



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 December 2012

16970/12

CRS/CRP 41

SUMMARY RECORD

**Subject : 2431st meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 27, 28, 29 and 30 November 2012**

SUMMARY

Page

1. Adoption of the provisional agenda and "I" items 14

Coreper Part 2

I

2. Council Decision taken by common accord with the President of the Commission appointing a new Member of the Commission
3. Proposals for external financing instruments under Heading 4 of the Multiannual Financial Framework 2014-2020
4. Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Recast) (First reading)
7. Draft minutes of Council meetings
- b) 3151st meeting of the Council of the European Union (Justice and Home Affairs), held in Brussels on 3 March 2012
 - c) 3159th meeting of the Council of the European Union (Foreign Affairs), held in Luxembourg on 23 April 2012
 - d) 3160th meeting of the Council of the European Union (General Affairs), held in Luxembourg on 24 April 2012
 - e) 3162nd meeting of the Council of the European Union (Justice and Home Affairs), held in Luxembourg on 26 and 27 April 2012
 - f) 3163rd meeting of the Council of the European Union (Economic and Financial Affairs), held in Brussels on 2 May 2012
 - g) 3166th meeting of the Council of the European Union (Foreign Affairs), held in Brussels on 14 May 2012
 - h) 3167th meeting of the Council of the European Union (Economic and Financial Affairs), held in Brussels on 15 May 2012
 - i) 3168th meeting of the Council of the European Union (General Affairs), held in Brussels on 29 May 2012

8. Case before the Court of Justice
 - Case C-130/10 European Parliament against the Council of the European Union
9. Committee of the Regions
 - Council Decision appointing a German member and a German alternate member of the Committee of the Regions
10. Draft Council conclusions on the Marine and Maritime Agenda for Growth and Jobs
11. ECOFIN report to the European Council on Tax issues
12. Report by Finance Ministers on Tax issues in the framework of the Euro Plus Pact
13. Code of Conduct (Business Taxation)
 - Report to the Council
 - Draft Council Conclusions
14. Energy Taxation Directive
15. Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the work of the EU Joint Transfer Pricing Forum in the period July 2010 to June 2012 and related proposals
 1. Report on Small and Medium Enterprises and Transfer Pricing and
 2. Report on Cost Contribution Arrangements on Services not creating Intangible Property (IP)
16. Council Implementing Decision amending Decision 2009/790/EC authorising the Republic of Poland to apply a measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax
17. Council Decision abrogating Decision 2009/587/EC on the existence of an excessive deficit in Malta
18. Draft amending budget No 6 to the general budget for 2012
19. New draft budget for 2013
20. Proposal for transfer of appropriations No DEC1/2012 within Section VII - Committee of the Regions - of the general budget for 2012
21. Proposal for transfer of appropriations No DEC1/2012 within Section VI - European Economic and Social Committee - of the general budget for 2012
22. Proposal for transfer of appropriations No DEC2/2012 within Section VI - European Economic and Social Committee - of the general budget for 2012
23. Proposal for transfer of appropriations No DEC3/2012 within Section VI - European Economic and Social Committee - of the general budget for 2012

24. Draft joint statement on agencies
 - Outcome of the trilogues on 17 October and 7 November 2012
25. Commission delegated Regulation (EU) No .../... of 29 October 2012 on the rules of application of Regulation (EU) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union
26. Special report No 18/2012: European Union Assistance to Kosovo related to the rule of law
 - Designation of Working Party
27. Draft design of the Luxembourg 2 euro commemorative coin intended to be issued on the occasion of the wedding of the Heir Grand-Duke Guillaume with the Countess Stéphanie de Lannoy
28. Amended Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/1999 concerning investigations conducted by the European Anti-fraud Office (OLAF) and repealing Regulation (EURATOM) No 1074/1999 (First reading)
29. Draft Commission Regulation of [...] amending Regulation (EC) No 2214/96 concerning harmonised indices of consumer prices (HICP): transmission and dissemination of sub-indices of the HICP, as regards establishing harmonised indices of consumer prices at constant tax rates
30. Draft Commission Regulation of [...] laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 concerning harmonised indices of consumer prices, as regards establishing owner-occupied housing price indices
31. Proposal for a regulation of the European Parliament and of the Council introducing, on the occasion of the accession of Croatia, special temporary measures for the recruitment of officials and temporary staff of the European Union (First reading)
32. 2013 EU security inspection programme
33. Information Assurance Security Policy on Security throughout the Communication and Information System Life Cycle
34. Information Assurance Security Policy on TEMPEST
35. Relations with Japan
 - Authorisation for the opening of negotiations for a Framework Agreement between the European Union and Japan
 - a) Council Decision authorising the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to negotiate, on behalf of the European Union, the provisions of a Framework Agreement between the European Union and its Member States, of the one part, and Japan, of the other part, that fall within the competence of the European Union

- b) Decision of the representatives of the governments of the Member States, meeting within the Council, of authorising the European Commission to negotiate, on behalf of the Member States, the provisions of a Framework Agreement between the European Union and its Member States, of the one part, and Japan, of the other part, that fall within the competences of the Member States
36. Proposal for a Council Decision establishing the European Union position within the General Council of the World Trade Organization on the accession of the Republic of Tajikistan to the World Trade Organization
37. Proposal for a Regulation of the European Parliament and of the Council on the allocation of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union (First reading)
38. Proposal for a Regulation of the European Parliament and of the Council concerning the implementation of the Agreements concluded by the EU following negotiations in the framework of Article XXVIII of GATT 1994, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (First reading)
39. Proposal for a Council Decision on the conclusion of the Agreement between the European Union and the Republic of Moldova on the protection of geographical indications of agricultural products and foodstuffs
40. Proposal for a Council Decision on the conclusion of Agreements in form of exchanges of letters on the modification of concessions with respect to processed poultry meat between the European Union and the Federal Republic of Brazil, and between the European Union and the Kingdom of Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade 1994 (GATT 1994)
41. Proposal for a Council Decision on the signing, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union
42. Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Union, of the one part, and the State of Israel, of the other part, amending the Annexes to Protocols 1 and 2 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part
43. Anti-dumping
- Proposal for a Council Implementing Regulation imposing a definitive anti-dumping duty on imports of chamois leather originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009

44. Adoption of the Bulgarian and Romanian language versions of the
 - a) Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis
 - b) Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland
45. Council Decision on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Protocol 31 (on cooperation in specific fields outside the four freedoms) to the EEA Agreement
46. Draft Council Decision extending the application period of Decision 2010/371/EU of 7 June 2010 concerning the conclusion of consultations with the Republic of Madagascar under Article 96 of the ACP-EU Partnership Agreement
47. Council Decision amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO
48. Political and Security Committee Decision BiH/19/2012 on the appointment of an EU Force Commander for the European Union military operation in Bosnia and Herzegovina
49. Afghanistan
 - a) Council Implementing Decision implementing Decision 2011/486/CFSP concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan
 - b) Council Implementing Regulation implementing Article 11(1) and (4) of Regulation (EU) No 753/2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan
51. Draft Strategy for the future customs law enforcement co-operation
52. Implementation of the Common Framework for genuine and practical solidarity towards Member States facing particular pressures on their asylum systems including through mixed migration flows
53. Presentation of the SISNET accounts 2011
54. Schengen evaluation of the Principality of Liechtenstein
 - Draft Council conclusions on the follow-up to the Schengen evaluation conducted in 2011

II

5.	Preparation of the Council meeting (Justice and Home Affairs) on 6/7 December 2012	
a)	- Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes	
	- Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships	
		18
b)	Data protection package (First reading)	18
c)	Proposal for a Directive of the European Parliament and of the Council on the freezing and confiscation of proceeds of crime in the European Union (First reading)	19
d)	Proposal for a Directive of the European Parliament and of the Council on criminal sanctions for insider dealing and market manipulation (MAD) (First reading)	19
e)	Proposal for a Directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law (First reading)	19
f)	Proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters (First reading)	20
g)	e-Justice	20
h)	Other items in connection with the Council meeting	20
6.	Amended proposal for a Directive of the European Parliament and of the Council on common procedures for granting and withdrawing international protection status (Recast) (First reading)	21
55.	Preparation of the Council meeting (Foreign Affairs/Trade) on 29 November 2012	
a)	EU Japan	22
b)	EU-Canada CETA	22
c)	Other items in connection with the Council meeting	22
56.	Preparation of the Council meeting (Economic and Financial Affairs) on 4 December 2012	
a)	Economic governance - Two pack	
i)	Proposal for a Regulation on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area	
ii)	Proposal for a Regulation on the strengthening of economic and budgetary surveillance of Member States experiencing or threatened with serious difficulties with respect to their financial stability in the euro area	
		23

c)	Revised capital requirements rules (CRD IV)	
i)	Proposal for a Regulation of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms (First reading)	
ii)	Proposal for a Directive of the European Parliament and of the Council on the access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms and amending Directive 2002/87/EC of the European Parliament and of the Council on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate (First reading)	23
d)	Banking Supervision Mechanism	
i)	Proposal for a Council Regulation conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions	
ii)	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority) as regards its interaction with Council Regulation (EU) No.../... conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (First reading)	24
e)	VAT Quick Reaction Mechanism	
-	Proposal for a Council Directive amending Directive 2006/112/EC on the common system of value added tax as regards a quick reaction mechanism against VAT fraud	24
f)	(poss.) Financial Transaction Tax (FTT)	
-	Proposal for a Council Decision authorising enhanced cooperation in the area of financial transaction tax	24
k)	Macroeconomic Imbalance Procedure – Commission Annual Report	25
l)	Annual Growth Survey 2013	25
m)	(poss.) Issues related to the Economic and Monetary Union	25
o)	Other items in connection with the Council meeting	25
57.	New draft budget for the European Union for the financial year 2013 (restricted session)	25
58.	Preparation of the Council meeting (General Affairs) on 11 December 2012	
a)	Preparation of the European Council on 13/14 December 2012	26
b)	Other items in connection with the Council meeting	26

59.	Enlargement and Stabilisation and Association Process	26
60.	Follow-up to the Council meeting (Foreign Affairs) on 19 November 2012	26
61.	Preparation of the Council meeting (Foreign Affairs) on 10 December 2012	
-	Other items in connection with the Council meeting	27
62.	Follow-up to the Council meeting (General Affairs) on 20 November 2012	28
63.	Follow-up to the European Council on 22/23 November 2012	28

Coreper Part 1

I

64. Replies to written questions put to the Council by Members of the European Parliament
 - (a) n° E-008734/2012 put by Morten Messerschmidt
"Classification of documents etc. in the EU institutions"
 - (b) n° E-009578/2012 put by Sergio Gutiérrez Prieto
"MEPs' salaries"
65. Case before the Court of Justice of the European Union
Case C-363/12, Ms Z Referral to the Court of Justice for a preliminary ruling by the Equality Tribunal (Ireland)
66. Governing Board of the European Centre for the Development of Vocational Training (CEDEFOP)
Appointment of Mr Tobias ERIKSSON (SE), member in the category of representatives of Employers' organisations
67. European Capital of Culture
 - Appointment by the Council of two members of the selection panel and the monitoring and advisory panel for the period 2013-2015
68. Commission Regulation (EU) No .../. of XXX implementing Regulation (EC) No 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work, as regards statistics based on the European Health Interview Survey (EHIS)
69. 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
70. 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
71. 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

II

72.	Setting of the provisional agenda for the Council meeting (<u>Environment</u>) on 17 December 2012	30
73.	Proposal for a Council Regulation on trade related measures to guarantee the supply of certain fishery products to Union processors from 2013 to 2015 amending Regulation (EC) No 104/2000 and (EU) No 1344/2011 and repealing Regulation (EC) No 1062/2009	30
74.	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)	30
75.	Preparation of the Council meeting (<u>Employment, Social Policy, Health</u> and Consumer Affairs) on 6 and 7 December 2012	
1.	Proposal for a Directive of the European Parliament and of the Council on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (First reading) (<i>Legislative deliberation</i>)	31
2.	Proposal for a Regulation of the European Parliament and of the Council on the European Globalisation Adjustment Fund (2014-2020) (First reading) (<i>Legislative deliberation</i>)	31
3.	Proposal for a Regulation of the European Parliament and of the Council on the European Union Programme for Social Change and Innovation (First reading) (<i>Legislative deliberation</i>)	31
4.	Organ Donation and Transplantation (<i>Non-legislative activity</i>) (Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])	32
5.	Healthy Ageing across the Lifecycle (<i>Non-legislative activity</i>) (Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])	32
6.	Europe 2020 governance and follow-up of European Council conclusions in the field of employment and social policy (<i>Non-legislative activity</i>) (Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])	
(a)	Annual Growth Survey (2013), Joint Employment Report and Alert Mechanism Report	
(b)	Youth Employment Package	
(c)	Employment Performance Monitor and Benchmarks	33

76.	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) (<i>Legislative deliberation</i>)	33
77.	Preparation of the Council meeting "Competitiveness"(<u>Internal Market, Industry, Research and Space</u>) on 10 and 11 December 2012	
1.	Modernisation of the State aid rules - Impact on EU Competitiveness (<i>Non-legislative activity</i>)	33
2.	Industrial Policy (<i>Non-legislative activity</i>)	
(a)	Communication from the Commission on A Stronger European Industry for Growth and Economic Recovery Industrial Policy Communication Update	
(b)	CARS 2020: Action Plan for a competitive and sustainable automotive industry in Europe	34
3.	Unitary Patent and International Agreement on the Unified Patent Court (<i>Legislative deliberation</i>)	34
4.	Public procurement package (First reading) (<i>Legislative deliberation</i>)	
(a)	Proposal for a Directive of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors	
(b)	Proposal for a Directive of the European Parliament and of the Council on the award of concession contracts	35
5.	Communication from the Commission: "Single Market Act II - Together for new growth" (<i>Non-legislative activity</i>)	35
6.	Horizon 2020 (First reading) (<i>Legislative deliberation</i>) Proposal for a Council Regulation on the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020 – The Framework Programme for Research and Innovation	35
7.	Proposal for a Decision of the European Parliament and of the Council on the Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT): the contribution of the EIT to a more innovative Europe (First reading) (<i>Legislative deliberation</i>)	35
8.	Communication from the Commission on "A Reinforced European Research Area" Partnership for Excellence and Growth (<i>Non-legislative activity</i>)	36
9.	Communication from the Commission on enhancing and focusing international cooperation in research and innovation (<i>Non-legislative activity</i>)	36

10.	Communication from the Commission to the Council and the Parliament on Establishing appropriate relations between the EU and the European Space Agency (ESA) (<i>Non-legislative activity</i>)	36
78.	Presidency and Council Secretariat report on Impact Assessment	36
79.	Proposal for a Council Decision establishing the European Union position for the review of the International Telecommunications Regulations to be taken at the World Conference on International Telecommunications or its preparatory process	37
80.	Proposal for a Regulation of the European Parliament and of the Council on the establishment of a Programme for the Environment and Climate Action (LIFE) (First reading) (Legislative deliberation)	37
81.	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)	37
83.	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)	38
84.	Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks	38
85.	Draft 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)	39
86.	Proposal for a Regulation of the European Parliament and of the Council on safety of offshore oil and gas prospecting, exploration and production activities (First reading) (Legislative deliberation)	40
87.	Proposal for a Regulation of the European Parliament and of the Council on a consumer programme 2014-2020 (First reading) (Legislative deliberation)	40
88.	(a) Proposal for a Directive of the European Parliament and of the Council on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (First reading) (Legislative deliberation)	40
	(b) Proposal for a Regulation of the European Parliament and of the Council on online dispute resolution for consumer disputes (Regulation on consumer ODR) (First reading) (Legislative deliberation)	40
	(This item will be dealt with in the restricted session: Ambassadors + Mertens only)	
-	Any other business	
	• European Council follow-up (Coreper 1 matters)	41

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

doc. 16822/12 OJ/CRP1 41 + COR 1
16720/3/12 REV 3 OJ/CRP2 41 COMIX 665

The above-mentioned agendas are approved with the following changes:

The following items are **added**:

(Coreper Part 2, under II)

89. OECD Enlargement

- 90. (poss.) Broader dialogue and cooperation framework on Justice and Home Affairs between the EU and its Member States and Turkey**
16929/12 ELARG 123 JAI 849

The following items are **withdrawn**:

(Coreper Part 1, under II)

- 82. 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)**
- **Presidency debriefing on the outcome of the informal trilogue**

(Coreper Part 2, under I)

7. Draft minutes of Council meetings

- a) 3148th meeting of the Council of the European Union (Economic and Financial Affairs), held in Brussels on 21 February 2012**
6747/12 PV/CONS 9 ECOFIN 175
+ COR 1 REV 1
+ COR 2 (fi)
+ ADD 1
+ ADD 1 COR 1
+ ADD 1 COR 2 (fi)
+ ADD 1 COR 3 (lv)

(Coreper Part 2, under II)

56. Preparation of the Council meeting (Economic and Financial Affairs) on 4 December 2012

- g) Energy Taxation Directive**
- **Proposal for a Council Directive amending Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity**
= **State of play**

- h) **Code of Conduct (Business Taxation)**
 - **Report to the Council**
 - **Draft Council conclusions**
- i) **ECOFIN Report to the European Council on tax policy issues**
 - **Endorsement**
- j) **Report by Finance Ministers on tax issues in the framework of the Euro Plus Pact**
 - **Endorsement**

The following CRP2 agenda item is **transferred** from Part I to Part II :

50. Syria

16843/12 PESC 1445 RELEX 1080 COMEM 358 COARM 252 FIN 955

- a) **Council Decision concerning restrictive measures against Syria and repealing Decision 2011/782/CFSP**

15952/12 PESC 1352 COARM 234 COMEM 345 FIN 848 OC 630

- b) **Council Implementing Regulation implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**

15956/1/12 REV 1 PESC 1353 RELEX 1013 COARM 235 COMEM 346
FIN 849 OC 631

The following CRP2 agenda item is **transferred** from Part II to Part I (item 17):

56. Preparation of the Council meeting (Economic and Financial Affairs) on 4 December 2012

- (n) **Council Decision abrogating Decision 2009/587/EC on the existence of an excessive deficit in Malta**

= **Adoption**

16824/12 ECOFIN 991 UEM 323

16526/12 ECOFIN 971 UEM 319 OC 661

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

ES made a statement on the following item :

13. Code of Conduct (Business Taxation)

- **Report to the Council**
- **Draft Council Conclusions**
16489/12 FISC 174
16488/12 FISC 173

"The Kingdom of Spain fully endorses the conclusions of the ECOFIN Council, the outcome of the review by the Code of Conduct Group (Business Taxation) and the assessment made by the Commission on the harmfulness of the Gibraltar regime "Income Tax Act 2010.

However, Spain wishes to highlight that, as reflected in the report prepared by the Group, the outcome of the review and the assessment made are based on the analysis of a very specific type of income: interests, without having evaluated other potentially harmful elements of the regime. Therefore, the Kingdom of Spain reserves its right to request to continue in the future with the analysis and assessment of elements not analysed now."

NL made statements on the following items :

29. Draft Commission Regulation of [...] amending Regulation (EC) No 2214/96 concerning harmonised indices of consumer prices (HICP): transmission and dissemination of sub-indices of the HICP, as regards establishing harmonised indices of consumer prices at constant tax rates

- **Decision not to oppose the draft measures proposed by the Commission**
16649/12 STATIS 91 ECOFIN 979
+ ADD 1

"The Netherlands regrets that the guidelines itself are not adopted as an implementing measure under the PRAC even though the substance and the aim of the guidelines are precisely to ensure comparability and to maintain and to improve the reliability and relevance as foreseen by the Articles 4(3) and 5(3) of the basic Regulation. The Netherlands considers therefore that the proposed Article 3(2) in the draft Commission Regulation is not in conformity with powers conferred on the Commission by the legislator since they deprive the applicability of Article 4(3) and Article 5(3) of the basic Regulation. The Netherlands therefore opposes the adoption of the draft Regulation."

- 30. Draft Commission Regulation of [...] laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 concerning harmonised indices of consumer prices, as regards establishing owner-occupied housing price indices**
- **Decision not to oppose the draft measures proposed by the Commission**
16659/12 STATIS 92 ECOFIN 981
+ ADD 1

"The Netherlands regrets that the manual itself is not adopted as an implementing measure under the PRAC even though the substance and the aim of the manual are precisely to ensure comparability and to maintain and to improve the reliability and relevance as foreseen by the Articles 4 and 5(3) of the basic Regulation. The Netherlands considers therefore that Article 4 and 5 of the draft Commission Regulation are not in conformity with powers conferred on the Commission by the legislator since they deprive the applicability of Article 4 and Article 5(3) of the basic Regulation. The Netherlands therefore opposes the adoption of the draft Regulation."

IT made a statement on the following item :

- 51. Draft Strategy for the future customs law enforcement co-operation**
16320/12 ENFOCUSTOM 127 COSI 117

" Italy supports the scope and the objectives of the "Strategy for the future customs law enforcement cooperation". As far as the Strategy's contents are concerned (doc. 16320/12), and consistently with the statement made by Italy (doc. 17834/11 CRS/CRP 47) on the occasion of the adoption of the "Resolution on the Future of Custom Law enforcement cooperation" (doc. 17558/11 JAI 878 ENFOCUSTOM 144), Italy will carry out the Strategy and implement its measures in accordance with national law and without prejudice to the competencies of customs authorities and other national authorities responsible for law enforcement and for the implementation of customs legislation."

Coreper Part 2

II

5. Preparation of the Council meeting (Justice and Home Affairs) on 6/7 December 2012

- a) - **Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes**
 - = **Orientation debate**
 - **Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships**
 - = **Orientation debate**
- 16614/12 JUSTCIV 341

The outcome of the discussions is set out in document 16878/12 JUSTCIV 3.

- b) **Data protection package (First reading)**
 - **Report on progress achieved under the Cyprus Presidency**
16525/12 DATAPROTECT 132 JAI 819 DAPIX 145 MI 753 FREMP 141
DRS 131 CODEC 2744

The Committee discussed the Presidency's progress report, which was well received by many delegations. Regarding the issue of the risk-based approach, the Chair agreed to remove a possible ambiguity in the wording of the third indent of paragraph 25. Concerning the question of the flexibility for the public sector, several delegations wanted to highlight the issue of the choice of legal instrument more, whereas others, including the Commission, thought this issue should no longer be mentioned. The Chair decided not to change the fourth indent of paragraph 25, but to remove a possible contradiction by changing the last sentence of paragraph 24. The thus amended Progress report would be submitted to the JHA Council of 6-7 December 2012.

c) Proposal for a Directive of the European Parliament and of the Council on the freezing and confiscation of proceeds of crime in the European Union (First reading)

- General approach

16566/12 DROIPEN 167 COPEN 255 CODEC 2758

The Committee confirmed that the compromise text, set out in 16566/12, and subject to a modification in recital 19 should be submitted to the Council for a general approach with a view to initiating negotiations with the European Parliament in the context of the ordinary legislative procedure. As a part of the compromise package, it was also agreed that a draft declaration of the Council and the European Parliament intended to address some outstanding concerns relating to the mutual recognition of freezing and confiscation orders, should be made part of the negotiations with the European Parliament.

d) Proposal for a Directive of the European Parliament and of the Council on criminal sanctions for insider dealing and market manipulation (MAD) (First reading)

- General approach

16603/12 DROIPEN 169 EF 271 ECOFIN 975 CODEC 2763

The Committee examined the draft text on the basis of document 16603/12. It was concluded that a majority of delegations supported the text, and that it would be submitted to the JHA Council for endorsement of the Council Position in view of engaging in negotiations with the European Parliament in the context of the ordinary legislative procedure. Three delegations (EL, IT, RO) maintain reservations on the text.

e) Proposal for a Directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law (First reading)

- State of play

The Committee took note of the state of play of discussions on the proposal, in particular as regards determination of the starting point for the calculation of the prescription period, linking the prescription period with seriousness and on suspension and interruption of the prescription period.

- f) Proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters (First reading)**
- **General approach**
16615/12 JUSTCIV 342 COPEN 258 CODEC 2766
+ ADD 1

The outcome of the discussions is set out in 17165/12.

A statement is made by the CZ, MT, SI and SE delegations :

Statement by the Czech Republic, Malta, Slovenia and Sweden to the Coreper minutes on Article 1 (3)

"The Czech Republic, Malta, Slovenia and Sweden share from the very beginning the main objective of the Proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters which aims at strengthening the rights of victims in the European Union.

The largest group of the protected persons represents victims of domestic violence, i.e. family members and unfortunately often children. It is regrettable to state that the new mechanism provided for in the Regulation will not fully protect this most vulnerable group of persons. This may occur mainly in case of violence in the family where the adult will be protected by the protection measure recognized in the Member State addressed but not the child since the current Brussels IIa Regulation does not guarantee free circulation of all types of protection measures, in particular those that are due to the urgency of the situation ordered in ex-parte proceeding (ground of non-recognition under Art. 23 letter c) of Brussels IIa Regulation would be applied). We must stress that such a legal solution does not correspond to our original position to regulate comprehensively all issues related to recognition of protection measures in one instrument. However, our position has not found sufficient support in the negotiations in the working party."

- g) e-Justice**
- **Report from the Working Party on e-Law (e-Justice) to Coreper/Council**
16575/12 EJUSTICE 81 JURINFO 47 JUSTCIV 339 JUSTPEN 3 COPEN 256
DROIPEN 168 FREMP 144
+ COR 1

The outcome of the discussions is set out in 16575/12 + COR 1, 16580/12 + COR 1 and 15469/12.

h) Other items in connection with the Council meeting

The Presidency informed the Committee on the other items which are going to be dealt with in the Council, in particular:

- Counter-terrorism
 - = Annual Report on the implementation of the EU Counter-terrorism Strategy : Evaluation by the CYC and questions for discussion
 - = Draft Council conclusions on Aviation security against terrorist threats
- Draft EU Drugs Strategy (2013-2020)
- Accession of the European Union to the European Convention on Human Rights

6. Amended proposal for a Directive of the European Parliament and of the Council on common procedures for granting and withdrawing international protection status (Recast) (First reading)

- **Preparation of the fifth informal trilogue**
15624/12 ASILE 130 CODEC 2530

The Committee examined the compromise suggestions of the Presidency contained in 15624/12. In light of this examination, the Chair concluded that the Presidency would engage in the fifth informal trilogue, which will be held on 28 November 2012, on the basis of the Presidency compromise suggestions while noting that the Council reserves its position with regard to Article 24 and Article 25(6).

50. Syria

16843/12 PESC 1445 RELEX 1080 COMEM 358 COARM 252 FIN 955

- a) **Council Decision concerning restrictive measures against Syria and repealing Decision 2011/782/CFSP**
15952/12 PESC 1352 COARM 234 COMEM 345 FIN 848 OC 630
- b) **Council Implementing Regulation implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**
15956/1/12 REV 1 PESC 1353 RELEX 1013 COARM 235 COMEM 346
FIN 849 OC 631

The Committee agreed that restrictive measures against Syria will be extended for 3 months. The Chair concluded that the Council Decision and Council Implementing Regulation will be adopted by the Foreign Affairs Council/Trade on 29 November 2012.

55. Preparation of the Council meeting (Foreign Affairs/Trade) on 29 November 2012

a) EU Japan

- Adoption of the negotiating mandate

15866/12 WTO 349 SERVICES 67 FDI 28 COASI 180 OC 626

15864/12 WTO 348 SERVICES 66 FDI 27 COASI 179 OC 625

+ ADD 1 RESTREINT UE

The Committee continued the discussion on the outstanding issues regarding the draft mandate for the Commission to negotiate a free trade agreement with Japan.

On the basis of the Commission's and Member States' interventions, the Chair concluded that the discussion was fruitful and the agreement at the Council meeting on 29 November 2012 seemed well within reach. In this respect, the Commission announced its intention to enter some statements into the Council minutes.

b) EU-Canada CETA

- State of play

The Chair noted that the Council would discuss the state of play in the CETA negotiations and prospects for their conclusion. The Commission informed the Committee about the outcome of the EU-Canada ministerial meeting, held on 22 November 2012, and outlined its expectations for the Council discussion.

c) Other items in connection with the Council meeting

The Chair indicated the items to be discussed during the working lunch (the state of play in relations with Russia following its accession to the WTO; the coordination of trade and investment relations with China) and noted that the Council meeting was scheduled to begin at 9am. As regards "Any other business" agenda item, the Italian delegation requested to hold a discussion on the renewal of the EU steel prior surveillance system (explanatory note circulated in document 16663/12).

56. Preparation of the Council meeting (Economic and Financial Affairs) on 4 December 2012

- a) Economic governance - Two pack**
 - i) Proposal for a Regulation on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area**
 - ii) Proposal for a Regulation on the strengthening of economic and budgetary surveillance of Member States experiencing or threatened with serious difficulties with respect to their financial stability in the euro area**
 - General approach**
16493/12 ECOFIN 964 UEM 315 CODEC 2737

The Committee discussed the Presidency report and agreed on the Presidency compromise proposal as presented in the Presidency report, except one issue, namely the review clause of the regulation assessing draft budgetary plans.

- c) Revised capital requirements rules (CRD IV)**
 - i) Proposal for a Regulation of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms (First reading)**
 - ii) Proposal for a Directive of the European Parliament and of the Council on the access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms and amending Directive 2002/87/EC of the European Parliament and of the Council on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate (First reading)**
 - General approach**
16677/12 EF 278 ECOFIN 987 CODEC 2780

Following a short exchange of views, the Committee decided to forward the Presidency progress report to the Council and rename the agenda entry accordingly.

- d) Banking Supervision Mechanism**
 - i) Proposal for a Council Regulation conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions**

ii) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority) as regards its interaction with Council Regulation (EU) No.../... conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (First reading)**

- **General approach**

16668/12 EF 276 ECOFIN 983

+ ADD 1

16672/12 EF 277 ECOFIN 986 CODEC 2779

16667/12 EF 275 ECOFIN 982 CODEC 2777

+ COR 1

The Committee debated the issues set out in the Presidency report and agreed that the files should be presented to the Council (ECOFIN) of 4 December 2012.

e) **VAT Quick Reaction Mechanism**

- **Proposal for a Council Directive amending Directive 2006/112/EC on the common system of value added tax as regards a quick reaction mechanism against VAT fraud**

- **Orientation debate**

16597/12 FISC 177

Following a short exchange of views, the Presidency indicated to the Committee that the file will be forwarded to the Council (ECOFIN) of 4 December 2012.

f) **Financial Transaction Tax (FTT)**

- **Proposal for a Council Decision authorising enhanced cooperation in the area of financial transaction tax**

= **State of play**

15390/12 FISC 144 ECOFIN 871

The Committee, on the basis of document 17007/12, decided to ask the European Parliament to give its consent on the authorisation to proceed with enhanced cooperation by sending a letter accompanied by the draft decision authorising enhanced cooperation in the area of financial transaction tax to be finalised by the Lawyer-Linguists. At the request of one delegation, it was decided that the file will be submitted to the forthcoming Council (ECOFIN) for a state of play.

k) Macroeconomic Imbalance Procedure – Commission Annual Report

- **Exchange of views**
16671/12 ECOFIN 985 UEM 322 SOC 960

The Commission presented the Alert Mechanism Report.

l) Annual Growth Survey 2013

- **Exchange of views**
16669/12 ECOFIN 984 SOC 959 COMPET 728 EDUC 358 ENV 855 RECH 433
ENER 493 FISC 180

The Commission presented the Annual Growth Survey.

m) Issues related to the Economic and Monetary Union

- **Exchange of views**

The Committee agreed to briefly inform Ministers and have a brief exchange of views on the Communication from the Commission: "A Blueprint for a deep and genuine economic and monetary union. Launching a European Debate regarding the work on achieving genuine Economic and Monetary Union".

o) 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.

57. New draft budget for the European Union for the financial year 2013 (restricted session)

The Committee took note of the new draft budget for 2013 presented by the Commission and held an exchange of views on the possible position of the Council on this new draft budget and on draft amending budget No 6/2012.

It noted the *ad referendum* agreement reached by the Presidency with the European Parliament at the trilogue on 29 November 2012 on a compromise package including the budget for 2013 and draft amending budget No 6/2012 and endorsed, by a qualified majority (Austria, Denmark, the Netherlands, Sweden and the United Kingdom voting against), this agreement.

It confirmed that, if the agreement is also supported by the European Parliament, the corresponding draft positions of the Council on the new draft budget for 2013 and on draft amending budget No 6/2012 will be submitted to the Justice and Home Affairs Council on 6 December 2012 for adoption as an "A" item.

58. Preparation of the Council meeting (General Affairs) on 11 December 2012

- a) Preparation of the European Council on 13/14 December 2012**
 - **Draft guidelines for the conclusions**
15630/12 CO EUR-PREP 42

The Committee discussed the guidelines for the EC conclusions, on economic policy, the Banking Union, the Annual Growth survey, the Single market, the Defence, the Enlargement and the Foreign policy.

b) Other items in connection with the Council meeting

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

59. Enlargement and Stabilisation and Association Process

- **Draft Council conclusions**
16564/12 ELARG 119 COWEB 194

The outcome of the deliberations of the Committee on this item is contained in 16564/1/12 REV 1.

60. Follow-up to the Council meeting (Foreign Affairs) on 19 November 2012

The Committee received a briefing by EEAS Deputy SecGen Maciej Popowski.

Items treated in the Defence segment:

EDA budget: budget for 2013 agreed at zero nominal growth, possibility for Member States to make additional contributions through specific programmes and projects.

CSDP operations: positive feedback and good discussion.

Task Force Defence: presentation by Commissioner Barnier.

Joint lunch Foreign Affairs and Defence Ministers:

Preparations for the defence agenda item at the December 2013 European Council.

Mali: discussion on the Crisis Management Concept of the possible CSDP operation, to be adopted possibly on 10 December 2012 (the HR is considering the possibility of appointing an EUSR for the Sahel Region).

Items treated in the Foreign Affairs segment:

DRC: very short discussion on the current situation.

Southern neighbourhood - Syria: carefully moving into the direction of recognition of the opposition National Coalition.

Middle East Peace Process: Gaza conflict, UNGA resolution; these discussions have been taken over by the most recent events and probably will be followed up in December.

Ukraine: acceptance of the progressive approach.

Cuba: agreement on the preparation of negotiating directives for a bilateral agreement with Cuba, albeit with a need to closely monitor the situation.

US: not discussed.

61. Preparation of the Council meeting (Foreign Affairs) on 10 December 2012

- Other items in connection with the Council meeting

Foreign Affairs Council should start at 12h30 with lunch, the press conference is foreseen at 18h00. Then the EEAS will host in their building, for the first time, a dinner for Ministers (foreseen at 19h30), to celebrate the Nobel Prize.

Items on the agenda:

Russia: ahead of the EU-Russia Summit

MEPP: probably over lunch

Western Balkans: political aspects (the enlargement aspects will be taken by the General Affairs Council in preparation of the European Council the following days)

Southern Neighbourhood: Syria (possibly Council conclusions), possibly Libya (results of the Fact Finding Mission on a possible border monitoring mission)

US

Ukraine: Council conclusions (to be adopted as an "A" item). Discussion on Ukraine only indicated as possible

Extension of EUTM Somalia (A point)

Mali: adoption of the CMC (A point)

DRC: possible Council Conclusions (A point)

Syria: sanctions.

62. Follow-up to the Council meeting (General Affairs) on 20 November 2012

The Committee took note of the key outcomes of the General Affairs Council. The Council examined the Cohesion Policy legislative package, took note of the Commission's Work Programme 2013, the follow-up to the EC of 18/19 October 2012; prepared the special EC on 22/23 November 2012 and started the preparations for the EC on 13/14 December 2012.

63. Follow-up to the European Council on 22/23 November 2012

The Committee took note of the results of the EC on 22/23 November 2012 and will be kept informed of the next steps regarding the MFF negotiations.

89. OECD Enlargement

This item was removed from the agenda.

90. Broader dialogue and cooperation framework on Justice and Home Affairs between the EU and its Member States and Turkey
16929/12 ELARG 123 JAI 849

The outcome of the deliberations of the Committee on this item is contained in 17347/12.

The Committee also agreed to insert in its minutes the following statement by the Republic of Cyprus:

Statement by the Republic of Cyprus

"In giving its consent, the Republic of Cyprus would like to state and reaffirm the following:

We recognize and share the view that the conclusion of the EU-Turkey readmission agreement is a matter of utmost importance. In this respect we expect the signature and full and effective implementation of the Agreement by the Republic of Turkey towards all the Member States of the Union without any discrimination.

Due to Turkey's track record, we count on the Commission's reassurances on monitoring closely the comprehensive and inclusive implementation of the agreement and on taking appropriate action to remedy possible shortcomings.

We also expect the European Commission to monitor the implementation of all the requirements which Turkey is called upon to fulfil in the framework of the Road Map towards a visa-free regime with Turkey and ensure that they are implemented in a non-discriminatory way vis-à-vis all the Member States of the European Union. As indicated in the Road Map, the pace of movement towards visa liberalisation will depend on Turkey's progress in adopting and implementing the measures and fulfilling the requirements set out, including full and effective implementation of the readmission agreement and effective cooperation vis-à-vis all EU Member States on JHA issues outlined in the roadmap.

We count, therefore, on the European Commission and all partners to ensure that Turkey's obligations towards the EU as a whole and towards all EU Member States, without discrimination or exception, will be fully met. In the regrettable circumstance that Turkey does not abide by its obligations we fully expect the EU to clearly and effectively address the issue, in a timely manner."

Coreper Part 1

II

72. Setting of the provisional agenda for the Council meeting (Environment) on 17 December 2012

The Committee approved the provisional agenda as set out in 17442/12.

73. Proposal for a Council Regulation on trade related measures to guarantee the supply of certain fishery products to Union processors from 2013 to 2015 amending Regulation (EC) No 104/2000 and (EU) No 1344/2011 and repealing Regulation (EC) No 1062/2009 **- Endorsement of the agreement reached in the Working Party** 15912/12 PECHE 458 UD 268 OC 634 16226/12 PECHE 469 UD 286 OC 649 + ADD 1

The item will be put forward for adoption at a forthcoming Council under the "A" item procedure.

74. 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) **- Presidency debriefing on the outcome of the informal trilogue** **- Preparation for the informal trilogue**

The Committee was informed by the Presidency on the outcome of the trilogue on 22 November 2012. It approved the compromise proposals in DS 1807/12 and therefore provisionally also approved a compromise for the whole Microfinance/Social Enterprise Axis. The Commission regretted that the funding of this sector would be allocated in advance thus reducing the flexibility of the implementation of the Axis. The Committee was informed that the discussions on the EURES Axis and on the governance issues had been started but nothing was concluded.

The Committee also noted that no further informal trilogues would be arranged during the Cyprus Presidency.

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

1. Proposal for a Directive of the European Parliament and of the Council on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (First reading) (*Legislative deliberation*)

- **Orientation debate**
- **Progress report**
8040/12 SOC 224 MI 193 COMPET 168 CODEC 833
+ COR 1
16540/12 SOC 947 MI 756 COMPET 713 CODEC 2749
+ ADD 1
16637/12 SOC 954 MI 767 COMPET 725 CODEC 2769

The Committee agreed to recommend the Council to hold an orientation debate on the basis of the Presidency's steering note (doc. 16637/12). The outcome of the discussions on the Presidency's Progress Report (doc. 16540/12 + ADD 1) is reflected in document 16540/1/12 REV 1 + ADD 1 REV 1.

2. Proposal for a Regulation of the European Parliament and of the Council on the European Globalisation Adjustment Fund (2014-2020) (First reading) (*Legislative deliberation*)

- **Progress report**
15440/11 SOC 867 ECOFIN 678 FSTR 56 COMPET 440 CODEC 1672
16035/12 SOC 907 ECOFIN 929 FSTR 72 COMPET 678 AGRI 736
CODEC 2623

The Committee agreed to submit the Progress report (doc. 16035/12) to the Council for information.

3. Proposal for a Regulation of the European Parliament and of the Council on the European Union Programme for Social Change and Innovation (First reading) (*Legislative deliberation*)

- **Presidency oral report on state of play**
15451/11 SOC 869 ECOFIN 679 COMPET 441 CADREFIN 98 CODEC 1673
+ REV 1 (pt)

The Committee agreed that the Presidency would report orally to the Council on the state of play of the file.

4. Organ Donation and Transplantation (*Non-legislative activity*)

- Adoption of Council conclusions

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
16559/12 SAN 287

The Committee after a brief discussion on the prioritisation of donations by deceased donors and a requested reference to the Council of Europe Convention on human trafficking found a compromise with the inclusion of a reference on prioritisation of deceased donations and a reference stipulating that no financial gain should ensue from living donations. Subsequently the Committee confirmed the revised text and submitted it to the Council for adoption.

5. Healthy Ageing across the Lifecycle (*Non-legislative activity*)

- Adoption of Council conclusions

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
16557/12 SAN 286

The Committee confirmed the draft Council conclusions as set out in the Annex to document 16557/12, after a brief discussion on the European Innovation Partnership and a new EU Alcohol Strategy, without any changes and submitted it to the Council for adoption.

6. Europe 2020 governance and follow-up of European Council conclusions in the field of employment and social policy (*Non-legislative activity*)

- Exchange of views

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
16095/12 SOC 917 ECOFIN 932 EDUC 338

(a) Annual Growth Survey (2013), Joint Employment Report and Alert Mechanism Report

- Presentation by the Commission

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])

(b) Youth Employment Package

- Presentation by the Commission

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])

(c) Employment Performance Monitor and Benchmarks

- Endorsement of the EMCO report

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])

16061/12 SOC 911 ECOFIN 930 EDUC 336

The Committee agreed to:

- submit to the Council the Annual Growth Survey, including the Joint Employment Report, and the Alert Mechanism Report, for a presentation by the Commission (doc. 16669/12 + ADD1, 16671/12);
- submit to the Council the Youth Employment Package, for a presentation by the Commission;
- submit the Employment Performance Monitor and Benchmarks (contained in doc. 16061/12) to the Council with a view to its endorsement;
- recommended that the Council hold a policy debate on the basis of the Presidency Note (distributed later as doc. 16095/1/12 REV1).

76. 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)

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

The Committee took note of the oral report from the Presidency on the third informal trilogue of 27 November 2012, where an agreement on the text was reached, with the exception of Article 7.3 (c) and two horizontal issues (financial envelope for the programme + delegated vs. implementing acts).

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

1. Modernisation of the State aid rules - Impact on EU Competitiveness (*Non-legislative activity*)

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

10266/12 RC 11 COMPET 312 ECO 69 MI 366 RECH 166 IND 97

ENV 391 REGIO 70 TELECOM 108 ENER 191 EF 124

16647/12 RC 31 COMPET 726 ECO 141 MI 768 RECH 432 IND 202 ENV 884

REGIO 137 TELECOM 224 ENER 492 EF 273 AUDIO 120

The Committee agreed to invite the Competitiveness Council to take note of a presentation by Commission Vice-President ALMUNIA and hold a policy debate on State Aid Modernisation on the basis of the two questions set out in the Presidency background paper in the Annex to document 16647/12.

2. Industrial Policy (*Non-legislative activity*)

(a) Communication from the Commission on A Stronger European Industry for Growth and Economic Recovery Industrial Policy Communication Update

- Adoption of Council conclusions

15168/12 IND 164 COMPET 634 RECH 379 ESPACE 45

TRANS 344 ENER 415 REGIO 110 ECOFIN 859 MI 643 EDUC 304

16509/12 IND 197 COMPET 711 RECH 420 ESPACE 55 TRANS 407

ENER 479 REGIO 134 ECOFIN 967 MI 752 EDUC 355

The outcome of the proceedings of the Committee is set out in 16576/12.

(b) CARS 2020: Action Plan for a competitive and sustainable automotive industry in Europe

- Presentation by the Commission

- Exchange of views

15962/12 COMPET 676 ECO 134 ENER 450 ENT 283 ENV 841 MI 704

COMER 231 TRANS 385 RECH 402

The Committee endorsed the exchange of views at the Council meeting "Competitiveness" (Internal market, Industry, Research and Space) on 10 December 2012 on the basis of document 15962/12.

3. Unitary Patent and International Agreement on the Unified Patent Court (*Legislative deliberation*)

- Presidency report on state of play and endorsement of the final package

16589/12 PI 150 CODEC 2760 COUR 78

The Committee was informed of the latest state of play in the discussions on the patents package and of the Presidency's intentions regarding this item at the forthcoming December Competitiveness Council.

4. Public procurement package (First reading) (*Legislative deliberation*)

(a) Proposal for a Directive of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors

- General approach

16402/1/2 MAP 65 MI 744 CODEC 2716 REV 1

16409/12 MAP 66 MI 746 CODEC 2718

(b) Proposal for a Directive of the European Parliament and of the Council on the award of concession contracts

- General approach

16411/1/12 MAP 68 MI 748 CODEC 2720 REV 1

16412/12 MAP 69 MI 749 CODEC 2721

The Committee discussed the public procurement package, in particular the proposals for above two Directives, endorsed the text as outlined in documents 16402/1/12 REV 1 and 16411/1/12 REV 1 with agreed modifications, and decided to put the items on the Council agenda for general approach.

5. Communication from the Commission: "Single Market Act II - Together for new growth" (*Non-legislative activity*)

- Adoption of Council conclusions

14536/12 COMPET 597 MI 599 FIN 720 SOC 802 ENT 236

CONSOM 116 ENER 397 TRANS 317 TELECOM 171 POLGEN 161

16294/12 COMPET 698 MI 738 FIN 867 SOC 931 ENT 294 CONSOM 143

ENER 470 TRANS 399 TELECOM 215 POLGEN 191

The Committee examined the draft Council conclusions set out in Annex to document 16294/12 and agreed to forward them for adoption by the Council (Competitiveness) on 10/11 December 2012.

6. Horizon 2020 (First reading) (*Legislative deliberation*)

Proposal for a Council Regulation on the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020 – The Framework Programme for Research and Innovation

- Progress report

17936/11 RECH 413 COMPET 581 ATO 152

+ COR1

16577/12 RECH 428 COMPET 719 ATO 159

The outcome of the proceedings of the Committee is set out in 16578/12.

7. Proposal for a Decision of the European Parliament and of the Council on the Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT): the contribution of the EIT to a more innovative Europe (First reading) (*Legislative deliberation*)

- Partial general approach

18091/11 RECH 419 COMPET 589 EDUC 286 CODEC 2308

16600/12 RECH 431 COMPET 722 EDUC 357 CODEC 2762

The outcome of the proceedings of the Committee is set out in 17028/12.

8. Communication from the Commission on "A Reinforced European Research Area" Partnership for Excellence and Growth (*Non-legislative activity*)

- **Adoption of Council conclusions**
12848/12 RECH 321 COMPET 519 MI 511 TELECOM 147
16551/12 RECH 424 COMPET 715 MI 760 TELECOM 221

The outcome of the proceedings of the Committee is set out in 17003/12.

9. Communication from the Commission on enhancing and focusing international cooperation in research and innovation (*Non-legislative activity*)

- **Presentation by the Commission**
- **Exchange of views**
14000/12 RECH 344 COMPET 563 RELEX 838 DEVGEN 245
16560/12 RECH 425 COMPET 716 RELEX 1065 DEVGEN 317

The Committee took note of the questions for the exchange of views as set out in 16560/12.

10. Communication from the Commission to the Council and the Parliament on Establishing appropriate relations between the EU and the European Space Agency (ESA) (*Non-legislative activity*)

- **Presentation by the Commission**
- **Exchange of views**
16374/12 ESPACE 54 TRANS 400 RECH 415
16574/12 ESPACE 56 TRANS 414 RECH 426

The Committee endorsed the exchange of views at the Council meeting "Competitiveness" (Internal market, Industry, Research and Space) on 11 December 2012 on the basis of document 16574/12 + COR1 REV1.

78. Presidency and Council Secretariat report on Impact Assessment

- **Information from the Presidency**
16569/12 COMPET 717 MI 763

The Committee was informed of the Presidency's intention to invite the Council to take note of the Presidency/General Secretariat report on Impact Assessment (doc. 16569/12) under the "A" part of the agenda.

79. Proposal for a Council Decision establishing the European Union position for the review of the International Telecommunications Regulations to be taken at the World Conference on International Telecommunications or its preparatory process

- Preparation for adoption

16217/12 TELECOM 214 AUDIO 117 MI 730 RELEX 1040

Following the presidency's offer to include in the practical coordination arrangements the possibility to host Commission's representatives in the CY delegation it appeared that a qualified majority existed on the text of the Decision as set out in 16217/12, with ES/BE/PT/CZ/SK abstaining. The Chair could thus conclude that this Decision will be submitted for adoption by the Council on 30 November 2012. Besides a Council statement, several statements (DE/CZ/SK, NL, UK, Commission) were submitted for the minutes of the Council.

80. Proposal for a Regulation of the European Parliament and of the Council on the establishment of a Programme for the Environment and Climate Action (LIFE) (First reading) (Legislative deliberation)

- Preparation for the informal trilogue

16456/12 ENV 870 ENER 475 CADREFIN 474 CODEC 2729

The Committee agreed to give the Presidency a mandate for the third informal trilogue on the basis of an amended text to the version contained in the annex to 16456/12. In particular, the Committee did not agree with the Presidency's revised compromise text on indicative national allocations. With respect to indicative national allocations, after discussion the Presidency went back to the mandate it had for the second informal trilogue.

81. 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)

- Presidency debriefing on the outcome of the informal trilogue

The Committee took note of the debriefing by the Presidency of the outcome of the second informal trilogue held on 27 November 2012. The trilogue confirmed that there was still considerable distance to cover between the positions of the Parliament and Council on all four key issues, i.e., accounting of agricultural activities and wetlands, information on national LULUCF actions, the definition of "forest", and possible further accounting periods.

A new compromise text from the Presidency will be presented to the Committee for discussion on 5 December 2012, with a view to the third trilogue with the EP, which is scheduled for 13 December 2012.

83. 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)

- Preparation for the informal trilogue

16827/12 TELECOM 229 MI 783 DATAPROTECT 136 JAI 842 CAB 34 INST 681
CODEC 2815

Following the Chair's strong plea for obtaining the flexibility needed to secure an agreement at the 3rd trilogue on 4 December 2012, echoed by the Commission and several delegations, the Chair could conclude that the mandate proposed in document 16827/12 could be endorsed and that delegations, while still opposed to operational tasks, were prepared to show flexibility, subject to comments on the extent of this flexibility, on the three points of concern to the European Parliament (provision for an Executive Board, a confirmation hearing - without veto - before the appointment of the chair of the Management Board and the Executive Director, reference to the seat and the branch office in the text).

84. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks

- Analysis of the Presidency compromise text

16753/12 PECHE 499 CODEC 2809
16754/12 PECHE 500 CODEC 2810

The Committee discussed the Presidency proposal and agreed to put the item for political agreement on the agenda of the AGRI-FISH Council of 18-20 December 2012.

It also referred the Presidency proposal back to the Working Party on Internal and External Fisheries Policy to resolve the outstanding technical issue on Article 9 raised by the Danish delegation.

All delegations can support the Presidency proposal except for DK,DE,NL,SE.

The Commission recalled that it cannot support the Presidency proposal on splitting for the legal, strategic and tactical reasons set out in the report to the Committee. It made the following statement :

COMMISSION STATEMENT

"The Commission considers that an act adopted as a legislative act under the former Treaty (EC Treaty) must be amended by way of the now existing ordinary legislative procedure under TFEU.

For these reasons, the Commission considers that Articles 9 and 12 of Regulation 1342/2008 (the Cod Plan) cannot be amended by the Council on the basis of the non-legislative procedure of Article 43(3) TFEU. Furthermore, the material content of Articles 9 and 12 of the Cod Plan cannot be construed as being covered by the terms "measures on the fixing and allocation of fishing opportunities".

The Presidency's proposal to split the Commission's proposal and adopt under Article 43(3) TFEU the amendment to Articles 9 and 12 of the Cod Plan would be in breach of the Treaty. In these circumstances, the Commission maintains its original proposal including the legal basis of Article 43(2) TFEU, and reserves the right to avail itself of the legal remedies provided by the Treaty to contest the Council's amendment to the Cod Plan."

85. Draft 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)

- **Presidency debriefing on the outcome of the trilogue**
 - **Analysis of the final compromise text with a view to agreement**
- 16563/12 ENER 485 CADREFIN 478 CODEC 2756

The Committee endorsed the agreement reached at the 3rd trilogue on 27 November 2012 as set out in 16563/12, with DE entering a scrutiny reservation. CZ, while supporting the agreement noted that the new provisions on operational cooperation were not in line with its expectations following last week's Committee. The Commission supported the agreement ad referendum pending completion of its internal procedures and regretted that projects exempted under the 3rd Energy package could not be financed: it will table a statement in this respect.

AT/BG/RO regretted that projects for storage at hydropower plant and agreed with the Commission on projects exempted under the 3rd Energy package: they will table a statement in this respect.

Once reviewed by the legal-lawyers the text of the Regulation will be submitted as I item to the Committee in order to allow the Chair of the Committee to send the usual letter of agreement to the European Parliament.

- 86. 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 debriefing on the outcome of the informal trilogue**

The Chairman reported on the 1st trilogue which took place on 29 November 2012 in a positive atmosphere and allowed the Council and the European Parliament to review their initial positions on the legal form of the act and the related questions of its transposition and addressees (e.g. landlocked countries); competent authorities, the possible role of EMSA, safety and environmental considerations in the selection of licensees and liability of licensees, public participation and impact assessments, and global standards and reporting obligations.

Due to logistical constraints the two Institutions acknowledged that it would not be possible to organise a 2nd trilogue before the end of 2012.

- 87. Proposal for a Regulation of the European Parliament and of the Council on a consumer programme 2014-2020 (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
16544/12 CONSOM 146 MI 758 CADREFIN 476 CODEC 2752

The Committee gave the Presidency a negotiation mandate with a view to the informal trilogue on 4 December 2012.

- 88. (a) Proposal for a Directive of the European Parliament and of the Council on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (First reading) (Legislative deliberation)**
- (b) Proposal for a Regulation of the European Parliament and of the Council on online dispute resolution for consumer disputes (Regulation on consumer ODR) (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
16542/12 CONSOM 145 MI 757 JUSTCIV 338 CODEC 2750
(This item will be dealt with in the restricted session: Ambassadors + Mertens only)

The Committee gave the Presidency a modified negotiation mandate with a view to the third informal trilogue on 5 December 2012.

- **Any other business**
 - **European Council follow-up (Coreper 1 matters)**
 - **Information from the Presidency**

The President informed the Committee on the state of play of relevant files, in particular those under the Single Market Act I. The incoming Presidency informed on its intentions as regards EC follow-up, including as regards Single Market Act II.

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