



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 March 2009

6829/09

CRS/CRP 10

SUMMARY RECORD

**Subject : 2264th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 25 and 27 February 2009**

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

doc. 6792/09 OJ/CRP1 8 + AMD 1
6528/09 OJ/CRP2 8 COMIX 169

The above mentioned agenda is approved with the following changes:

The following item is **added** :

(Coreper Part 2, under I)

- 50. Proposal for transfer of appropriations n° DEC1/2009 within Section VI -
European Economic and Social Committee - of the general budget for 2009 (NCE)**
6471/09 FIN 51 PE-L 10

The following item is **withdrawn** :

(Coreper Part 2, under I)

- 39. Council Joint Action extending the mandate of the European Union Special
Representative in Bosnia and Herzegovina**
5118/09 PESC 13 COSDP 10 COWEB 6
5234/09 PESC 37 COSDP 25 COWEB 10

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

23. 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 next informal trialogue

6616/09 ENV 122 CODEC 201

The Committee gave the Presidency a mandate for negotiations with the European Parliament in the context of a second informal trialogue on 3 March, with a view to a possible first-reading agreement.

24. 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

6614/09 TRANS 73 CODEC 200 + 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 the above proposals on 3 March.

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)

- Preparation for the next informal trialogue

6832/09 CODEC 231 SOC 132 SAN 34 TRANS 80 MAR 36

Le Comité examine, sur base du document 6832/09, des propositions de compromis de la Présidence en vue du Trilogue du 2.3.2009. Les résultats de la discussion figurent au document 6903/08.

26. Preparation of the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 9 March 2009

1. Preparation of the Spring European Council

- (a) Key Messages based on (b) to (f)**

 - **Adoption**
 - **Policy debate**
(Public debate, pursuant to Article 8(3) CRP (proposed by the Presidency))
6449/09 SOC 95 ECOFIN 114 EDUC 21
6690/09 SOC 127 ECOFIN 138 EDUC 37
- (b) Communication from the Commission to the European Council: "A European Economic Recovery Plan"**
16097/08 ECOFIN 541 UEM 205 EF 116 COMPET 514 SOC 722 ENER 418
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- (c) Joint Employment Report 2008/2009**

 - **Adoption**
6452/09 SOC 96 ECOFIN 115 EDUC 22
- (d) Proposal for a Council Decision on Guidelines for the Employment Policies of the Member States**

 - **General approach**
5881/09 SOC 49 ECOFIN 66 EDUC 14
6456/09 SOC 99 ECOFIN 117 EDUC 24
6677/09 SOC 125 ECOFIN 136 EDUC 36
- (e) Implementation of the Lisbon Strategy Structural Reforms in the context of the European Economic Recovery Plan - Annual country assessments: Recommendation for a Council Recommendation on the 2009 up-date of the broad guidelines for the economic policies of the Member States and the Community and on the implementation of Member States' employment policies**

 - **Political agreement**
5981/09 ECOFIN 77 SOC 60 COMPET 56 ENV 61 EDUC 17 RECH 26
ENER 41
6457/09 SOC 100 ECOFIN 118
- (f) Joint Report on Social Protection and Social Inclusion 2009**

 - **Adoption**
6475/09 SOC 107 ECOFIN 120 FSTR 23 EDUC 26 SAN 25
6495/09 SOC 112 ECOFIN 125 FSTR 25 EDUC 29 SAN 27
- (g) Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on equality between women and men, 2009**

**(h) Preparation of the Tripartite Social Summit
- Information from the Presidency**

The Committee:

- (a) agrees to submit to the Council the draft Key Messages, as set out in 6449/09 SOC 95 ECOFIN 114 EDUC 21 as the EPSCO Council's contribution to the preparation of the Spring European Council; takes note of the German delegation's view that the Key Messages should not prejudice in any way the legislative or budgetary decision making processes concerning the European Globalisation Adjustment Fund;
- (b) takes note of the Commission Communication "A European Economic Recovery Plan" as set out in 16097/08 ECOFIN 541 UEM 205 EF 116 COMPET 514 SOC 722 ENER 418 AG 39, and agrees to forward it to the Council;
- (c) agrees to recommend the Council to adopt the Joint Employment Report, as set out in 6452/09 SOC 96 ECOFIN 115 EDUC 22, with a view to its submission to the Spring European Council, taking note of the UK delegation's parliamentary scrutiny reservation;
- (d) agrees to submit the text of the Council Decision on Guidelines for the Employment Policies of the Member States, as set out in 6456/09 SOC 99 ECOFIN 117 EDUC 24, to the Council, with a view to reaching a general approach;
- (e) takes note of the text of the Recommendation as set out in 6457/09 SOC 100 ECOFIN 118, pending finalisation by the Economic Policy Committee and by the Economic and Financial Committee, with a view to its being submitted for political agreement to the Council (EPSCO) on 9 March and the Council (ECOFIN) on 10 March; takes also note of the Italian delegation's difficulty concerning the current drafting of one of the recommendations addressed to Italy and of the fact that agreement has been found, with the assistance of the Commission services, to formulate the text in a more appropriate manner;

- (f) agrees to recommend the Council to adopt the Joint Report on Social Protection and Social Inclusion, as set out in 6495/09 SOC 112 ECOFIN 125 FSTR 25 EDUC 29 SAN 27, with a view to its submission to the Spring European Council;
- (g) notes that the Commission report on equality between women and men, 2009 is expected to be available for the session of the Council on 9 March and agrees to it being forwarded to the Council.
- (h) The Committee takes note of the information given by the Presidency.

2. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1927/2006 on establishing the European Globalisation Adjustment Fund

- Progress report

(Public deliberation, pursuant to Article 8(1)(c) CRP)

5005/09 SOC 1 ECOFIN 1 FSTR 1 COMPET 1 CODEC 1

6476/09 SOC 108 ECOFIN 121 FSTR 24 COMPET 89 CODEC 169

The Committee agrees to present to the EPSCO Council a report on the progress achieved on the file during the first two months of 2009 as set out in documents 6476/1/09 REV 1 + REV COR 1.

3. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: New Skills for New Jobs "Anticipating and matching labour market and skills needs"

- Adoption of Council conclusions

17537/08 EDUC 292 SOC 807 MI 569 COMPET 590

6479/09 SOC 109 ECOFIN 122 EDUC 27

The Committee agrees to submit the draft Conclusions, in document 6479/09, to the EPSCO Council for adoption on 9 March 2009.

4. **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The impact of free movement of workers in the context of EU enlargement - Report on the first phase (1 January 2007 – 31 December 2008) of the Transitional Arrangements set out in the 2005 Accession Treaty and as requested according to the Transitional Arrangement set out in the 2003 Accession Treaty**
- **Professional and geographical mobility of the workforce and the free movement of workers within the European Union**
 - **Adoption of Council conclusions**
16162/08 SOC 715 MI 481
6480/09 SOC 110 MI 60

The Committee agrees to submit the draft Conclusions, in document 6480/09, to the EPSCO Council for adoption on 9 March 2009. Pending receipt of the German language version of the document, the German and the Austrian delegations maintain their linguistic scrutiny reservations.

5. **Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding**
- **Policy debate**
(Public deliberation, pursuant to Article 8(1)(c) CRP)
13983/08 SOC 575 SAN 217 CODEC 1285 + COR 1
6573/09 SOC 118 SAN 29 CODEC 193

The Committee agrees to submit the Presidency Questionnaire, in document 6573/09, to the Council as a basis for the policy debate on 9 March 2009.

6. **Proposal for a Council Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (Article 12)**
- **Exchange of views**

The Committee notes that this item will no longer appear on the agenda of the EPSCO Council to be held on 9 March 2009.

27. Internal Energy Market legislative package (Second reading)

- (a) 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**
- (b) Proposal for a Regulation of the European Parliament and of the Council establishing an Agency for the Cooperation of Energy Regulators**
- (c) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1228/2003 on conditions for access to the network for cross-border exchanges in electricity**
- Preparation for the next informal trialogue**
 - 5437/7/09 ENER 18 CODEC 48 REV 7
 - 5583/3/09 ENER 26 CODEC 62 REV 3
 - 5582/2/09 ENER 25 CODEC 61 REV 2

The Chairperson outlined how the Presidency intended to proceed on the topics on the agenda of the trialogues on 3 and 10 March (NRAs, Consumer rights, Agency, codes and ENTSOs, unbundling) and took stock of delegations' comments. Subject to some adjustments it appeared that documents 5437/7/09, 5583/3/09 and 5582/2/09 could serve as a basis for the Presidency's mandate on issues related to NRAs, Consumer rights, the Agency, codes and ENTSOs.

Regarding unbundling several delegations repeated they had no or little margin for flexibility; the Chairperson invited them to reflect further on the possibility to show some flexibility while preserving the substance of the common position.

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

- (a) 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 associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services**
- (b) 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**

- (c) **Regulation of the European Parliament and of the Council establishing the Group of European Regulators in Telecoms**
 - **Presidency briefing on the outcome of the trialogue**
 - **Preparation for the next trialogue**
- 6830/09 TELECOM 27 MI 73 COMPET 105 DATAPROTECT 10 CONSOM 35
CAB 6 CODEC 230

To prepare for the next trialogue, the Committee examined the Presidency proposal in document 6830/09.

29. Galileo Interinstitutional Panel

- **Presidency briefing on the outcome of the first meeting**

The Presidency informed the Committee on the outcome of the first Galileo Interinstitutional Panel which took place on 18 February 2009.

30. Proposal for a Regulation (EC) No .../2008 of the European Parliament and of the Council amending Regulation (EC) No 1692/2006 establishing the second ‘Marco Polo’ programme for the granting of Community financial assistance to improve the environmental performance of the freight transport system (‘Marco Polo II’) (First reading)

- **Examination of main outstanding issues**
- 17294/08 TRANS 483 MAR 264 CADREFIN 24 ENV 1016 CODEC 1854
6704/09 TRANS 76 MAR 34 CADREFIN 8 ENV 130 CODEC 214

The Presidency informed the Committee of the state of play of this dossier and took note of the position of the Member States and invited the Working Party to pursue its examination.

31. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Council Directive 06/23/EEC (First reading)

- **Preparation for the informal trialogue**
- 6827/09 AVIATION 27 CODEC 228

The Committee examined the outstanding issues and approved a negotiating mandate, with a view to securing a first-reading agreement on the file.

- 32. Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system (First reading)**
- **Preparation for the informal trialogue**
6828/09 AVIATION 28 CODEC 229

The Committee examined the outstanding issues and approved a negotiating mandate, with a view to securing a first-reading agreement on the file.

33. Amended proposals for

- (a) **Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems, and determining the content of its annexes**
- (b) **Regulation of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems**
- **Preparation for the informal trialogue**
6834/09 SOC 133 CODEC 232
6835/09 SOC 134 CODEC 233

The Committee agrees on the position to be taken with a view to the Presidency's forthcoming contacts with Parliament, as set out in documents 6834/09 and 6835/09.

- 34. Proposal for a Regulation of the European Parliament and of the Council concerning statistics on plant protection products (Second reading)**
- **Preparation for the next informal trialogue**
6739/09 STATIS 23 AGRI 67 ENV 132 CODEC 218

With a view to prepare the second informal trialogue with the European Parliament, the Committee exchanged views on the main issues set out by the Presidency in document 6739/09.

In general, the delegations could show some flexibility on the three issues that the Presidency had set out in its document, except for the extension of the scope to non-agricultural use.

Coreper Part 2

II

- 46. Preparation of the Council meeting (Justice and Home Affairs), on 26/27 February 2009**
- Other items in connection with the Council meeting
= Guantanamo

The Presidency informed the Committee on how the matter was going to be discussed by Ministers during the lunch.

Several delegations stressed the importance of having a common approach regarding the information to be given to the media.

The Presidency agreed to prepare a draft press release and informed the Committee on the steps to be taken after the JHA Council to prepare the trip of the CZ Presidency, the Commissioner and the CTC to the USA to meet the new US Administration.

- 47. Preparation of the Council meeting (Economic and Financial Affairs), on 10 March 2009**
- Other items in connection with the Council meeting

The Committee reviewed the state of readiness of the agenda items listed.

- 48. Follow-up to the Council meeting (General Affairs and External Relations), on 23/24 February 2009**

Le Comité est informé du suivi que la présidence entend donner à la session du Conseil.

- 49. Presentation of the agenda of the Council meeting (General Affairs and External Relations), on 16/17 March 2009**

Le Comité prend acte de la liste des points susceptibles de figurer aux ordres du jour provisoires des sessions du Conseil susvisées.
