



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 11 November 2009

14726/09

CRS/CRP 38

SUMMARY RECORD

**Subject : 2292nd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Luxembourg (CRP1) on 21 October, in Brussels on 21-23 October and
in Luxembourg (CRP2) on 26 October 2009**

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 - Appointment of a Dutch member
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38. Preparation of the Council meeting (Justice and Home Affairs) on 23 October 2009
 - a) Procedural rights/Protection of the Individual in Criminal Proceedings in the EU
 - i) Draft Resolution of the Council on a roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings
 - ii) Draft Council Framework Decision on the right to interpretation and translation in criminal proceedings
 - iii) Draft Proposal for a Resolution of the Council and the Governments of the Member States meeting within the Council fostering the implementation by the Member State of the right to interpretation and to translation in criminal proceedings

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1. **Adoption of the provisional agenda and items "I"**
doc. 14655/09 OJ/CRP1 36 + ADD 1 + ADD 2 + AMD 1
14646/09 OJ/CRP2 36 + ADD 1 + CM 4472/09

The above mentioned agenda is approved with the following changes :

The following items are **added** :

(Coreper Part 1, under I)

47. **Advisory Committee on Freedom of Movement for Workers**
- **Appointment of Ms Fiona KILPATRICK and Ms Carolyn BARTLETT as the United Kingdom members in place of Mr Peter BODE and Ms Seonaid WEBB, who have resigned**
14206/1/09 SOC 578 REV 1
48. **Advisory Committee on Safety and Health at Work**
- **Appointment of Ms Joe CARABOTT as Maltese member in place of Mr Saviour SAMMUT, who has resigned**
14687/09 SOC 605 + COR 1
49. **Draft Commission Regulation (EC) No .../. of [...] on Community models for train driving licences, complementary certificates, certified copies of complementary certificates and application forms for train driving licences, under Directive 2007/59/EC of the European Parliament and the Council**
- **Decision not to oppose the adoption**
12676/09 TRANS 306
13785/09 TRANS 356
50. **Proposal for a Council Decision establishing the position to be adopted on behalf of the European Community with regard to the proposal for the adoption of Regional action plans in the framework of the implementation of Article 15 of the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities**
- **Adoption**
14724/09 ENV 705 MAR 148 MED 40
63. **Proposal for a Directive of the European Parliament and of the Council amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on consumer protection cooperation (Second reading)**
- **Approval of the European Parliament's amendments**
PE-CONS 3674/09 TELECOM 136 MI 245 COMPET 322 DATAPROTECT 43
CONSOM 133 CODEC 855
14499/09 CODEC 1193 TELECOM 208 MI 378 COMPET 420
DATAPROTECT 62 CONSOM 189

- 64. Proposal for a Regulation of the European Parliament and of the Council establishing the European Electronic Communications Market Authority (Second reading)**
- **Approval of the European Parliament's amendments**
PE-CONS 3675/09 TELECOM 137 MI 248 COMPET 323 DATAPROTECT 44
CONSOM 134 CODEC 856
14500/09 CODEC 1194 TELECOM 209 MI 379 COMPET 421
DATAPROTECT 63 CONSOM 190

(Coreper Part 2, under I)

- 51. Council Decision on the signing and provisional application of the Exchange of Letters between the European Union and the Republic of Seychelles on the conditions and modalities for the transfer of suspected pirates and armed robbers from EUNAVFOR to the Republic of Seychelles and for their treatment after such transfer**
12190/09 COSDP 697 PESC 971 COAFR 248 CONUN 69 SOMALIA 31 + COR 1
14603/09 COSDP 948 PESC 1337 COAFR 326 CONUN 105 SOMALIA 38
+ ADD 1 + ADD 2
- 52. Council Decision concerning the signing and conclusion of the Agreement between the European Union and the Republic of Seychelles on the status of the European Union-led forces in the Republic of Seychelles in the framework of the EU military operation Atalanta**
- **Adoption**
12538/09 COSDP 738 PESC 1028 COAFR 260 CONUN 74 SOMALIA 32
14605/09 COSDP 949 PESC 1338 COAFR 327 CONUN 106 SOMALIA 39
- 53. Council Decision on the financial contributions to be paid by the Member States to finance the European Development Fund (3rd instalment 2009)**
14652/09 ACP 225 FIN 373 PTOM 36
14653/09 ACP 226 FIN 374 PTOM 37
- 54. Draft Council Conclusions on Yemen**
14774/09 COMEM 194 PESC 1372
- 55. Recommendation from the Commission to the Council to authorise the modifications to the negotiation directives for a Trade and Cooperation Agreement with the Republic of Iraq**
13407/09 COMEM 171 WTO 183
- 56. Draft Council Conclusions on Sri Lanka**
14619/09 COASI 181 ASIE 84 COPOL 65 PESC 1342 COHOM 229 COHAFA 39
- 57. Strengthening EU Action in Afghanistan and Pakistan**
14064/09 COASI 164 COTER 98 COHOM 213 PESC 1250 COPOL 63 COHAFA 40
CONOP 75

- 58. Draft Council conclusions on Guinea**
14741/09 PESC 1366 COAFR 335 ACP 233
- 59. Draft Council Common Position concerning restrictive measures against Guinea**
14697/09 PESC 1370 RELEX 928 COAFR 336 COARM 48
+ ADD 1 RESTREINT UE
14811/09 PESC 1377 RELEX 932 COAFR 337 COARM 49
- 60. Relations with Uzbekistan**
- **Draft Council conclusions on Uzbekistan**
14735/09 COEST 373 PESC 1364
- 61. Draft Council conclusions on Sahel**
14712/09 PESC 1361 COAFR 333 ACP 230
- 62. Draft Council conclusions on the Great Lakes Region**
14709/09 PESC 1359 COAFR 332 ACP 229

The following CRP1 agenda item is **transferred** from Part I to Part II :

- 10. Proposal for a Council Regulation opening and providing for the management of autonomous Community tariff quotas for certain fishery products for the period 2010 to 2012**
- **Adoption**
14054/1/09 PECHE 261 UD 211 REV 1 + REV 1 ADD 1
14004/09 PECHE 257 UD 208

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

Coreper Part 1

II

2. **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 (Third reading)**
(This item will be discussed in restricted session)
- Preparation of the informal trialogue
 - Presidency briefing on the outcome of the informal trialogue

Le Comité prépare le Trilogue du 22.10.2009.

La Présidence informe le Comité des résultats du trilogue.

10. **Proposal for a Council Regulation opening and providing for the management of autonomous Community tariff quotas for certain fishery products for the period 2010 to 2012**
- **Adoption**
14054/1/09 PECHE 261 UD 211 REV 1 + REV 1 ADD 1
14004/09 PECHE 257 UD 208

The Committee took note of the statement by the Spanish delegation contained in 14054/1/09 PECHE 261 UD 211 REV 1 ADD 1 and the statement by the Danish delegation as set out below. It agreed to forward the text set out in 14004/09 PECHE 257 UD 208 as finalised by the legal-linguistic service to Council for adoption as an "A" item at one of its forthcoming sessions. UK expected to be able to lift its parliamentary scrutiny reserve by the time of adoption.

"Unilateral declaration by DK to the minutes of Coreper

In relation to the decision of the Council to open a tariff quota (20.000 tones) for shrimps with a zero duty Denmark would like to draw the attention of the Member States and the Commission to the following: Reducing the duty to zero for a large custom contingent, which will eliminate Greenland's OCT (Overseas countries and territories) tariff preference, has serious consequences for the Greenland economy - already under pressure with current restrictions on sealing and whaling. It furthermore threatens the survival of the small scale part of the Greenland fishing fleet. Greenland is an OCT member and its main export is shrimps to the EU."

15. Proposal for a Council Recommendation on smoke-free environments

- Examination of the outstanding issues

11533/09 SAN 183 SOC 414

14238/09 SAN 259 SOC 581

The Presidency put forward a compromise text to solve the outstanding issues. This text, to be added in the part of the draft recommendation addressing invitations to the Commission, was amended following the discussion and received the support of the majority of delegations.

AT, BG, CZ, DE, IT, SK kept a reservation on the recommendation. The Commission announced that it will make a declaration.

The Committee decided to forward the draft recommendation, as amended during the meeting, to the Council.

Coreper Part 2

II

38. Preparation of the Council meeting (Justice and Home Affairs) on 23 October 2009

- a) **Procedural rights/Protection of the Individual in Criminal Proceedings in the EU**
 - i) **Draft Resolution of the Council on a roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings**
 - ii) **Draft Council Framework Decision on the right to interpretation and translation in criminal proceedings**
 - iii) **Draft Proposal for a Resolution of the Council and the Governments of the Member States meeting within the Council fostering the implementation by the Member State of the right to interpretation and to translation in criminal proceedings**
 - **General approach**
14552/09 DROIPEN 125 COPEN 197

The Committee solved the last outstanding issues and confirmed the submission of this file to the JHA Council on 23 October 2009 with a view to reaching a general approach on the text of the Roadmap, the Framework Decision and the Resolution (doc. 14552/1/09 REV 1 DROIPEN 125 COPEN 197).

- b) **Proposal for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA**
 - **State of play**
14602/09 DROIPEN 127 MIGR 100

The Committee took note of the state of play and examined the outstanding issues of the draft proposal. It noted that the proposal will be submitted to the JHA Council on 23 October to inform about the state of play and solve the remaining issues, allowing the JHA Council of 30 November /1 December to reach a political agreement.

- c) **Proposal for a Council Decision setting up a European Crime Prevention Network (EUCPN) and repealing Decision 2001/427/JHA**
14307/1/09 REV 1 CRIMORG 148 ENFOPOL 242
14592/09 CRIMORG 151 ENFOPOL 251

The Committee reached general agreement. BE, PL, PT and RO lifted their reservation on the proposal. SI announced that they would lift their reservation during the Council meeting on 23 October 2009, to be accompanied by a declaration.

The Presidency concluded to forward the draft to Council.

- d) **Other items in connection with the Council meeting**

The Presidency indicated that the Interior Ministers will discuss over lunch the European Asylum Support Office and that discussion would also continue on the 5th visa reciprocity report and the issue of the lack of visa reciprocity between CND and CZ, if necessary.

39. **Multiannual programme for an area of Freedom, Security and Justice serving the citizen (The Stockholm Programme)**
14449/09 JAI 679

The Presidency presented the first draft of the Stockholm Programme and informed that this Programme will be discussed in the next Committee meetings so that it can be adopted at the JHA Council (30/11 and 1/12) and be endorsed at the December European Council.

The Presidency took note that this draft has been positively welcomed by all the delegations.

40. **EU-US Joint Statement on "Enhancing transatlantic cooperation on the area of Justice, Freedom and Security"**
14100/09 JAIEX 67 RELEX 869 ASIM 97 CATS 102 JUSTCIV 202 USA 83 + REV 1

The Committee took note of the draft-declaration and supported the Presidency in its efforts to reach a satisfactory solution for the remaining controversial parts, on visa and on data protection.

41. Follow-up to the Council meeting (Economic and Financial Affairs) on 20 October 2009

The Committee took note of the proceedings of the ECOFIN Council of 20 October 2009.

42. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 10 November 2009

The Committee agreed the provisional agenda for this Council meeting.

43. Directive on Tobacco Excise Duty

9082/09 FISC 52

10375/09 FISC 76

The Committee had an exchange of views on possible new approaches that could result in an overall agreement and decided to come back to this issue at its next meeting.

44. EU-US Summit (Washington, 3 November 2009)

The Committee exchanged views on the draft declaration and expected deliverables and gave further guidance for the negotiations.

45. Presentation of the agenda of the Council meeting (General Affairs and External Relations) on 16/17 November 2009

Le Comité prend acte de la liste des points susceptibles de figurer aux ordres du jour provisoires des sessions du Conseil susvisées.

46. Preparation of the Council meeting (General Affairs and External Relations) on 26/27 October 2009

A. General Affairs

- Preparation of the European Council (Brussels, 29/30 October 2009)

= Draft conclusions

14598/09 POLGEN 146 + ADD 1

The Committee had a discussion on the draft European Council conclusions as set out in 14598/09 + ADD 1.

The Presidency will present a revised version of the draft conclusions prior to the meeting of the Council on 26 October 2009.

- **Other items in connection with the Council meeting**

Le Comité met au point l'ordre du jour provisoire de la session Affaires générales.

B. External Relations

- **Afghanistan/Pakistan**

The Committee discussed the draft Council conclusions on Afghanistan/Pakistan and submitted them to the Council for approval.

- **Western Balkans**

Presidency informed the Committee that Western Balkans will be discussed during the dinner of Foreign Ministers on 26 October 2009.

- **MEPP**

Le Comité prend acte que le Conseil va procéder à un échange de vues sur la situation en Proche Orient suite à un briefing par le HR/SG sur sa récente visite dans la région.

- **Sri Lanka**

The Committee discussed the draft Council conclusions on Sri Lanka and submitted them to the Council for approval.

- **Iran**

The Presidency informed the Committee that Iran will be discussed over dinner.

- **Other items in connection with the Council meeting**

Le Comité met au point l'ordre du jour provisoire de la session Relations extérieures.

- **Any other business**
 - **Informal Ministerial meeting (Competitiveness) (Umeå, 14-16 October 2009)**
 - = **Information from the Presidency**

The Presidency reported on the discussions held at the informal Ministerial meeting.

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