



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 September 2012

12654/12

CRS/CRP 27

SUMMARY RECORD

**Subject : 2417th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 18, 19 and 23 July 2012**

SUMMARY

Page

1. Adoption of the provisional agenda and "I" items 9

Coreper Part 1

I

2. Case before the Court of Justice
Case C-28/12 (European Commission against Council of the European Union)
- Authorisation to produce Council documents and decision on the necessary de-classification
3. Preparation of the ICAO High Level Conference on Aviation Security
(Montreal, 12-14 September 2012)
4. Proposal for a Council Decision on the position to be taken by the European Union within the relevant Committees of the United Nations Economic Commission for Europe regarding the draft Regulations on Lane Departure Warning Systems and on Advanced Emergency Braking Systems
5. Proposal for a Council Decision to authorize the Commission to open negotiations on behalf of the European Union for a new Protocol to the Fisheries Partnership Agreement with the Republic of Côte d'Ivoire
6. Proposal for a Council Regulation amending Regulations (EU) No 43/2012 and (EU) No 44/2012 as regards the protection of the species "giant manta ray" and certain fishing opportunities
7. Proposal for a Directive of the European Parliament and of the Council on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 54 of the Treaty on the Functioning of the European Union, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent (Recast) (First reading) (Legislative deliberation)

II

8. Proposal for a Council Regulation adjusting, from 1 July 2011, the rate of contribution to the pension scheme of officials and other servants of the European Union 13
9. (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)
..... 13

Coreper Part 2

I

10. Proposal for a Regulation of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Recast) (First reading)
11. Proposal for a Regulation of the European Parliament and of the Council introducing emergency autonomous trade preferences for Pakistan (First reading)
12. Special Report N° 6/2012 by the Court of Auditors : "European Union Assistance to the Turkish Cypriot community"
16. Resolutions, opinions and decisions adopted by the European Parliament at its part of session in Strasbourg, from 2 to 5 July 2012
17. Case before the General Court
 - Case T-202/12 Bouchra AL ASSAD v. Council of the European Union
18. Case before the General Court
 - Case T-203/12 Mohamad Nedal Alchaar v. Council of the European Union
19. Approval of Council intervention in case F-42/12
20. Draft Regulation of the European Parliament and of the Council amending the Protocol on the Statute of the Court of Justice of the European Union and Annex I thereto (First reading)
21. Convening of a Conference of the Representatives of the Governments of the Member States
 - Appointment of a Judge to the General Court
22. Partial renewal of the membership of the General Court of the European Union
23. Transparency - Public access to documents
 - a) Complaint 862/2012/RT made by Mr David PRICE to the European Ombudsman
 - b) Confirmatory application made by Ms Joanna HOSA (N° 15/c/01/12)
24. Council Decision appointing a Finnish member of the European Economic and Social Committee
25. Council Decision appointing a Lithuanian member of the European Economic and Social Committee
26. Connecting Europe Facility
 - Organisation of work within the Council in the second semester 2012

27. Commission delegated decision of 29 June 2012 on investigations and fines related to the manipulation of statistics as referred to in Regulation (EU) N° 1173/2011 of the European Parliament and of the Council on the effective enforcement of budgetary surveillance in the euro area
28. Council Decision amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of Banka Slovenije
29. Council Decision addressed to Spain on specific measures to reinforce financial stability
30. Excessive deficit procedure - Adoption of linguistic versions not available at the time of adoption of the act by the Council : Council Recommendation with a view to bringing an end to the situation of an excessive government deficit in Spain
32. Council Implementing Decision authorising Denmark to introduce a special measure derogating from Article 75 of Directive 2006/112/EC on the common system of value added tax
33. Council Decision on the position to be taken by the European Union in the EEA Joint Committee concerning an amendment to Annex XX (Environment) to the EEA Agreement (as regards the Emission Trading Scheme (ETS))
34. Council Decision on the position to be taken by the European Union in the EEA Joint Committee concerning an amendment to Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement (as regards pesticide residues)
35. Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Government of the Russian Federation on trade in parts and components of motor vehicles between the European Union and the Russian Federation
36. Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the government of the Russian Federation regarding the preservation of commitments on trade in services contained in the current EU-Russia partnership and Co-operation Agreement
37. Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation regarding the introduction or increase by the Russian Federation of export duties on raw materials
38. Proposal for a Council Decision on the signing, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the United States of America pursuant to Article XXIV.6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union

39. Council Decision on the conclusion of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, on Conformity Assessment and Acceptance of Industrial Products (CAA)
40. Relations with Israel
 - Adoption of the European Union's position for the Association Council's eleventh meeting (Brussels, 24 July 2012)
41. Relations with Jordan
 - Council Decision on the signing and provisional application of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, on a Framework Agreement between the European Union and the Hashemite Kingdom of Jordan on the general principles for the participation of the Hashemite Kingdom of Jordan in Union programmes
42. Proposal for a Council Decision on the position to be adopted by the EU within the ACP-EU Committee of Ambassadors regarding a decision to reassign part of the unallocated resources of the 10th European Development Fund (EDF) to Intra-ACP cooperation
43. Draft Council Decision on the financial contributions to be paid by the Member States to finance the European Development Fund in 2012, including the 2nd instalment 2012
44. CDE - Centre for the Development of Enterprise
 - a) Decision to terminate the term of office of the Director
 - Appeal against this decision : response letter
 - b) Decision to suspend the Director
 - Appointment of a conciliator on the director's request : response letter
 - c) Disciplinary procedure against the Director
 - Appeal against the decisions taken by the Executive Board of the CDE to bring a disciplinary procedure against the Director and to constitute an ad hoc committee of inquiry for that purpose : response letter
45. Council Decision on the signing, on behalf of the European Union, of the Food Assistance Convention
46. Council Decision on the conclusion, on behalf of the European Union, of the Food Assistance Convention
47. Political and Security Committee Decision EUPOL AFGHANISTAN/1/2012 on the appointment of the Head of Mission of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)
48. Council Decision in support of a process leading up to the establishment of a zone free of nuclear weapons and all other weapons of mass destruction in the Middle East
49. Council Decision in support of ballistic missile non-proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction and of the Council Common Position 2003/805/CFSP

50. Eastern Partnership
 - Joint Statement of the Eastern Partnership Ministerial meeting, Brussels, 23 July 2012
51. Somalia
 - Draft Council conclusions on the Process for Ending Transition
52. Six-monthly Progress Report on the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (2012/I)
53. (poss.) EU Working Paper on the outcome of the 2012 Review Conference on the UN Programme of Action to Prevent, Combat and Eradicate the illicit Trade in Small Arms and Light Weapons in all its aspects
54. Council Decision authorising the opening of negotiations on the status of the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR)
55. Council Decision authorising the opening of negotiations with the Republic of Niger, for an agreement on the status of the European Union CSDP Mission in Niger (EUCAP SAHEL NIGER)
56. Council Decision authorising the opening of negotiations with the Republic of South Sudan, for an Agreement on the Status of the European Union Aviation Security CSDP Mission in South Sudan (EUAVSEC-SOUTH SUDAN)
57. Lebanon
 - Draft Council conclusions
58. Council Decision authorising the opening of negotiations on an arrangement between the European Union, on the one part, and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein, on the other part, on the modalities of the participation by those States in the European Agency for the operational management of large-scale information systems in the area of freedom, security and justice
59. Council Decision concerning the conclusion of the Agreement between the European Union and the Republic of Moldova amending the Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas
60. Council Decision on the signature of the Agreement between the European Union and Ukraine amending the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas
61. Outcome of the SIS II second milestone test

II

13.	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)	14
14.	Proposal for a Decision of the European Parliament and of the Council on the European Year of Citizens (2013) (First reading)	14
15.	Preparation of the Council meeting (General Affairs) on 24 July 2012	
	a) New Multiannual Financial Framework	15
	b) Follow-up to the European Council (28-29 June 2012)	15
	c) Other items in connection with the Council meeting	15
62.	EU-China Summit (Brussels, 20 September 2012)	15
63.	Preparation of the Council meeting (Foreign Affairs) on 23 July 2012	
	a) Southern Neighbourhood	
	i) Syria	16
	ii) Libya	16
	b) Sudan/South Sudan	16
	c) Mali/Sahel	16
	d) (poss.) Democratic Republic of Congo	16
	e) CSDP	17
	f) China	17
	g) Energy and Foreign Policy	17
	h) Other items in connection with the Council meeting	17
64.	Inter-institutional co-operation within the framework of the "Compact for Growth and Jobs"	17
-	Any other business	18

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

doc. 12624/12 OJ/CRP1 27

12515/1/12 REV 1 OJ/CRP2 27 + REV 1 COR 1 + CM 4015/12

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

The following items are **added** :

(Coreper Part 2, under I)

65./discussed under II-63e

Draft Council conclusions on Common Security and Defence Policy

12610/12 COSDP 619 PESC 940 COPS 263

66. High Representative Report on CSDP

12616/12 COSDP 620 PESC 944 CSDP/PSDC 450

12635/12 COSDP 626 PESC 948 CSDP/PSDC 453

67. a) Council implementing Decision implementing Decision 2011/782/CFSP concerning restrictive measures against Syria

b) Council implementing Regulation implementing Article 32(1) of Regulation (EU) N° 36/2012 concerning restrictive measures in view of the situation in Syria

12474/12 PESC 910 RELEX 667 COMEM 260 COARM 185 FIN 576

12611/12 ADD 2 PESC 941 COMEM 251 COARM 182 FIN 543 OC 423
OC 423 RESTREINT UE

12612/12 ADD 2 PESC 942 RELEX 682 COMEM 252 COARM 183 FIN 544
OC 424 RESTREINT UE

68. Case before the Court of Justice of the European Union

- Case A-1/12

= Request by the Commission for an Opinion pursuant to Article 218(11) TFEU on the compatibility of the Anti-Counterfeiting Trade Agreement (ACTA) with the Treaties

- Authorisation to submit written observations on behalf of the Council
12658/12 JUR 410 WTO 272 PI 98 UD 213 DROIPEN 105 JUSTCIV 261
COPEN 175 MI 501

69. Council Decision amending Decision 2011/782/CFSP concerning restrictive measures against Syria

12429/12 PESC 897 COMEM 240 COARM 170 FIN 521

11574/12 PESC 784 COMEM 211 COARM 151 FIN 454 OC 324

70. Restrictive measures against Côte d'Ivoire

- Letter of reply to be sent to lawyers of a listed person

12504/12 PESC 916 RELEX 695 COAFR 209 COARM 178 FIN 531

71. **Zimbabwe**
- **Draft Council conclusions**
12585/12 COAFR 223 ACP 134 RELEX 678 PESC 935
72. **Political and Security Committee Decision EUCAP NESTOR/1/2012 concerning the appointment of the Head of the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR)**
- **Authorisation for publication in the Official Journal**
12701/12 PESC 955 COSDP 634 COAFR 228 EUTRA SOMALIA 40
EUCAP NESTOR 7 PSC DEC 15
11961/12 PESC 832 COSDP 552 COAFR 188 EUTRA SOMALIA 33
EUCAP NESTOR 1 PSC DEC 9
73. **Political and Security Committee Decision EUCAP SAHEL Niger/1/2012 on the appointment of the Head of Mission of the European Union CSDP Mission in Niger (EUCAP SAHEL Niger)**
- **Authorisation for publication in the Official Journal**
12702/12 PESC 956 COSDP 635 COPS 273 COAFR 229 EUCAP SAHEL 6
PSC DEC 16
12130/12 PESC 852 COSDP 569 COPS 239 COAFR 194 EUCAP SAHEL 3
PSC DEC 10

The following item is **withdrawn** :

(Coreper Part 2, under I)

31. **Decision of the Representatives of the Governments of the Member States of the European Union, meeting within the Permanent Representatives Committee, on entrusting the European Supervisory Authorities with the tasks in relation to the financial assistance for the re-capitalisation of financial institutions**
12569/12 ECOFIN 705 UEM 266

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

DE, joined by FI, LV, SE, NL, CZ, made a statement on the following item :

26. Connecting Europe Facility

- Organisation of work within the Council in the second semester 2012

12603/12 FIN 542 CADREFIN 348 POLGEN 135 REGIO 93 ENER 348 TRANS 244
TELECOM 141 COMPET 506 MI 498 ECO 104 CODEC 1911

"- The main issues to be discussed are financial questions, i.e. the adaption to the new Financial Regulation and the provisions concerning the project bonds initiative. In order to make sure, that these questions can be negotiated by the appropriate experts, temporal overlaps of the time schedules of the Friends of the Presidency Group with the Budget Committee and other working groups with relevance to financial questions have to be avoided.

- Germany acts on the assumption that beyond the adaption to the new Financial Regulation in particular the relationship between the project bond initiative and the Connecting Europe Facility (Art. 14 para. 2) will be part of the ongoing discussion about chapter V (financial instruments)."

SE made a statement on the following item :

67. a) Council implementing Decision implementing Decision 2011/782/CFSP concerning restrictive measures against Syria

"It is evident that all measures taken by the EU against a third State must be fully consistent both with international law and the rule of law.

In the context of the new Council Decision before us on measures amending Council Decision 2011/782/CFSP concerning restrictive measures against Syria, Sweden would like to note that under international law ships of all states enjoy the right of innocent passage through the territorial sea of another state as long as it is not prejudicial to the peace, good order or security of the coastal State. Inspection of foreign ships in innocent passage cannot take place without the consent of the flag state. This follows from customary international law and is codified in the United Nations Convention on the Law of the Sea, to which also the EU is a party.

States may also be bound by long-standing international conventions that regulate passage in straits, such as the conventions applicable to the strait between Sweden and Denmark (Oresund), as well as to the strait between Sweden and Finland (the Åland islands).

Sweden would like to underline the importance of Article 17b para.2 that any measure relating to the seizure and disposal of cargo must be done in accordance with their national legislation and consistent with international law.

It is the intention of Sweden to apply the new measures in a manner that is fully consistent with its obligations under international law, including relevant treaty provisions."

Coreper Part 1

II

8. **Proposal for a Council Regulation adjusting, from 1 July 2011, the rate of contribution to the pension scheme of officials and other servants of the European Union**
- **Information from the Presidency on the state of play**
17626/11 STAT 49 FIN 979
+ COR 1
12525/12 STAT 26 FIN 535

At its 18 July 2012 meeting, the Committee took note of the Commission letter of 27 June 2012 (doc. 12118/12), which was addressed to the President of the Council, inviting the Council to adopt within two months its proposal of 24 November 2011 for a Council Regulation adjusting, from 1 July 2011, the rate of contribution to the pension scheme of officials and other servants of the European Union (doc.17625/11).

It appeared that the qualified majority necessary to adopt the Commission proposal was still not met and therefore, the Committee concluded that the Council should be invited to take note of that letter.

DK made the following statement:

"Denmark is against the proposal. Denmark would note its opposition in principle to the method of adjusting the remuneration and pensions of EU officials, given the high level of salaries in the EU institutions."

9. (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 state of play**

Following the debriefing by the Presidency on the latest contacts with the European Parliament, the Committee agreed to revert to the files in the autumn.

Coreper Part 2

II

- 13. 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)**
12202/12 ASILE 102 CODEC 1839

The outcome of the Committee work on this item is set out in 12746/2/12 REV 2.

The Commission made the following statement regarding the interpretation of Article 27(3), fourth sub-paragraph:

"The Commission considers that the provision of Article 27(3), fourth sub-paragraph should be interpreted in the sense that the time limits foreseen in Articles 21, 23, 23A and 28 are calculated taking into account the period already lapsed with the detention procedure.

In these cases, the period of one month for submitting a take charge or take back request and the period of six weeks for carrying out the transfer to the responsible Member State shall be deducted from the periods referred to in Articles 21, 23 and 28."

- 14. Proposal for a Decision of the European Parliament and of the Council on the European Year of Citizens (2013) (First reading)**
- **Approval of the final compromise text with a view to a first reading agreement with the European Parliament**
12521/12 FREMP 106 POLGEN 134 FIN 534 CULT 102 CODEC 1898

The Committee confirmed agreement on the compromise text and gave a mandate to its Chair to proceed with sending the confirmation letter to the LIBE Chair with a view to reaching first reading agreement with the European Parliament.

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

a) New Multiannual Financial Framework

In preparation of the General Affairs Council meeting on 24 July 2012, the Presidency informed delegations about its intentions for the Council meeting which will focus in particular on the presentation of the Presidency's work programme, the presentation by the Commission of the technical update of its proposals as well as a brief assessment by the Presidency of the bilateral consultations held in July.

b) Follow-up to the European Council (28-29 June 2012)

The Committee took note of the follow-up the Council will give to the orientations set by the EC on 28-29 June 2012, in particular on the EMU process, the European Semester and on the inter-institutional cooperation.

c) Other items in connection with the Council meeting

Le Comité a mis au point l'ordre du jour provisoire de la session du Conseil Affaires générales du 24 juillet 2012.

62. EU-China Summit (Brussels, 20 September 2012)

- Orientation debate

12445/12 COASI 131 ASIE 79 PESC 901 RELEX 660 POLGEN 133
WTO 260 ECOFIN 695 ENV 606 RESTREINT UE

The Committee discussed the content and organisation of the 15th EU-China Summit planned for 20 September 2012 in Brussels, on the basis of document 12445/12 EU RESTRICTED. The discussion provided input to the further preparations of the Summit agenda and joint communiqué.

The Committee decided to revert to the issue in September.

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

a) Southern Neighbourhood

i) Syria

- Draft Council conclusions

12527/12 COMAG 73 PESC 921 COHAFA 91 SY 20

The Committee examined and agreed the draft Council conclusions on Syria as set out in 12527/12 and submitted them to the Council for adoption.

ii) Libya

- Draft Council conclusions

12579/12 COMEM 254 PESC 934 COHAFA 93 LIBYE 5

The Committee examined the draft Council conclusions on Libya as set out in document 12579/12 and amended paragraphs 1 and 6. The Committee agreed the draft conclusions as set out in 12761/12 and submitted them to the Council for adoption.

b) Sudan/South Sudan

- Draft Council conclusions

12542/12 COAFR 215 ACP 130 PESC 924 DEVGEN 200 COTER 76
COMAG 74 COHAFA 92 RELEX 672

The Committee approved the draft Council conclusions and submitted them to the Council for adoption.

c) Mali/Sahel

- Draft Council conclusions

12583/12 COAFR 222 ACP 135 PESC 937 DEVGEN 202 COTER 78
COMAG 78 COHAFA 94 RELEX 680

The Committee approved the draft Council conclusions and submitted them to the Council for adoption.

d) Democratic Republic of Congo

The item was confirmed as a full point for the Council meeting.

e) CSDP

- Draft Council conclusions

12610/12 COSDP 619 PESC 940 COPS 263

The Committee examined and agreed the draft Council conclusions on CSDP as set out in 12610/12 and submitted them to the Council for adoption.

f) China

The Committee took note of the information received from the EEAS regarding the third EU-China High-level Strategic Dialogue, held in Beijing on 9-10 July 2012. The High Representative of the Union for Foreign Affairs and Security Policy would debrief Ministers on the outcome of the dialogue at the July Foreign Affairs Council.

g) Energy and Foreign Policy

The Committee had an exchange of views on Energy and EU foreign policy in preparation of the meeting of the Foreign Affairs Council on 23 July 2012. Delegations generally welcomed the joint EEAS/Commission non-paper (COREU EAS/1020/12) as a good basis for the lunch discussion by the Foreign Affairs Council and underlined the strategic importance of the matter. The Committee noted that it would revert to this issue in the light of the Foreign Affairs Council discussion.

h) Other items in connection with the Council meeting

There was no discussion or conclusions under this item.

64. Inter-institutional co-operation within the framework of the "Compact for Growth and Jobs"

The Committee took stock of the state of play regarding the scope of cooperation between the institutions as regards the rapid implementation of the measures foreseen in the compact of growth and jobs. The Committee will revert to this item next week.

- **Any other business**
 - = **Comitology procedures (at the request of the AT delegation)**

The Committee discussed comitology procedures in particular the cases where the Commission presents a draft implementing act for several times.

Presidency informed delegations of the results of the trilogue on the 'Two Pack on Economic governance' and on the follow-up to last week's discussion on the Schengen governance.
