



**COUNCIL OF
THE EUROPEAN UNION**

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16146/09

CRS/CRP 42

SUMMARY RECORD

**Subject : 2296th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 18, 19 and 20 November 2009**

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

doc. 16062/1/09 REV 1 OJ/CRP1 40 + 16062/1/09 REV 1 AMD 1
16147/09 OJ/CRP2 40 + ADD 1

The above mentioned agenda is approved with the following changes :

The following items are **added** :

(Coreper Part 2, under I)

58. Comprehensive report - "Develop and strengthen the co-operation between Justice and Home Affairs and Civilian Crisis Management of the European Security and Defence Policy"

15880/09 JAI 827 CATS 122 COPS 680 CIVCOM 941 PESC 1533 RELEX 1059
COSDP 1098

59. Decision of the Europol Management Board on the conditions related to the processing of data on the basis of Article 10(4) of the Europol Decision

15942/09 EUROPOL 100

60. Convening of a Conference of the Representatives of the Governments of the Member States

- Appointment of an Advocate-General to the Court of Justice of the European Community

16209/09 INST 165 JUR 461 COUR 75

16210/09 INST 166 JUR 462 COUR 76

16211/09 INST 167 JUR 463 COUR 77

61. Relations with Ukraine

- Establishment of the position of the European Union for the 12th EU-Ukraine Co-operation Committee (Brussels, 26 November 2009)

16119/09 COEST 422 NIS 132

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

18. Preparation of the Council meeting (Education, Youth and Culture) on 26 and 27 November 2009

- **Draft Council Decision on the European Year of Voluntary Activities promoting active citizenship (2011)**
 - **General approach**
[Public debate, pursuant to Article 8(3) CRP (proposed by the Presidency)]
14452/09 CULT 63 EDUC 158 JEUN 47 SOC 598

The Committee takes note of the successful outcome of the informal contacts with the European Parliament, and authorises the Chair to confirm the agreement reached in the form of a letter to the Chair of the Parliament's CULT Committee. The Committee also agrees to submit the file, following its legal and linguistic verification, to Council for adoption, subject to the European Parliament adopting its opinion in due time and that the agenda of the Education Youth and Culture Council of 26/27 November will be adjusted accordingly.

19. Preparation of the Council meeting (Transport, Telecommunications and Energy) on 7 December 2009

1. Setting of the provisional agenda

The provisional agenda was accepted with the transformation of the AOB item on Regulation 663/2009 into a full B item, and the addition of an item on the Eastern Partnership under International relations and of an AOB item on the implementation of BEMIP.

On this occasion the Chairman informed the Committee that, at the dinner on the eve of the Council the Presidency intended to consult Member States on the location of the seat of the Agency for the Cooperation of Energy Regulators.

2. Energy efficiency

- (a) Proposal for a Directive of the European Parliament and of the Council on the energy performance of buildings (recast) (Legislative deliberation)**
15929/08 ENER 398 ENV 850 CODEC 1592 + REV 1 (en)
- (b) 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) (Legislative deliberation)**
15906/08 ENER 390 ENV 847 CONSOM 188 CODEC 1585
+ REV 1 (fr,de,en)
- (c) 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 (Legislative deliberation)**
11707/1/09 ENER 251 ENV 489 TRANS 274 CONSOM 144
CODEC 946 REV 1
- **Information from the Presidency on the state of play**

The Committee took note that the Presidency will provide information on the state of play regarding these three proposals.

3. Security of Energy Supply

- (a) Proposal for a Council Regulation concerning the notification to the Commission of investment projects in energy infrastructure within the European Community and repealing Regulation (EC) No 736/96 (Non-Legislative activity)**
 - **Presentation by the Commission**
 - **Progress report**
12235/09 ENER 257
15692/09 ENER 382

The Committee took note of the progress report (15692/09) that could be submitted to the Council.

(b) Proposal for a Regulation of the European Parliament and of the Council on the security of gas supply (Legislative deliberation)

- **Presentation by the Commission**
- **Progress report**
- **Policy debate**

11892/09 ENER 253 CODEC 963

16000/09 ENER 390 CODEC 1313

The Committee took note of the progress report (16000/09 Annex I) that could be submitted to the Council and of the questions (16000/09 Annex II) that could serve as a basis for the policy debate at the Council.

4. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Investing in the Development of Low-Carbon Technologies (SET-Plan)" (Non-legislative activity)

- **Presentation by the Commission**
- **Exchange of views**

[Public debate , pursuant to Article 8(2) CRP) (proposed by the Presidency)]

14230/09 ENER 323 ENV 639 RECH 314

The Committee agreed that the Council could have an exchange of views on the basis of the issues raised by the Commission in the conclusions of its Communication.

5. International relations in the field of energy (Non-legislative activity)

- (a) Status on gas relations between Ukraine and the Russian Federation**
- (b) Energy Community Treaty**
- (c) EU-US Energy Council**
- (d) other international events**

- **Information from the Commission and the Presidency**

16001/09 ENER 391

The Committee took note of the report (16001/09) that could be submitted to the Council and supplemented by the information from the Presidency and the Commission.

- 20. 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**
 - **Analysis of the final compromise with a view to agreement**
- 16080/09 ENER 395 ENV 801 CONSOM 217 CODEC 1322

On 18 November, the Presidency informed the Committee on the discussions at the third informal trialogue on 17 November, where agreement could be reached on the substance of the Directive as well as on addressing at a later stage the adaptations resulting from the entry into force of the TFEU.

On 19 November, the Committee was able to agree on the final compromise as reflected in 16080/09 while noting that the adaptations resulting from the entry into force of the TFEU will be addressed at a later stage.

- 21. 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**
 - **Analysis of the final compromise with a view to agreement**
- 16082/09 ENER 396 ENV 802 CODEC 1323

On 18 November, the Presidency informed the Committee on the discussions at the fourth informal trialogue on 17 November, where agreement could be reached on the substance of the Directive as well as on addressing at a later stage the adaptations resulting from the entry into force of the TFEU.

On 19 November, the Committee was able to agree on the final compromise as reflected in 16082/09 while noting that the adaptations resulting from the entry into force of the TFEU will be addressed at a later stage.

On this occasion:

- the Commission representative and the Council Legal Service clarified, at the UK's request, the word "should" in art. 2(1a) expresses an aspiration and not an obligation. A Commission statement for the minutes of the Council will be prepared in due course.
- It was recalled that the final text of the Directive will reflect that this Directive would allow Member States to set stricter requirements than those foreseen by the Directive.

- 22. Proposal for a Directive of the European Parliament and of the Council laying down the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other transport modes (First reading)**
- **Preparation for the first informal trialogue**
15867/09 TRANS 454 TELECOM 242 IND 160 CODEC 1298 + ADD 1

The Committee examined the Presidency proposal and gave a mandate to the Presidency for exploring the possibility of reaching an agreement with the European Parliament.

- 23. Proposal for a Council Directive amending Directive 2000/29/EC as regards the delegation of the tasks of laboratory testing**
- **Analysis of a Presidency compromise proposal**
15889/09 AGRILEG 215 PHYTOSAN 32

The results of the Committee's work are to be found in document 16281/09.

- 24. Preparation of the Council meeting "Competitiveness" (Internal Market, Industry and Research) on 3 and 4 December 2009**

- 1. Proposal for a Council Regulation on the Community patent (Legislative deliberation)**
 - **General approach**
15695/09 PI 115 COUR 70 + ADD 2
- 2. Enhanced patent system in Europe (Non-legislative activity)**
 - **Adoption of Council conclusions**
15695/09 PI 115 COUR 70 + ADD 1

The Committee had a first exchange of views on the main outstanding issues as set out in doc. 15695/09 + ADD 1 and ADD 2 and agreed to revert to these issues at its next meeting.

- 3. Priorities for the Internal Market in the next decade - contribution of the Competitiveness Council to the post 2010 Lisbon agenda (Non-legislative activity)**
 - **Adoption of Council conclusions**
15706/09 COMPET 472 MI 421 SOC 677 CONSOM 211

The Committee examined the draft conclusions in document 15706/09 and agreed to forward them to the Council with a view to their adoption.

- 4. Future of ICT research, innovation and infrastructures (Non-legislative activity)**
- **Adoption of Council conclusions**
15514/09 RECH 386 COMPET 465 TELECOM 235

The outcome of the proceedings of the meeting of the Committee is set out in document 16128/09 RECH 425 COMPET 487 TELECOM 248.

- 5. Enhanced governance of the European Research Area (Non-legislative activity)**
- **Adoption of Council Resolution**
15874/09 RECH 409 COMPET 477

The outcome of the proceedings of the meeting of the Committee is set out in document 16074/09 RECH 418 COMPET 481.

- 6. Guidance on future priorities for European research and research based innovation in post-2010 Lisbon strategy (Non-legislative activity)**
- **Policy debate**
 - **Adoption of Council conclusions**
15873/09 RECH 408 COMPET 476
15875/09 RECH410 COMPET 478

The outcome of the proceedings of the meeting of the Committee is set out in document 16127/09 RECH 424 COMPET 486. The Committee also agreed to forward the questions as set out in document 15873/09 RECH 408 COMPET 476 for the Council debate.

- 7. Progress in Joint Programming, notably on the measures to combat neurodegenerative diseases, in particular Alzheimers, through joint programming of research activities (Non-legislative activity)**
- **Adoption of Council conclusions**
15845/09 RECH 405 SAN 308

The outcome of the proceedings of the meeting of the Committee is set out in document 16129/1/09 RECH 426 SAN 328 REV 1.

25. Preparation of the Council meeting (Environment) on 23 November 2009

- **Preparation of the 15th session of the Conference of the parties to the United Nations Framework Convention on Climate Change and the 5th session of the Meeting of the Parties to the Kyoto Protocol (Copenhagen, 7-18 December 2009) (Non-legislative activity)**
 - **Policy debate**
15775/09 ENV 783 ONU 99 DEVGEN 316 ECOFIN 778 ENER 383
FORETS 114

The Presidency informed delegations that the Council would discuss preparations for the Copenhagen Conference on the basis of presentations and the questions contained in document 15775/09.

26. Proposal for a Council Decision on the signing, on behalf of the European Community, of the Agreement on Port State Measures to prevent, deter and eliminate Illegal, Unreported and Unregulated Fishing (IUU Fishing)

- **Adoption**
14729/09 PECHE 286
15159/09 PECHE 308 + COR 1
15904/1/09 PECHE 328 REV 1 + REV 1 ADD 1

The Committee discussed ways to overcome the legal difficulties in relation to Article 28(2)(c) of the Agreement. After a first round of discussions, which were not successful, and additional consultations with delegations and the Commission, the Presidency submitted a revised text of the Declaration of Competences and a proposal for a Statement by the Council and the Commission for the Council Minutes. The Committee decided to forward the texts to the Council for adoption.

27. Preparation of the Council meeting (Employment, Social Policy, Health and Consumers) on 30 November and 1 December 2009

- 1. Innovative incentives for effective antibiotics (Non-legislative activity)**
 - **Adoption of Council conclusions**
[Public debate pursuant to Article 8(2) CRP) (proposed by the Presidency)]
15618/09 SAN 304 MI 416 RECH 389

The Presidency proposed the draft Council conclusions that was amended following a DE suggestion.

The Committee agreed to transmit the draft conclusions as amended for adoption at the Council (EPSCO) meeting on 1st December 2009. The Presidency informed that it would propose a public debate on this item, pursuant to Article 8(3) of the Council's Rules of Procedure.

2. Alcohol and Health (Non-legislative activity)

- **Adoption of Council conclusions**
15406/09 SAN 296 SOC 653

The Presidency proposed the draft Council conclusions that was amended following a IT suggestion.

The Committee agreed to transmit the draft conclusions as amended for adoption at the Council (EPSCO) meeting on 1st December 2009. The Presidency informed that it would propose a public debate on this item, pursuant to Article 8(3) of the Council's Rules of Procedure.

3. Pandemic A(H1N1) – follow-up to the Council meeting (EPSCO) of 12 October 2009 and update on recent developments in the EU and its neighbouring countries (Non-legislative activity)

- **Information from the Presidency and the Commission**
- **Exchange of views**
16018/09 SAN 317 PESC 1546 DEVGEN 324 ACP 261 RELEX 1069
PROCIV 182 COCON 38 VETER 58 COTRA 24 COASI 206 COET 416
COAFR 360 AMLAT 116 USA 100 CDN 30

The Committee took note of the questions for the Council's exchange of views as proposed by the Presidency. The Presidency announced that together with the Commission it would inform the Council about the activities carried out in the follow up to the Council Conclusions of 12 October 2009. The European Centre for Disease Prevention and Control will be invited to the meeting in order to give its assessment of the situation created by the influenza outbreaks in the EU and its neighbouring countries.

The Commission expressed its concerns on the border control measures introduced by the SK following the influenza outbreaks in Ukraine and informed of its activities in relation to procurement of vaccines and internal and external solidarity. SK explained the type of border measures introduced.

PL raised the issue of direct accessibility by citizens to vaccines.

The Committee agreed to forward the item to the Council (EPSCO) meeting on 1st December 2009 for an exchange of views.

- 4. Proposal for a Directive of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare (Legislative deliberation)**
- **Political agreement**
16132/09 SAN 329 SOC 712 MI 438 CODEC 1328

The Presidency presented a new compromise text aimed at solving the outstanding issues in relation to non-contractual providers (by proposing changes in Article 8(7) and recital 9) and to the definition of Member State of Affiliation (by proposing a new recital 10ab).

After a "tour de table", the Presidency concluded that the Committee remained divided and that the presidency's compromise text should be modified taking into account the discussion on these two issues as well as additional comments made by several delegations. The new compromise text will be presented to the Committee at its next meeting.

5. Pharmaceuticals' package

- (a) **Proposal for a Directive of the European Parliament and of the Council amending Directive 2001/83/EC as regards the prevention of the entry into the legal supply chain of medicinal products which are falsified in relation to their identity, history or source (Legislative deliberation)**
- (b) **Proposal for a Regulation of the European Parliament and of the Council amending, as regards pharmacovigilance of medicinal products for human use, Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (Legislative deliberation)**
and
Proposal for a Directive of the European Parliament and of the Council amending, as regards pharmacovigilance, Directive 2001/83/EC on the Community code relating to medicinal products for human use (Legislative deliberation)
- **Progress reports**
15608/09 MI 415 SAN 303 ECO 130 ENT 201 CODEC 1282

- (c) **Proposal for a Regulation of the European Parliament and of the Council amending, as regards information to the general public on medicinal products for human use subject to medicinal prescription, Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human use and veterinary use and establishing a European Medicines Agency (Legislative deliberation)**

and

Proposal for a directive of the European Parliament and of the Council amending, as regards information to the general public on medicinal products subject to medical prescription, Directive 2001/83/EC on the Community code relating to medicinal products for human use (Legislative deliberation)

- **Information from the Presidency**

The Committee took note of the progress reports set out in the Annexes to document 15608/09 and of the intention of the Presidency to submit them to the Council (EPSCO) at its meeting on 30 November and 1st December 2009.

6. **Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (Legislative deliberation)**

- **Progress report**
11531/08 SOC 411 JAI 368 MI 246
15575/09 SOC 670 JAI 805 MI 413

The Committee agrees to present to the EPSCO Council a report on the progress achieved on the file during the Swedish Presidency, as set out in 15575/09 SOC 670 JAI 805 MI 413.

7. **Proposal for a Directive on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC (Legislative deliberation)**

- **Political agreement**
13981/08 SOC 574 CODEC 1284
16165/09 SOC 714 CODEC 1330 + ADD 1

The outcome of the Committee's discussions is summarised in 16146/09 EXT 1 LIMITE.

28. Proposal for a Directive of the European Parliament and of the Council on the protection of animals used for scientific purposes

- State of play

15805/09 AGRILEG 212 VETER 57 ENV 785 RECH 399 CODEC 1293 + ADD 1

The Committee took note of the information provided by the Presidency on the state of play as set out in documents 15805/09 + ADD 1.

29. Draft Council Decision authorising the Commission to negotiate on behalf of the Community a Memorandum of Cooperation between the European Community and the International Civil Aviation Organisation (ICAO), providing a general framework for enhanced cooperation

- Adoption

16021/09 AVIATION 186 RELEX 1070 RESTREINT UE

The Committee:

- confirmed the agreement reached at Working Party level and decided to submit this file to the TTE Council, on 17 December 2009, for adoption of the Council Decision authorising the Commission to negotiate on behalf of the Community a Memorandum of Cooperation between the European Community and the International Civil Aviation Organisation (ICAO), providing a general framework for enhanced cooperation;
- decided to invite the TTE Council, at the above meeting, to include in its minutes the statement made by the Commission, as set out in Annex III to the Report (doc.16021/09).

- 30. Proposal for a Decision of the European Parliament and of the Council establishing a European Microfinance Facility for Employment and Social Inclusion (Progress Microfinance Facility) (First reading)**
and
Proposal for a Decision of the European Parliament and of the Council amending Decision No 1672/2006/EC of the European Parliament and of the Council establishing a Community Programme for Employment and Social Solidarity - Progress (First reading)
- **Presidency briefing on the outcome of the informal trialogue**
 - **Preparation of the next informal trialogue**
- 15908/09 SOC 688 ECOFIN 787 CADREFIN 66 COMPET 479 CODEC 1301

A number of delegations support the Presidency's compromise proposal that the Council should continue to support the Commission's proposal to take Euro 100 million from the PROGRESS Programme, but should indicate to the European Parliament its willingness to make available further funding from the margin, many of them stressing, however, that such an amount should be based on the actual availability of funds in the margin for 2010 and the subsequent years. CZ, DE, FR, FI, AT and UK are not in a position to support the Presidency suggestion, being opposed to any increase in the budget originally proposed.

The President concludes that the Presidency will continue to explore the possibility of reaching a compromise with the European Parliament.

Coreper Part 2

II

50. Follow up to the Council meeting (Economic and Financial Affairs/Budget) on 18 November 2009

The Committee took note of the successful outcome of the Council session of 18 November and of the Conciliation meeting held on the same date with the European Parliament.

The Committee agreed to use the written procedure for adopting letter of amendment No 3/2010 on the financing of the European Council.

51. Preparation of the Council meeting (Economic and Financial Affairs) on 2 December 2009

a) Financial services

- **Regulations establishing a European Banking Authority, a European Insurance and Occupational Pensions Authority and a European Securities and Markets Authority**
 - = **General Approach**
 - 16069/1/09 REV 1 EF 169 ECOFIN 800 SURE 46 CODEC 1319
 - 16073/1/09 REV 1 EF 170 ECOFIN 801 SURE 47 CODEC 1320
 - 16077/1/09 REV 1 EF 171 ECOFIN 802 SURE 48 CODEC 1321

Following an exchange of views on the main outstanding issues for delegations, the Committee invited the Financial Services Working Party to further the elaboration of a compromise, and agreed to examine the revised texts at a subsequent meeting with a view to preparing possible agreement on a general approach at the 2 December ECOFIN.

b) Taxation

- **VAT: Draft Directive on reverse charge on emission allowances and certain goods**
 - = **General Approach**
 - 16143/09 FISC 162

After an exchange of views on the latest Presidency compromise as set out in document 16143/09, the Committee agreed to come back to this issue at its meeting of 26 November 2009.

- **Savings Tax Directive**
= **Political agreement**
16140/09 FISC 161

The Committee discussed the text as set out in 16140/09, which was broadly acceptable subject to:

- A request by AT/LU to introduce a provision on external conditionality similar to Art. 17 (2) of the current Savings Directive;
- The announcement by LU that its Minister would raise the issue of the transitional period at ECOFIN level (art. 10);
- Diverging views on life insurance contracts (art. 6 (1) (e));
- Several smaller drafting suggestions.

The Committee agreed to come back to the issue, after further discussions at the technical level, at its meeting of 26 November, with a view of reaching a political agreement at the 2 December ECOFIN.

- **Code of conduct for business taxation**
= **Council conclusions on the report of the Code of Conduct Group**
16233/09 FISC 163
16234/09 FISC 164

The Committee confirmed agreement on the draft Council conclusions (doc. 16234/09) and the report to which they refer (doc. 16233/09). The Committee suggested that the Council adopt these conclusions as an "A" item at one of its forthcoming meetings.

c) Other items in connection with the Council meeting

The Committee reviewed the state of readiness of the agenda items listed.

52. Structural Funds - General Regulation 15986/2/09 REV 2 FSTR 75 FC 16 REGIO 52 SOC 696 CADREFIN 67

The Committee reached by unanimity (the CZ, MT, PL, SI, SK and UK delegations abstaining) an agreement on the general approach with regard to the Commission proposal to amend the General Regulation on Structural Funds (doc. 16490/09), and invited the Presidency to pursue negotiations with the European Parliament on the basis of the agreed

text with a view to reaching an agreement at first reading of the Parliament, and to report to the Working Party on Structural Measures on progress in these negotiations.

The Committee also decided to inscribe into its minutes the contribution of the Council Legal Service (doc. 16602/09) and the two statements which are set out in Annex II to document 15986/2/09 REV 2.

53. Follow-up to the Council meeting (General Affairs and External Relations) on 16/17 November 2009

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

54. Presentation of the agenda of the Council meeting (General Affairs) on 7 December 2009

Le Comité prend acte de la liste des points susceptibles de figurer à l'ordre du jour provisoire de la session du Conseil susvisée.

55. Presentation of the agenda of the Council meeting (Foreign Affairs) on 7/8 December 2009

Le Comité prend acte de la liste des points susceptibles de figurer à l'ordre du jour provisoire de la session du Conseil susvisée.

56. Preparation of the Council meeting (Justice and Home Affairs) on 30 November - 1 December 2009

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

The Committee continued the discussion of Chapter 4 and those parts of Chapter 6 that have not yet been dealt with.

- b) **Proposal for a Regulation of the European Parliament and of the Council establishing a European Asylum Support Office**

Became item 57.i.

- c) **Proposal for Council Conclusions on an Information Management Strategy for EU internal security**
15857/09 JAI 825 CATS 121 ASIM 127 JUSTCIV 237 JURINFO 142

The Chair presented the Presidency compromise proposal (cf. DS 727/09) on the draft Council Conclusions as set out in 15857/09 JAI 825 CATS 121 ASIM 127 JUSTCIV 237 JURINFO 142. DE and AT delegations maintained their reservations on the scope of the strategy and the reference to the Stockholm Programme respectively. The compromise proposal will be submitted to the Council (JHA) for approval.

- d) **Implementing the Strategy for the External Dimension of Justice and Home Affairs : Global Freedom, security and Justice**
Action Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings; Towards Global EU Action against Trafficking in Human Beings

Agreement was reached on 11450/5/09, which will now be submitted to the JHA Council for approval on 30 November/1 December (as a false B-point).

- e) **Proposal for a Council Framework Decision in preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA**
15996/09 DROIPEN 155 MIGR 106

The Committee was informed about the intention of having an "orientation debate" at the JHA Council on 30 November/1 December in view of the entry into force of the Lisbon Treaty. The proposal will have to be tabled again (as a Directive) under the new Treaty. DE informed the Committee that it was not yet in a position to lift its reservations on the draft Framework Decision. IE entered a general reservation on Art. 7 of the draft proposal, and LV entered a linguistic scrutiny reservation.

- f) **Proposal for a Council Framework Decision on combating sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA**
- **State of play**

The Committee took note of the state of play on this file on the basis of document 16193/09 JAI 844 DROIPEN 157 CATS 124, in view of submitting this state of play to the JHA Council on 30 November/1 December 2009, for information.

g) Proposal for a Council Framework Decision on the transfer of proceedings in criminal matters

- Orientation debate

15895/09 COPEN 226

The Committee examined the issues presented in 15895/09 COPEN 226 and instructed the JHA Counsellors group to further work on the file in order to prepare the discussions at the next Committee's meeting on 26 November.

h) Draft Council Decision on the signing, on behalf of the European Union, of an Agreement between the European Union and the United States of America on the processing and transfer of Financial messaging Data from the European Union to the United States for purposes of the Terrorist Financing Tracking Program ("SWIFT" Agreement) (restricted session)

15671/1/09 REV 1 JAI 813 USA 99 RELEX 1043 DATAPROTECT 71

ECOFIN 719

RESTREINT UE

+ REV 1 ADD 1

RESTREINT UE

The Committee was continuing discussing this file. Some delegations indicated they still needed further time for consultation. Some minor changes to the draft Agreement and to the draft Council declaration were suggested.

i) Other items in connection with the Council meeting

= External Relations

- i) Outcome and follow up of the EU/US Ministerial troika on 28 October 2009**
- ii) Outcome and follow up to the EU/Western Balkans Ministerial Forum on JHA on 16-17 November 2009**
- iii) Preparation of the EU/Russia Ministerial PPC (Freedom, Security and Justice) on 2 December 2009**

The Committee took note of the paper on JHA-Relex that was prepared by the Presidency, the details of which will be discussed at the Council.

57. i) **Proposal for a Regulation of the European Parliament and of the Council establishing a European Asylum Support Office**
- ii) **Proposal for a Decision of the European Parliament and of the Council amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008/2013 by removing funding for certain Community actions and altering the limit for funding such actions**
= **Political agreement on Common Position**
16024/09 ASILE 87 CODEC 1315

The Committee confirmed the political agreement on the abovementioned Regulation establishing the European Asylum Support Office as well as on the abovementioned Decision amending the European Refugee Fund subject to a reservation by AT.

In addition, the Committee agreed on the Interinstitutional Statement as reflected in ANNEX III of document 16024/09.

The Committee also agreed to the following statement:

"The Committee underlined that the Regulation establishing a European Asylum Support Office leaves unaffected the engagements the European Council has taken in the European Pact on Immigration and Asylum with regard to the voluntary nature of relocation and resettlement of beneficiaries of international protection. Furthermore, the Committee stressed that these engagements also need to be reflected in the Stockholm Programme."

- **Any other business**

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

The Presidency informed the Committee about the pre-COP consultations in Copenhagen on 15-16 November 2009.
