



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 September 2012

13733/12

CRS/CRP 28

SUMMARY RECORD

**Subject : 2418th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
(Part 2) held in Brussels on 25 July 2012**

SUMMARY

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1. Adoption of the provisional agenda and "I" items 4

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I

2. Case before the Court of Justice of the European Union
- Preliminary reference C-291/12, Schwarz (Referring court : Verwaltungsgericht Gelsenkirchen - Germany)
 - = Validity of Article 1, paragraph 2 of Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States, as amended by Regulation (EC) No 444/2009 of the European Parliament and the Council of 6 May 2009 amending Regulation (EC) No 2252/2004
3. Case before the Court of Justice of the European Union
- Preliminary reference C-293/12, Digital Rights Ireland (Referring court : High Court of Ireland - Ireland)
 - = Validity of Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC
4. Judgments of the General Court - "Aarhus Convention"
- Case T-338/08
Stichting Natuur en Milieu and Pesticide Action Network Europe against European Commission
 - Case T-396/09
Vereniging Milieudefensie and Stichting Stop Luchtverontreiniging Utrecht against European Commission
5. Case before the General Court
- Case T-296/12 (The Health Food Manufacturer's Association a.o. v. European Commission)
 - = Application for annulment of the Commission Regulation (EU) No 432/2012 of 16 May 2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health and of the Commission Decision of the same date adopting on-hold list of health claims
6. Appointment of the Director of the Historical Archives of the European Union

9. Proposal for a Directive 2009/138/EC on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) as regards the dates of its transposition and application and the date of repeal of certain Directives (First reading)
10. Amended Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/1999 concerning investigations conducted by the European Anti-fraud Office (OLAF) and repealing Regulation (EURATOM) No 1074/1999 (First reading)
11. Recommendation for a Council Decision issuing directives to the Commission for the negotiation of amendments to the Convention on Nuclear Safety
12. Proposal for a Council Regulation on Union support for the nuclear decommissioning assistance programmes in Bulgaria, Lithuania and Slovakia
13. Proposal for a Council Regulation establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2012/2013 fishing season
14. Draft Council Decision related to Council Decision 2002/148/EC concluding consultations with Zimbabwe under Article 96 of the ACP-EC Partnership Agreement
15. Political and Security Committee Decision EU BAM Rafah/2/2012 extending the mandate of the Head of European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) ad interim
16. Proposals for external financing instruments under Heading 4 of the Multiannual Financial Framework 2014-2020 (First reading)

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

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The above-mentioned agenda is approved with the following changes :

The following item is **withdrawn** :

(Coreper Part 2, under I)

7. (poss.) Access arrangements for meetings of the Council and its preparatory bodies

12780/12 POLGEN 141 CSC 51

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

8. 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

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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

- 8. 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**
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The Committee agreed that the matter should be dealt with by the Economic and Financial Committee, possibly before the summer break.

- 17. Follow-up to the Council meeting (Foreign Affairs) on 23 July 2012**

The Committee was briefed by ESG Pierre Vimont on the follow up to the FAC of 23 July 2012.

As to Southern Neighbourhood, the discussions were focussed on Syria (the EEAS will remain on watch, in particular in relation to the possible evacuation of EU citizens), Libya (cooperation with the local authorities will take shape once the new authorities will have settled in) and Egypt (the HR visited the country and met with the President).

In relation to Africa, Ministers discussed Mali (need to wait for the full report of the ECOWAS technical mission), Sudan/South Sudan (both Presidents had asked for the 2 August deadline to be postponed), DRC (the EEAS remains in touch with all the actors concerned in order to see how to implement the peace process).

Ministers also had a good discussion on CSDP, where HR underlined strongly the need to match resources and ambitions, especially with three new Missions in the pipelines. The European Council would discuss CSDP some times in 2013.

The discussion on Eastern Partnership was also very much appreciated and Ministers had called for more regular discussions in the future.

Lunch discussions focussed on China and on Energy and Foreign Policy; the latter discussions was very much appreciated and Ministers had asked for the issue to come back to FAC regularly.

One delegation enquired about the Commission's plans in relation to the assistance for refugees in Syria (the aid envelope needs to be strengthened), as well as about the possible follow up of the European Global Strategy. The latter is an initiative by 4 Member States (mentioned at the Press conference and not during the FAC itself), all Member States and institutions are welcome to send their contribution.

Pierre Vimont also mentioned that the HR would like to propose to invite Lavroff to the first FAC in October, Member States are invited to send their reaction (only if they do not agree with the proposal).

18. Follow-up to the Council meeting (General Affairs) on 24 July 2012

Le Comité est informé du suivi que la présidence entend donner à la session du Conseil Affaires générales du 24 juillet 2012.

19. Presentation of the agenda of the Council meeting (Justice and Home Affairs) on 20 September 2012

The Presidency presented the draft agenda for the JHA Council. The Presidency confirmed, in response to a question from EL, that the necessity for a discussion on the EL Action Plan would be kept under review.

The Commission requested the inclusion of the illicit trafficking of firearms as an AOB item.

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

The Committee had an exchange of views on the Presidency' proposals on inter-institutional cooperation. Presidency took note of delegations reactions and will pursue further contacts with the European Parliament.

- Any other business

= Staff Regulation Review (requested by the NL delegation)

Delegations requested the Commission to provide a detailed financial impact assessment of its proposal regarding Staff Regulation Review.