



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 February 2009

6237/09

CRS CRP 8

SUMMARY RECORD

**Subject : 2262nd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 11 and 13 February 2009**

SUMMARY

Page

1. Adoption of the provisional agenda and items "I" 8

Coreper Part 1

I

2. Replies to written questions put to the Council by Members of the European Parliament
- (a) n° P-6762/08 put by Emine Bozkurt
"Appropriateness of Anti-Doping Code"
 - (b) n° E-6789/08 put by Proinsias De Rossa
"Controlling cancer"
 - (c) n° E-6898/08 put by Luca Romagnoli
"Censorship of internet sites in Iran"
 - (d) n° E-6914/08 put by Luca Romagnoli
"Arrest of a young Croatian dissident"
 - (e) n° E-6924/08 put by Marios Matsakis
"Lignite and pollution"
 - (f) n° E-6965/08 put by Emilio Menéndez del Valle
"Why are we not taking action in Congo?"
 - (g) n° E-6969/08 put by Jim Allister
"Christians in the Gaza Strip"
 - (h) n° E-6981/08 put by Caroline Lucas
"Cage-free liquid eggs"
 - (i) n° E-6992/08 put by Georgios Georgiou
"European Refugee Fund"
 - (j) n° E-6999/08 put by Jim Allister
"Education in Zimbabwe"
 - (k) n° E-7011/08 put by Catherine Stihler
"Lung cancer"
 - (l) n° P-7047/08 put by Baroness Sarah Ludford
"Resolving conflicts of criminal jurisdiction"
 - (m) n° E-7067/08 put by Claude Moraes
"EUFOR mission in Chad"
3. Draft agenda for the forthcoming part-session of the European Parliament in Brussels from 18 to 19 February 2009
4. Case before Court of justice
Case C-566/08 (European Parliament v. Council of European Union)
- Action for annulment of Decision 2008/780/EC on the conclusion, on behalf of the European Community, of Southern Indian Ocean Fisheries Agreement

5. Proposal for a Council Regulation amending Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)

Proposal for a Council Decision amending Decision 2006/493/EC laying down the amount of Community support for rural development for the period from 1 January 2007 to 31 December 2013, its annual breakdown and the minimum amount to be concentrated in regions eligible under the Convergence Objective
6. Draft Commission Regulation (EC) No .../.. of [...] supplementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008
8. Proposal for a Council Regulation on the common rules for imports (codified version)
9. Proposal for a Council Regulation applying rules of competition to transport by rail, road and inland waterway (codified version)
10. Proposal for a Council Regulation on the Community trade mark (codified version)
11. Proposal for a Council Regulation on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia) (codified version)
12. Proposal for a Regulation of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95 (First reading)
 - Adoption
 - (a) of the common position
 - (b) of the statement of the Council's reasons
13. Proposal for a Directive of the European Parliament and of the Council amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of electronic communications networks and services, and 2002/20/EC on the authorisation of electronic communications networks and services (First reading)
 - Adoption
 - (a) of the common position
 - (b) of the statement of the Council's reasons
14. Proposal for a Directive of the European Parliament and of the Council amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on consumer protection cooperation (First reading)
 - Adoption
 - (a) of the common position
 - (b) of the statement of the Council's reasons

15. Proposal for a Regulation of the European Parliament and of the Council establishing the Group of European Regulators in Telecoms (GERT) (First reading)
 - Adoption
 - (a) of the common position
 - (b) of the statement of the Council's reasons
16. Proposal for a Council Directive implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006 and amending Directive 1999/63/EC

II

17. Road transport (European Parliament second reading)
 - (a) Proposal for a Regulation of the European Parliament and of the Council on common rules for access to the international road haulage market (recast)9
 - (b) Proposal for a Regulation of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator9
 - (c) Proposal for a Regulation of the European Parliament and of the Council on common rules for access to the international market for coach and bus services (recast)9
18. Preparation of the Council meeting "Competitiveness" (Internal Market, Industry and Research) on 5 and 6 March 2009
 - Lisbon Strategy: Lisbon Policy Exercise 2009 - Key Issues Paper of the Competitiveness Council to the Spring European Council9
19. Preparation of the Council meeting "Environment" on 2 March 2009
 1. Setting of the provisional agenda9
 2. Proposal for a Directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (recast)10
 3. Proposal for a Council Decision concerning the provisional prohibition of the use and sale in Hungary of genetically modified maize (Zea mays L. line MON810) expressing the Bt cry1Ab gene, pursuant to Directive 2001/18/EC of the European Parliament and of the Council10
 4. Contribution to the Spring European Council (19 and 20 March 2009)10
20. Draft Council Decision establishing the position to be adopted on behalf of the European Community with regard to proposals for amendments to the International Convention on the Regulation of Whaling and its Schedule11

21.	Proposal for a Regulation of the European Parliament and of the Council on substances that deplete the ozone layer (recast) (First reading)	11
22.	Proposal for a Regulation of the European Parliament and of the Council establishing a programme to aid economic recovery by granting Community financial assistance to projects in the field of energy	11
23.	Proposal for a Directive of the European Parliament and of the Council amending Council Directives 68/151/EEC and 89/666/EEC as regards publication and translation obligations of certain types of companies (First reading)	11
24.	Setting of the provisional agenda of the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 9 March 2009	12
25.	Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/88/EC concerning certain aspects of the organisation of working time (Second reading)	12
26.	Internal Energy Market legislative package Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/54/EC concerning common rules for the internal market in electricity (Second reading)	12
27.	Proposal for a regulation of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles (First reading)	12
28.	Proposal for a Regulation of the European Parliament and of the Council on cosmetic products (recast) (First reading)	13
29.	Proposal for a Regulation of the European Parliament and of the Council on novel foods and amending Regulation (EC) No XXX/XXXX (common procedure) (First reading)	13
30.	Review of the EU regulatory framework for electronic communications networks and services (First reading)	13

Coreper Part 2

I

31. EC-CARIFORUM Economic Partnership Agreement
 - Draft reply to the letter of Mr Hans-Gert POTTERING, President of the European Parliament
32. Relations with Morocco Draft Council Decision on the conclusion of a Protocol to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union
33. Convening of a Conference of the Representatives of the Governments of the Member States
 - appointment of judges and advocates-general to the Court of Justice of the European Community
 - appointment of a judge to the Court of First Instance
34. Case before the Court of First Instance - Case T-536/08 (Huvis Corp. v. Council)
35. Council Joint Action extending the mandate of the European Union Special Representative in Kosovo
36. Relations with Croatia
 - Council and Commission Decision on the conclusion of a Protocol to the Stabilisation and Association Agreement
37. Council Common Position renewing restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova
38. Proposal for a Council Decision concluding the stepping stone Economic Partnership Agreement between the European Community and its Member States, of the one part, and Côte d'Ivoire, of the other part
39. Recommendation to the Council concerning the use of cryptographic devices to protect electronic links between the EU and Operational Headquarters (OHQs) and BICES and special networks
40. Preparation of the Ministerial Conference "Building Migration Partnerships" (Prague, 27-28 April 2009)
41. Regulation of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny - Adaptation to the regulatory procedure with scrutiny (First reading)

II

- 42. Draft Decision of the Council amending the Rules of Procedure of the Court of First Instance of the European Communities as regards the language arrangements applicable to appeals against decisions of the European Union Civil Service Tribunal14
- 43. Revision of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community, its Member States, of the other part, signed in Cotonou on 23 June 2000 as revised in Luxembourg on 25 June 200514
- 44. Preparation of the Council meeting (General Affairs and External Relations) on 23/24 February 2009
 - A. General Affairs
 - Other items in connection with the Council meeting14
 - B. External Relations
 - Other items in connection with the Council meeting15
- 45. Preparation of the Council meeting (Justice and Home Affairs) on 26/27 February 2009
 - Implementation of the European e-Justice action plan15
 - Other items in connection with the Council meeting15
- 46. Proposal for a Directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals15
- 47. Proposal for a Regulation of the European Parliament and of the Council on cross-border payments in the Community16
- 48. Follow-up to the Council meeting (Economic and Financial Affairs) on 10 February 200916
- Any other business
 - Galileo Interinstitutional Panel – Representation of the Council and organisation of proceedings16
 - European Economic Recovery Plan16

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

doc. 6259/09 OJ/CRP1 6

6244/09 OJ/CRP2 6

The above mentioned agenda is approved with the following changes:

The following item is **withdrawn** :

(Coreper Part 1, under I)

7. Draft Commission Regulation (EC) No .../. of [...] on the adoption of a common safety method on risk evaluation and assessment as referred to in Article 6(3)(a) of Directive 2004/49/EC of the European Parliament and of the Council

- Decision not to oppose the adoption

5399/09 TRANS 20

5864/09 TRANS 35

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

A declaration is made by the CY delegation on the following item :

35. Council Joint Action extending the mandate of the European Union Special Representative in Kosovo

5465/09 COWEB 17 COSDP 44 PESC 82 RELEX 48

5714/09 COWEB 21 COSDP 63 PESC 117 RELEX 74

"The Republic of Cyprus has given its consent for the renewal of the Joint Action for the EUSR for Kosovo, under UNSCR 1244, with the understanding that the EUSR fully respects his mandate and its limits, as this reflects the position of all Member States. In particular the Republic of Cyprus recalls the obligation of the EUSR, in accordance with his mandate, for status neutral language and actions."

Coreper Part 1

II

17. Road transport (European Parliament second reading)

- (a) **Proposal for a Regulation of the European Parliament and of the Council on common rules for access to the international road haulage market (recast)**
- (b) **Proposal for a Regulation of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator**
- (c) **Proposal for a Regulation of the European Parliament and of the Council on common rules for access to the international market for coach and bus services (recast)**
- **Preparation for the next informal trialogue**
6110/09 TRANS 48 CODEC 136
+ ADD 1 + ADD 2 + ADD 3

The Committee had an in-depth examination of the approach to be taken by the Presidency at the informal trialogue on 12 February.

18. Preparation of the Council meeting "Competitiveness" (Internal Market, Industry and Research) on 5 and 6 March 2009

- **Lisbon Strategy: Lisbon Policy Exercise 2009 - Key Issues Paper of the Competitiveness Council to the Spring European Council**
 - **Policy debate**
 - **Adoption of Key Issues Paper**
6182/09 COMPET 68 RECH 32 ECOFIN 101 UEM 30 AG 14 SOC 73
CONSOM 24

The Committee agreed on the text as set out in document 6229/09 COMPET 74 RECH 33 ECOFIN 103 UEM 31 AG 15 SOC 76 CONSOM 29.

19. Preparation of the Council meeting "Environment" on 2 March 2009

1. Setting of the provisional agenda

The Committee approved the provisional agenda as set out in document 6734/09.

2. Proposal for a Directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (recast)

- Policy debate

(Public deliberation, pursuant to Article 8(1)(c) CRP)
6057/09 ENV 66 CODEC 125

The Committee agreed to forward the Presidency questions set out in document 6057/09 to the Council (Environment) to provide a basis for the policy debate on 2 March 2009.

3. Proposal for a Council Decision concerning the provisional prohibition of the use and sale in Hungary of genetically modified maize (Zea mays L. line MON810) expressing the Bt cry1Ab gene, pursuant to Directive 2001/18/EC of the European Parliament and of the Council

- Adoption

5845/09 AGRILEG 11 ENV 45

Le Comité examine, sur base du document 5845/09, la situation après les discussions tenues au groupe de travail.

La délégation hongroise, appuyée par les délégations autrichienne et française, présente les arguments en faveur du maintien de sa mesure de sauvegarde.

La délégation lituanienne a indiqué un changement dans ses intentions de vote et les délégations bulgare et danoise ont précisé les leurs (cf. Annexe I du doc. 6394/09).

4. Contribution to the Spring European Council (19 and 20 March 2009)

- Adoption of Council conclusions

6034/09 ENV 64 ECOFIN 82 ECO 10 ENER 44 COMPET 62 RECH 29 AG 13
POLGEN 14 MI 45 IND 6

The Committee examined the above-mentioned draft Council conclusions as set out in document 6034/09 and decided to forward them to Council, in order to resolve any remaining outstanding issues.

- 20. Draft Council Decision establishing the position to be adopted on behalf of the European Community with regard to proposals for amendments to the International Convention on the Regulation of Whaling and its Schedule**
- **Adoption**
6088/09 ENV 68 PECHE 27

The Committee considered the latest compromise text of the Presidency contained in document 6088/09 and decided to refer it to the next Council meeting of 2 March 2009 for final discussion.

- 21. Proposal for a Regulation of the European Parliament and of the Council on substances that deplete the ozone layer (Recast) (First reading)**
- **Preparation for the informal dialogue**
6065/09 ENV 67 CODEC 127

The Committee agreed on the Presidency's mandate for the first informal trilogue scheduled on 16 February 2009.

- 22. Proposal for a Regulation of the European Parliament and of the Council establishing a programme to aid economic recovery by granting Community financial assistance to projects in the field of energy**
- **Information from the Presidency and the Commission**
5972/09 ENER 40 ECOFIN 75 CODEC 115

A large number of delegations intervened to comment on the proposal, be it with respect to the list of projects, to the criteria for their selection, to their geographical or technological balance or to the right track (CRP 1 vs. CRP 2) to discuss them. In reply the Chairperson indicated that the letter of invitation to the TTE Council to be sent by the President of the Council will outline how the lunch discussion should address these projects.

- 23. Proposal for a Directive of the European Parliament and of the Council amending Council Directives 68/151/EEC and 89/666/EEC as regards publication and translation obligations of certain types of companies (First reading)**
- **Examination of a compromise text with a view to an agreement**
8647/08 DRS 9 COMPET 143 CODEC 492
6159/09 DRS 13 COMPET 67 CODEC 141 + ADD 1

The Committee examined the compromise proposal submitted by the Presidency, as set out in 6159/09 + ADD 1.

After an extensive exchange of views, the Presidency indicated its intention to revert to this file in due time.

24. Setting of the provisional agenda of the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 9 March 2009

The Committee agrees the provisional agenda for the forthcoming Council meeting (Employment, Social Policy, Health and Consumer Affairs) as set out in document 6873/09 OJ CONS 13 SOC 141 SAN 36 CONSOM 36.

25. Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/88/EC concerning certain aspects of the organisation of working time (Second reading)

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

La Présidence informe le Comité des résultats du trilogue du 10.2.2009.

**26. Internal Energy Market legislative package
Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/54/EC concerning common rules for the internal market in electricity (Second reading)**

- **Preparation for the next informal trialogue**

The Chairperson outlined how the Presidency intended to proceed on the topics on the agenda of the coming trialogue (NRAs, Consumer rights, unbundling) and took stock of delegations' comments. Subject to some adjustments it appeared that document 5437/5/09 could serve as a basis for the Presidency's mandate on NRAs and Consumer rights. Regarding document 5437/5/09 ADD 1, on which most delegations entered scrutiny or principle reservations, the Chairperson invited delegations to signal to the Presidency whether this document could be presented with Committee's support or only as a Presidency offer.

27. Proposal for a regulation of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles (First reading)

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

The Committee has heard an oral report from the Presidency on the outcome of the latest trialogue. It agrees on the compromise reached between the Presidency and the European Parliament.

28. Proposal for a Regulation of the European Parliament and of the Council on cosmetic products (recast) (First reading)

- **Information from the Presidency**

- **Preparation for the next informal trialogue**

5895/1/09 MI 30 ENT 12 CONSOM 14 SAN 14 ECO 7 ENV 53 CHIMIE 9

CODEC 101 REV 1

The Committee examined a Presidency compromise text of the proposal for a Regulation of the European Parliament and of the Council on cosmetic products (recast) (doc. 6343/09 + ADD 1) and agreed on a mandate for the Presidency to pursue negotiations with the European Parliament with a view to reaching a first reading agreement on the proposal.

29. Proposal for a Regulation of the European Parliament and of the Council on novel foods and amending Regulation (EC) No XXX/XXXX (common procedure) (First reading)

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

The Presidency informed the Committee on the outcome of the first informal trialogue held on 10 February 2009. In order to meet main concerns raised by the European Parliament, the Presidency will submit new compromise proposals to the Committee meeting on 20 February 2009. The Commission put forward a proposal for the definition of "nanomaterial" and informed that it would make a new proposal for Article 8 (procedure for traditional foods from third countries).

30. Review of the EU regulatory framework for electronic communications networks and services (First reading)

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

The Presidency informed the delegations on the results of the second informal trialogue.

Coreper Part 2

II

42. **Draft Decision of the Council amending the Rules of Procedure of the Court of First Instance of the European Communities as regards the language arrangements applicable to appeals against decisions of the European Union Civil Service Tribunal**
5739/09 JUR 35 COUR 9
5740/09 JUR 36 COUR 10

After examining the opinions of the European Parliament and the Commission concerning the amendments to the Rules of Procedure of the Court of First Instance of the European Communities, the Committee decided to suggest that the Council adopts, as an "A" item on the agenda of a forthcoming meeting, the Decision amending the Rules of Procedure of the Court of First Instance of the European Communities as regards the language arrangements applicable to appeals against decisions of the European Union Civil Service Tribunal.

43. **Revision of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community, its Member States, of the other part, signed in Cotonou on 23 June 2000 as revised in Luxembourg on 25 June 2005**
- **Notification letter**
 - **Negotiating directives**
6170/09 ACP 38 PTOM 12 RESTREINT UE
+ ADD 1 RESTREINT UE + ADD 2 RESTREINT UE + ADD 3

The agreement of the Committee to invite the Council to adopt these texts as "A" items is set out in documents 6383/09 (notification letter) and 6389/09 (negotiation directives).

44. **Preparation of the Council meeting (General Affairs and External Relations) on 23/24 February 2009**

- A. **General Affairs**
- **Other items in connection with the Council meeting**

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

B. External Relations

- Other items in connection with the Council meeting

Le Comité fait le point de l'état de préparation des autres points figurant à l'ordre du jour provisoire de la session Relations extérieures.

45. Preparation of the Council meeting (Justice and Home Affairs) on 26/27 February 2009

- Implementation of the European e-Justice action plan

- State of play

6198/09 JURINFO 18 JUSTCIV 35 JUSTPEN 5 JAI 69

The Committee agrees that this item is submitted to the JHA Council on 26-27 February 2009 as a "B" item, as set out in document 6198/09 JURINFO 18 JUSTCIV 35 JUSTPEN 5 JAI 69.

- Other items in connection with the Council meeting

The Presidency announces that there will be a discussion during the lunch of Ministers of Justice, about the procedure concerning the conclusion of treaties between the European Community and third States when the treaties contain coercive measures or criminal provisions.

46. Proposal for a Directive of the European Parliament and of the Council providing for sanctions against employers of illegally staying third-country nationals

- Draft statement of the European Parliament and of the Council

6166/09 MIGR 10 SOC 71 DROIPEN 8 CODEC 145

The Committee confirms agreement on the following draft statement as proposed by the European Parliament :

"The Parliament and the Council state that the rules on subcontracting agreed upon in Article 9 of this Directive shall be without prejudice to other provisions to this issue to be adopted in future legislative instruments".

47. Proposal for a Regulation of the European Parliament and of the Council on cross-border payments in the Community

- General Approach

6128/09 EF 28 ECOFIN 96 CONSOM 22 CODEC 137

6129/09 EF 29 ECOFIN 97 CONSOM 23 CODEC 138

The Committee agreed the general approach as set out in document 6128/09 + COR 1. The following declaration was made by the Commission:

"The Commission is in a position to indicate that it will provide the guidance as mentioned in recital 8a by the month of November 2009, at the latest."

48. Follow-up to the Council meeting (Economic and Financial Affairs) on 10 February 2009

The Committee took note of the proceedings of the ECOFIN Council of 10 February 2009.

- Any other business

• Galileo Interinstitutional Panel – Representation of the Council and organisation of proceedings

- Information from the Presidency

6257/09 TRANS 56 MAR 17 AVIATION 18 CAB 3

The Committee took note that the first Galileo Interinstitutional Panel would be held on 18 February 2009 and that the Presidency would present the outcome of the Panel at a future meeting.

• European Economic Recovery Plan

The Presidency presented the state of affairs in the different Working Parties of the Council concerning the Commission's proposals aiming at providing additional support, under the European Economic Recovery Plan, to investments in the field of energy projects and broadband internet infrastructure in rural areas, as well as to measures related to the CAP "Health Check".

The Budget Committee was asked to pursue the analysis of the financial aspects of the Commission proposals.