to the Committee the outcome of the third trialogue with the European Parliament and explained the difficulties of the negotiation. The Presidency insisted that, although the compromise achieved on the main issue - the flexibility percentage - may not be as high as some delegations had asked for, it was still a clear improvement compared to the very low percentage that the ENVI Committee had voted for. It was also stressed that on other important aspects the overall compromise represents a clear step forward in the direction requested by delegations. The complete text of the Directive as amended would be distributed in writing in view of its approval at the next Committee's meeting.

Coreper Part 2

II

65. Follow up of the Council meeting (Justice and Home Affairs) on 9/10 June 2011

The Committee took note of the report of the Presidency on the results of the JHA Council of 9-10 June and of the intended follow-up to be given to certain issues.

One delegation referred to the need of coherence between the Council Conclusions on Borders, Migration and Asylum and the draft European Council Conclusions on the same matter. The Presidency underlined that the draft European Council Conclusions are of the responsibility of the President of the European Council.

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

- Outstanding issues

10978/1/11 REV 1 DROIPEN 50 COPEN 139 CODEC 946

The Committee has been invited to give further guidance on the way forward on the remaining outstanding issues.

67. Draft Agreement between the United States of America and the European Union on the use and transfer of Passenger Name Record data to the United States Department of Homeland Security (restricted session)

10453/11 JAI 343 USA 43 DATAPROTECT 56 RELEX 542 RESTREINT UE

The Commission introduced the draft PNR agreement it had negotiated with the USA, emphasising the positive achievements. A few delegations indicated that they could accept the text, but a majority of delegations encouraged the Commission to seek further improvements on a number of important issues. The Commission stated that it would pursue its efforts with the USA on the points that were most vital to delegations. It was decided that a JHA Counsellors meeting would be convened in order to study the text further.

68. Proposal for a Council Directive (Euratom) on the management of spent fuel and radioactive waste

- Finalisation of policy debate

11428/11 ATO 64 ENV 519

11351/11 ATO 63 ENV 482

The Committee confirmed the unanimous agreement of delegations on the text set out in 11428/11, with SE abstaining, and took note of the Commission's remaining concerns as regards the export of radioactive waste to third countries for disposal and of its intention to make a statement for the minutes of the Council at the time of formal adoption of the Directive. On that basis the Chair concluded that the text could be finalised with a view to its adoption once the EP opinion is available.

69. Preparation of the Council meeting (General Affairs) on 21 June 2011

a) Preparation of the European Council (23/24 June 2011)

= Draft conclusions

9981/11 CO EUR-PREP 18

The Committee examined the draft European Council conclusions. On the basis of this discussion a revised version will be submitted before the General Affairs Council meeting.

b) 18 Month Programme of the Council (1 July 2011 - 31 December 2012)

11447/11 POLGEN 100

The incoming Trio presented the 18 Month Programme, which will be submitted to the Council for endorsement.

c) 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.

d) (poss.) Croatia

The Presidency indicated the handling of this item in view of the upcoming General Affairs Council meeting, aiming at the conclusions of the accession negotiations with Croatia by the June European Council.

70. a) **Council Decision amending Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus**
- b) **Council Regulation amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus**
- 11182/11 PESC 729 COEST 194 FIN 382 COMEM 187 COARM 96
+ ADD 1 RESTREINT UE
- 11204/11 PESC 732 RELEX 624 COEST 196 FIN 384 COMEM 188 COARM 97
+ ADD 1 RESTREINT UE
- 11202/11 PESC 731 RELEX 623 COEST 195 FIN 383 COMEM 186 COARM 95
- OR**
- 11746/11 PESC 795 COEST 216 FIN 421 COMEM 189 COARM 98
+ ADD 1 RESTREINT UE
- 11747/11 PESC 796 RELEX 668 COEST 217 FIN 422 COMEM 190 COARM 99
+ ADD 1 RESTREINT UE
- 11748/11 PESC 797 RELEX 669 COEST 218 FIN 423 COMEM 191 COARM 100

The Committee notes that the adoption of the above-mentioned Council Decision and Council Regulation depends on the outcome of the discussion on item 74 i) Relations with Belarus - Draft Council Conclusions, which the Committee decides to refer to the Council (Foreign Affairs) on 20 June for discussion.

71. Preparation of the Council meeting (Economic and Financial Affairs) on 20 June 2011

- a) **Legislative proposals on 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**
- **Updated general approach**
- 11481/11 ECOFIN 419 UEM 196 CODEC 1015
- 11477/11 ECOFIN 416 UEM 193
- 11480/11 ECOFIN 418 UEM 195 CODEC 1014
- 11484/11 ECOFIN 421 UEM 198 SOC 564 CODEC 1017
- 11482/11 ECOFIN 420 UEM 197 SOC 563 CODEC 1016
- 11478/11 ECOFIN 417 UEM 197

The Presidency informed the Committee of the state of play regarding the trialogues conducted with the representatives of the European Parliament, and in particular on the remaining outstanding issues. The Committee held an exchange of views in preparation of the Council meeting of 20 June 2011.

b) 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

11551/11 ECOFIN 426 RELEX 652 CODEC 1024

The Committee discussed several options for a draft statement on the EEA obligations of Iceland in preparation for the Council of 20 June 2011.

c) Directive on Deposit Guarantee Schemes (recast)

- General approach

11359/11 EF 87 ECOFIN 360 CODEC 1002

11360/11 EF 88 ECOFIN 361 CODEC 1003

Following a discussion, the Committee agreed on a general approach (doc. 11359/11).

UK and FR made the following statement :

"The compromise proposed by the Presidency includes a target level of 0,5 % of covered deposits and foresees the power for DGS funds to be used for resolution purposes. According to France and the UK, it is clear that this directive will close the issue of resolution funding and that there should be no further proposals for additional resolution funds or increases in the target level of DGS in the context of the forthcoming crisis management directive.

On this condition, we can support the compromise proposed by the Presidency."

d) Regulation on OTC derivatives, central counterparties and trade repositories

- General approach

11467/11 EF 89 ECOFIN 414 CODEC 1012

11058/1/11 REV 1 EF 81 ECOFIN 314 CODEC 966

The Committee agreed to submit the file to Council (ECOFIN) for a focused orientation debate.

e) Quality management for European Statistics

- Draft Council conclusions

11361/11 STATIS 54 ECOFIN 362 UEM 138

The Committee agreed on a revision to the draft Council conclusions (doc. 11361/11) and decided to forward the revised draft Conclusions to the Council for adoption.

- 38. The Single Market Act - Priorities for re-launching the Single Market (transferred from part I)**
- **Draft Council conclusions**
11272/11 ECOFIN 347 UEM 132

FR requested modifications to the draft Communication. FR wants to align the text with the Competitiveness Council conclusions, which according to them is clearer concerning the principle of reciprocity. The draft Communication was sent back to the EFC.

- f) European Semester**
- **Council Recommendations (on the Integrated Guidelines for the economic policies of the Member States and of the Union)**
11452/11 UEM 189 ECOFIN 413 SOC 562 COMPET 318 ENV 534
EDUC 199 RECH 234 ENER 234
11491/11 ECOFIN 423 UEM 199 SOC 565 COMPET 321 ENV 537
EDUC 200 RECH 237 ENER 239

The Committee decided to send the files to the Council (ECOFIN) for approval.

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

The Committee finalised the provisional agenda for this Council meeting and reviewed the state of readiness of the agenda items listed.

- 72. Proposal for a Directive of the European Parliament and of the Council amending Directives 98/78/EC, 2002/87/EC, 2006/48/EC and 2009/138/EC as regards the supplementary supervision of financial entities in a financial conglomerate (First reading)**
= **Approval of the final compromise (letter to the European Parliament)**
11334/1/11 REV 1 EF 86 SURE 13 ECOFIN 359 CODEC 999
+ ADD 1 REV 1
11332/11 EF 85 SURE 12 ECOFIN 358 CODEC 997

The Committee:

- approved the text of the final compromise and confirmed that the Presidency could indicate to the European Parliament that the final compromise text would be approved by the Council, should the Parliament adopt the corresponding position at first reading and insert a statement into its legislative resolution, as reproduced in 11334/1/11 REV 1.

- approved the following draft Council statement:

"It is hereby declared that the agreement reached on this specific case between the Council and the European Parliament in the trialogue of 1 June 2011 concerning the Directive of the European Parliament and of the Council amending Directives 98/78/EC, 2002/87/EC, 2006/48/EC and 2009/138/EC as regards the supplementary supervision of financial entities in a financial conglomerate, due to the specificities of this dossier, does neither prejudice the position of the Council, nor the outcome of inter-institutional negotiations on correlation tables."

73. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 12 July 2011

The Committee agreed the provisional agenda for this Council meeting.

74. Preparation of the Council meeting (Foreign Affairs) on 20 June 2011

a) Sudan

- Draft Council conclusions

11625/11 PESC 781 COAFR 184 ACP 144 COHOM 168 COJUR 10
COHAFA 63

The Committee agreed the draft Council conclusions on Sudan (doc. 11625/11) and forwarded them to the Council with a view to their adoption on 20 June 2011.

b) Southern Neighbourhood : recent developments

The Committee took note of the information brief by the Secretary General Pierre Vimont regarding the intentions of the HR on how to conduct the discussions on Southern Neighbourhood at the Council.

c) Middle East Peace Process

The Committee took note of the information brief by the Secretary General Pierre Vimont regarding the intentions of the HR on how to conduct the discussions on Middle East Peace Process over the lunch session at the Council.

d) Syria

- Draft Council conclusions

11675/11 COMAG 78 PESC 789 COHAFA 66

The Committee examined the draft Council conclusions on Syria as set out in 11675/11 and following the discussion and with an amendment to paragraph 8 agreed the text as set out in 11675/1/11 REV 1 and submitted it to the Council for adoption.

e) Yemen

- Draft Council conclusions

11617/11 COMEM 184 PESC 776

The Committee examined the draft Council conclusions on Yemen, agreed the text as set out in 11617/11 and submitted it to the Council for adoption.

f) Libya

- Draft Council conclusions

11797/11 COMAG 80 LIBYE 22 PESC 801 JAI 435 COHAFA 68
POLMIL 31

The Committee examined the draft Council conclusions on Libya, agreed the text as set out in 11797/11 and submitted it to the Council for adoption.

g) Conflict Prevention

- Draft Council Conclusions

11531/11 COSDP 587 PESC 763 CIVCOM 301 RELEX 646 COPOL 33

The Committee examined the draft Council conclusions on Conflict Prevention, agreed the text as set out in 11531/11 and submitted it to the Council for adoption.

h) Albania

- Draft Council conclusions

11519/11 COPS 257 PESC 759 COPOL 31 COWEB 134

The outcome of this item is reflected in 11839/11.

i) Relations with Belarus

- Draft Council conclusions

11621/11 COEST 212 PESC 779 RELEX 659

The Committee had an exchange of views on the basis of document 11621/11. The outcome of this item is reflected in 11828/11.

j) European Neighbourhood Policy strategic review

- Draft Council conclusions

11486/2/11 REV 2 NIS 83 COEST 208 MED 25 COMAG 76

The Committee had an exchange of views on the basis of document 11486/1/11 REV 1. It decided to return to the draft Council Conclusions at its meeting on 20 June 2011 in Luxembourg on the basis of a revised text (11486/2/11 REV 2). The final outcome of the discussion by the Committee on this item is reflected in 11833/11.

k) 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.

75. Relations with Russia

- EU-Russia Summit (Nizhnii Novgorod, 9-10 June 2011) : Debrief

The Committee was debriefed by the Presidency on the outcome of the EU-Russia Summit held in Nizhnii Novgorod, Russia on 9-10 June 2011.

- Any other business

- **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (Miscellaneous Amendments 2010) (*Legislative deliberation*)**

Stressing that the conditions were met for the Council (EPSCO) to reach a general approach on this item, IT with the support of BE, EL, FR, MT, PL, PT and UK, expressed disappointment about the Presidency's decision to present a progress report to the Council in the light of the outcome of Committee's discussions on 9 June 2011.

CY, DE, DK, IE, FI, LU and SE supported the Presidency's approach as they felt there was a need to further clarify the outstanding issues given their political sensitivity. FR expressed dissatisfaction that its proposed amendment concerning the second paragraph of Article 14(5a) of Regulation No 987/2009, as set out in 10641/11, had not been taken over in the Presidency's overall compromise text and recalled that this amendment had been agreed in Committee on 9 June, subject to a couple of scrutiny reservations.

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