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THE EUROPEAN UNION**

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16653/12

CRS/CRP 40

SUMMARY RECORD

**Subject : 2430th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 21 and 23 November 2012**

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1. Adoption of the provisional agenda and "I" items
doc. 16325/12 OJ/CRP1 40

The above-mentioned agenda is approved.

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

The Commission made the following statement on item 13 :

13. Proposal for a Council Decision on the conclusion of the Protocol agreed between the European Union and the Republic of Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force

- Request by the Council for the consent of the European Parliament

14164/1/12 PECHE 366 OC 520 REV 1

16251/1/12 PECHE 470 OC 644 REV 1

"The Commission maintains its position and is therefore opposed to the Council's amendment replacing the legal basis of Article 43(2) in conjunction with Art. 218(6)a with Article 43 (without mentioning the paragraph) in conjunction with Article 218(6)a.

The Commission also considers that "Article 43(2) in conjunction with Article 218 (6)(a) should be used as the correct legal basis, in those cases where international fisheries agreements shall be concluded with the consent of the European Parliament, given that the material legal basis of Article 43(2) determines the requirement of the consent of the European Parliament pursuant to the operational legal basis of Article 218(6)(a)."

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II

21. **Proposal for a Regulation of the European Parliament and of the Council on the European Union Programme for Social Change and Innovation (PSCI) (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**

The Committee agreed to give a mandate to the Presidency to continue informal negotiations with the representatives of the European Parliament.

22. **Preparation of the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 6 and 7 December 2012**

1. Setting of the provisional agenda

The Committee agreed on the provisional agenda of the forthcoming meeting of the Council (EPSCO) as set out in 16969/12.

- 2. 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
16063/12 SOC 912 JAI 791 MI 716 FREMP 135

The Committee agreed to submit the Progress report (doc. 16063/12) to the EPSCO Council for information.

One delegation recalled its general reservation on the proposal and invited the Commission to withdraw it in the light of the lack of progress in the negotiations.

3. **Combating Violence Against Women, and the Provisions of Support Services for Victims of Domestic Violence (Report and indicators developed in the context of the Review of the Implementation of the Beijing Platform for Action)**
(*Non-legislative activity*)
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
- **Adoption of Council conclusions**
16064/12 SOC 913 JAI 792 FREMP 136 EDUC 337 COHOM 249
+ ADD 1

The Committee reached an agreement on the draft conclusions as set out in document 16382/12 and agreed to submit them to the EPSCO Council for adoption.

4. **European Year 2012 on Active Ageing and Solidarity between Generations: The Way Forward (*Non-legislative activity*)**
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
- **Adoption of Council Declaration**
15752/12 SOC 883 SAN 264

The Committee agreed to submit the draft Declaration (doc. 16592/12) to the EPSCO Council for adoption.

23. **Proposal for a Regulation of the European Parliament and of the Council on establishing a Health for Growth Programme, the third multi-annual programme of EU action in the field of health for the period 2014-2020 (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
16100/12 SAN 277 PHARM 81 MI 721 CADREFIN 465 CODEC 2640

The Committee agreed the Presidency's mandate for the third trilogue as set out in the fourth column of the document 16100/12 + COR 1 with changes in recital 9a, amendment 39 (Art. 3 (3) (2)) and amendment 89 (annex I).

The Commission, Hungary and Latvia maintained their reservation on the Council's text of Article 7, para 3, point (c)."

24. Preparation of the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 10 and 11 December 2012

1. Setting of the provisional agenda

The Committee agreed the provisional agenda for the forthcoming Council meeting (Competitiveness) on 10 and 11 December 2012.

2. Public procurement package

- **Proposal for a Directive of the European Parliament and of the Council on public procurement (First reading) (*Legislative deliberation*)**
 - **General approach**
16190/12 MAP 62 MI 725 CODEC 2656
16191/12 MAP 63 MI 726 CODEC 2657

The Committee discussed the public procurement package, in particular the proposal on public procurement, endorsed the text as outlined in document 16190/12 with agreed modifications, and decided to put the item on the Council agenda for general approach.

25. Proposal for a Regulation of the European Parliament and of the Council on the implementation and exploitation of European satellite navigation systems (First reading) (*Legislative deliberation*)

- **Preparation for the informal trilogue**
17844/11 TRANS 338 MAR 154 AVIATION 254 CAB 54 CODEC 2250
ESPACE 80 FIN 1021
+ REV 1 (en, fr, de)
16185/12 TRANS 395 MAR 134 AVIATION 172 CAB 31 CODEC 2652 ESPACE 53
FIN 857 CSC 74

The Committee discussed the compromise package proposed by the Presidency, as in document 16185/12, with a view to preparing the first informal trilogue on 28 November 2012. The Committee could not give a flexible mandate to the Presidency to provide for the inclusion in the Regulation of the "maximisation of the socio-economic benefits from the programmes through the development of applications". Although some Member States could support the Presidency proposal, a substantial number of other Member States expressed their reservations, while waiting for the outcome of the current discussions on the Multiannual Financial Framework 2014-2020.

26. **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending regulation (EC) No 561/2006 of the European Parliament and the Council ("Tachograph") (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Presidency debriefing on the above item took place during the meeting of the Mertens Group on 20 November 2012.

27. **Preparation of the Council meeting (Transport, telecommunications and Energy) on 3 December 2012**

1. **Proposal for a Regulation of the European Parliament and of the Council on safety of offshore oil and gas prospection, exploration and production activities (First reading) (*Legislative deliberation*)**
- **Presidency report on state of play**
16131/12 ENER 461 ENV 847 MARE 8 COMAR 16 PROCIV 178 CODEC 2646

The Committee agreed to the transmission of this report to the Council, with the inclusion of a change proposed by the German delegation.

2. **Communication from the Commission on a Strategy for Renewable Energy (*Non-legislative activity*)**
- **Adoption of Council conclusions**
15834/12 ENER 442 ENV 835 POLGEN 186

The Committee agreed to submit these conclusions to the Council for adoption.

3. **Follow-up to the European Council (*Non-legislative activity*)**
(a) **Progress report**
(b) **Communication from the Commission on the Internal Energy Market (IEM)**
- **Presentation and exchange of views**
16203/12 ENER 468 ATO 153 POLGEN 189
16202/12 ENER 467

The Committee was informed that the Commission will present its Communication at the Council after which an exchange of views would take place on the basis of the questions set out in 16203/12.

28. Preparation for the Council meeting (Agriculture and Fisheries) on 28 and 29 November 2012

- 1. Proposal for a Council Regulation fixing for 2013 and 2014 the fishing opportunities for EU vessels for certain deep-sea fish stocks (*Non-legislative activity*)**
 - **Political agreement**
14635/12 PECHE 392
16175/12 PECHE 467

The Committee prepared the item. The item is retained on the Council agenda.

- 2. EU/Norway: Annual consultations for 2013 (*Non-legislative activity*)**
 - **Exchange of views**

The Committee prepared the item. The item is retained on the Council agenda.

- 29. (a) Proposal for a Council Regulation on the allocation of the fishing opportunities under the Protocol between the European Union and the Islamic Republic of Mauritania setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force and amending Regulation 1801/2006**
 - **Decision on pelagic allocation key**
14278/12 PECHE 369
16396/12 PECHE 483
16308/12 PECHE 475
- (b) Proposal for a Council Decision on the signature, on behalf of the European Union, and the provisional application of the Protocol between the European Union and the Islamic Republic of Mauritania setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force**
 - **Preparation for adoption**
14282/12 PECHE 371
16308/12 PECHE 475
- (c) Proposal for a Council Decision on conclusion of the Protocol between the European Union and the Islamic Republic of Mauritania setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two Parties currently in force**
 - **Analysis of the legal basis**
14281/12 PECHE 370
15735/12 PECHE 446
16308/12 PECHE 475

The Committee discussed the item. The Presidency concluded that :

- there was a qualified majority in favour of signing and provisionally applying the Protocol (with EL, ES, LT, LV and PT opposing);
- there was a qualified majority in favour of the Regulation on allocation of fishing opportunities (with ES, LV and PT opposing and EL abstaining);
- there was unanimity to change the legal basis in the decision on conclusion of the Protocol.

The item will be put forward for adoption under the "I/A" item procedure.

30. Proposal for a Decision of the European Parliament and of the Council on accounting rules and action plans on greenhouse gas emissions and removals resulting from activities related to land use, land use change and forestry (LULUCF) (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
16209/12 ENV 856 ONU 147 FORETS 80 AGRI 751 CODEC 2660

The Committee agreed to give the Presidency a mandate for the second informal trilogue with the European Parliament on 27 November 2012 on the basis of the Presidency compromise text contained in the Annex to document 16209/12, which was modified as follows: withdrawal of the compromise proposals on the EP amendments 31 (Art. 3 and 3a) and 42 (Art. 6 (3) (c)), and some redrafting of the proposals relating to amendments 16 (recital 12), 68 (Art. 10 (2a)) and 74 (Art.11).

DK lifted its parliamentary scrutiny reserve. UK maintains a parliamentary scrutiny reserve.

32. Proposal for a Regulation of the European Parliament and of the Council concerning the European Network and Information Security Agency (ENISA) (First reading) (Legislative deliberation)

- **Presidency debriefing on the outcome of the informal trilogue**

The Chair informed the Committee of the main points discussed at the 2nd trilogue on 20 November 2012, namely Computer Emergency Response Teams, possible operational tasks, ENISA support to be provided at its discretion or upon Member States' request, possible extension of ENISA budget in relation with which the Commission was invited to provide a cost assessment of possible extra tasks, as well as what the European Parliament sees as the most important political issues i.e. the establishment of an Executive Board, the establishment of branch offices, the appointment of the Executive Director and the duration of ENISA mandate.

While the atmosphere of the meeting was generally constructive one had to note the negative assessment drawn by the EP representative at the end of the trilogue.

The next trilogue is scheduled for 4 December 2012.

33. Proposal for a Regulation of the European Parliament and of the Council on safety of offshore oil and gas prospection, exploration and production activities (First reading) (Legislative deliberation)

- Preparation for the informal trilogue

16177/12 ENER 465 ENV 853 MARE 9 COMAR 17 PROCIV 179 CODEC 2649

The Committee reached agreement on a broad mandate, on the basis of the text set out in the third column of document 16177/12 + COR 1, allowing for discussions of an exploratory nature to take place on the occasion of the first trilogue on 29 November 2012.

34. Proposal for a Regulation of the European Parliament and of the Council on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 714/2009 and 715/2009 (First reading) (Legislative deliberation)

- Preparation for the informal trilogue

16107/12 ENER 459 CADREFIN 466 CODEC 2642

The Committee reached agreement on a mandate, on the basis of the text set out in the third and fourth columns of document 16107/12, which should enable the Presidency to conclude the negotiations with the European Parliament on the occasion of the third trilogue on 27 November 2012. As stressed by several delegations this mandate is already stretching their flexibility e.g. as regards the possibility to accept binding time limit for one of the phases of the permit granting procedure or the insertion of provisions on operational coordination. The Presidency took note of the limits and comments attached to the flexibility with which this mandate was accepted.

- 35. Proposal for a Directive of the European Parliament and of the Council on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings (Accounting Directive) (First reading) (Legislative deliberation)**
- Preparation for the informal trilogue
16193/12 DRS 127 COMPET 690 ECOFIN 937 CODEC 2658

The Committee mandated the Presidency to negotiate with the European Parliament at the third informal trilogue on 27 November 2012 on the basis of the Presidency's suggestions as set out in 16193/12 with the addition of a recital related to "dividends" in the definition of payments (Article 36(4a)(d)).

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