



**COUNCIL OF
THE EUROPEAN UNION**

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SUMMARY RECORD

**Subject : 2299th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 8, 9 and 11 December 2009**

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18. Proposal for a Council Regulation (EC EURATOM) No .../2009 adjusting, from 1 July 2009, the rate of contribution to the pension scheme of officials and other servants of the European Communities
19. Proposal for a Council Decision amending Joint Action 2009/131/CFSP extending the mandate of the European Union Special Representative for the crisis in Georgia
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1. Adoption of the provisional agenda and items "I"

doc. 17194/1/09 REV 1 OJ/CRP1 43

+ REV 1 AMD 1 + REV 1 AMD 2 + REV 1 AMD 3

The above mentioned agenda is approved with the following changes :

The following item is **withdrawn** :

(Coreper Part 1, under I)

21. Proposal for a Council Decision authorising the Republic of Estonia to apply a measure derogating from Article 167 of Directive 2006/112/EC on the common system of value added tax

- Adoption

16131/09 FISC 160

16677/09 FISC 175

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

2. Preparation of the Council meeting (Environment) on 22 December 2009

1. Regional approaches to management of water and the marine environment, including implementation of the EU Strategy for the Baltic Sea Region (Non-legislative activity)

- Adoption of Council conclusions

16739/09 ENV 848 MAR 170 REGIO 56 TRANS 480 PECHE 358

+ COR 1

The Committee decided to forward an amended text to the Council (Environment) for adoption on 22 December 2009.

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

- Policy debate

11063/09 ENV 440 MI 246 AGRI 267 CHIMIE 50 CODEC 849

16922/09 ENV 860 MI 453 CODEC 1405

The Committee agreed to forward the Presidency questions set out in 16922/09 to the Council (Environment) without any modification to provide a basis for the policy debate on 22 December 2009.

3. Joint Fulfilment Agreement between the EU and Iceland with regard to a future international climate agreement

- Adoption of Council conclusions

16901/09 ENV 859 ONU 109 ISL 16

The Committee decided to forward the text of the draft Council conclusions to the Council (Agriculture and Fisheries) on 14-16 December 2009 for adoption.

4. **Proposal for a Directive of the European Parliament and of the Council laying down the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other transport modes (First reading)**
- **Presidency briefing on the outcome of the informal trialogue**
 - **Analysis of the provisions on delegated acts**
 - **Analysis of the compromise text with a view to agreement**
16986/09 TRANS 490 TELECOM 261 IND 180 CODEC 1412
17300/09 TRANS 494 TELECOM 267 IND 183 CODEC 1429

The Committee was informed about the outcome of the informal trialogue.

The Committee examined the Presidency compromise text and agreed to it. The Committee also held a debate on the application of delegated acts in the context of the ITS directive.

5. **Preparation of the Council meeting (Transport, Telecommunications and Energy) on 17 and 18 December 2009**
1. **Communication from the Commission – A sustainable future for transport: Towards an integrated, technology-led and user friendly system (Non-legislative activity)**
- **Adoption of Council conclusions**
11294/09 TRANS 257 AVIATION 96 MAR 96 ENV 457 ENER 234 IND 76
16973/09 TRANS 487 AVIATION 199 MAR 174 ENV 863 ENER 428 IND 178

The Committee agreed to submit the draft Council conclusions to the upcoming TTE Council on 17 December for further examination of the last outstanding issues.

2. **Proposal for a Directive of the European Parliament and of the Council laying down the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other transport modes (Legislative deliberation)**
- **State of play / Political agreement**
17564/08 TRANS 493 TELECOM 238 IND 236 CODEC 1896
16974/09 TRANS 488 TELECOM 260 IND 179 CODEC 1410

The Committee took note of the Presidency's intention to present the "state of play" on the negotiations with the European Parliament on the ITS Directive at the TTE Council on 17 December 2009.

3. Proposal for a Directive of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community and repealing Directive 2002/6/EC (Legislative deliberation)

- **General approach**
5789/09 MAR 8 CODEC 86
16834/09 MAR 171 CODEC 1400

The Committee agreed to submit the draft general approach to the upcoming TTE Council on 17 December for further examination of the last outstanding issues.

4. Proposal for a Regulation of the European Parliament and the Council on the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (Legislative deliberation)

- **Political agreement**
16933/08 TRANS 460 CODEC 1759
16981/09 TRANS 489 CODEC 1411

The Committee was not in the position to settle all the remaining outstanding issues and decided to refer this file, for further examination, to the TTE Council on 17 December 2009 with a view to reaching a political agreement.

5. Proposal for a Directive of the European Parliament and of the Council on aviation security charges (Legislative deliberation)

- **General approach**
9864/09 AVIATION 74 CODEC 722
16932/09 AVIATION 198 CODEC 1406

The Committee was not in a position to solve the main outstanding issues and therefore the Presidency decided to submit a progress report on this file to the TTE Council on 17 December 2009.

6. Second stage air services negotiations with the United States of America (Non-legislative activity)

- **Information from the Commission on the progress of the negotiations**
16994/09 AVIATION 200 RELEX 1152 USA 107

The Committee:

- took note of the information provided by the Commission on the current state of play of the second stage EU-US negotiations on the Air Transport Agreement;

- agreed to invite the Ministers, at the TTE Council on 17 December 2009, to examine the information provided by the Commission on the same issue.

6. Proposal for a Directive of the European Parliament and of the Council on the protection of animals used for scientific purposes (First reading)

- **Presidency briefing on the outcome of the informal triologue**
- **Analysis of the compromise text with a view to agreement**
17299/09 AGRILEG 232 VETER 65 ENV 877 RECH 457 CODEC 1428

The Committee took note of the presentation by the Presidency on the outcome of the informal triologue held with the European Parliament on 7 December 2009, having resulted in a tentative agreement reflected in document 17299/09 (as revised in document 17299/1/09 in the light of the discussions at the Committee) ; however, provisions relating to Comitology having not yet been discussed with the European Parliament, pending the changes to these provisions arising from the Lisbon Treaty.

The following positions were noted:

- DK, preferring wider possibility for stricter national rules (Article 2A) ;
- FR and DE, preferring a wider possibility to use non-human primates referred to in Article 8(1A) provided that they have been bred in captivity ;
- UK, preferring the EP amendment 57, which would remove the restriction to debilitating or potentially life-threatening clinical conditions in the use of non-human primates (Article 8) ;
- FR, preferring a derogation from the upper threshold for the severity of procedures (Articles 15(2) and 50.1A) without a European Union control procedure. DE, CZ and HU expressing the same preference, while indicating a possibility for a flexible position in the spirit of compromise ;
- DE and HU, preferring a longer time limit for the project authorisation by the competent authority (Article 43), while indicating a possibility for a flexible position in the spirit of compromise ;
- DK, opposed to derogation from the upper threshold for severity of procedures (Article 50.1A) ;
- DE, AT, PL and UK: scrutiny reserve on the new wording of Article 50 ;
- DE, recalling its reserve on Articles 7, 8, 15, 50, pending written confirmation by the Legal Service regarding the compatibility of the proposal with the Charter of Fundamental Rights of the European Union (freedom of sciences).

7. **Amended proposal for a Council (EC, EURATOM) Regulation adjusting with effect from 1 July 2009 the remuneration and pensions of officials and other servants of the European Communities and the correction coefficients applied thereto**
(This item will be discussed in restricted session)
- **Examination of the outstanding issues**
16172/09 STAT 31 FIN 474
17188/09 STAT 57 FIN 561

The Committee pursued its examination of the Commission proposal at its meetings on 8, 9 and 11 December 2009.

22. **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals (First reading)**
- **Examination of outstanding issues**
11216/09 AGRILEG 111 CODEC 885
17133/09 AGRILEG 230 CODEC 1418

The Committee focused on the question of the prolongation of the transitional regime currently existing for certain Member States for rabies and/or echinococcosis and/or ticks. At the end of the discussion, the Presidency concluded that there was a qualified majority in favour of the prolongation of that regime until 31 December 2011, subject for some delegations to statements to be produced by the Commission and by the Member States concerned, assuring that this would be the last prolongation. It added that the Working Party of "Agricultural Attachés/Counsellors" would look at the comitology provisions of the proposal at a later stage.

23. **Preparation of the Council meeting (Agriculture and Fisheries) on 14, 15 and 16 December 2009**
1. **Proposal for a Directive of the European Parliament and of the Council on the protection of animals used for scientific purposes (Legislative deliberation)**
- **State of play / Political agreement**
15546/08 AGRILEG 203 VETER 36 ENV 801 RECH 351
16977/09 AGRILEG 231 VETER 64 ENV 869 RECH 448 CODEC 1420
+ ADD 1

The Committee took note of the intention of the Presidency to give a presentation on the state of play of the proposal to the "Agriculture and Fisheries" Council of 14-16 December 2009.

2. **Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "Options for animal welfare labelling and the establishment of a European Network of Reference Centres for the protection and welfare of animals" (Non-legislative activity)**
- **Presentation by the Commission**
15307/09 AGRILEG 202

The Presidency informed delegations about its intentions regarding the discussion of this point at the "Agriculture and Fisheries" Council of 14 to 16 December 2009. In particular, it indicated that it had not planned any formal exchange of views.

3. **Proposal for a Regulation of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market (Legislative deliberation)**
- **Political agreement**
17017/09 AGRI 546 ENV 867 FORETS 126 CODEC 1413 DEVGEN 351
RELEX 1155 JUR 519 UD 263 WTO 260 PROBA 50
+ ADD 1

The Committee examined the outstanding issues of the draft Regulation set out in 17017/09 + ADD 1. Substantive progress was made. However, concerning the provisions being affected by the entry into force of the Treaty of Lisbon some delegations maintained reservations subject and pending the Communication from the Commission on the implementation of Article 290 of the Treaty on the functioning of the European Union.

The Chair concluded that this proposal will be on the agenda of the Council (Agriculture and Fisheries) next week.

4. **Proposal for a Council Regulation fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required (Non-legislative activity)**
- **Political agreement**
14738/09 PECHE 287 + ADD 1
17156/09 PECHE 373

The Committee prepared this item and took note of the positions expressed by the Member States and the Commission. The Council will consider this file at its meeting on 14-16 December.

24. **Proposal for a Decision of the European Parliament and of the Council establishing a European Microfinance Facility for Employment and Social Inclusion (Progress Microfinance Facility) (First reading)**
and
Proposal for a Decision of the European Parliament and of the Council amending Decision No 1672/2006/EC of the European Parliament and of the Council establishing a Community Programme for Employment and Social Solidarity - Progress (First reading)
- **Presidency briefing on the outcome of the informal trialogue**
 - **(poss.) Analysis of the compromise text with a view to agreement**
16701/09 SOC 741 ECOFIN 844 CADREFIN 73 COMPET 502 CODEC 1377

The Committee takes note of the Presidency's oral report on the outcome of the third informal trialogue and will continue its work with the aim of reaching a first - or second - reading agreement with the European Parliament on this file.

25. **Agency for the Cooperation of Energy Regulators**
- **Decision regarding the Members of the Administrative Board to be appointed by the Council**
17112/09 ENER 431 CODEC 1417

On the basis of the procedure outlined in 17112/09, the Committee was able to select five members and five alternates for the Administrative Board of ACER.

This outcome will be relected in a Council Decision to be adopted as an I/A item.

- **Any other business**
 - **Implementation of the Treaty of Lisbon - delegated acts**
 - **Information from the Presidency**
16998/09 JUR 518 INS 209

La Présidence a informé le Comité (1ère partie) de l'examen du rapport de la Présidence par le Comité (2ème partie) le 3 décembre et de la suite favorable qui lui a été réservée.
