



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 15 July 2011

12395/11

CRS/CRP 30

SUMMARY RECORD

**Subject : 2370th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 29 June 2011**

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"NATO-EU cooperation in Libya and possible extension of the mandate for the EURFOR Libya military operation"
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52. Enlargement

- Accession negotiations with Croatia
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 - Item 2 - Research Fund for Coal and Steel
 - Item 3 - Arrangements for the interim period
 - Item 4 - Implementation and management of pre-accession funds in Croatia
 - Item 5 - Amendments to the statute of the European Investment Bank
 - Item 6 - Arrangement for a partial waiving of entry/exit summary declarations for goods crossing the Neum Corridor
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1. Adoption of the provisional agenda and items "I"

doc. 12125/11 OJ/CRP1 24

12154/1/11 REV 1 OJ/CRP2 24 COMIX 415

The above mentioned agendas are approved with the following changes :

The following items are **withdrawn** :

(Coreper Part 1, under I)

6. Governing Board of the European Foundation for the Improvement of Living and Working Conditions

Appointment of Mr Martin BORG, Maltese member, in place of Mr Santo PORTERA, who has resigned

- Adoption

11886/11 SOC 593

(Coreper Part 2, under II)

53. (poss.) Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) n° 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)

- Analysis of the final compromise text with view to a first reading agreement

The following CRP2 agenda item is **transferred** from Part I to Part II :

32. European Union Civil Service Tribunal

- Draft Council Decision appointing three judges to the European Union Civil Service Tribunal

= Adoption

- Letter to the Chairman of the Selection Committee

9478/11 JUR 199 COUR 20

9003/11 JUR 174 COUR 19

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

51. Enlargement

- **Accession negotiations with Croatia**
 - = **Chapter 33: Financial and budgetary provisions**
12127/11 ELARG 68

Upon the adoption of this item, the Committee agrees to enter into its minutes the following Council declaration. The Committee also agrees that this declaration will subsequently also be entered into the minutes of a future meeting of the Council:

Council Declaration on the Financial and Budgetary Provisions for Croatia's Accession to the EU

"Based on an accession date for Croatia of 1 July 2013, the EU Common Position on Chapter 33 (Financial and Budgetary Provisions) foresees total commitment appropriations of €687.5 million in current prices for Croatia in the second half of 2013. The current EU financial framework covers the period 2007-2013. Article 29 of the current Inter-Institutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management, (2006/C 139/01), 14 June 2006, foresees that if new Member States accede to the European Union during the period covered by the financial framework, the European Parliament and the Council, acting on a proposal from the Commission, will jointly adjust the financial framework to take account of the expenditure requirements resulting from the outcome of the accession negotiations.¹

The Council stresses that the financial package for Croatia has to be firmly inscribed in the EU's general effort for budgetary discipline. In this context, the Council agrees that the financial package for Croatia in 2013 should not require any revision of the EU's overall ceiling for commitment appropriations, which should remain at €127,448 million in 2004 prices. The Commission is invited to prepare its proposal on this basis at the appropriate moment.

This declaration is also without prejudice to the negotiations on the next multi-annual financial framework."

¹ Discussions are currently ongoing between the institutions of the Union on a draft Council Regulation laying down the MFF in accordance with Article 312 TFEU, as well as on possible revisions to the current Inter-Institutional Agreement. The Commission will prepare its proposal for adjusting the financial framework to take account of the expenditure requirements resulting from the outcome of the accession negotiations with Croatia based on the applicable procedures in accordance with the Treaties.

At the request of the Irish, Portuguese and Polish delegations, the following declaration is also entered into the minutes of the meeting of the Committee:

Joint Declaration by Ireland, Portugal and Poland on Council Declaration on Financial Package for Croatia in 2013

"Ireland, Portugal and Poland note that the Council's agreement that the financial package for Croatia in 2013 should not require any revision of the EU's overall ceiling for commitment appropriations is a statement of principle and does not prejudice the Commission's draft Budget 2013 and detailed negotiations on it, in accordance with the procedures established under the Treaties".

52. Enlargement

- **Accession negotiations with Croatia**
 - = **Chapter 35: Other issues**
 - Item 1 - European Development Fund**
 - Item 2 - Research Fund for Coal and Steel**
 - Item 3 - Arrangements for the interim period**
 - Item 4 - Implementation and management of pre-accession funds in Croatia**
 - Item 5 - Amendments to the statute of the European Investment Bank**
 - Item 6 - Arrangement for a partial waiving of entry/exit summary declarations for goods crossing the Neum Corridor**
 - Item 7 - Monitoring and safeguards**
 - Item 8 - Protocol on certain arrangements concerning a possible one-off transfer of Assigned Amount Units issued under the Kyoto Protocol to Croatia, as well as the related compensation**
 - 12128/11 ELARG 69
 - 12129/11 ELARG 70
 - 12130/11 ELARG 71
 - 12131/11 ELARG 72
 - 12132/11 ELARG 73
 - 12133/11 ELARG 74
 - 12134/11 ELARG 75
 - 12135/11 ELARG 76

Upon the adoption of this item, the Committee agrees to enter into the minutes of its meeting the following declarations:

On Item 3 - Arrangements for the interim period:

Statement by Romania

"Considering that there are no explicit procedural rules applicable for the adoption of the future Decision of the Council concerning the EU internal implementing arrangements for Croatia for the interim period, it is Romania's understanding that this Decision is to be adopted by unanimity."

On Item 7 - Monitoring and safeguards:

Statement by the EU Member States

"It is understood that the agreed procedures for the future full application by Croatia of all provisions of the Schengen *acquis* – as they will be included in the Treaty concerning Croatia's accession to the EU – are without prejudice to and have no implications for the decision to be taken by the Council for the full application of the provisions of the Schengen *acquis* in Bulgaria and Romania.

The decision of the Council on the full application of the provisions of the Schengen *acquis* in Bulgaria and Romania shall be taken on the basis of the procedure laid down in that respect in the 2005 Treaty concerning the accession of Bulgaria and Romania to the EU and in line with the Council Conclusions of 9 June 2011 on the completion of the process of evaluation of the state of preparedness of Bulgaria and Romania to implement all provisions of the Schengen *acquis*.

The agreed procedures for the future full application by Croatia of all provisions of the Schengen *acquis* - as they will be included in the Treaty concerning Croatia's accession to the EU - do not create a legal obligation in any context other than that of Croatia's accession Treaty.

A similar declaration shall be included in the Final Act of the Treaty of Accession of Croatia to the European Union."

The Committee also agrees that this declaration will subsequently also be entered into the minutes of a future meeting of the Council.

On Item 8 - Protocol on certain arrangements concerning a possible one-off transfer of Assigned Amount Units issued under the Kyoto Protocol to Croatia, as well as the related compensation:

Statement by the Commission and the Member States

"The Commission and the Member States recognise that the arrangement consisting of a possible transfer of Assigned Amount Units (AAUs) to Croatia followed by a subsequent compensation aimed at ensuring its environmental integrity should in no way constitute a precedent and is due to the historical circumstances that affected Croatia. The Commission and Member States, duly recognising that this possible transfer would come from a surplus of AAUs originated in EU 15 Member States, consider that such a recognition should have a bearing on any future use of such a surplus in view of ensuring their aggregate compliance with their Kyoto target".

Statement by Belgium

"It is Belgium's understanding that such a recognition does not entail any legal effect and that any possible future use of these AAUs should respect the necessary solidarity between Member States".

Statement by the United Kingdom and Germany

"The European Community and the EU15 decided, pursuant to article 4 of the Kyoto Protocol, to fulfil their commitments under article 3 of the Kyoto Protocol jointly and notified the UNFCCC Secretariat accordingly. The United Kingdom and Germany understand that in the event of failure to achieve the total combined level of emission reductions notified in accordance with article 4 of the Kyoto Protocol, individual members of the EU15 shall be responsible for their respective level of emissions as notified in accordance with article 4 of the Kyoto Protocol."

Coreper Part 1

II

19. **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 + ADD 1

The Committee endorsed the compromise text set out in document 11663/11 as well as the draft joint statement by the European Parliament and the Council on correlation tables contained in document 11663/11 ADD 1.

20. **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**
 - **Analysis of the final compromise text with a view to agreement**
12057/11 ENER 259 ECOFIN 456 CODEC 1103

Following the Chair's debriefing on the second trialogue that took place on 23 June, the Committee could confirm its agreement on the text set out in 12057/11 + COR 1, taking note of certain delegations concerns e.g. with respect to art. 1(3b), 13 - in relation with which IE will enter a minute statement - and 15a. The Committee took also note of the Commission's intention to table a statement in relation with the adoption of implementing acts for setting the thresholds referred to in art. 7(1a) and (4a), in spite of the clarification offered by the corrigendum to document 12057/11. The content of the Commission's statement would call for a counterstatement by the Council, as pointed out by the Council Legal Service.

In light of the above the Chair signed the standard letter to the Chairman of the ITRE committee.

21. **Setting of the provisional agenda for the Council meeting (Agriculture and Fisheries) on 19 July 2011**
(For the items in the remit of the Permanent Representative Committee)

The Committee agrees the provisional agenda for the forthcoming Council meeting (Agriculture and Fisheries) on 19 July 2011 as set out in 12844/11.

22. Fisheries Partnership Agreement with Morocco:

- 1. 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
+ ADD 1
- 2. 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
+ ADD 1
- 3. 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 143
11229/11 PECHE 148
11455/11 PECHE 155
+ ADD 1

Following its discussion on 22 June 2011, the Committee reverts to the package of three proposals aiming at putting into force a new fisheries protocol with Morocco in order to establish whether a qualified majority exists in favour of the proposals.

The Danish, Netherlands and Swedish delegations indicate their intention to vote against. The Austrian, Cypriot, Finnish and United Kingdom delegations indicate their intention to abstain.

The Irish and Slovenian delegations associate themselves with the statement by the German delegation. Furthermore, the Danish and Swedish delegations announce they will make individual statements at the time of the adoption.

The Presidency concludes that a qualified majority exists and, consequently:

- 1) the proposals on signing and provisional application as well as on the allocation of fishing opportunities as set out in 11225/11 PECHE 145 and 11229/11 PECHE 148 will be put forward for adoption under an A-item procedure at which point the statements will be included in the minutes of the Council;
- 2) the consent of the European Parliament will be requested on the text of the protocol as set out in the annex to document 11225/11 PECHE 145 with a view to the later adoption of the 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 (doc. 11226/11 PECHE 146) after the signing of the protocol by the parties.

Coreper Part 2

II

32. **European Union Civil Service Tribunal** (transferred from part I)
- **Draft Council Decision appointing three judges to the European Union Civil Service Tribunal**
= **Adoption**
 - **Letter to the Chairman of the Selection Committee**
9478/11 JUR 199 COUR 20
9003/11 JUR 174 COUR 19

The Committee examined the Presidency compromise proposal set out in 9478/11. The Presidency compromise proposal gained the support of a very large majority of delegations, but fell short of a unanimous support.

54. **Proposal for a Directive of the European Parliament and of the Council on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (recast)**
- **Examination of draft compromise text**
11977/11 ASILE 49 CODEC 1087
12011/11 JUR 317 ASILE 51 CODEC 1095

The Committee had an exchange of views concerning this item and agreed to come back to it at its next meeting.

55. **Proposal for a Directive of the European Parliament and of the Council on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State**
11992/11 MIGR 122 SOC 603 CODEC 1092

The Committee agreed on the compromise text as set out in 11992/11 and decided to inform the European Parliament accordingly.

56. Proposal for a Directive on combating the sexual abuse, sexual exploitation of children and child pornography, replacing Framework Decision 2004/68/JHA (First reading)
- Analysis of the final compromise text with view to a first reading agreement
11987/11 DROIPEN 68 JAI 441 CODEC 1091

In the framework of the ordinary legislative procedure, the Committee confirmed agreement at first reading of the Council with the European Parliament and the Commission, on the text of the draft Directive as set out in 11987/11 and gave the Chairman of the Committee the mandate to inform the Chair of the European Parliament's LIBE Committee that, should the European Parliament adopt the amendments to the Commission proposal in the exact form as set out in the consolidated compromise package, the Council would adopt the proposed Directive in the form of the text thus amended, subject to legal-linguistic verification by both institutions.

In this context, Sweden also noted the following:

"Sweden has the intention of interpreting Article 10.3 in accordance with recitals 12a and 12aa. The Directive does not entail any obligation to change national systems governing access to criminal records. Any consent from an individual would thus not be required in the case where Sweden - in accordance with its national law - would exchanging such information. This is applicable regardless of whether the requesting state has rules on consent or not."

57. Follow-up to the Council meeting (Foreign Affairs) on 20 June 2011

The Committee took note of the debrief by the EEAS of the Council meeting (Foreign Affairs) on 20 June 2011.

58. Presentation of the agenda of the Council meeting (Foreign Affairs) on 18 July 2011

The Committee took note of information provided by the President on behalf of the EEAS regarding the agenda envisaged for the FAC on 18 July which will start at 9h30. The two items Pakistan and Afghanistan will be taken over lunch.

In the light of important events in September, a number of delegations underlined the need for the HR to consider to hold a FAC meeting in September. Regarding discussion envisaged by the HR on MAFF, the Committee took also note of interventions of a number of delegations which stressed the competence of the GAC on this matter and underlined that divisive debates in different Council formations would be counter productive.

59. Follow-up to the Council meeting (General Affairs) on 21 June 2011

Le Comité est informé du suivi que la présidence entend donner à la session du Conseil Affaires générales.

60. Presentation of the agenda of the Council meeting (General Affairs) on 18 July 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.

61. Follow-up to the European Council on 23-24 June 2011

The Committee ensured the follow-up to the European Council on 23-24 June 2011.

62. Follow-up to the Council meeting (Economic and Financial Affairs) on 20 June 2011

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

63. Preparation of the Council meeting (Economic and Financial Affairs) on 12 July 2011

- Other items in connection with the Council meeting

The Committee reviewed the state of readiness of the agenda items listed.

64. Relations with the European Parliament (July 2011)

11876/11 PE 277 INST 324 POLGEN 103 CODEC 1061

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.

- Any other business

- **EU-USA Joint Statement on Supply Chain Security (requested by the UK delegation)**

The UK delegation informed the Committee on the signature of the EU-US Joint Statement on supply chain security on 23 June 2011 highlighting that the Commission had acted, by signing the Statement, beyond its powers and without being properly mandated by the Council. This opinion was shared by a number of delegations.

The Commission stressed the non-binding nature of the Joint statement and that it had acted in line with the provisions of the Treaty.

The Committee took note of the Presidency's intention to come back to this issue.

- **Cadre financier pluriannuel**

La Présidence a présenté la manière dont les travaux sur le cadre financier pluriannuel seront organisés au sein du Conseil (doc. 12184/11). Le Groupe des Amis de la Présidence (A.16) a été activé et chargé de l'examen des propositions de la Commission, comme indiqué dans la note de la Présidence.

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