



**COUNCIL OF
THE EUROPEAN UNION**

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12120/11

CRS/CRP 28

SUMMARY RECORD

**Subject : 2369th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
(Part 1) held in Brussels on 22 June 2011**

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 - (d) n° P-003818/2011 put by Niki Tzavela
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5. Proposal for a Council Decision on the conclusion and provisional application of the Cooperation Agreement on Satellite Navigation between the European Union and its Member States and the Kingdom of Norway

7. Proposal for a Council Decision laying down simplified rules and procedures on sanitary controls of fishery products, live bivalve molluscs, echinoderms, tunicates, marine gastropods, by-products thereof and products derived from these by-products coming from Greenland
8. Proposal for a Council implementing Regulation terminating the anti-dumping measures applicable to imports of coumarin originating in the People's Republic of China
9. Proposal for a Council Recommendation on policies to reduce early school leaving
10. Proposal for a Council Recommendation: Youth on the move – promoting the learning mobility of young people
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1. Adoption of the provisional agenda and items "I"
doc. 11809/11 OJ/CRP1 23

The above mentioned agenda is approved with the following changes :

The following items are **withdrawn** :

(Coreper Part 1, under I)

6. Draft Commission Regulation (EU) No .../...of [...] laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council

- Decision not to oppose the adoption

8678/11 AVIATION 86

11637/11 AVIATION 172

11. EU Annual Report on Human Rights and Democracy in the World in 2010

- Adoption

11500/11 COHOM 164 PESC 756 COSDP 583 FREMP 67 INF 102 JAI 414
RELEX 641

11501/11 COHOM 165 PESC 757 COSDP 584 FREMP 68 INF 103 JAI 415
RELEX 642

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

13. Preparation for the extraordinary Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 27 June 2011

1. **Proposal for a Regulation of the Council and the European Parliament implementing enhanced cooperation in the area of the creation of unitary patent protection (*Legislative deliberation*)**
 - **General approach**
9224/11 PI 31 CODEC 671
10573/11 PI 52 CODEC 992
2. **Proposal for a Council Regulation implementing enhanced cooperation in the area of unitary patent protection with regard to the applicable translation arrangements (*Legislative deliberation*)**
 - **General approach**
9226/11 PI 32
10573/11 PI 52 CODEC 992

The Committee discussed the main outstanding issues as reflected in the Presidency text set out in 10573/11 and took note of the Presidency's intention to submit a compromise text to the Competitiveness Council on 27 June 2011 with a view to adopting a general approach.

3. **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
11787/11 RECH 243 ATO 70 COMPET 329

The Committee decided to put this item on the agenda of the Agriculture and Fisheries Council on 28 June 2011 for its adoption as an A item (doc. 12009/11).

14. **Proposal for a Council Regulation on a European private company (*Legislative deliberation*)**
 - **Preparation for political agreement**
11252/08 DRS 17
11786/11 DRS 89 SOC 580

This item was withdrawn from the agenda.

15. 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)

- **Presidency briefing on the outcome of the informal trialogue**
- **(poss.) Analysis of the final compromise text with a view to an agreement**

The Presidency briefly informed the Committee on the successful outcome of the third trialogue with the European Parliament and the Commission on the above file, held in Brussels on 20 June 2011. The results of the trialogue are reflected in document 11846/11.

The Committee was then invited to allow the Presidency to send a letter to the European Parliament stating that if the Parliament adopts the amended text of the draft Directive exactly in the same form as set out in the Annex to document 11846/11, the Council would, in accordance with Article 294(8) TFEU, approve the amendments of the European Parliament, subject to previous revision of the text by the legal-linguist experts.

16. Proposal for a Regulation of the European Parliament and of the Council on energy market integrity and transparency (First reading) (Legislative deliberation)

- **Presidency briefing on the outcome of the informal trialogue**
- **Preparation of the next informal trialogue**

10753/1/11 REV 1 ENER 132 ECOFIN 293 CODEC 916

Following the Presidency debriefing on the first informal trialogue that took place on June 16 the Committee was able to agree on a broad mandate for the second trialogue on June 23. This mandate will be based on the text set out in the 3rd and 4th columns of document 10753/1/11 REV 1 with the addition of a reference to Regulation 713/2009 in recital 20a. On that occasion the Committee took note of:

- IE's concerns regarding the implementation of art. 13 in relation with recital 23. In this respect the Council Legal Service, recalling its earlier opinions, confirmed that the second sentence of art. 13 does not constitute an harmonisation of penalties ;
- the Commission concerns regarding the second sentence of art. 15a(2) which could block the procedure for adopting certain delegated acts and should be deleted.

- 17. 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)**
- **Analysis of the final compromise text with a view to agreement**
11663/11 ENT 138 ENV 548 CODEC 1042 MI 312

The Committee held a short discussion on document 11663/11 containing the compromise text of the Directive as amended following the third trialogue with the European Parliament. Although it became evident that the majority of delegations could support this text, it was decided to postpone its approval for the next Committee meeting when delegations will have received the draft joint statement by the European Parliament and the Council on correlation tables which was being negotiated at the moment.

- 18. Memoranda of Understanding on the Conservation of Migratory Sharks and Birds of Prey under the Convention on the Conservation of Migratory Species of Wild Animals**
- **Adoption of Council conclusions**
5199/11 ENV 13 PECHE 4 + ADD 1 + ADD 2
11715/11 ENV 557 PECHE 159

The Committee agreed to submit the text of the draft Conclusions, as set out in the annex to document 11715/11, to the Council for adoption as an "A" item on the agenda of one of its forthcoming sessions.

The Commission announced that it will make a statement at the moment of the adoption.

- 19. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (First reading) (Legislative deliberation)**
- **Presidency briefing on the outcome of the informal trialogue**
 - **Analysis of the final compromise text with a view to agreement**
11661/11 CONSOM 102 MI 310 CODEC 1040

The Committee endorsed unanimously the final compromise amendments to the Commission's proposal as outlined in the Annex to document 11661/11.

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.

- 20. Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers (Second reading) (Legislative deliberation)**
- **Analysis of the final compromise text with a view to agreement**
11623/11 DENLEG 94 SAN 124 CONSOM 100 CODEC 1035 AGRI 453

Delegations agreed to the compromise package as set out in 11623/11 + ADD 1.

The Commission considered that the second subparagraph of Article 46(2) required a justification in the recitals and it also proposed an alternative wording for Article 46 (2).

However, the Committee agreed by unanimity with the compromise text of Article 46 as set out in 11623/11 + ADD 1.

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

21. Preparation for the Council meeting (Agriculture and Fisheries) on 28 June 2011

- **Communication from the Commission concerning a consultation on Fishing Opportunities (*Non-legislative activity*)**
 - **Presentation by the Commission**
 - **Exchange of views**
10836/11 PECHE 135
11261/11 PECHE 152

The Committee prepares the exchange of views on the Communication on Fishing Opportunities.

22. Proposal for a Council Decision on the signing, on behalf of the European Union, and provisional application of the Protocol setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco

- **Adoption**
11121/11 PECHE 140
11225/11 PECHE 145
11455/11 PECHE 155

23. Proposal for a Council Decision on the conclusion of a Protocol setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco

- **Request by the Council for the consent of the European Parliament**
11122/11 PECHE 141
11226/11 PECHE 146
11455/11 PECHE 155

24. Proposal for a Council Regulation concerning the allocation of the fishing opportunities under the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco

- Adoption

11137/11 PECHE 142

11229/11 PECHE 148

11455/11 PECHE 155

The Committee examines the package of three proposals aiming at putting into force a new fisheries protocol with Morocco, which was initialled on 25 February 2011 and covers the period 28 February 2011 to 27 February 2012. These points are examined to establish whether a qualified majority exists in favour of the proposals.

The Commission representative presents the Commission's analysis of the question of benefits to the region. The Commission considers on the basis of the information received that the agreement provides socio-economic benefits for the region, including Western Sahara.

EE, ES, FR, IT, LV, MT and PT consider the contents of the protocol in line with the mandate and support its adoption. DK and SE indicate that they will probably vote against the proposals. UK expects to abstain.

AT, DE, FI, IE and NL reserve their position while scrutinizing the information available.

The Presidency concludes that no qualified majority exists at the moment while recognising that several delegations have yet to finalise their position. The Presidency will decide on the further handling of this text once the position of delegations with scrutiny reservations is known.

25. Proposal for a Council Regulation on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area (First reading) (Legislative deliberation)

- Presidency briefing on the outcome of the third informal dialogue

The Presidency informs the Committee that an agreement on the outstanding issue of delegated acts was found on 21 June 2011. The necessary procedures will now be launched in order to ensure the adoption of the proposal.

- **Any other business**
 - **Council meeting on Transport on 16 June 2011**
 - **Information from the Presidency on the exchange of views held on the "Aviation/ETS implementation"**

The Committee took note of the information provided by the Presidency on the exchange of views Transport Ministers held on the implementation of the EU-Emissions Trading System in the aviation sector.

As the EU is coming closer to the start of the aviation ETS, tension with third countries, in particular with China, USA and Russia, is rising. The Commission in its intervention at the Council meeting did not deny the seriousness of this problem, but made also very clear that it will continue to develop the implementing legislation as planned and foreseen in the Directive. Ministers underlined that Europe has to stick to its legislation as there is no alternative to the full implementation of the ETS Directive. They, however, urged the Commission to enter quickly into serious negotiations with third countries to find solutions which guarantee a harmonized application and a level playing field. Ministers shared the opinion that the EU should continue to strive for a global solution within the ICAO.

- **Contributions from 8 delegations concerning the content of upcoming Staff Regulations Review**

DE presented a joint paper from eight delegations (AT, DK, FI, FR, DE, NL, SE, UK) addressed to the Commission concerning the content of upcoming Staff Regulations Review. Apart from the 8 delegations, ten others expressed their support for the paper or associated themselves with the eight delegations. PL indicated that they would ensure the transparent character of discussions and that discussions should start only when the Commission has submitted its proposals. The Polish authorities have decided to deal with the reform of the statute in Coreper II, whereas Coreper I would continue to deal with the yearly adjustment of remunerations. The Commission representative, taking note of the paper and interventions, recalled that the current method expires at the end of 2012. The proposal would be adopted once the consultations with the Trade Unions will have taken place. No precise date is foreseen, but the aim is to adopt the proposal before the end of the year. She recalled that the proposal will be subject to the ordinary legislative procedure and considered that the work on the proposal will be a lengthy and complicated process.