



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 9 March 2009

6502/09

CRS/CRP 9

SUMMARY RECORD

**Subject : 2263rd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 18 and 20 February 2009**

SUMMARY

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

doc. 6518/09 OJ/CRP1 7 + ADD 1

6505/1/09 OJ/CRP2 7 COMIX 157

The above mentioned agenda is approved with the following changes:

The following items are **added** :

(Coreper Part 2, under I)

54. Sri Lanka

- **Draft Council conclusions**

6526/09 COASI 23 ASIE 4 COPOL 11 PESC 218 COHOM 22 COHAFA 8

55. Iraq

- **Draft Council conclusions**

6580/2009 COMEM 37 PESC 224

(Coreper Part 1, under I)

56. The Mechanism on Cooperation and Verification for Bulgaria and Romania

- **Adoption of Council conclusions**

6694/09 COVEME 3

The following items are **withdrawn** :

(Coreper Part 2, under I)

30. Draft Council minutes

- b) **2879th meeting of the Council of the European Union (General Affairs and External Relations), held in Luxembourg on 16 June 2008**

10777/08 PV CONS 43 RELEX 451

44. Relations with Republic of Moldova

- **EUSR for Republic of Moldova - extension of mandate**
- **Renewal/review of Common Position concerning sanctions against Transnistrian officials**

45. Cooperation and Verification Mechanism for Bulgaria and Romania

- **Council conclusions**

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 RO delegation on the following item :

56. The Mechanism on Cooperation and Verification for Bulgaria and Romania

- Adoption of Council conclusions

6694/09 COVEME 3

"Romania reiterates its support for the conclusions of the Council, while underlining the interim character of the report under consideration, which contains a technical, factual update on the developments having occurred during the last months. Romania considers that the reference for the progress of Romania under the Co-operation and Verification Mechanism remains the assessment contained in the Report of the Commission of 23 July 2008."

Coreper Part 1

II

22. 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)

- **Preparation for the next informal trialogue**
6409/09 CODEC 161 SOC 92 SAN 23 TRANS 63 MAR 22

Le Comité examine, sur base du document 6409/09, des propositions de compromis de la Présidence en vue du Trilogue du 18.2.2009. Les résultats de la discussion figurent au document 6579/08.

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

La Présidence informe le Comité des résultats du trilogue du 18.2.2009.

23. 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)**
- **Presidency briefing on the outcome of the informal trialogue**

The Presidency informed the Committee on the results of the informal trialogue with the rapporteurs which took place on 12 February 2009 and submitted the dossiers to the Working Party on Land Transport in order to prepare the Council's position for the next informal trialogue.

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

1. Automotive industry

- Adoption of Council conclusions

6226/09 COMPET 72 IND 8 RECH 41 TRANS 52 ENV 80 SOC 90

The Committee agreed on the text as set out in 6227/09 COMPET 73 IND 9 TRANS 53 ENV 81 SOC 89.

2. Better regulation

- Progress report

6402/09 COMPET 82

The Committee agrees to forward the report to the Council.

3. Contributing to the Lisbon strategy - Ljubljana process

(Public debate pursuant to Art. 8 (3) CRP (proposed by the Presidency))

- Exchange of views

6340/09 RECH 36 COMPET 79

The outcome of the proceedings of the meeting of the Committee is set out in document 6462/09 RECH 43 COMPET 86.

4. European Research Infrastructures - Europe at the rapidly evolving forefront of science and technology

- Exchange of views

6342/09 RECH 37 COMPET 80

The outcome of the proceedings of the meeting of the Committee is set out in document 6463/09 RECH 44 COMPET 87.

25. Proposal for a Regulation of the European Parliament and of the Council on substances that deplete the ozone layer (recast) (First reading)

- Presidency briefing on the outcome of the informal trialogue

The Presidency gave brief information about the key issues discussed during the first informal trialogue held on 16 February. A revised mandate for negotiations with the European Parliament will be prepared for the Committee on 25 February.

26. Preparation of the Council meeting (Environment) on 2 March 2009

- 1. Proposal for a Council Decision concerning the provisional prohibition of the use and sale in Austria of genetically modified maize (Zea mays L. line MON810) pursuant to Directive 2001/18/EC of the European Parliament and of the Council**
 - Adoption**
6335/09 AGRILEG 21 ENV 89
- 2. Proposal for a Council Decision concerning the provisional prohibition of the use and sale in Austria of genetically modified maize (Zea mays L. line T25) pursuant to Directive 2001/18/EC of the European Parliament and of the Council**
 - Adoption**
6336/09 AGRILEG 22 ENV 90

On the basis of documents 6335/09 and 6336/09 the Committee updated the positions of delegations as set out in documents 6577/09 and 6578/09.

On this occasion the Romanian delegation presents the following declaration:

"Romania reiterates its position of principle in support of cultivation and use of genetically modified organisms (GMOs) products in the EU, once they are authorized according to the EU legislation and procedures. Romania allows the cultivation and use of EU authorized GMOs.

As clearly stated in the Council, Romania also supports all measures designed to improve the authorization system, in order to ensure the citizens and the authorities of all member states that the cultivation and use of GMOs is without danger to the human and animal health and to the protection of environment.

In this respect, Romania reiterates its position of principle that national bans on EU authorized GMOs, which are not scientifically confirmed by the European Food Safety Agency, should not be maintained.

Romania also recognizes that GMO cultivation and use is a highly political issue in certain Member States. Therefore, Romania considers that the newest and most complete scientific data, in the form of EFSA risk assessments, should be available to authorities and the public opinion, in order to ensure that cultivation and use are without danger.

In the specific case of MON 810 maize, Romania notes that a new EFSA risk assessment is due in very short time. Scientific data available to Romanian authorities points to the fact that the cultivation and use of this maize should continue on the basis of a renewed authorization, and, in such a case, Romania will continue cultivating and using it.

Taking into account all these elements and until the new risk assessment is available, Romania considers that the political and institutional debate on the cultivation and use of MON 810 should not be unduly exacerbated and therefore votes against the Commission's proposal for a Council Decision concerning the provisional prohibition of the use and sale in Austria of genetically modified maize (Zea mays L. line MON 810).

Romania points out that this position is without any prejudice to its further positions on other GMOs or specific Member States situation."

- 3. Contribution to the Spring European Council (19 and 20 March 2009): Further development of the EU position on a comprehensive post-2012 climate agreement**
- **Adoption of Council conclusions**
6301/09 ENV 84 ENER 53 FISC 21 DEVGEN 34 TRANS 57 FORETS 13
AVIATION 19 MAR 20 ONU 9 RECH 35 COMPET 76 ECOFIN 107
POLGEN 18

The Committee held an in-depth discussion of the above mentioned conclusions and decided to forward the draft, as amended, to the Council (Environment) on 2 March 2009 for consideration and adoption. The result of the Committee's deliberation is reflected in document 6427/09.

- 27. 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)
- **Presidency briefing on the outcome of the informal trialogue**

The Chairperson informed the Committee on this trialogue which took place on 18 February and was devoted to unbundling, NRAs and consumer issues, the texts on unbundling being presented under the Presidency's responsibility. While some progress could be achieved on NRAs the time left did not allow to address consumer issues.

The next trialogue will take place on 3 March and should be devoted to consumer issues, the Agency, codes and ENTSO, and to unbundling. It will be prepared by the Committee next week.

28. 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)
- Preparation for the informal trialogue
6414/09 DENLEG 12 CODEC 162

The Committee agreed to proposals made by the Presidency in preparation for the second trialogue, subject to the following:

- a) Introduction of the definition of "engineered nanomaterials" was supported in principle. It remains subject of scrutiny reservations by several delegations until further consideration of some elements of the definition by experts is completed.
- b) Recital 6a) should be align with Article 15(2) and its second part should read:
"Therefore, food produced from animals obtained by using a cloning technique and from their offspring should be subject to a report submitted by the Commission to the European Parliament and the Council, followed, if appropriate, by a legislative proposal. If specific legislation is adopted, the scope of this Regulation should be adapted accordingly." DE entered a reservation.
- c) Many delegations supported the inclusion of offsprings of cloned animals into the scope of the Regulation. Some delegations and the Commission were against. The Committee will come back to this issue in the light of the outcome of the second trialogue.
- d) FR proposed modifications of definition of "traditional foods from a third countries" (Article 3(2)(b)). This proposal was supported by some delegations, but needs further consideration. The Committee will come back to this proposal in the light of the outcome of the second trialogue.

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

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

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

Proposal for a Regulation of the European Parliament and of the Council establishing the European Electronic Communications Market Authority

- **Preparation for the next trialogue**

6484/09 TELECOM 20 MI 61 COMPET 90 DATAPROTECT 8 CONSOM 31 CAB 4
CODEC 170

To prepare for the next trialogue, the Committee examined the Presidency proposal in document 6484/09.

Coreper Part 2

II

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

- a) **SWIFT: Processing of EU originating Personal Data by United States Treasury Department for counter terrorism purposes according to the Terrorist Finance Tracking Programme**
 - **Presentation by the Commission of the report of "eminent person"**

The Presidency and the Commission explained the background and the purpose of this agenda item. Several delegations intervened to emphasise the importance of this issue.

- b) **Request for a negotiation mandate for the Presidency on judicial co-operation in criminal matters on the basis of Articles 38 and 24 TEU - possible Mutual Legal Assistance Agreement between the European Union and Japan**
10070/4/08 REV 4 COPEN 108 COASI 106 RESTREINT UE

The Chair established that there was consensus on the draft negotiation mandate, subject to the concerns raised by the HU delegation. The Presidency proposed one minor amendment to the draft mandate in order to accommodate this concern. This delegation indicated that it would have preferred a different solution, but could accept the solution proposed by the Presidency and that it would make a declaration in the Council.

- c) **Proposal for a Council Framework Decision on prevention and settlement of conflicts of jurisdiction in criminal proceedings**
 - **Confirmation by COREPER of conclusions on selected issues**
6417/09 COPEN 32

The Committee confirmed the draft conclusions submitted by the Presidency subject to some refinements (see 6417/1/09 COPEN 32 REV 1), and decided to submit the file to the Council so as to allow it to adopt the conclusions as a basis for further work on the Framework Decision.

d) Other items in connection with the Council meeting

- **Report from the Commission to the European Parliament and the Council on the application of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States**

5553/09 MI 20 JAI 27 SOC 27

The Presidency stated that Vice-President Barrot will present this report at the JHA Council and Ministers will have the opportunity to hold an exchange views.

- **Discussion on the situation of Iraqi refugees**

The Presidency stated that the Commission will present information obtained from the Member States on the follow-up to the conclusions adopted in the JHA Council (26/27 November 2008) and the Council will have the opportunity to assess the progress made to date as well other relevant development.

- **Proposal for a Regulation establishing a European Asylum Support Office**
 - **Presentation by the Commission and first exchange of views**

The Commission will present its proposal and a first exchange of views will take place.

- **Third Global Forum on Migration and Development**
 - **Information from the Greek Minister**

The Greek Minister Mr Pavlopoulos has requested to present, under AOB of the Council agenda, information concerning the preparation of the Third Global Forum on Migration and Development due to take place in November 2009.

52. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 10 March 2009

The Committee agreed the provisional agenda for this Council.

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

A. General Affairs

- a) Preparation of the European Council (19/20 March 2009)**
= **Annotated draft agenda**
6388/09 POLGEN 20

The Committee took note of the Annotated Draft Agenda to be submitted to the General Affairs and External Relations Council on 23 February. The Chair took note of delegations' comments.

b) European Recovery Plan

The Commission presented a revised list of energy projects and a note on the amendments it intends to make to its initial proposal for a revision of the multi-annual financial framework. Delegations provided their initial comments.

c) Other items in connection with the Council meeting

Le Comité met au point l'ordre du jour provisoire de la session Affaires générales.

B. External Relations

a) Afghanistan

The discussion reaffirmed that Ministers in the GAERC on Monday will focus on the elections, the EU's policy and EUPOL. No conclusions will be adopted but Press Lines will be proposed to the Ministers for adoption.

b) MEPP

La Présidence a informé le Comité que le point " Processus de paix au Proche-Orient " sera discuté en préparation de la Conférence Internationale à Sharm al-Sheikh le 2 mars.

c) European Neighbourhood Policy - Eastern Partnership

The Committee took note of the information by the Presidency at the handling of this item at the GAERC lunch on 23 February 2009.

d) Western Balkans

Le Comité a brièvement mentionné les aspects différents sous discussion pendant le déjeuner du CAGRE, à savoir: la Bosnie-Herzégovine (situation politique et la transition), la coopération de la Serbie avec le TPIY et le Monténégro (réponse à l'application).

e) (poss.) Sudan

There was no discussion on Sudan.

f) Other items in connection with the Council meeting

Le Comité met au point l'ordre du jour provisoire de la session Relations extérieures.

- Any other business

= **Candidature for the seat of the Agency for the Cooperation of Energy Regulators (requested by the SI delegation)**

The Slovenian delegation draws the Committee's attention to its candidature which will be presented by the Slovenian Minister at the TTE (Energy) Council meeting on 19 February 2009.

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