



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 September 2012

12352/12

CRS/CRP 26

SUMMARY RECORD

**Subject : 2416th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 9 and 11 July 2012**

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 - (a) n° E-003897/12 put by Ramon Tremosa i Balcells
"Public enterprise debt in Spain"
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"Withdrawal from circulation of a Slovenian anti-Italian commemorative coin"
 - (c) n° E-004376/12 put by Martin Ehrenhauser
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Appointment of Mr Per EWALDSSON, Swedish alternate member, in place of Ms Anna BILLGREN, who has resigned
45. Advisory Committee on Safety and Health at Work
Appointment of Ms Karin FRISTEDT, Swedish alternate member, in place of Ms Karin KARLSTRÖM, who has resigned
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1. Adoption of the provisional agenda and "I" items

doc. 12321/12 OJ/CRP1 26

12269/1/12 REV 1 OJ/CRP2 26

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

The following items are **added** :

(Coreper Part 2, under I)

39. Political and Security Committee Decision EUBAM Rafah/1/2012 on the appointment of the Head of Mission of the European Union Border Assistance Mission at the Rafah Crossing Point (EU BAM Rafah)

12178/12 COPS 242 PESC 860 CIVCOM 262 COSDP 573 RELEX 635

JAI 502 PSC DEC 12 COMEM 229 EUBAM RAFAH 22

11227/12 COPS 202 PESC 722 CIVCOM 224 COSDP 485 RELEX 533

JAI 415 PSC DEC 5 COMEM 202 EUBAM RAFAH 20

40. Political and Security Committee Decision EUPOL COPPS/1/2012 on the appointment of the Head of Mission of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS)

12174/12 COPS 241 PESC 859 CIVCOM 261 COSDP 571 RELEX 634

JAI 501 COMEM 228 PSC DEC 11 EUCOPPS 17

11228/12 COPS 203 PESC 723 CIVCOM 225 COSDP 486 RELEX 534

JAI 416 COMEM 203 PSC DEC 6 EUCOPPS 14

52. Council Decision amending Decision 2010/279/CFSP on the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)

12385/12 PESC 893 COSDP 595 JAI 512 COASI 129 EUPOL/AFG 23 CIVCOM 277
RELEX 652

+ COR 1

11336/1/12 REV 1 PESC 730 COSDP 495 JAI 426 COASI 110 EUPOL/AFG 16
CIVCOM 228 RELEX 539 OC 317

53. Concept of Operations (CONOPS) for a regional maritime capacity building CSDP mission in the Horn of Africa and the Western Indian Ocean

12310/12 COSDP 587 COPS 250 CIVCOM 271 PESC 882

COAFR 201 RESTREINT UE

12306/12 COPS 248 CIVCOM 269 COSDP 585 PESC 880

COAFR 200 RESTREINT UE

54. Update on Europa building project. Consequence of discovery of ground pollution on the site

12401/12 IMM 3

55. EU Priorities for cooperation with the Council of Europe in 2012-2013

12412/12 COSCE 23 PESC 895 COHOM 175

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

Coreper Part 2

II

9. Preparation of the Council meeting (Economic and Financial Affairs) on 10 July 2012

- a) **Economic governance - Two pack**
 - **Orientation debate**

The Presidency informed the Committee about the discussions at the AHWG and the Presidency plans to have a Council discussion on the item on 10 July 2012.

- b) **Follow-up to the European Council on 28-29 June 2012**
 - **Exchange of views**

The Presidency informed the Committee on how the Presidency envisages structuring the debate at the ECOFIN on 10 July 2012. The focus will in particular be on banking supervision, where the Commission is expected to present its plans for the next few months, following the European Council.

- c) **European Semester process**
 - **Exchange of preliminary views**
11944/12 UEM 246 ECOFIN 657 SOC 621 COMPET 477 ENV 584
EDUC 234 RECH 307 ENER 334

The Committee agreed that the document prepared by the EFC will be sent to the Council on 10 July 2012 for discussion.

- d) **Implementation of the Stability and Growth Pact**
 - **Council Recommendation to Spain with a view to bringing an end to the situation of an excessive government deficit**
= **Adoption**
12170/12 ECOFIN 668 UEM 251
12171/12 ECOFIN 669 UEM 252

The Presidency suggested adding the item to the July 2012 ECOFIN agenda but the Committee did not agree. It took note of the preparations by the Economic and Financial Committee and of the fact that the delegations had no comments as to the text of the draft Recommendation. However, the Presidency informed the Committee that, at the beginning of the July ECOFIN, it would still propose adding this item to the agenda.

e) 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.

32. Draft budget of the European Union for the financial year 2013

- Council position

12278/12 FIN 509

+ ADD 1

+ ADD 2

+ ADD 3

12279/12 FIN 510

+ ADD 1

+ ADD 2

After the intervention of the Commission and an exchange of views, the Committee confirmed, by a qualified majority (the Netherlands, Sweden and the United Kingdom voting against, Austria abstaining), the outcome of the proceedings of the Budget Committee as set out in documents 12278/12 FIN 509 + ADD 1 + ADD 2 + ADD 3 and 12279/12 FIN 510 + ADD 1 + ADD 2. It noted that the draft Council's position on the draft budget for 2013 will be submitted to the General Affairs Council on 24 July 2012 for adoption as an "A" item.

The Austrian, Danish, Dutch, Finnish, French, German, Swedish, United Kingdom and Polish delegations indicated that they would present unilateral statements to be entered in the Council minutes.

33. Preparation of the Council meeting (Foreign Affairs) on 23 July 2012

- Other items in connection with the Council meeting

The Committee received a debrief by EEAS DSG Popowski on the provisional agenda of the FAC on 23 July 2012, to consist of the following items:

1. Southern Neighbourhood: Syria, Libya, Egypt;
2. Sudan/South Sudan: exchange of views before the expiration of AU/UNSC deadline for the roadmap;
3. Sahel: discussion on the deteriorating situation on the ground;
4. CSDP, including on the basis of the CSDP Report by the HR;
5. (poss.) DRC.

FAC will start at 9h30 and will finish with lunch. The lunch discussion will be an orientation debate on Energy and EU Foreign Policy, with Commissioner Oettinger, on the basis of joint EEAS/Commission Non-paper.

Requests by delegations:

- three delegations requested to add a discussion on the Eastern Partnership;
- two delegations requested the adoption of Council conclusions on Lebanon;
- three delegations expressed the need to send a political message on Zimbabwe, following agreement on the issue of Article 96 measures.

34. Preparation of the Council meeting (General Affairs) on 24 July 2012

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

Le Comité fait le point de l'état de préparation des autres points figurant à l'ordre du jour provisoire de la session du Conseil Affaires générales du 24 juillet 2012.

35. Follow-up to the Council meeting (Economic and Financial Affairs) on 10 July 2012

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

- One of the main items was the follow-up to the European Council, in particular as regards the issue of the single supervisory mechanism.
- The Council discussed at length the process of improving the next cycle of the European semester. The Council also adopted all the documents related to European Semester and took note of individual national declarations.
- The Presidency presented its programme. It included comments by the ECOFIN Chair on the Financial Transaction Tax (FTT) which will be reflected in the Council minutes.

36. Proposal for a Regulation of the European Parliament and of the Council on the marketing and use of explosives precursors (First reading)

- **Analysis of a compromise text with a view to agreement**
11990/12 COMPET 478 CHIMIE 56 ENFOPOL 214 ENV 587 MI 461
ENT 163 UD 186 CODEC 1797

The Committee reached agreement on the compromise package set out in document 11990/12 and agreed to mandate the Presidency to inform the European Parliament accordingly. It was noted that the Austrian and German delegations abstained from voting.

The Commission informed the Committee that it objected to the compromise package for reasons of principle since it held that the Common Understanding on delegated acts had not been fully respected.

The German delegation submitted the following unilateral statements :

"1. In view of both recital 4 and our understanding that it is not the objective of this Regulation to prohibit other measures taken by Member States to protect the public from the risks posed by the listed chemicals and particularly from the health risks involved, Germany regrets that it was not possible to make it clear, in either the wording of the Regulation or in the recitals, that existing European or national provisions, particularly those on the protection of health, remain unaffected. We acknowledge that recital 4 has been amended to include a reference to existing provisions for the protection of the environment and of workers' safety as an alternative to any such regulation. However, the reference to rules concerning workers' safety does not go far enough.

2. Germany points out that a greater harmonisation of the rules on the labelling of affected products would have been desirable with a view to the internal market and the avoidance of unnecessary bureaucracy for businesses. In addition, in line with the purpose of the Regulation and in order to avoid red tape, only the distributor should be subject to the labelling requirement provided for in the Regulation."

The Bulgarian delegation indicated that it would submit a unilateral statement for the Council minutes at the time of adoption of the Regulation.

- 37. Amended proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of asylum seekers (Recast) (First reading)**
- **Analysis of draft compromise text resulting from the fifth trilogue with a view to a possible agreement**
12090/12 ASILE 100 CODEC 1824

The Committee endorsed, by a sufficient majority of delegations, the text of the recast of the Reception Conditions Directive as it appears in the annex of document 12598/12.

- 38. Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (First reading)**
- **State of play on the ongoing negotiations**
12168/12 ASILE 101 CODEC 1832

The Committee mandated the JHA Counsellors to examine the outstanding issues and agreed to come back to this item at its next meeting.

Coreper Part 1

II

50. **Proposal for a Regulation of the European Parliament and of the Council implementing enhanced cooperation in the area of the creation of unitary patent protection (First reading) (Legislative deliberation)**
- **Presidency debriefing on the latest state of play**

The Committee was debriefed by the Presidency on the outcome of the latest informal contacts with the European Parliament on this file. It was agreed to revert to this issue in September 2012.

51. (a) **Proposal for a Regulation of the European Parliament and of the Council on European Venture Capital Funds (EuVECA) (First reading) (Legislative deliberation)**
- (b) **Proposal for a Regulation of the European Parliament and of the Council on European Social Entrepreneurship Funds (EuSEF) (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**
 - **Analysis of the final compromise text with a view to agreement**
- 11818/12 EF 153 ECOFIN 641 COMPET 465 IND 116 SOC 608 CODEC 1759

The Committee had a discussion on the state of play of these files and noted that the political agreement reached in the trilogues was not acceptable to a large number of delegations. The Presidency would pursue further contacts with the European Parliament and keep the Committee informed of the outcome of these contacts.

- **Any other business**
 - = **Deadlines for the transposition of EU legislation**
 - **Information from the Netherlands delegation**

NL presented its note on its concerns with transposition deadlines. An exchange of views followed during which the NL approach gained wide support. The Presidency noted the following main stands of the discussion :

- too short deadlines have negative influence on transposition ;
- more attention within the Council is needed to the deadlines when negotiating concrete legislative files. These deadlines should be considered as technical, not as a political issue ;

- further Commission efforts addressing transposition in impact assessments would be welcomed by Member States.

= **Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation**

The Commission, at the request of AT, reported on the latest state of play in relation to efforts to proceed to the signature of the Draft Agreement.

= **Schengen Governance**

The Committee took note of the terms of a proposed communication from the Presidency to the European Parliament on this issue arising from recent contacts.

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