



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 12 September 2011

12916/11

CRS/CRP 32

SUMMARY RECORD

**Subject : 2372nd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 14, 15 and 18 July 2011**

SUMMARY

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 - d) 3043rd meeting of the Council of the European Union (Justice and Home Affairs), held in Brussels on 8 and 9 November 2010
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"Determining the operational characteristics of the European Stability Mechanism"
- (d) n° E-003596/2011 put by Oreste Rossi
"Completing the work of the tribunals for the former Yugoslavia and Rwanda"
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"Equivalence of higher education qualifications of Iranian citizens in the European Union in order to obtain qualifications in fields not covered by Council Decision 2010/413/CFSP"
- (g) n° E-004134/2011, E-004136/2011, E-004138/2011, E-004140/2011, E-004144/2011, E-004146/2011, and E-004148/2011 put by Ramon Tremosa i Balcells
"Separation between the banking sector and the insurance sector"
"Separation between the banking sector and the insurance sector"
"Possible legislation on the scope of the banking sector's activities"
"Possible legislation on the scope of the banking sector's activities"
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"Protecting consumers from banking sector abuse in the field of insurance"
"Protecting consumers from banking sector abuse in the field of insurance"
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"Situation in Egypt and referendum on constitutional amendments"
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"Financial transaction tax and other measures"
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"PNR costs"
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"Nature of the EU-Peru and EU-Colombia free trade agreements"
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"Rafah border crossing"
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- (p) n° E-005081/2011 put by Marietje Schaake, Sophia in 't Veld, Renate Weber and Alexander Alvaro
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- (q) n° E-005104/2011 put by Patrick Le Hyaric
"Israeli army attack on peaceful protesters"
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"Governance in the single market"
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"Agriculture and the worsening drought in France"
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"Turkish comments opposing the appointment of a European as the new IMF managing director"
- (u) n° E-005354/2011 put by William (The Earl of) Dartmouth
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54. Draft minutes of Council meetings

- (a) 3053rd meeting of the Council of the European Union (Employment, Social Policy, Health and Consumer Affairs), held in Brussels on 6 and 7 December 2010
- (b) 3057th meeting of the Council of the European Union (Competitiveness (Internal Market, Industry, Research and Space)), held in Brussels on 10 December 2010
- (c) 3059th meeting of the Council of the European Union (Agriculture and Fisheries), held in Brussels on 13 and 14 December 2010
- (d) 3061st meeting of the Council of the European Union (Environment), held in Brussels on 20 December 2010
- (e) 3063rd meeting of the Council of the European Union (Agriculture and Fisheries), held in Brussels on 24 January 2011
- (f) 3066th meeting of the Council of the European Union (Education, Youth, Culture and Sport), held in Brussels on 14 February 2011
- (g) 3070th meeting of the Council of the European Union (Agriculture and Fisheries), held in Brussels on 21 February 2011
- (h) 3072nd meeting of the Council of the European Union (Transport, Telecommunications and Energy), held in Brussels on 28 February 2011
- (i) 3074th meeting of the Council of the European Union (Competitiveness (Internal Market, Industry, Research and Space)), held in Brussels on 9 and 10 March 2011
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55. Working parties and committees held in Poland (2nd semester 2011)
56. Case before the Court of Justice of the European Union
Case C-274/11 (Kingdom of Spain against Council of the European Union)
Enhanced cooperation in the area of the creation of unitary patent protection
57. Case before the Court of Justice of the European Union
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Enhanced cooperation in the area of the creation of unitary patent protection
58. Proposal for a Council Decision on the conclusion of the regional Convention on pan-Euro-Mediterranean preferential rules of origin
59. Draft Commission Directive ../.../EU of [...] amending Directive 98/8/EC of the European Parliament and of the Council to include *Bacillus thuringiensis* subsp. *israelensis* Serotype H14, Strain AM65-52 as an active substance in Annex I thereto
60. Draft Commission Directive ../.../EU of [...] amending Directive 98/8/EC of the European Parliament and of the Council to include deltamethrin as an active substance in Annex I thereto
61. Draft Commission Directive ../.../EU of [...] amending Directive 98/8/EC of the European Parliament and of the Council to include lambda-cyhalothrin as an active substance in Annex I thereto
62. Draft Commission Regulation (EU) No .../.. of XXX amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security as regards the phasing-in of the screening of liquids, aerosols and gels at EU airports
63. Governing Board of the European Foundation for the Improvement of Living and Working Conditions
Appointment of Mr Janis KAJAKS, Latvian alternate member, in place of Ms Linda ROMELE, who has resigned
64. Governing Board of the European Agency for Safety and Health at Work
Appointment of Mr R. GANS, Dutch member, in place of Ms H.E.M. SEERDEN, who has resigned
65. Advisory Committee on Safety and Health at Work
Appointment of Mr R. GANS, Dutch member, in place of Ms H.E.M. SEERDEN, who has resigned
66. Management Board of the European Institute for Gender Equality
Appointment of Ms Ana GONZÁLEZ RODRÍGUEZ, Spanish member, in place of Ms Enriqueta CHICANO JÁVEGA, who has resigned

67. Management Board of the European Institute for Gender Equality
Appointment of Ms Mercedes Alicia FERNÁNDEZ PÉREZ, Spanish alternate member, in place of Ms Cecilia PAYNO DE ORIVE, who has resigned
68. European Social Fund Committee
Appointment of members and alternate members
69. Proposal for a Council decision on the conclusion of an Agreement on civil aviation safety between the European Community and Canada
70. Proposal for a Council Regulation adjusting the correction coefficients applicable to the remuneration and pensions of officials and other servants of the European Union
71. Draft Council Decision appointing the members and alternate members of the Governing Board of the European Agency for Safety and Health at work for Germany, Hungary and Portugal
72. Draft Council Decision on the participation of the European Union in negotiations under the Montreal Protocol on Substances that Deplete the Ozone Layer
73. Proposal for a Council Regulation establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2011 / 2012 fishing season
74. Recommendation from the Commission to the Council to authorise the Commission to open negotiations on behalf of the European Union for the renewal of the Protocol to the Fisheries Partnership Agreement with Denmark and Greenland
75. Proposal for a Regulation of the European Parliament and of the Council on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area (First reading) (Legislative deliberation)
 - Political agreement in view of the adoption of the Council's position
76. Proposal for a Directive of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (recast) (First reading) (Legislative deliberation)
 - Adoption
 - (a) of the Council's position
 - (b) of the statement of the Council reasons
77. Proposal for a Decision of the European Parliament and of the Council establishing a European Union action for the European Heritage Label (First reading) (Legislative deliberation)
 - Adoption
 - (a) of the Council's position
 - (b) of the statement of the Council reasons

78. Proposal for a Directive of the European Parliament and of the Council amending Directive 2000/25/EC as regards the provisions for tractors placed on the market under the flexibility scheme (First reading) (Legislative deliberation)
79. Proposal for a Decision of the European Parliament and of the Council on the European Year for Active Ageing (2012) (First reading) (Legislative deliberation)
80. Proposal for a Regulation of the European Parliament and of the Council on textile fibre names and related labelling and marking of fibre composition of textile products and repealing Council Directive 73/44/EEC, Directive 96/73/EC of the European Parliament and of the Council and Directive 2008/121/EC of the European Parliament and of the Council (Second reading) (Legislative deliberation + Statement)

II

81.	Preparation for the Council meeting (Agriculture and Fisheries) on 19 July 2011	
●	Reform of the Common Fisheries Policy (<i>Legislative deliberation</i>)	
(a)	Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy	
(b)	Proposal for a Regulation of the European Parliament and of the Council on the Common Organisation of the Markets in Fishery and Aquaculture Products	
(c)	Communication from the Commission to the European Parliament and the Council on the External dimension of the Common Fisheries Policy	
(d)	Report from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on Reporting Obligations under Council Regulation (EC)N°2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy	
(e)	Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions - Reform of the Common Fisheries Policy	
		23
82.	13th session - Commission on Genetic Resources for food and agriculture (Rome, 18-22 July 2011)	24
-	Any other business	24

1. **Adoption of the provisional agenda and items "I"**
doc. 12790/11 OJ CRP1 26 + ADD1
12803/1/11 REV 1 OJ/CRP2 26 + CM 3948/11

The above mentioned agendas are approved with the following changes :

The following item is **added** :

(Coreper Part 2, under I)

84. European Union Civil Service Tribunal

- **Draft Council Decision appointing three judges to the European Union Civil Service Tribunal**
- **Declaration**
- **Adoption**
- **Letter to the Chairman of the Selection Committee**
9003/11 JUR 74 COUR 19
12477/11 JUR 344 COUR 33

The following items are **withdrawn** :

(Coreper Part 2, under I)

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

12339/11 PESC 880 COSDP 657 JAI 465 COASI 109 EUPOL/AFG 29 CIVCOM 333
RELEX 731
11525/11 PESC 760 COSDP 585 JAI 416 COASI 102 EUPOL/AFG 28 CIVCOM 299
RELEX 644

(Coreper Part 1, under I)

83. Council Decision adopting general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations relating to the transfer of pension rights

= **Adoption**
12856/11 STAT 33 FIN 524

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

51. Preparation of the Council meeting (Foreign Affairs) on 18 July 2011

- c) **(poss.) EU Climate Diplomacy**
 - **Draft Council conclusions**
12823/11 PESC 956 ENV 614 COMPET 355
12970/11 PESC 980 ENV 619 COMPET 359

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

The RO delegation, supported by GR, CY, ES and SK made a statement on the following item :

33. Main aspects and basis choices of the CFSP (point G, paragraph 43 of the Interinstitutional Agreement of 17 May 2006) - 2010

- **Annual report from the High Representative of the European Union for Foreign Affairs and Security Policy to the European Parliament**
12562/11 PESC 912 FIN 503 PE 316

"Romania considers that the references to Kosovo in the 2010 Annual Report from the High Representative of the EU for Foreign Affairs and Security Policy to the European Parliament do not constitute a precedent, thus not affecting the established practice in EU documents of referring to Kosovo as "Kosovo under UNSCR 1244/1999"."

The FR delegation made a statement on the following item :

62. Draft Commission Regulation (EU) No .../.. of XXX amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security as regards the phasing-in of the screening of liquids, aerosols and gels at EU airports

- **Decision not to oppose the adoption**
doc. 12170/11 AVIATION 181
12234/11 AVIATION 182

"Déclaration des Autorités françaises

Dans le cadre de la procédure de réglementation avec contrôle visée, la France ne s'est pas opposée au projet de règlement de la Commission modifiant le règlement (CE) n° 272/2009 complétant les normes de base communes en matière de sûreté de l'aviation civile en ce qui concerne l'instauration progressive de l'inspection/filtrage des liquides, aérosols et gels dans les aéroports de l'Union européenne, car elle n'a pas estimé que ce projet outrepassait les compétences d'exécution prévues dans l'acte de base, ni qu'il était incompatible avec le but ou le contenu de l'acte de base, ni qu'il violait les principes de subsidiarité ou de proportionnalité.

Elle a pris bonne note de la perspective mentionnée au considérant 8 du projet de règlement d'une évaluation commune de la situation concernant l'inspection/filtrage des liquides, aérosols et gels d'ici à juillet 2012, et souligne l'importance qu'il conviendra d'y accorder dans la perspective de la mise en œuvre du règlement.

Elle fait part également de la nécessité qu'il y aura, dans le cadre d'une acceptation des liquides aérosols et gels du fait de l'installation d'équipements d'inspection/filtrage, de réexaminer les exemptions actuelles de contrôle (notamment pour les contenants d'une capacité maximum de 100ml) ainsi que les taux minimum d'inspection/filtrage tels qu'actuellement fixés dans la décision C (2010) 774.

La France restera très attentive au fait que la sûreté et la facilitation du passage ne soient en aucun cas dégradées et que les évolutions envisagées ou à venir garantissent l'homogénéité et l'intégrité du dispositif de sûreté au niveau européen. Elle veillera particulièrement à ce que la mise en œuvre prématurée de technologies qui ne seraient pas encore totalement éprouvées ne vienne entraver la poursuite de la recherche-développement de telles technologies ni les capacités d'acquisition par les aéroports de technologies plus adaptées."

The GR delegation made a statement on the following item :

84. European Union Civil Service Tribunal

- **Draft Council Decision appointing three judges to the European Union Civil Service Tribunal**
- **Declaration**
- **Adoption**
- **Letter to the Chairman of the Selection Committee**
9003/11 JUR 74 COUR 19
12477/11 JUR 344 COUR 33

"Greece maintains its position that judges to the European Union Civil Service Tribunal should be appointed in the order of merit appearing on the list annexed to the opinion of the Selection Committee. Greece believes that the principle of reappointment of judges established by the Treaty ensures the good functioning of the Tribunal and respects the role of the Selection Committee".

A statement is also made by the PT delegation on the above-mentioned item (pt-84) :

"Le Portugal souligne qu' en vertu de l'article 3 de l'Annexe I au Protocole sur le Statut de la Cour de Justice, il revient exclusivement au Conseil de décider sur la composition du Tribunal de la fonction publique, sur base des critères établis dans l'article cité ci-dessus, alors que le Comité de Sélection est appelé à évaluer uniquement l'adéquation des candidats à l'exercice des fonctions de juge et à lui transmettre un avis concernant les candidats jugés adéquats, ainsi qu'une liste restreinte de candidats possédant une expérience de haut niveau. Par conséquent, le Portugal entend que le Conseil ne peut pas se considérer formellement lié par tout éventuel ordre de mérite présenté par le Comité."

Coreper Part 2

II

48. State of play of the negotiation of the PNR Agreements with Australia/Canada and the United States (restricted session)

Regarding the draft EU-Australia PNR Agreement, several delegations provided a state of play of their reservations and/or pending parliamentary proceedings.

Regarding the draft EU-Canada PNR Agreement, the Commission stated that no negotiations had taken place since the elections in Canada and that it was therefore not in a position to provide the Council with a draft Agreement.

Regarding the draft EU-USA PNR Agreement, the Commission gave an overview of the most contentious points in the draft agreement as well as its assessment of the possibilities to address these points in the context of further negotiations with the US delegation. Delegations presented their point of view regarding this and other points in the draft Agreement. It was announced that these issues would be further discussed in the context of the informal ministerial meeting in Sopot, before the Commission would raise them with the US delegation. The Commission also committed itself to produce a written note detailing the masking out techniques.

49. Follow-up to the Council meeting (Economic and Financial Affairs) on 12 July 2011

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

During the ECOFIN breakfast, the Chairman of the Eurogroup debriefed Ministers on the Eurogroup meeting the previous day.

On the item on stress tests, which was discussed in a 1+1 format, the Chairman of the Committee debriefed his colleagues on the debate which resulted in agreement on the suggested communication template set out in document 12299/11 and the publication of an agreed Council Statement on the stress tests.

At the FEMIP lunch following the ECOFIN meeting, Ministers discussed the situation in the Southern Mediterranean and approved the FEMIP operational plan for 2011-2013.

50. Preparation of the Council meeting (General Affairs) on 18 July 2011

a) Next Multiannual Financial Framework **- Presentation by the Commission**

La Présidence a informé le Comité que, lors du prochain Conseil Affaires Générales, la Commission ferait une présentation de ses propositions concernant le cadre financier pluriannuel 2014-2020.

b) Reform of the Statute of the European Court of Justice

- Initial exchange of views**
12745/11 CODEC 1190 COUR 38 INST 357 JUR 362
8786/11 CODEC 606 COUR 17 INST 196 JUR 159 PARLNAT 111
+ REV 1 (it)
12719/11 CODEC 1187 COUR 37 INST 354 JUR 361
+ COR 1 (fr, pl)

The Presidency presented a note for discussion on the reform of the Statute of the Court of Justice of the European Union at the General Affairs Council on 18 July 2011, as set out in 12745/11.

c) Follow-up to the European Council of 23-24 June 2011 12842/11 CO EUR-PREP 26 POLGEN 121

The Committee examined the Presidency note outlining how the Council will carry out during this semester the tasks set out by the European Councils on 4 February 2011, 24/25 March 2011 and 23/24 June 2011.

d) Other items in connection with the Council meeting

CY and UK asked for AOB points to be added to the agenda of the Council.

51. Preparation of the Council meeting (Foreign Affairs) on 18 July 2011

The Committee took note of information provided by EEAS SG Vimont regarding the various points on the FAC Agenda. In particular, on MEPP, draft Council conclusions might be prepared in light of developments, and points Pakistan and Afghanistan would be taken together over lunch for the sake of efficiency; NATO SG Rasmussen was invited to participate in the lunch in connection with the Afghanistan point; on AOB, the IT point regarding the recent visit of Secretary of State Mandica to the Horn of Africa was envisaged. The Committee took note of information by its President that a new short and focused text of draft Council conclusions on EU Climate diplomacy would be submitted soon to delegations with a view to the FAC meeting on 18 July. On CSDP, UK reiterated its opposition regarding the setting up of an EU operations HQ.

a) Initiatives in the area of CSDP

- i) High Representative Report on CSDP**
12663/11 COSDP 682 PESC 925 CSDP/PSDC 415
- ii) Draft Council conclusions on CSDP**
12774/11 CSDP/PSDC 421 COSDP 696 PESC 949

The Committee took note of the High Representative Report on CSDP as set out in 12663/11 and submitted it to the Council.

b) Southern Neighbourhood

- i) Syria**
 - **Draft Council conclusions**
12738/11 COMAG 91 PESC 940 COHAFA 77 SY 1

The Committee approved the draft Council conclusions on Syria as set out in 12738/11 and transmitted them to the Council for adoption.

- ii) Libya**
 - **Draft Council conclusions**
10361/11 COMAG 66 LIBYE 16 PESC 639 COHAFA 50 POLMIL 24
CONUN 75

The Committee approved the draft Council conclusions on Libya as set out in 10361/11 and transmitted them to the Council for adoption.

iii) Lebanon

- **Draft Council conclusions**
10325/11 COMAG 65 CONUN 76 PESC 636

The Committee approved the draft Council conclusions on Lebanon as set out in 10325/11 and transmitted them to the Council for adoption.

d) Middle East Peace Process (MEPP)

- **Draft Council conclusions**
10363/11 COMEP 8 PESC 641

The Committee approved the draft Council conclusions on Middle East Peace Process as set out in 10363/11 and transmitted them to the Council for adoption.

e) Pakistan

f) Afghanistan

The Committee approved the draft Council Conclusions on Afghanistan and Pakistan and submitted them to Council for adoption.

g) 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.

52. Preparation EU-Brazil Summit

- **Orientation debate**
12698/11 AMLAT 70 PESC 936 RESTREINT UE

The Committee held an exchange of views, on the basis of a note issued under the responsibility of the President of the European Council. The debate was introduced by a brief of the EEAS, highlighting in particular that this Summit pertained to a string of Summits (South Africa, India) which could nurture the general reflection on strategic partnerships with emerging countries. Delegations indicated their priorities which would be taken up appropriately by the EEAS. The work on the Joint Statement and other preparations will be continued in the framework of the corresponding geographical Council Working Group and the Committee will come back, at its level, in the wake of these preparations, to this issue immediately before the Summit, at its meeting on 28 September 2011.

Coreper Part 1

II

81. Preparation for the Council meeting (Agriculture and Fisheries) on 19 July 2011

- **Reform of the Common Fisheries Policy (*Legislative deliberation*)**
 - (a) **Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy**
12514/11 PECHE 187 CODEC 1166
 - (b) **Proposal for a Regulation of the European Parliament and of the Council on the Common Organisation of the Markets in Fishery and Aquaculture Products**
12516/11 PECHE 188 CODEC 1167
 - (c) **Communication from the Commission to the European Parliament and the Council on the External dimension of the Common Fisheries Policy**
12517/11 PECHE 189
 - (d) **Report from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on Reporting Obligations under Council Regulation (EC)No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy**
12518/11 PECHE 190
 - (e) **Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions - Reform of the Common Fisheries Policy**
12519/11 PECHE 191
 - **Presentation by the Commission**
 - **Exchange of views**
12520/11 PECHE 192

The Committee prepares the exchange of views and retains all items on the Council agenda.

**82. 13th session - Commission on Genetic Resources for food and agriculture
(Rome, 18-22 July 2011)**

- **Declaration of competences and Voting Rights submitted by the European Union
and its Member States**
12818/11 AGRI 527 FAO 26

The Committee confirmed the position reached at the Working Party Coordination (FAO) on the issue of the repartition of the voting rights regarding the 13th session of the FAO Commission on Genetic Resources for Food and Agriculture and took note of the comments made by the Commission, the Council Legal Service and of the German, French and UK delegations.

The Commission made the following statement :

"The Commission disagrees that, on the basis of the 1991/95 arrangements, points 2.3 and 7 of the agenda are to be classified as MS vote. These items concern matters which fall to a large extent under EU competence and have in part already been covered by existing acquis. These items are the subject of an international agreement (the Nagoya Protocol) which has, for most parts, been signed by the EU and which affects the acquis and alters its scope. The work on the transposition of this Protocol in EU law has started. For further meetings of the FAO on these issues, the Commission will insist on EU vote and reserves all its procedural rights in that regard."

- **Any other business**

- = **External financial instruments**

The Presidency informed the Committee on the results of the trialogue with the European Parliament on the four proposals on the external financial instruments, as well as on the next steps in view of the Conciliation meeting, scheduled on 6 September.

- = **Nuclear security**

The Committee discussed the possibility of setting up an Ad hoc group on nuclear security. Presidency asked delegations to react in writing to this possibility on the basis of a proposal for a mandate put forward by FR.