



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 December 2011**

**17075/11**

**CRS/CRP 45**

**SUMMARY RECORD**

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**Subject : 2385th meeting of the PERMANENT REPRESENTATIVES COMMITTEE  
held in Brussels on 15, 16 and 18 November 2011**

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  - (b) n° E-008595/2011 put by Zigmantas Balčytis  
"Council modifications to Heading 2 of the 2012 draft budget"
  - (c) n° E-008976/2011 put by Franz Obermayr  
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## II

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1. **Adoption of the provisional agenda and items "I"**  
doc. 16783/11 OJ CRP1 39 + ADD 1 + ADD 2  
16872/1/11 REV 1 OJ/CRP2 39

The above mentioned agendas are approved with the following changes:

The following items are **added** :

(Coreper Part 1, under II)

50. **Proposal for a Directive of the European Parliament and of the Council amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption (First reading) (Legislative deliberation)**  
- **Analysis of the final compromise text with a view to agreement**  
16375/11 DENLEG 141 SAN 225 AGRI 751 CODEC 1887
51. **Draft Agreement on the creation of a Unified Patent Court**  
- **Guidance for future works**  
17120/1/11 PI 157 COUR 67 REV 1

(Coreper Part 2, under I)

49. **Elargissement**  
- **Négociations d'adhésion avec l'Islande**  
= **Résultats de l'examen analytique concernant le chapitre 27: Environnement**  
doc. 16937/11 ELARG 124

The following items are **withdrawn** :

(Coreper Part 2, under I)

18. **(évent.) Proposition de virement de crédits n° DEC34/2011 à l'intérieur de la Section III - Commission - du budget général pour l'exercice 2011**  
doc. 15103/11 FIN 703 INST 458 PE-L 113
36. **(évent.) Relations avec l'Iraq - Proposition de décision du Conseil relative à la signature, au nom de l'Union européenne, et à l'application provisoire de certaines dispositions de l'accord de partenariat et de coopération entre l'Union européenne et ses Etats membres, d'une part, et la République d'Iraq, d'autre part**

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

**5. Proposal for a Regulation (EU) No .../... of the European Parliament and of the Council amending Regulation (EC) No 648/2004 as regards the use of phosphates and other phosphorous compounds in household laundry detergents (First reading) (Legislative deliberation)**

**- Analysis of the final compromise text with a view to agreement**

16655/11 MI 557 ENV 858 CHIMIE 80 COMPET 500 ENT 237 CODEC 1958

The Committee agreed to the compromise package set out in the Annex to document 16655/11 and mandated the President to inform the European Parliament accordingly.

The Bulgarian and Czech delegations announced that they would vote against the adoption of the regulation. The Commission and a number of delegations indicated that they would present statements concerning what they considered to be a lack of a proper impact assessment for parts of the draft Regulation.

**6. Proposal for a Regulation of the European Parliament and of the Council on entrusting the Office for Harmonisation in the Internal Market (Trade Marks and Designs) with certain tasks related to the protection of intellectual property rights, including the assembling of public and private sector representatives as a European Observatory on Counterfeiting and Piracy (First reading) (Legislative deliberation)**

**- Preparation for the informal trilogue**

16694/11 PI 153 CODEC 1976

On the basis of the Presidency Note contained in 16694/11, the Committee reached broad agreement on the Council's position in view of the first informal trilogue on this file, scheduled for 22 November 2011.

**7. Preparation for the Council meeting (Education, Youth, Culture and Sport) on 28 and 29 November 2011**

**1. Draft Council conclusions on language competences to enhance mobility (*Non-legislative activities*)**

**- Adoption**

15793/11 EDUC 256 SOC 891 CULT 83

The Committee took note of the unanimous support for the text as contained in 16744/11 and decided to forward the text to the Council for adoption.

**2. Draft Council conclusions on the modernisation of higher education (*Non-legislative activities*)**

**- Adoption**

16046/11 EDUC 262 COMPET 465 RECH 347 SOC 915

The Committee took note of the unanimous support for the text as contained in 16746/11 and decided to forward the text to the Council for adoption.

**3. Draft Council Resolution on a renewed European agenda for adult learning (*Non-legislative activities*)**

**- Adoption**

15108/11 EDUC 247 SOC 847

+ COR 1

+ REV 1 (hu)

+ REV 2 (ro)

+ REV 3 (sl)

The Committee took note of the unanimous support for the text as contained in 16743/11 and decided to forward the text to the Council for adoption.

**4. Draft Council conclusions on a benchmark for learning mobility (*Non-legislative activities*)**

**- Adoption**

15791/11 EDUC 255 SOC 890 JEUN 65

+ REV 1 (hu)

+ REV 2 (pl)

The Committee took note of the unanimous support for the text as contained in 16745/11 and decided to forward the text to the Council for adoption.

**5. Investing effectively in education and training in a time of crisis (*Non-legislative activities*)**

**- Policy debate**

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

16248/11 EDUC 265 SOC 935 ECOFIN 744

The Committee agreed to forward the discussion paper (doc. 16248/11) to the Council as a basis for the policy debate to be held on this subject.

**6. Draft Council conclusions on the Eastern dimension of youth participation and mobility (*Non-legislative activities*)**

**- Adoption**

15952/11 JEUN 67 EDUC 260 SOC 907 RELEX 1087

The Committee took note of the unanimous support for the text as contained in 15952/11 and decided to forward the text to the Council for adoption.

**7. Youth and the world - youth cooperation beyond the EU (*Non-legislative activities*)**

**- Policy debate**

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

16141/11 JEUN 69 SOC 924 EDUC 263 RELEX 1112

The Committee agreed to forward the discussion paper (doc. 16141/11) to the Council as a basis for the policy debate to be held on this subject.

**8. Proposal for a Council Decision concerning the signing of the European Convention on the legal protection of services based on, or consisting of, conditional access (*Non-legislative activities*)**

**- Adoption**

16275/11 AUDIO 61 MI 540 TELECOM 163 CATS 104 COJUR 25 OC 13

16546/11 AUDIO 68 MI 554 TELECOM 170 CATS 106 COJUR 28 OC 22

The Committee decided to forward the draft Council Decision as contained in 16275/11 for adoption by the Council. The UK delegation maintains its Parliamentary scrutiny reservation.

**9. Draft Council conclusions on the protection of children in the digital world (*Non-legislative activities*)**

**- Adoption**

16155/11 AUDIO 59 JEUN 70 TELECOM 160 CONSOM 168 JAI 781

DROIPEN 135

The Committee took note of the unanimous support for the text as contained in 16155/11 and decided to forward the text to the Council to be considered for adoption.

- 10. Draft Council conclusions on cultural and creative competences and their role in building intellectual capital of Europe (*Non-legislative activities*)**
- **Adoption**  
16227/11 CULT 90 EDUC 264 JEUN 71 SOC 929

The Committee took note of the unanimous support for the text as contained in 16227/11 and decided to forward the text to the Council to be considered for adoption.

- 11. The contribution of the cultural sector to economic growth, job creation and social development - enhancing the evidence base (*Non-legislative activities*)**
- **Policy debate**  
(Public debate pursuant to Article 8(2) CRP [proposed by the Presidency])  
16321/11 CULT 93

The Committee agreed to forward the discussion paper (doc. 16321/11) to the Council as a basis for the policy debate to be held on this subject.

- 12. Draft Resolution of the Council and the Representatives of the Governments of the Member States, meeting within the Council, on the representation of the EU Member States in the Foundation Board of WADA and the coordination of the EU and its Member States positions prior to WADA meetings (*Non-legislative activities*)**
- **Adoption**  
16577/11 SPORT 40 DOPAGE 10 SAN 232 JAI 811

The results of the examination of this item by the Committee are set out in 16958/11.

- 13. Draft Council conclusions on the role of voluntary activities in sport in promoting active citizenship (*Non-legislative activities*)**
- **Adoption**  
16349/11 SPORT 36 SOC 943 JEUN 72 CULT 95

The Committee took note of the unanimous support for the text as contained in 16349/11 and decided to forward the text to the Council for adoption.

- 14. Draft Council conclusions on combating match-fixing (*Non-legislative activities*)**
- **Adoption**  
16369/11 SPORT 39 MI 545 COMPET 485 JAI 793 JUR 546

The results of the examination of this item by the Committee are set out in 16819/11.

**15. Good governance in sport (*Non-legislative activities*)**

**- Policy debate**

(Public debate pursuant to Article 8(2) CRP [proposed by the Presidency])  
16357/11 SPORT 37

The Committee agreed to forward the discussion paper (doc. 16357/11) to the Council as a basis for the policy debate to be held on this subject.

**8. Proposal for a Regulation of the European Parliament and of the Council concerning the placing on the market and use of biocidal products (Second reading) (Legislative deliberation)**

**- Preparation for the next informal trilogue**

16128/11 ENV 828 MI 531 AGRI 738 CHIMIE 78 CODEC 1829

The Committee agreed to a Presidency mandate with a view to the third and final informal trilogue to be held on 17 November 2011 in the framework of negotiations with the European Parliament to reach an agreement in second reading on the proposed Regulation.

**9. Setting of the provisional agenda for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 5 and 6 December 2011**

The Committee agreed the provisional agenda for the meeting of the Competitiveness Council on 5 and 6 December 2011.

**10. Proposal for a Regulation of the Council and the European Parliament implementing enhanced cooperation in the area of the creation of unitary patent protection (First reading) (Legislative deliberation)**

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

**- Preparation for the next informal trilogue**

16704/11 PI 154 CODEC 1979

On the basis of the Presidency proposals contained in 16704/11, the Committee reached broad agreement on the Council's position in view of the next informal trilogue, scheduled for 21 November 2011.

**11. Proposal for a Regulation of the European Parliament and of the Council concerning the placing on the market and use of biocidal products (Second reading) (Legislative deliberation)**

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

The Committee was informed by the Presidency on the outcome of the last informal trilogue and draft agreement reached with the European Parliament on the proposed Regulation.

**50. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption (First reading) (Legislative deliberation)**

- **Analysis of the final compromise text with a view to agreement**  
16375/11 DENLEG 141 SAN 225 AGRI 751 CODEC 1887

The Committee agreed with the text set out in the Annex to document 16375/11.

The Committee decided that the Presidency would send a letter to the European Parliament stating that, if the Parliament adopts its position at first reading in the exact form as set out in the text annexed to the letter, the Council would approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the European Parliament's position, subject, if necessary, to revision by the legal linguists of both institutions.

**51. Draft Agreement on the creation of a Unified Patent Court**

- **Guidance for future works**  
17120/1/11 PI 157 COUR 67 REV 1

The Committee had an exchange of views on a number of outstanding issues concerning the draft Agreement on the creation of a Unified Patent Court and draft Statute, as set out in 17120/1/11, and agreed to revert to these issues at its next meeting.

## Coreper Part 2

### II

#### 37. **Projet d'accord PNR avec les États-Unis**

doc. 16636/11 JAI 814 USA 71 DATAPROTECT 123 RELEX 1163 RESTREINT UE

La Commission a présenté le nouveau considérant pour l'accord UE-Etats-Unis ainsi que deux projets de déclarations. Plusieurs Etats membres ont indiqué une attitude positive vis-à-vis le projet d'accord, même si certains avaient encore une réserve d'examen. D'autres Etats membres ont exprimé une attitude critique et ont fait part de leurs critiques sur le projet d'accord. A la demande du président du Comité, la Commission s'est engagée à faire appel à des experts de protection de données indépendants des Etats membres, en particulier de leurs autorités de protection de données, pour toutes les futures évaluations du fonctionnement de l'accord.

#### 38. **Proposition de directive du Parlement européen et du Conseil établissant une procédure de demande unique en vue de la délivrance d'un permis unique autorisant les ressortissants de pays tiers à résider et à travailler sur le territoire d'un État membre et établissant un socle commun de droits pour les travailleurs issus de pays tiers qui résident légalement dans un État membre**

##### - **Confirmation de l'accord de la position du Conseil en première lecture**

doc. 13036/11 MIGR 130 SOC 660 CODEC 1240

+ REV 1 (lt)

+ ADD 1

16058/11 MIGR 164 SOC 917 CODEC 1815

16276/11 MIGR 170 SOC 938 CODEC 1865

La Présidence a constaté qu'une majorité suffisante existe sur ce point, ce qui permettra au Conseil d'adopter sa position en première lecture sous partie "A" de son ordre du jour lors d'une de ses prochaines sessions.

#### 39. **Présentation de l'ordre du jour provisoire de la session du Conseil (Justice et Affaires intérieures) des 13-14 décembre 2011**

La Présidence a présenté l'ordre du jour provisoire pour la session du Conseil (Justice et Affaires intérieures) des 13/14 décembre 2011.

**40. Instruments financiers JAI**  
**- Présentation par la Commission**

The Commission presented the JHA Financial Instruments to the Committee.

The new proposal by the Commission intends to reduce and simplify the number of Funds and its use. The amount of the Funds has increased significantly.

On the area of Home Affairs the Commission proposes an overall budget of 10,911 million € distributed in two Funds. The Asylum and Migration Fund with 3,869 million € and the Internal Security fund with 4,648 million €. In addition the JHA Interior Agencies will receive 1,572 million €.

On the area of Justice the number of Funds has been as well reduced to two Funds : The Rights and Citizens Programme with 439 million € and the Justice Programme with 472 million €.

**41. Proposition de directive du Parlement européen et du Conseil relative au droit à l'information dans le cadre des procédures pénales**  
**- Approbation du texte de compromis final en vue d'un accord avec le Parlement européen en première lecture**  
doc. 16342/11 DROIPEN 131 COPEN 301 CODEC 1875

Le Comité a approuvé le texte de compromis et a donné mandat à son Président pour envoyer une lettre au Président de la Commission LIBE du Parlement européen confirmant l'accord en première lecture. La délégation française a présenté une proposition de déclaration du Conseil sur le champ d'application de l'instrument, à adopter en même temps que la directive. Suite au débat, la Présidence a conclu que le texte de cette déclaration va être examiné au niveau des conseillers JAI.

**42. Suivi de la session du Conseil (Affaires étrangères) du 14 novembre 2011**

EEAS SG Pierre Vimont briefed the Committee on the Ministerial Dinner on Russia on Sunday 13 November 2011 and on the FAC meeting Monday 14 November 2011.

Russia dinner: on the more formal aspects, there is a need to reflect on how to make sure that there is full minister participation in such events in future.



On substance: there is a need to advance in economic, trade and energy issues, as well on the partnership agreement, on the accession to OSCE and on the issue of visas. The BRIC countries are not a "solidified" and unified group and there is a need to make a difference when dealing with them.

The HR will meet Lavrov in Moscow on Thursday.

Foreign Affairs Council: he reported on a number of operational conclusions.

Afghanistan: full support to EUPOL Afghanistan (budget-related issues with the European Parliament are only tactical); security measures are in place for the EU delegation in Kabul. Relationships with Pakistan need to be fostered.

Importance of supporting women's presence in the Bonn conference.

Horn of Africa: extension of EUNAVFOR Atalanta (consensus on the need to reinforce the maritime presence in the region), need to have a wide approach (security, humanitarian and diplomatic), the EUSR should be appointed very soon.

Southern neighbourhood, namely Libya: the HR reported on her trip, she met the Libyan President and Prime Minister, it is necessary to act on what they discussed, in particular in relation to the frozen assets. There are also security-related issues, such as border control, return and reintegration of militias. The HR, supported by a number of delegations, highlighted the need to have criteria for the settlement of a new authority and stressed the importance of Rule of Law in the country, as well as of the role of women.

Similar arguments in relation to Tunisia, the HR reminded the work carried out by the Task Force and the need to follow up rapidly. A similar exercise will be carried out with Jordan (in January/February) and with Egypt.

Syria: coordinated action needed regarding possible recall of EU ambassadors. The sanctions process continues but there is a need to consider how to protect the civilian population.

The EEAS is in contact with the SG of the Arab League, Al Arabi, to invite him to the next FAC session (possibly at lunch).

Iran (treated during lunch): exchange of views on the possible scenarios, no new concrete elements, sanctions process is on-going but there is a need to take into account what is done in the context of the UNSC and AIEA .

CSDP: the HR highlighted the need to foster efficiency in the operations, ensure that they get the necessary resources and that they have a good exit strategy. Delegations expressed support for the on-going and possible future operations (Horn of Africa, Sahel and Libya), as well as for pooling and sharing and EDA work. A good discussion on structures, in particular on how to improve planning and conduct of operations; nothing new in relation to discussions in July 2011 but the atmosphere was good, hopefully this will help in order to find a balanced position .

The Presidency underlined that capabilities are a priority and will revert to this point when discussing Athena.

Some delegations highlighted their support to specific issues: the situation in Libya is legally very complex but needs to be tackled (ES); it is essential to continue efforts in the Horn of Africa, including through Atalanta, and we need to achieve consensus on a common programme related to efficiency of aid (ES/DE); the dialogue with Russia needs to be fostered, especially on the visa issues (ES/IE), and it is useful to have a paper as a basis for discussions (broad consensus was registered on the DE/PL paper).

The Presidency said that strategic discussions with Russia should be tackled once the elections there are over, and highlighted that we need a regional approach to the visa issue, in order not to affect neighbours.

In response to comments on the organisation of work, the EEAS SG reminded that on the day of the FAC session, there should not be parallel discussions at different levels; the current practice of having preparatory meetings the same day before the Council is not satisfactory and therefore there is a need to reflect on the current working procedures.

#### **43. Préparation de la session du Conseil (Affaires étrangères) des 30 novembre et 1er décembre 2011**

##### **- Autres points en rapport avec la session du Conseil**

EEAS SG Pierre Vimont gave a preview of the two events. On 30 November, Defense ministers should start at 14hrs30 with the EDA steering board and with pooling and sharing, hopefully finish by around 16hrs and then discuss operations, capabilities and partnerships. A joint dinner with the FAC ministers is foreseen at 19hrs30, where they will focus on CSDP and follow up of July discussions. These would be an informal but hopefully substantial discussion.

On 1st December, the FAC should start at 9hrs30 and finish after lunch, items on the agenda would be Western Balkans (connection with enlargement, to be discussed at the GAC); Southern Neighborhood (possibly Syria but most likely countries on which we have not yet focused, such as Egypt and Yemen), CSDP (taking into account discussions over dinner and focusing on operations, how we plan and manage them, capabilities and battle groups) and MEPP.

Possibly lunch with the Arab League SG El Arabi.

There are two items which are not on the agenda but that the HR would like to mention in her introductory remarks: the Ashraf camp and the discussions on Human Rights in relation to the EP debate in the December Session in Strasbourg; hopefully these items will be on the FAC agenda in January.

Delegations welcomed the suggestion to invite El Arabi and highlighted that the time is ripe to have a more structured dialogue with the Arab League (MT/IE) and highlighted the need to have a broader discussion on Southern Neighborhood and MEPP, in particular on Gaza, as the hopes for a better atmosphere after the release of the Israeli soldier have been frustrated (UK/IE).

EEAS SG agreed that reflections are already on-going within the EEAS on a more developed partnership with the Arab League and would revert to this after the visit of El Arabi, he also took note of the wish to have a good discussion on the Gaza issue. He also took note of the request by CZ to have a debrief on the HR recent visit to Georgia .

#### **44. Suivi de la session du Conseil (Affaires générales) du 15 novembre 2011**

The Presidency debriefed the Committee on the main items examined at the General Affairs Council on 15 November 2011, such as MFF - in particular economic, social and territorial cohesion, the Connecting Europe Facility, the Common Agricultural Policy, the Common Fisheries Policy proposals -, the preparations for the December European Council, the review of the EU strategy for the Baltic Sea Region, as well as the acts adopted by the European Parliament at its October sessions.

**45. Présentation de l'ordre du jour provisoire de la session du Conseil (Affaires générales) du 5 décembre 2011**

The Presidency presented the agenda of the General Affairs Council on 5 December 2011 and provided additional information on the handling.

**46. Préparation de la réunion du Comité de conciliation et du Conseil Ecofin/Budget du 18 novembre 2011**

The Committee held an exchange of views and took note of the information provided by the Presidency concerning the preparation of the meeting of the Conciliation Committee and of the Ecofin/Budget Council on 18 November 2011.

**47. Préparation de la session du Conseil (Affaires économiques et financières) du 30 novembre 2011**

**- Autres points en rapport avec la session du Conseil**

Le Comité a fait le point sur l'état de préparation des différents points figurant à l'ordre du jour provisoire de la session du Conseil visée en objet.

**48. Projet de décision du Conseil créant un mécanisme de gestion du financement des coûts communs des opérations de l'Union européenne ayant des implications militaires ou dans le domaine de la défense (ATHENA)**

doc. 16841/11 PESC 1447 RELEX 1182 FIN 877 COSDP 1069

La Présidence a présenté sa proposition d'inclure dans la Décision une base juridique concernant le financement des coûts administratifs des contrats-cadres (Annexe I).

Une délégation qui n'était pas en mesure d'accepter la proposition de la Présidence a toutefois déclaré son intention de travailler avec elle sur le texte en question en vue de trouver une solution.

La Présidence a ensuite présenté sa proposition d'inclure également le financement en commun des Groupements Tactiques dans la Décision (Annexe III). Trois délégations ne peuvent soutenir le texte actuel dans le texte de la Décision, préférant une déclaration séparée.

Les deux propositions seront étudiées à nouveau durant le prochain Comité.

- **Any other business**

- **Proposal for a Directive of the European Parliament and of the Council amending Directive 2000/75/EC as regards vaccination against bluetongue**
  - = **Information on the state of play**  
16609/11 AGRILEG 122 VETER 46 CODEC 1938

The Committee took note of the information presented by the Presidency regarding the current state of play of the dossier, including the Presidency's intention to proceed for the adoption of the Council's position in first reading after the expected confirmation of a pre-negotiated Council's position by the European Parliament by letter.

- **Staff Regulations' Review (requested by the AT delegation)**

AT, presented a non-paper on the Review of the Staff Regulations, co-authored by DK, EE, FI, FR, DE, IT, LV,NL, and SE. IE, UK, HU and CZ aligned themselves with this paper.

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