



**COUNCIL OF
THE EUROPEAN UNION**

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SUMMARY RECORD

**Subject : 2289th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 29-30 September and 2 October 2009**

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

doc. 13734/09 OJ/CRP1 33

13728/09 OJ/CRP2 33

The above mentioned agenda is approved with the following changes :

The following item is **added** :

(Coreper Part 2, under I)

44. Enlargement

- Accession Negotiations with Croatia

- = **Chapter 2: Freedom of movement for workers**
13816/09 ELARG 61
- = **Chapter 4: Free movement of capital**
13817/09 ELARG 62
- = **Chapter 6: Company law**
13818/09 ELARG 63
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13825/09 ELARG 68
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13827/09 ELARG 69
- = **Chapter 24: Justice, freedom and security**
13828/09 ELARG 70
- = **Chapter 29: Customs Union**
13829/09 ELARG 71

The following item is **withdrawn** :

(Coreper Part 2, under I)

43. Application by the Republic of Albania for membership of the European Union

- Draft Council conclusions

13741/09 COWEB 198 ELARG 60

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

A statement is made by the PT delegation on the following item :

31. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1080/2006 on the European Regional Development Fund as regards the eligibility of housing interventions in favour of marginalised communities

- Progress report

13609/2/09 REV 2 FSTR 68 REGIO 40 CADREFIN 49 SOC 533 CODEC 1115

"Portugal recognises the European Union's responsibility in combating social exclusion and, in particular, with regard to actions benefiting the least favoured communities in its territory. It therefore supports the European Commission's objective in proposing measures designed to improve the living conditions of those communities.

However, Portugal cannot accept that the amendment of the ERDF Regulation to enable that Fund to intervene in the housing sector in favour of marginalised communities be based on geographical eligibility criteria that have nothing to do with the very essence of the measure itself, thereby making it discriminatory rather than - as is its primary objective - inclusive.

Furthermore, this proposal would not seem to reflect the rigour which the Commission has hitherto applied in relation to interventions linked, however indirectly, to the housing sector."

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2. Climate change - Preparation of the Copenhagen Conference (This item will be discussed in restricted session)

- Key issues

13709/09 ENV 604 ONU 78 DEVGEN 252 ECOFIN 589 ENER 308 FORETS 92
AVIATION 147 MAR 127

13739/09 ENV 609 ONU 79 DEVGEN 254 ECOFIN 595 ENER 309 FORETS 93

The Committee discussed a number of options relating to pending key issues on the basis of a Presidency paper and decided to continue this discussion on Friday 2 October.

The Presidency undertook to translate the main outcome of these discussions into a consolidated text of Council Conclusions and to present this text to the Committee in the following week.

20. Setting of the provisional agenda of the Council meeting (Agriculture and Fisheries) on 19 and 20 October 2009 (For the items within the remit of the Permanent Representatives Committee)

The Committee agrees the provisional agenda for the forthcoming Council meeting (Agriculture and Fisheries) on 19 and 20 October 2009 as set out in 14328/09.

21. Proposal for a Directive of the European Parliament and of the Council amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of electronic communications networks and services, and 2002/20/EC on the authorisation of electronic communications networks and services (Second reading)

- Presidency briefing on the outcome of the informal trialogue

La Présidence informe le Comité des résultats du trilogue du 29.9.2009.

22. Amended proposal for a Regulation of the European Parliament and of the Council on labelling of tyres with respect to fuel efficiency and other essential parameters (First reading)

- **Preparation of the next informal trialogue**
12636/3/09 ENER 273 ENV 523 TRANS 305 CONSOM 162 CODEC 1035 REV 3
- **Presidency briefing on the outcome of the informal trialogue**

Subject to amendments regarding Article 4(1), the Committee could agree to have the position set out in document 12636/09 serving as the basis for the Presidency at the 2nd informal trialogue on 1st October.

On this occasion the Bulgarian representative made the following statement:

"Bulgaria highly appreciates the efforts of the Presidency to achieve the most appropriate and balanced provisions and will support the compromise text in order not to delay the adoption of the Regulation.

At the same time our expectations for this Regulation have been significantly higher than what the current text achieves especially in relation to:

- establishing higher level of harmonization of market surveillance measures based on the principle of proportionality and taking into account possible incompliance with the requirements and aim of the Regulation, and
- more adequate distribution of functions among different groups of economic operators based on their knowledge about the product and their ability to influence the product."

23. Proposal for a Directive of the European Parliament and of the Council on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (recast) (First reading)

- **Preparation of the informal trialogue**
13346/09 ENER 303 ENV 581 CONSOM 175 CODEC 1098

In relation with an European Parliament amendment the Commission representative outlined the outcome of a consumer survey on labelling. The Committee then turned to the preparation of the 1st informal trialogue on 7 October, which will not at this stage address provisions on the energy label.

Subject to amendments regarding recital 3a, a later date for the review (art.11b) and clarification of the meaning of "unauthorised use of the label" (art. 12), the Committee could agree to have the position set out in document 13346/09 serving as the basis for the Presidency at the 2nd informal trialogue on 1st October.

24. Preparation of the Council meeting (Transport, Telecommunications and Energy) on 9 October 2009

1. Western Balkans

Draft Council Decision on the complementary negotiating directives in the framework of the negotiations of the Transport Community Treaty between the European Community and Albania, Bosnia & Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia as well as Kosovo, under Resolution 1244(1999) of the United Nations Security Council

- Adoption

13482/09 TRANS 346 COWEB 192 ALB 8 BIH 21 ELARG 58 RESTREINT UE

The Committee agreed to submit the draft Council Decision to the upcoming TTE Council on 9 October for further examination of the last outstanding issues and adoption and to enter into its minutes the following statements:

"Statement to the Minutes by the Republic of Cyprus

As previously underlined, in line with its policy of support to the European perspective of the Western Balkans and sharing the view that a coordinated development of the transport sector is one of the key issues in this respect and vital for the socio-economic development of the region, the Government of the Republic of Cyprus has agreed to authorise the Commission to open negotiations on behalf of the European Community on a Treaty establishing a Transport Community.

In the same spirit, the Government of the Republic of Cyprus can lend its agreement to the aforementioned complementary negotiating directives in the framework of the negotiations of the Transport Community Treaty between the European Community and Albania, Bosnia & Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia, as well as Kosovo under the United Nations Security Council Resolution 1244/99.

The Government of the Republic of Cyprus hereby reiterates that its agreement to the adoption of the aforementioned Council Decision is without prejudice to its decision, taken in accordance with national practice and international law, of non-recognition of the unilateral declaration of independence of the region of Kosovo and in no way implies recognition of a negotiating party on behalf of the region of Kosovo under United Nations Security Council Resolution 1244 of 10 June 1999, other than the United Nations Interim Administration Mission in Kosovo (UNMIK)."

"Statement to the Minutes by Romania

Romania reaffirms its support for all demarches and actions of the European Union aimed at supporting the Western Balkans in order to integrate their transport market into the Community market. At the Transport Telecommunications and Energy Council, held in Luxembourg on 12 and 13 June 2008, Romania abstained from voting on the decision of the authorization of the European Commission to open, on behalf of the European Community, negotiations with a view to conclude a Treaty establishing a Transport Community in the Western Balkans and presented a statement which underscored that the reference to the Kosovo province in the document did not amount to the recognition of Kosovo as an independent and sovereign state.

Concerning the complementary negotiating directives, whose adoption by the Council is necessary in the framework of negotiations for the Transport Community, Romania abstains from voting and reiterates that accepting the reference to the Kosovo province as "Kosovo under Resolution 1244 (1999) of the United Nations Security Council" does not amount to the recognition of Kosovo as a state and is without prejudice to its decision of non-recognition of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of the above mentioned province.

Romania considers that UNMIK constitutes the only representative authority for the Kosovo province, as derived from UNSC R 1244/1999."

"Statement to the Minutes by the Slovak Republic

The Slovak Republic recalls its declaration attached to the Council document 10259/08 Restreint, as approved by the Council of European Union on 12 June 2008. The Council thus adopted a decision authorising the Commission to open negotiations on the Transport Community Treaty on behalf of the European Community with Albania, Bosnia & Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia as well as Kosovo under the United Nations Security Council Resolution 1244/1999.

The Slovak Republic supports all the activities of the European Union aiming at assisting the Western Balkans in integration of its transport market into the Community market. In this sense, the Slovak Republic supports the adoption of the complementary negotiating directives for road transport in the framework of the negotiating directives adopted by the decision of the Council of European Union on 12 June 2008.

However, the Slovak Republic hereby declares that this support does not prejudice the position of the Slovak Republic on the status of Kosovo under United Nations Security Council Resolution 1244/99, which will be decided in accordance with national practice and international law. For the Slovak Republic the only representative body of the region of Kosovo is the United Nations Interim Administration in Kosovo (UNMIK), in the sense of the United Nations Security Council Resolution 1244/1999."

"Statement to the Minutes by the Kingdom of Spain

Spain accepts the reference to the territory of Kosovo in the title and text of this act as "Kosovo, under Resolution 1244(1999) of the United Nations Security Council", on the understanding that UNMIK constitutes the sole authority responsible for Kosovo for all international purposes.

In accordance with the conclusions of the GAERC of 18 February 2008, Spain states that the provisions of this act, as well as any resulting consequences, are without prejudice to Spain's position on the unilateral declaration of independence by Kosovo and its non-recognition by Spain."

2. **Draft Decision of the Council and the representatives of the Governments of the Member States of the European Union, meeting within the Council:**
on the signature and provisional application of the Air Transport Agreement between the United States of America, for the one part, the European Community and its Member States, for the second part, Iceland, for the third part, and the Kingdom of Norway, for the fourth part, and;
on the signature and provisional application of the Ancillary Agreement between the European Community and its Member States, of the first part, Iceland, on the second part, and the Kingdom of Norway, of the third part, regarding the application of the Air Transport Agreement between the United States of America, of the first part; the European Community and its Member States, of the second part; Iceland, of the third part; and the Kingdom of Norway, of the fourth part
- **Adoption**
10118/09 AVIATION 86 ISL 1 N 5 USA 37 RELEX 484
13623/09 AVIATION 143 ISL 7 N 12 USA 76 RELEX 818

The Committee examined the draft Decision and Agreement and agreed to submit them to the TTE Council of 9 October for political endorsement in advance of formal adoption.

3. **Draft Council Decision authorising the Commission to open negotiations on a Memorandum of Cooperation in Civil Aviation Research and Development with the Federal Aviation Administration of the United States of America**
- **Adoption**
10864/09 AVIATION 94 RELEX 558 USA 40 RESTREINT UE
13622/09 AVIATION 142 USA 75 RELEX 817 RESTREINT UE

The Committee settled the remaining outstanding issues and decided to submit this file to the TTE Council on 9 October 2009 for adoption of the draft Council Decision authorising the Commission to open negotiations on a Memorandum of Cooperation in Civil Aviation Research and Development with the Federal Aviation Administration of the United States of America.

The Committee reached agreement on the negotiating procedure contained in Annex II of the above draft Council Decision, which shall be regarded as a standard procedure to be used for the purposes of all future negotiating mandates in the aviation area.

4. **Draft Council Decision authorising the Commission to negotiate a bilateral agreement between the European Community and Brazil in the field of civil aviation safety**
- **Adoption**
12580/09 AVIATION 116 RELEX 727 AMLAT 81
13621/09 AVIATION 141 AMLAT 95 RELEX 816 RESTREINT UE

The Committee settled the remaining outstanding issues and decided to invite the TTE Council on 9 October 2009 to adopt the draft Council Decision authorising the Commission to open negotiations with Brazil on a bilateral agreement between the European Community and Brazil in the field of civil aviation safety.

The Committee agreed to include in Annex II of the above draft Council Decision the negotiating procedure as agreed under the previous Agenda item concerning the draft Council Decision authorising the Commission to open negotiations on a Memorandum of Cooperation in Civil Aviation Research and Development with the Federal Aviation Administration of the United States of America.

5. **Proposal for a Regulation of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws**
- **Political agreement**
(Public deliberation, pursuant to Article 8(1)(b) CRP)
11990/08 MAR 109 TRANS 466 CODEC 995
13586/09 MAR 125 TRANS 351 CODEC 1112

The Committee was not in the position to settle all the remaining outstanding issues and therefore decided to refer this file, for further examination, to the TTE Council on 9 October 2009 with a view to reaching a political agreement.

6. **Proposal for a Directive of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community and repealing Directive 2002/6/EC**
- **Progress report**
(Public deliberation, pursuant to Article 8(1)(c) CRP)
5789/09 MAR 8 CODEC 86
13590/09 MAR 126 CODEC 1114

The Committee endorsed the Presidency's progress report and decided to submit it to the Council.

25. Preparation of the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 12 October 2009

- **Influenza A/H1N1**
 - **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions**
"Pandemic (H1N1) 2009"
= Presentation by the Commission
 - **Exchange of views**
 - **Adoption of Council conclusions**
13355/09 SAN 230 PESC 1162 DEVGEN 238 ACP 202 RELEX 798
PROCIV 131 COCON 28 VETER 36 COTRA 19 COASI 152
COEST 325 COAFR 287 AMLAT 90 USA 71 AUS 5 CDN 23
13624/09 SAN 241 PESC 1195 DEVGEN 245 ACP 206 RELEX 819
PROCIV 134 COCON 29 VETER 38 COTRA 20 COASI 157
COEST 331 COAFR 294 AMLAT 96 USA 77 AUS 6 CDN 24
13625/09 SAN 242 PESC 1196 DEVGEN 246 ACP 207 RELEX 820
PROCIV 135 COCON 30 VETER 39 COTRA 21 COASI 158
COEST 332 COAFR 295 AMLAT 97 USA 78 AUS 7 CDN 25

The Presidency announced that the Commission will present its Communication on Pandemic (H1N1) 2009 during the Council meeting on 12 October and informed of the questions to be used to orientate the exchange of views.

The Presidency proposed a draft of the Council conclusions that put forward a strategic approach to the pandemic covering key issues as: availability of vaccines, vaccination strategy, regulatory process for vaccine authorisation and post-market monitoring, information and communication to the public, cooperation with third countries and multi-sectoral issues. This draft was amended following the discussion among delegations.

The Committee agreed to forward the item to the Council (EPSCO) session on 12 October 2009 for an exchange of views and for adoption of Council conclusions.

- 26. Proposal for a Directive of the European Parliament and of the Council on the energy performance of buildings (recast) (First reading)**
- Presidency briefing on the outcome of the informal trialogue

This first informal trialogue took place on 1st October and allowed, on the one hand, the Presidency to outline the negotiation blocs envisaged by the Council as well as its main demands, and on the other hand the European Parliament to present its key priorities (financial instruments, common methodology, building components and net zero energy buildings, exemplary role of the public sector, mutual recognition of certificates). The second trialogue is scheduled on 14 October and will be prepared by the Committee on 7 October.

- 27. Setting of the provisional agenda of the Council meeting (Environment) on 21 October 2009**

The Committee approved the provisional agenda as set out in 14466/09.

Coreper Part 2

II

38. Syria Association Agreement (restricted session)

The Presidency concluded that:

- the Committee had agreed on the text of a declaration to be entered into the minutes of the Council (NL agreed ad referendum);
- pending the lifting of a CZ reservation on the signature of the agreement, and confirmation of the NL's agreement on the wording as well as on the status of the declaration, the whole package (decision on the signature and decision on the conclusion of the agreement, plus the declaration) would be adopted as an "I/A" item with a view of signing the Association Agreement at margins of the October GAERC.

39. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 20 October 2009

The Committee agreed the provisional agenda for this Council meeting.

40. Presentation of the agenda of the Council meeting (Justice and Home Affairs) on 23 October 2009

Le Comité a pris note du projet d'ordre du jour du prochain Conseil (Justice et Affaires intérieures).

41. EU-China Summit (Nanjing, 30 November 2009)

- **Orientation debate**
12346/09 ASIE 65 COASI 128 PESC 1002 POLGEN 117

The Committee had a first discussion on preparations for the 12th EU-China Summit and endorsed the priorities presented in document 12346/09.

The Committee entrusted overall responsibility for summit preparations at the working level with the Asia/Oceania Working Party (COASI), tasked the 133 Committee to engage in the preparation of the trade part, and agreed that the PSC will be involved in the CFSP aspects.

The Committee agreed to revert to this matter approximately two weeks before the date of the summit.

The Committee invited the Commission to consider the feasibility of a "key outstanding issues" paper, to be presented to the Asia/Oceania Working Party (COASI).

42. Preparation of the EU-Brazil Summit (Stockholm, 6 October 2009)

13811/09 AMLAT 101 PESC 1213 RELEX 842 POLGEN 133 ECOFIN 600 ENER 312
ENV 614

The Committee was informed about the state of play of the preparations for the EU- Brazil Summit that is taking place in Stockholm on 6 Octobre 2009.

- **Any other business**

(a) Developments of climate related international negotiations and discussions
- **Information from the Presidency**

The Presidency informed the Committee on the state of play in the latest UNFCCC negotiation session in Bangkok.

(b) Informal Ministerial meeting (Education) (Göteborg, 23 - 24 September 2009)
- **Information from the Presidency**

The Chairperson gave a summary of the event, underlining that the themes for discussion at this informal meeting of Ministers for Education were seen as particularly relevant to the quality and effectiveness of Member States' educational systems. The Chairperson added that the consensual views expressed by Ministers in Göteborg will serve as a useful input to the Council's ongoing work on a set of draft Council conclusions on the professional development of teachers and school leaders.

(c) ITER
- **Information from the Presidency**

The Committee took note of the information provided by the Presidency on the state of play with a view to providing political guidance on the EU position, as appropriate.

The Committee will return to this issue in due course.