



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 November 2009

15322/09

CRS/CRP 40

SUMMARY RECORD

**Subject : 2294th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 4 November 2009**

SUMMARY

Page

1. Adoption of the provisional agenda and items "I" 8

Coreper Part 2

I

2. Draft Council minutes
- a) 2938th meeting of the Council (General Affairs and External Relations), held in Luxembourg on 27 April 2009
 - b) 2939th meeting of the Council (General Affairs and External Relations), held in Luxembourg on 27/28 April 2009
 - c) 2940th meeting of the Council (Economic and Financial Affairs), held in Brussels on 5 May 2009
 - d) 2946th meeting of the Council (Justice and Home Affairs), held in Luxembourg on 4/5 June 2009
 - e) 2948th meeting of the Council (Economic and Financial Affairs), held in Luxembourg on 9 June 2009
3. Integrated Maritime Policy
4. Integration of maritime surveillance
5. Council Joint Action amending Joint Action 2005/889/CFSP on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EUBAM Rafah)
7. Council Joint Action amending Joint Action 2009/131/CFSP extending the mandate of the European Union Special Representative for the crisis in Georgia
8. Council Joint Action amending Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre
9. Single Progress Report on the Development of Military Capabilities for the Second Semester of 2009
10. Levels of security co-operation with third States and international organisations
11. Council Decision concerning the conclusion of the Agreement between the Government of the Russian Federation and the European Union on the protection of classified information

12. Council Decision concerning the conclusion of the Agreement between Australia and the European Union on the security of classified information
13. Negotiation of a security of information Agreement with Montenegro
14. Council Decision authorising Portugal to apply reduced rates of excise duty in the autonomous region of Madeira on locally produced and consumed rum and liqueurs and in the autonomous region of the Azores on locally produced and consumed liqueurs and eaux-de-vie
15. Proposal for a Directive of the European Parliament and of the Council amending Directives 2006/48/EC and 2006/49/EC as regards capital requirements for the trading book and for re-securitisations, and the supervisory review of remuneration policies
16. Special report No 8/2009 on "Networks of excellence" and "Integrated projects" in Community Research policy: did they achieve their objectives
17. Special report No 12/2009 on the effectiveness of the Commission's projects in the area of Justice and Home Affairs for the western Balkans
18. Special report No 14/2009 "Have the management instruments applied to the market in milk and milk products achieved their main objectives?"
- 19.a) Proposal for a Decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund
 - b) Proposal for transfer of appropriations No DEC32/2009 within Section III - Commission - of the general budget for 2009 (NCE)
20. Proposal for transfer of appropriations No DEC35/2009 within Section III - Commission - of the general budget for 2009 (CE/NCE)
21. Proposal for transfer of appropriations No DEC36/2009 within Section III - Commission - of the general budget for 2009 (CE/NCE)
22. Proposal for transfer of appropriations No DEC40/2009 within Section III - Commission - of the general budget for 2009 (NCE)
23. Proposal for transfer of appropriations No DEC41/2009 within Section III - Commission - of the general budget for 2009 (NCE)
24. Proposal for transfer of appropriations No DEC42/2009 within Section III - Commission - of the general budget for 2009 (NCE)
25. Proposal for transfer of appropriations No DEC27/2009 within Section III - Commission - of the general budget for 2009 (Global transfer) (NCE)
26. Proposal for transfer of appropriations No DEC37/2009 within Section III - Commission - of the general budget for 2009 (NCE)

27. Proposal for transfer of appropriations No DEC43/2009 within Section III - Commission - of the general budget for 2009 (NCE)
28. Proposal for transfer of appropriations No DEC45/2009 within Section III - Commission - of the general budget for 2009 (NCE)
29. Proposal for transfer of appropriations No DEC51/2009 within Section III - Commission - of the general budget for 2009 (NCE)
30. Explanatory report on the Convention on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters, signed in Lugano on 30 October 2007
31. Case before the Court of First Instance of the European Communities
 - Case T-359/09 (Ivan Jurasinovic against Council of the European Union)
32. Draft Decision of the EEA Joint Committee amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms
33. European Economic Area
 - Establishment of the European Union's common position for the 32nd meeting of the EEA Council
34. Proposal for a Council Decision on the conclusion of an Agreement in the form of a Protocol establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part
35. Proposal for a Council Decision on the conclusion of an Agreement in the form of a Protocol establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an association between the European Communities and their member States, of the one part, and the Republic of Tunisia, of the other part
37. Draft Council conclusions on Policy Coherence for Development (PCD)
38. CTA - Draft Decision of the ACP-EC Committee of Ambassadors adopting the programme of activities and budget of the Technical Centre for Agricultural and Rural Cooperation (CTA) for 2010
39. Request for European Parliament participation at the 21st regular meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) from 6 to 15 November 2009 in Recife, Brazil
40. Request for European Parliament participation at the fourth meeting of the Internet Governance Forum (IGF) from 15 to 19 November 2009 in Sharm el Sheikh, Egypt
41. Proposal for a Directive of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance - SOLVENCY II (First reading)

II

42.	Follow-up to the European Council (29/30 October 2009)	10
43.	Presentation of the agenda for the Council (Economic and Financial Affairs/Budget) on 19 November 2009	10
44.	Preparation of the Council meeting (Economic and Financial Affairs) on 10 November 2009	
a)	Follow-up to the European Council (29/30 October 2009)	10
b)	Sustainability of public finances	10
c)	Better regulation - Reduction of administrative burdens	10
d)	Taxation	
i)	Proposal for a Council Directive on administrative cooperation in the field of taxation	11
ii)	VAT treatment of postal services	11
iii)	Proposal for a Council Directive amending Directives 92/79/EEC, 92/80/EEC and 95/59/EC on the structure and rates of excise duty applied on manufactured tobacco	11
e)	Other items in connection with the Council meeting	12
45.	Follow-up to the Council meeting (Justice and Home Affairs) on 23 October 2009	12
46.	Presentation of the agenda of the Council (Justice and Home Affairs) on 30 November and 1 st December 2009	12
47.	Multianual programme for an area of Freedom, Security and Justice serving the citizen (The Stockholm Programme)	13
48.	EU-India Summit (New Delhi, 6 November 2009)	13
49.	Follow-up to the Council meeting (General Affairs and External Relations) on 26/27 October 2009	13
50.	Preparation of the Council meeting (General Affairs and External Relations) on 16/17 November 2009	
A.	General Affairs	
-	Other items in connection with the Council meeting	14
B.	External Relations	
a)	Draft Council conclusions on Support for Democracy Building Processes in the EU External Relations - Towards Increased Coherence and Effectiveness	14
b)	Draft Council conclusions on an Operational Framework on Aid Effectiveness	14
c)	Other items in connection with the Council meeting	14

Coreper Part 1

I

51. Reply to written questions put to the Council by Members of the European Parliament
 - (a) n° E-4476/09 put by Martin Ehrenhauser
"Galileo - use by armed forces and intelligence services and partnerships with third countries"
 - (b) n° E-4556/09 put by Charles Tannock
"Operation Atalanta"
 - (c) n° E-4587/09 put by John Bufton
"Discrimination against people who suffer from lung conditions by airlines in the EU"
 - (d) n° E-4594/09 put by Izaskun Bilbao Barandica
"Incorporation of the Basque police force into the Schengen Protocol"
 - (e) n° E-4695/09 put by Gianluca Susta
"Tax shelter rules in Italy"
52. Draft agenda for the forthcoming part-session of the European Parliament in Brussels from 11 to 12 November 2009
53. Draft minutes of Council meetings
 - (a) 2937th (Agriculture and Fisheries), held in Luxembourg on 23 and 24 April 2009
 - (b) 2944th meeting (Agriculture and Fisheries), held in Brussels on 25 May 2009
 - (c) 2949th meeting (Transport, Telecommunications and Energy), held in Luxembourg on 11 and 12 June 2009
54. Draft Commission Directive .../.../EC of [...] amending, for the purposes of their adaptation to technical progress, Council Directives 80/720/EEC, 86/298/EEC, 86/415/EEC and 87/402/EEC and Directives 2000/25/EC and 2003/37/EC of the European Parliament and of the Council relating to the type-approval of agricultural or forestry tractors
55. Recommendation from the Commission to the Council to authorise the Commission to open negotiations on an agreement on scientific and technological cooperation between the European Community and the People's Democratic Republic of Algeria
56. Proposal for a Council Decision on the conclusion, by the Commission, of the Agreement for co-operation between the European Atomic Energy Community and the Government of the Federative Republic of Brazil in the field of fusion energy research
57. Proposal for a Directive of the European Parliament and of the Council on statutory markings for two - or three-wheel motor vehicles (codified version) (First reading)

II

58.	Setting of the provisional agenda of the Council meeting (Environment) on 23 November 2009	15
59.	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)	15
60.	Proposal for a Directive of the European Parliament and of the Council on the energy performance of buildings (recast) (First reading)	15
61.	Proposal for a Directive of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare (First reading)	16
62.	ITER	16
-	Any other business	
	• Proposal for a Regulation of the European Parliament and of the Council concerning a European rail network for competitive freight	17

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

doc. 15239/09 OJ/CRP1 38

15272/09 OJ/CRP2 38

The above mentioned agenda is approved with the following changes :

The following items are **withdrawn** :

(Coreper Part 2, under I)

6. Council Joint Action amending Joint Action 2008/112/CFSP on the European Union mission in support of security sector reform in the Republic of Guinea-Bissau (EU SSR GUINEA-BISSAU)

15077/09 PESC 1414 COSDP 992 COAFR 341 EUSSR G-BISSAU 25

14469/09 PESC 1311 COSDP 933 COAFR 321 EUSSR G-BISSAU 24

36. (poss.) Enlargement

- **Accession negotiations with Turkey**

= **Fulfilment of opening benchmarks for Chapter 27: Environment**

15256/09 ELARG 86

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 Commission on the following item :

15. Proposal for a Directive of the European Parliament and of the Council amending Directives 2006/48/EC and 2006/49/EC as regards capital requirements for the trading book and for re-securitisations, and the supervisory review of remuneration policies

- General approach

15126/1/09 REV 1 ECOFIN 677 EF 157 CODEC 1246

+ REV 1 ADD 1 + REV 1 ADD 2

14732/09 ECOFIN 650 EF 146 CODEC 1211

"Concerning remuneration, the Commission fully supports the objective to align remuneration policies with sound risk management to curb the excesses of the past. The Commission notes that Member States unanimously agree to go further than the Commission's proposal in terms of the degree of detail, reflecting international developments in particular in the FSB and the G20 since July. The Commission recalls that detailed elements such as the inclusion of mandatory figures/percentages could therefore not be examined as part of the Commission's impact assessment."

Coreper Part 2

II

42. Follow-up to the European Council (29/30 October 2009)

The Presidency informed the Committee on the follow-up to the European Council meeting.

43. Presentation of the agenda for the Council (Economic and Financial Affairs/Budget) on 19 November 2009

The Committee approves the draft agenda and takes note of the practical arrangements for the procedure.

44. Preparation of the Council meeting (Economic and Financial Affairs) on 10 November 2009

a) Follow-up to the European Council (29/30 October 2009)

The Committee was informed about the Presidency's intention as far as the Council (ECOFIN) follow-up is concerned.

b) Sustainability of public finances

= Council conclusions

15127/09 ECOFIN 678 SOC 632 BUDGET 61

The Committee approved the text of the draft Council conclusions as set out in 15127/09 and agreed to submit the text to the Council for adoption.

The Committee took note of the outcome of the European Council and of the Presidency's commitment to make detailed arrangements for the establishment of a Working Party to consider the issue of burden-sharing with regard to climate change financing.

c) Better regulation - Reduction of administrative burdens

= Council conclusions

15130/09 ECOFIN 679 COMPET 443

The Committee approved the text of the draft Council conclusions as set out in 15130/1/09 REV 1, with minor technical amendments to the last paragraph to reflect the institutional structure of the Council, and agreed to submit the text to the Council for adoption.

The Commission made the following statement :

"The Commission has already tabled proposals with a reduction potential of over 38 billion and will soon come forward with proposals with an additional reduction potential of around 2 billion. If adopted these proposals would represent a reduction of around 33 %.

The invitation to the Commission "to launch further reduction measures to meet the target" must be seen in this context. It is not appropriate given what the Commission has already done, as clearly demonstrated in the recent Communication on the Action Programme for Reducing Administrative Burdens in the EU."

d) Taxation

- i) Proposal for a Council Directive on administrative cooperation in the field of taxation**
= **General approach**
15145/09 FISC 139

The Committee agreed to the text of the Council Directive on administrative cooperation in the field of taxation as annexed to document 15418/09 FISC 144, with the exception of a general reservation by LU and AT and diverging positions on automatic exchange of information as provided for in Article 8.

- ii) VAT treatment of postal services**
= **Political guidelines**
14981/09 FISC 137

The Committee had an exchange of views on the basis of a possible compromise solution suggested by the Presidency (doc. 14981/09). The Presidency indicated that it would reflect on how to take the issue forward.

- iii) Proposal for a Council Directive amending Directives 92/79/EEC, 92/80/EEC and 95/59/EC on the structure and rates of excise duty applied on manufactured tobacco**
= **Political agreement**
10375/09 FISC 76
9082/09 FISC 52

The Committee had an exchange of views on a possible compromise solution based on the outcome of the May ECOFIN (doc. 10375/09).

The Presidency concluded that the two issues that remained open should be submitted to Council (doc. 15408/09). These issues concern:

- whether Member States should be allowed to apply quantitative limits on intra Community trade flows of cigarettes during the 2011-2014 period;
- the level of minimum excise duty, expressed as a percentage of the weighted average retail selling price, to be applied to fine-cut tobacco at the end of the transitional period.

e) Other items in connection with the Council meeting

The Committee finalised the provisional agenda for this Council meeting and reviewed the state of readiness of the agenda items listed.

45. Follow-up to the Council meeting (Justice and Home Affairs) on 23 October 2009

The Committee ensured the necessary follow-up to the Justice and Home Affairs Council of 23 October 2009.

The Presidency urged the delegations to make necessary steps to have the parliamentary reservations on agreed proposals lifted before the next Council meeting.

46. Presentation of the agenda of the Council (Justice and Home Affairs) on 30 November and 1st December 2009

The Presidency presented the JHA Council Agenda and informed that the first day will be for the Ministers of the Interior and the second day for the Ministers of Justice. The Stockholm Programme will be discussed on both days.

Over lunch, the Interior Ministers will discuss the European Asylum Office.

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

The Committee examined a revised text of Chapters 1-3 of the draft Stockholm programme submitted by the Presidency on the basis of a meeting of the JHA Counsellors. The discussion focused on 7 specific issues mentioned in a room document (DS 657/09), namely the full exercise of the right to free movement, the protection of personal data and privacy, the participation in the democratic life of the Union (Election day 9 May), the possibility to create in Criminal law a comprehensive system for a European Evidence Warrant, the setting up of a European Public Prosecutor, the possibility to raise substantially the level of European training and exchange schemes, and the feasibility to work on detention conditions.

It was agreed that the Presidency would revise the text to reflect the discussions as well as the result of bilateral contacts to take place in the coming days.

The Presidency announced that the Committee would examine at its meeting on 11 November the text of Chapters 5 and 6.4, namely the Migration, Asylum and Border Controls chapters, as it will result from the next meeting of the JHA Counsellors.

48. EU-India Summit (New Delhi, 6 November 2009)

- State of preparations

15217/09 COASI 190 PESC 1438 RELEX 984 POLGEN 173 ECOFIN 685
COMER 170 ENER 357 ENV 743 COTER 118 CONOP 88 TRANS 429 JAI 751

The Committee discussed the state of play of preparations of the EU-India Summit, most notably the negotiations regarding the Joint Statement. Presidency briefed on the agenda, priorities for discussion and the difficulties to be expected. Member states offered their suggestions for EU-positions to be formulated during discussions, or in the Joint Statement. Presidency promised to take delegations' comments on board, but could not anticipate the outcome of the ongoing consultations ahead of the Summit.

49. Follow-up to the Council meeting (General Affairs and External Relations) on 26/27 October 2009

Le Comité est informé du suivi que la présidence entend donner à la session du Conseil.

50. Preparation of the Council meeting (General Affairs and External Relations) on 16/17 November 2009

A. General Affairs

- Other items in connection with the Council meeting

Le Comité fait le point de l'état de préparation des autres points figurant à l'ordre du jour provisoire de la session Affaires générales.

B. External Relations

- a) Draft Council conclusions on Support for Democracy Building Processes in the EU External Relations - Towards Increased Coherence and Effectiveness**
15087/09 DEVGEN 294 COHOM 239 RELEX 970 ACP 244 COEST 383
COLAT 34 COASI 186 COAFR 342 COMAG 20

The Committee discussed the draft Council Conclusions as set out in document 15087/09. Further to the consensus reached by the Political and Security Committee on all outstanding issues on 3 November 2009, the Committee of Ambassadors confirmed the agreement on the text. The draft Council Conclusions were forwarded to the General Affairs and External Relations Council for adoption on 17 November 2009 (doc. 15479/09).

- b) Draft Council conclusions on an Operational Framework on Aid Effectiveness**
15151/09 DEVGEN 298 RELEX 978 ACP 249

The Committee examined the Draft Council Conclusions as set out in document 15151/09 and decided to include this item again on the agenda of its next meeting on 11 November 2009.

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

Le Comité fait le point de l'état de préparation des autres points figurant à l'ordre du jour provisoire de la session Relations extérieures.

Coreper Part 1

II

58. Setting of the provisional agenda of the Council meeting (Environment) on 23 November 2009

The Committee approved the provisional agenda as set out in 16064/09.

59. 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) **- Presidency briefing on the outcome of the informal trialogue**

The Presidency informed the Committee on the discussions at the second informal trialogue on 3 November, which addressed in particular the label layout, where some convergence of positions could be achieved, public procurement, incentives and advertisements. The next informal trialogue will take place on 17 November.

60. 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**

The Presidency informed the Committee on the discussions at the third informal trialogue on 3 November, which addressed in particular the common methodology, the definition of cost-optimal performance requirements, national plans, financial instruments, issuance and display of certificate and consultation of local and regional authorities. At the informal trialogue it was agreed that further technical meetings will take place, and that the next informal trialogue will take place on 17 November.

61. Proposal for a Directive of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare (First reading)

- Examination of the outstanding issues

14451/08 JUR 437 SAN 228 SOC 616 MI 377 CODEC 1351 + COR 1
14926/09 SAN 278 SOC 620 MI 390 CODEC 1229
15181/09 SAN 286 SOC 639 MI 402 CODEC 1252

The Presidency proposed a new recital aimed at solving the issue of the scope of the directive in relation to healthcare providers. The text clarified that the directive would have no effects on the internal organisation of health and social security systems in the Member States.

A majority of delegations suggested that this text could usefully be incorporated in the operative part of the directive. Nine delegations (ES, HU, IE, LV, PL, RO, SK, SI and PT) maintained, however, that the text was not sufficient to solve the issue of the reimbursement of costs for treatment provided by healthcare providers not contracted with the public health insurance or otherwise defined public system. EL and LT entered a reservation on the Presidency's proposal for a new recital. HU tabled an alternative text that received the support from certain delegations.

As a compromise, the Presidency concluded that the text of the new recital should be included in the operative part of the directive. In addition, the text should be amended in such a way that it would not differentiate between healthcare providers that should be covered by the directive regardless of their status.

The objective to reach a political agreement on the proposal during the Council (EPSCO) meeting of 1 December 2009 was confirmed.

62. ITER

- Draft Council conclusions on the next steps in the ITER project

15091/09 RECH 361 ATO 126 + ADD 1 RESTREINT EU

The outcome of the proceedings of the meeting of the Committee is set out in documents 15815 RECH 401 ATO 136 (LIMITE) + ADD 1 (RESTREINT UE) and 15818/09 RECH 402 ATO 137 (LIMITE).

- **Any other business**

- **Proposal for a Regulation of the European Parliament and of the Council concerning a European rail network for competitive freight**
= **Information from the Presidency**

The Committee took note of the Presidency's intention to hold informal contacts with the European Parliament on the proposal on rail freight networks on 5 November 2009 and to report back to the Committee on the outcome of the informal contacts at a future meeting.

=====