



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 February 2010

5968/10

CRS CRP 6

SUMMARY RECORD

**Subject : 2306th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 3 and 5 February 2010**

SUMMARY

Page

1. Adoption of the provisional agenda and items "I" 6

Coreper Part 1

I

2. Reply to written questions put to the Council by Members of the European Parliament
- (a) n° E-6075/09 put by Izaskun Bilbao Barandica
"Arrest of persons suspected of piracy in the Horn of Africa"
 - (b) n° E-6077/09 put by Izaskun Bilbao Barandica
"Conditions under which Operation Atalanta is operating in Somalia"
 - (c) n° E-6079/09 put by Izaskun Bilbao Barandica
"Involvement of private security personnel in Operation Atalanta"
 - (d) n° E-6168/09 put by Martin Ehrenhauser
"EU legislative procedures"
 - (e) n° E-6174/09 put by Hans-Peter Martin
"Cost of travel to Brussels and Strasbourg"
 - (f) n° E-6178/09 put by Marina Yannakoudakis
"Equal Treatment Directive"
 - (g) n° E-6226/09 put by Mario Borghezio
"Swedish Presidency's criticism of the Swiss referendum on minarets"
 - (h) n° E-6235/09 put by Diogo Feio
"External strategic value of European World Languages"
 - (i) n° E-6255/09 put by Hans-Peter Martin
"Official cars"
 - (j) n° E-6308/09 put by Ingeborg Gräßle
"Non-scheduled flights in 2008"
 - (k) n° E-6326/09 put by Ana Gomes
"Detention centres for illegal immigrants"
 - (l) n° E-6342/09 put by Raúl Romeva i Rueda
"Detention by the Israeli authorities of the human rights defender and activist, Mohammad Othman"
 - (m) n° E-6386/09 put by Izaskun Bilbao Barandica
"Incidents at the match between Athletic Bilbao and Vienna Austria"
 - (n) n° E-6388/09 put by Ulrike Lunacek and Sven Giegold
"Increase in EU officials' salaries in 2010"
3. Proposal for a Council Decision on the position to be taken by the European Union concerning the proposal to amend the Annex A of the Agreement between the European Community and the Government of the People's Republic of China on drug precursors and substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances

4. Preparation of the International Civil Aviation Organization (ICAO) High Level Safety Conference 2010 on Strategic Key Issues for Global Aviation Safety (Montreal, 29 March to 1st April 2010)
5. Renewal of the Advisory Committee on Safety and Health at Work
6. Draft agenda for the forthcoming part-session of the European Parliament in Strasbourg from 8 to 11 February 2010

II

7. Adaptation to Lisbon Treaty (delegated acts / comitology)
(This item will be discussed in restricted session - DPRs only)9
8. 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 animals9
9. Proposal for a Directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control (IPPC)) (recast)10
10. Proposal for a Regulation of the European Parliament and of the Council concerning a European rail network for competitive freight10
11. 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)
 - = Analysis of the compromise text with a view to agreement11
 - = Preparation of the informal dialogue.....11
 - = Presidency briefing on the outcome of the dialogue11
 - = (poss.) Agreement on a final compromise text11

I

12. Affaire T-529/09 portée devant le Tribunal de l'Union européenne
- Sophie in 't Veld contre le Conseil de l'Union européenne
13. Affaire T-4/10 devant le Tribunal de l'Union européenne
- Faraj Faraj Hassan Al Saadi contre la Commission de l'Union européenne
14. Décision d'exécution du Conseil autorisant la République de Lituanie à proroger l'application d'une mesure dérogeant à l'article 193 de la directive 206/112/CE du Conseil relative au système commun de taxe sur la valeur ajoutée
15. Décision du Conseil relative à la conclusion de l'accord entre l'Union européenne, l'Islande et la Norvège pour l'application de certaines des dispositions de la décision 2008/615/JAI du Conseil relative à l'approfondissement de la coopération transfrontalière, notamment en vue de lutter contre le terrorisme et la criminalité transfrontalière, et de la décision 2008/616/JAI du Conseil concernant la mise en œuvre de la décision 2008/615/JAI relative à l'approfondissement de la coopération transfrontalière, notamment en vue de lutter contre le terrorisme et la criminalité transfrontalière, y compris son annexe
16. Décision du Conseil relative à la conclusion de l'accord entre l'Union européenne et la République d'Islande et le Royaume de Norvège sur l'application de certaines dispositions de la convention du 29 mai 2000 relative à l'entraide judiciaire en matière pénale entre les États membres de l'Union européenne et du protocole de 2001 à celle-ci
17. Décision du Conseil relative à la conclusion de l'accord entre l'Union européenne, d'une part, et la République d'Islande et le Royaume de Norvège, d'autre part, relatif à la procédure de remise entre les États membres de l'Union européenne et l'Islande et la Norvège
18. Proposition de décision du Conseil relative à la conclusion de l'accord sur l'entraide judiciaire en matière pénale entre l'Union européenne et le Japon
19. Décision du Conseil relative à la conclusion de l'accord entre l'Union européenne et l'Australie sur le traitement et le transfert de données des dossiers passagers (données PNR) provenant de l'Union européenne par les transporteurs aériens au service des douanes australien
20. Décision du Conseil relative à la conclusion de l'accord entre l'Union européenne et les États-Unis d'Amérique sur le traitement et le transfert de données des dossiers passagers (données PNR) par les transporteurs aériens au ministère américain de la sécurité intérieure (DHS) (accord PNR 2007)

II

21.	Présentation de l'ordre du jour de la session du Conseil (Affaires générales) du 22 février 2010	12
22.	Présentation de l'ordre du jour provisoire de la session du Conseil (Affaires étrangères) du 22 février 2010	12
23.	Proposition de directive du Conseil modifiant les directives 92/79/CEE, 92/80/CEE et 95/59/CE en ce qui concerne la structure et les taux des accises applicables aux tabacs manufacturés ainsi que la directive 2008/118/CE	12
25.	IEVP : Proposition de la Commission sur les PINS 2011-2013	13
26.	Présentation de l'ordre du jour provisoire de la session du Conseil (Justice et Affaires intérieures) des 25/26 février 2010	14

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

doc. 5870/10 OJ/CRP1 5 + ADD 1

5925/10 OJ/CRP2 5

The above mentioned agendas are approved with the following changes :

The following item is **added** :

(Coreper Part 1, under I)

27. Case C-40/10 brought before the Court of Justice

- **Partial annulment of Regulation n° 1296/2009 of the Council of 23 December 2009 adjusting the remuneration and pensions of officials and other servants of the European Union**

5988/10 JUR 61 STAT 2

The following item is **withdrawn** :

(Coreper Part 2, under II)

24. (évent.) Décision du Conseil relative à une mission militaire de l'Union européenne visant à contribuer à la formation des forces de sécurité somaliennes

5893/10 COSDP 78 PESC 112 COAFR 34 RELEX 104 EUTRA SOMALIA 4

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

The DE delegation made a statement on the following items :

15. Décision du Conseil relative à la conclusion de l'accord entre l'Union européenne, l'Islande et la Norvège pour l'application de certaines des dispositions de la décision 2008/615/JAI du Conseil relative à l'approfondissement de la coopération transfrontalière, notamment en vue de lutter contre le terrorisme et la criminalité transfrontalière, et de la décision 2008/616/JAI du Conseil concernant la mise en œuvre de la décision 2008/615/JAI relative à l'approfondissement de la coopération transfrontalière, notamment en vue de lutter contre le terrorisme et la criminalité transfrontalière, y compris son annexe
 - Demande par le Conseil de l'approbation par le Parlement Européen
5371/10 JAI 54 ENFOPOL 15 RELEX 46
5309/10 JAI 38 ENFOPOL 12 RELEX 33
16. Décision du Conseil relative à la conclusion de l'accord entre l'Union européenne et la République d'Islande et le Royaume de Norvège sur l'application de certaines dispositions de la convention du 29 mai 2000 relative à l'entraide judiciaire en matière pénale entre les États membres de l'Union européenne et du protocole de 2001 à celle-ci
 - Demande par le Conseil de l'approbation par le Parlement Européen
5367/10 JAI 51 COPEN 11
5306/10 JAI 35 COPEN 7
17. Décision du Conseil relative à la conclusion de l'accord entre l'Union européenne, d'une part, et la République d'Islande et le Royaume de Norvège, d'autre part, relatif à la procédure de remise entre les États membres de l'Union européenne et l'Islande et la Norvège
 - Demande par le Conseil de l'approbation par le Parlement Européen
5368/10 JAI 52 COPEN 12
5307/10 JAI 36 COPEN 8
18. Proposition de décision du Conseil relative à la conclusion de l'accord sur l'entraide judiciaire en matière pénale entre l'Union européenne et le Japon
 - Demande par le Conseil de l'approbation par le Parlement Européen
5369/10 JAI 53 COPEN 13 COASI 7
5308/10 JAI 37 COPEN 9 COASI 6
19. Décision du Conseil relative à la conclusion de l'accord entre l'Union européenne et l'Australie sur le traitement et le transfert de données des dossiers passagers (données PNR) provenant de l'Union européenne par les transporteurs aériens au service des douanes australien
 - Demande par le Conseil de l'approbation par le Parlement Européen
5364/10 JAI 48 AUS 3 RELEX 43 DATAPROTECT 8
+ COR 1 (pt)
+ COR 2 REV 1
5303/10 JAI 32 AUS 2 RELEX 30 DATAPROTECT 4
20. Décision du Conseil relative à la conclusion de l'accord entre l'Union européenne et les États-Unis d'Amérique sur le traitement et le transfert de données des dossiers passagers (données PNR) par les transporteurs aériens au ministère américain de la sécurité intérieure (DHS) (accord PNR 2007)
 - Demande par le Conseil de l'approbation par le Parlement Européen
5365/10 JAI 49 USA 10 RELEX 44 DATAPROTECT 9
5304/10 JAI 33 USA 7 RELEX 31 DATAPROTECT 5

"Germany does not have any reservations against the Council forwarding the Agreement to the European Parliament for approval pursuant to Art. 218 para. 6 of the TFEU.

However, Germany would like to point out that between the approval by the European Parliament and a potential decision on ratification, time must be provided to the Member States to submit possible or necessary statements.

Germany is not convinced by the opinion expressed in the contribution by the Council Legal Service dated 20 January 2010, to the effect that there is no reason to treat the Agreement as a "mixed" Agreement. Germany reserves the right to undertake continued assessment of the question of whether signature and ratification is also required by the EU-Member States."

Coreper Part 1

II

7. **Adaptation to Lisbon Treaty (delegated acts / comitology)**
= **State of play**
(This item will be discussed in restricted session - DPRs only)

Following an exposé from the Presidency on recent developments concerning the horizontal approach by the European Parliament on delegated acts and on the handling of urgent co-decision files until a satisfactory solution is found, the Committee had an in-depth exchange of views on this issue and related questions.

8. **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**
= **Presidency briefing on the outcome of the trialogue**

The Committee took note of the information provided by the Presidency in relation to the outcome of the trialogue that took place on 28/01/2010 and supported the Presidency's approach to try to reach a global agreement with the European Parliament at first reading, as soon as possible.

The Presidency informed the Committee about the request of the European Parliament rapporteur to reconsider the initially discussed calendar for a first reading agreement in early February as the European Parliament was now planning a Plenary vote in March (8-11/03/2010).

Some delegations, recalling the tight calendar, invited the Presidency not to hesitate to change strategy and consider all possible options in order to conclude on time and meet the deadline for the publication of this Regulation.

9. **Proposal for a Directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control (IPPC)) (recast)**
= **Adaptations resulting from the entry into force of the Treaty on the Functioning of the European Union (TFEU) with a view to adopting the Council position at First reading**
5585/10 ENV 28 CODEC 40 + ADD 1

The Committee agreed the Presidency suggestions annexed to document 5085/10 ADD 1 and to recommend that the Council adopt its position at first reading on the basis of those suggestions. It instructed the General Secretariat of the Council to finalise the draft Council position at first reading and the draft statement of the Council's reasons with a view to their rapid adoption as an "I/A" item.

It noted that the Council would need to adopt its position at first reading by unanimity, since the Commission did not accept the choice of Article 291 of the Treaty on the Functioning of the European Union (implementing acts) rather than Article 290 (delegated acts) for certain provisions which previously provided for the use of the regulatory procedure with scrutiny.

10. **Proposal for a Regulation of the European Parliament and of the Council concerning a European rail network for competitive freight**
= **Adaptations resulting from the entry into force of the Treaty on the Functioning of the European Union (TFEU) with a view to adopting the Council position at First reading**
11069/09 TRANS 251 CODEC 851 + REV 1 (mt) + REV 2 (fi)
5479/10 TRANS 12 CODEC 28 + COR 1

The Committee, whilst settled the main part of the outstanding issues, mandated the Working Party on Land Transport to finalise the text concerning "delegated acts", which should be used as a basis for the finalisation of the draft common position on the Regulation concerning a European rail network for competitive freight.

**11. 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)**

- = **Analysis of the compromise text with a view to agreement**
- = **Preparation of the informal trialogue**
5743/10 SOC 47 ECOFIN 47 CADREFIN 3 COMPET 24 CODEC 58
+ ADD 1
- = **Presidency briefing on the outcome of the trialogue**
- = **(poss.) Agreement on a final compromise text**

FR, UK, CZ, AT, LT and PL supports the Presidency compromise proposal set out in 5743/1/10 + ADD 1 + COR 1. FR, supported by UK and CZ, suggests that the Commission could clarify, in relation to its statement set out in the Addendum to document 5743/1/10, that the Budgetary Authority may decide to increase the amount of the Progress programme by EUR 20 million over the period of 2011-2013 only if there was a real need for such an increase. The Commission undertakes to indicate, in a yearly activity statement for the Progress programme, what the additional funds would be used for if they were considered to be useful for the purposes of the programme.

DE is not in a position to agree on a mandate for the Presidency to negotiate with the European Parliament, being of the view that the objective of the instrument can be better achieved at national level.

The President concludes that the Committee gives the Presidency a mandate to negotiate with the European Parliament on the basis of doc. 5743/1/10 + ADD 1 + COR 1.

The results of the Committee's work are to be found in 6262/10 SOC 91 ECOFIN 89 CADREFIN 7 COMPET 45 CODEC 99 + ADD 1.

Coreper Part 2

II

21. **Présentation de l'ordre du jour de la session du Conseil (Affaires générales) du 22 février 2010**

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

22. **Présentation de l'ordre du jour provisoire de la session du Conseil (Affaires étrangères) du 22 février 2010**

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

23. **Proposition de directive du Conseil modifiant les directives 92/79/CEE, 92/80/CEE et 95/59/CE en ce qui concerne la structure et les taux des accises applicables aux tabacs manufacturés ainsi que la directive 2008/118/CE** 17778/09 FISC 191 + COR 1 (da) + REV 1 (pl) 5807/10 FISC 8

The Committee agreed on the text set out in document 17778/09 FISC 191, amended as follows:

- recital 14, last sentence:

".... In view of the economic difficulties that immediate implementation could cause for the German and Hungarian operators concerned, the Federal Republic of Germany and the Republic of Hungary should be authorised to postpone the implementation of the new definition of cigars and cigarillos until 1 January 2015."

- Article 2(3), last sentence of Directive 92/79/EEC, Article 3(1), sixth subparagraph, last sentence of Directive 92/80/EEC and Article 16(2), last sentence of Directive 95/59/EC:

"It shall be determined by 1 March at the latest of each year on the basis of data relating to all such releases for consumption made in the preceding calendar year."

- Article 16(3), introductory paragraph of Directive 95/59/EC:

"3. Until 31 December 2013, the specific component of the excise duty may not be less than 5 % and not be more than 76,5 % of the amount of the total tax burden resulting from the aggregation of the following: ... "

- Article 16(5) of Directive 95/59/EC:

"5. By way of derogation from paragraphs 3 and 4, where a change in the weighted average retail selling price of cigarettes occurs in a Member State, thereby bringing the specific component of the excise duty, expressed as a percentage of the total tax burden, below the percentage of 5 % or 7,5 %, whichever is applicable, or above the percentage of 76,5 % of the total tax burden, the Member State concerned may refrain from adjusting the amount of the specific excise duty until 1 January of the second year following that in which the change occurs."

The Polish delegation declared that, for the implementation of the Directive into national law with effect from 1 January 2011, the legal act should be published before 1 March 2010 in order to allow the completion of the national legislative procedure.

25. IEVP : Proposition de la Commission sur les PINS 2011-2013

The Committee discussed the outcome of the ENPI Committee of January 21. The ENPI Committee was unable to adopt its opinion on the proposal from the Commission. The Commission will make its final decision at the end of February.

26. Présentation de l'ordre du jour provisoire de la session du Conseil (Justice et Affaires intérieures) des 25/26 février 2010

The Chair presented the draft agenda as contained in the room document of 3 February 2010.

CZ asked for the inclusion of an additional item "Visa requests to Czech citizens by Canada" on the agenda.

The President agreed to include it on the agenda of the Mixed Committee.

UK and FR requested that the EU-PNR issue be addressed during the Council, to which the Chair replied that they could raise the issue after the introductory declaration of the new Commissioners.
