



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 March 2012

7309/12

CRS/CRP 9

SUMMARY RECORD

**Subject : 2399th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 6 and 7 March 2012**

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

doc. 7250/12 OJ/CRP1 9 + ADD 1

7143/2/12 REV 2 OJ/CRP2 9 COMIX 126

The above-mentioned agendas are approved with the following changes:

The following items are **added** :

(Coreper Part 2, under I)

35. Organisation of services in the General Secretariat of the Council

7088/2/12 REV 2 CAB 6

36. Cases before the EU General Court

- **Case T-656/11 (Morison Menon Chartered Accountants and Others v. Council)**

7285/12 JUR 132 RELEX 200

66. Council Decision amending Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast

7177/12 PESC 272 COSDP 177 COAFR 55 CONUN 30 SOMALIA 41

6691/12 PESC 196 COSDP 142 COAFR 38 CONUN 20 SOMALIA 34 OC 72

(Coreper Part 1, under I)

67. Draft Commission Regulation (EU) No .../.. of XXX laying down technical requirements with regard to driving licences which include a storage medium (microchip)

- **Decision not to oppose the adoption**

18385/1/11 TRANS 359 REV 1

5191/12 TRANS 7

The following items are **withdrawn** :

(Coreper Part 2, under I)

4. Proposal for a regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)

- **Optional consultation of the European Data Protection Supervisor**

6911/12 DATAPROTECT 27 JAI 113 MI 127 DRS 32 DAPIX 19

FREMP 23 CODEC 485

5. **Proposal for a directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data**
- **Optional consultation of the European Data Protection Supervisor**
6912/12 DATAPROTECT 28 JAI 114 MI 128 DAPIX 20 FREMP 24
CODEC 486
21. **Council Decision on the position to be taken by the European Union within the Association Council established by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, as regards the amendment of Article 15(7) of Protocol 4 to that Agreement, concerning the definition of the concept of "originating products" and methods of administrative cooperation**
- **Publication**
7239/12 UD 58 TU 1 MED 12 OC 110
10745/10 UD 167 TU 43 MED 56

(Coreper Part 1, under I)

37. **Replies to written questions put to the Council by Members of the European Parliament**
- (f) **n° E-000775/2012 put by Ioannis A. Tsoukalas**
"PCE/PEC - oil embargo on Iran"
6430/12 PE-QE 69

The Committee approved the "I" items as set out in the summary, **except item 18 which was not endorsed**. Details are contained in the document quoted under item 1.

As regards item 7.- Draft Council Act extending the term of office of the Director of Europol (doc. 6752/12 ENFOPOL 40), DE underlined that its understanding is that the grading of the post as AD15 refers only to the current tenant of the post and that the post will in the future again be advertised as an AD14 post.

Coreper Part 2

II

24. Preparation of the Council meeting (Justice and Home Affairs) on 8 March 2012

- a) **Draft Council Conclusions on a common framework for genuine and practical solidarity towards Member States facing particular pressures on their asylum systems including through mixed migration flows**
7114/12 ASIM 19 FRONT 29

The result of the Committee's work on the draft conclusions is set out in 7115/12.

- b) **Schengen governance**
 - **Draft Council conclusions regarding guidelines for the strengthening of political governance in the Schengen cooperation**
7238/12 JAI 136 SCHENGEN 18 COMIX 147

The Committee took note and confirmed the discussions held in the Mixed Committee.

- c) **Other items in connection with the Council meeting**

The Presidency presented information on the revised agenda.

25. Follow-up to the European Council on 1-2 March 2012

The Committee took note of the follow-up to the main issues of the European Council on 1 and 2 March 2012, notably, discussions on the implementation of the EU's economic strategy, the endorsement of the priorities set out in the Commission's Annual Growth Survey, the EU's priorities for the forthcoming G20 meeting and UN Rio+20 Conference, foreign policy issues the granting of candidate status to Serbia, Bulgaria's and Romania's accession to the Schengen area.

26. Follow-up to the Council meeting (General Affairs) on 28 February 2012

The Presidency debriefed the Committee on the results of the General Affairs Council on 28 February 2012, as regards Enlargement/Serbia and the preparations of the European Council on 1 and 2 March 2012.

27. Presentation of the provisional agenda of the Council meeting (General Affairs) on 26 March 2012

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

28. Multiannual Financial Framework (2014-2020)

- **State of play of work undertaken in the Friends of the Presidency Group (MFF) in February 2012**
7038/12 CADREFIN 115 POLGEN 36
7277/12 CADREFIN 122 POLGEN 40

This point is postponed to the next meeting.

29. Relations with the European Parliament (March 2012)

7073/12 PE 82 INST 160 POLGEN 38 CODEC 517

Le Comité a eu un échange de vues sur les relations entre le Conseil et le Parlement européen sur base d'une note fournie par le Secrétariat Général du Conseil (doc. 7073/12).

30. Martin report on the European Parliament's right of inquiry

7096/12 PE 86 INST 162
6056/12 JUR 52 INST 94

Le Comité a approuvé le non-paper de la présidence relatif au rapport Martin sur le droit d'enquête du Parlement (doc. 7096/12) et a mandaté la présidence pour entamer sur cette base les discussions avec le Parlement européen.

31. Follow-up to the Council meeting (Foreign Affairs) on 27 February 2012

The Committee received a briefing on the last Foreign Affairs Council by the EEAS Executive Secretary General, Mr. Pierre Vimont. As a follow-up to discussions on Belarus in the last FAC, Vimont informed delegations that the process regarding further designations for the Belarus sanctions regime has just been launched. As regards Syria, delegations were informed of the latest HR's and EEAS activities and contacts with partners and leaders of Syrian opposition, with a view to preparing certain up-coming international events aimed at addressing the situation in that country.

32. Presentation of the provisional agenda of the Council meeting (Foreign Affairs) on 22-23 March 2012

SG of the EEAS, Mr Vimont, set out the provisional timetable and agenda items for the meetings on 22 and 23 March 2012. On 22 March 2012 EDA Steering Board would discuss Pooling and Sharing with a view to agreeing a package of deliverables for the NATO Summit in Chicago. During the FAC/Defence military operations will be discussed in the presence of Commanders of ALTHEA, ATALANTA, EUTM Somalia. Possible discussion also on potential CSDP operations (RMCB, Sahel, Libya), and finally on co-operation with partners.

Lunch discussion would focus on the changing strategic concept and its implications to Europe, on preparation for the Informal Defence Ministers meeting on 18 April 2012 and on preparation for NATO Summit.

In the evening of 22 March 2012 there would be a meeting with Foreign Ministers of the candidate countries focussing on Afghanistan, Pakistan and Southern Neighbourhood.

The 23 March 2012 would start with a political dialogue breakfast meeting with Turkey.

At the FAC following items would be discussed: Syria, Belarus and Sahel. Energy and Foreign Policy item would be postponed until FAC in April. Discussion over lunch with Turkish FM Mr Davutoglu, whose attendance had not been confirmed, would focus on Syria, MEPP, Iran, Africa (Somalia).

33. Preparation of the Council meeting (Foreign Affairs/Trade) on 16 March 2012

a) Proposal for a Regulation of the European Parliament and of the Council establishing transitional arrangements for bilateral investment agreements between Member States and third countries

- **Orientation debate/certain issues**
11953/10 WTO 252 FDI 12
7342/12 WTO 82 SERVICES 23 FDI 10

The Chair indicated that, in consideration of the current stage of the process in this file the annotation under this agenda item would be modified into "State of play". The Commission stressed the importance of the Council providing political support for the conclusion of the trilogue negotiations.

As requested during the last trilogue, the Commission is preparing a new textual proposal, aimed at facilitating the final stage of the negotiations. To that end, the Commission will strive to strike an appropriate balance between the implementation of the EU's new competence in the area of foreign direct investment and Member States' concerns regarding the need to preserve legal certainty for investors.

b) Proposal for a Regulation of the European Parliament and of the Council applying a scheme of generalised tariff preferences

- **Orientation debate/certain issues**
7291/12 WTO 77 SPG 13 CODEC 559

The Committee held an in-depth discussion of the Presidency's compromise proposal, in which 22 delegations took the floor, in particular as regards product coverage, country coverage and the transitional period. The Council Legal Service intervened on the Presidency's suggestions regarding Article 9.

In the light of the discussions, the Chair indicated that the Presidency would reflect on limited modifications to the text of the Presidency's compromise proposal, in order to facilitate a constructive discussion by Ministers on 16 March 2012. The Chair finally recalled that, in the light of that discussion, the Committee will be seized again with a view to agreeing on the mandate in order to start trilogue negotiations with the European Parliament.

- c) **EU-Colombia / Peru FTA**
- **Political agreement on the draft Council Decision on signature and provisional application**
7049/12 WTO 72 AMLAT 9 SERVICES 16 COMER 41 OC 101
7050/12 WTO 73 AMLAT 10 SERVICES 17 COMER 42 OC 102
7054/12 WTO 74 OC 103 AMLAT 11 SERVICES 21 COMER 47
7341/12 WTO 81 AMLAT 12 SERVICES 22 COMER 49 OC 116

The Chair recalled that the FAC/Trade on 16 March was expected to reach a political agreement on the provisional texts of the decisions and of the agreement, pending finalisation of all relevant procedures needed to formally adopt the proposal at the later Council meeting. The last missing text on geographical indications was distributed during the Committee's meeting.

It was also noted that two delegations maintained a reservation on the draft Council Decision, subject to the drafting of a Council declaration on Title V of the TFEU, still under discussion. The Council Legal Service intervened to recall its position on the issue.

The UK delegation announced that, in addition to the Council statement, it would present two unilateral statements to the Council minutes on Title V and on provisional application and competence.

- d) **EU-Singapore FTA**
- **Policy debate/certain issues**
7294/12 WTO 78 SERVICES 18 FDI 8

The Chair indicated that the Commission would be invited to debrief the Council about the most recent developments in these negotiations, now entering into the final phase. The Commission stressed two key objectives: (a) the FTA will create new opportunities for EU operators in Singapore's market; and (b) it will be a model for agreements with other ASEAN countries. The Council should in particular focus on the issues of geographical indications and financial services.

e) Council Conclusions on Trade, Growth and Development

- Adoption

6991/12 WTO 71 DEVGEN 50 ACP 29 SPG 11 FDI 6 OC 97

All delegations were in a position to accept the Presidency's compromise proposal, on the understanding that the wording of the conclusions was not intended to pre-empt the outcome of the discussions on the GSP reform.

Therefore, the Committee agreed that the Council be invited to formally adopt the text as circulated in 6991/12.

f) Other items in connection with the Council meeting

The Chair drew attention to the information note circulated by the Presidency on the two lunch items: "Scoping exercise for an EU-Japan free trade agreement" and "Trade liberalisation and green growth" (doc. 7300/12). The IT delegation recalled its position concerning the scoping exercise.

The UK delegation, supported by several delegations, requested the addition of two new items to the FAC (Trade) agenda: an AOB on "EU-US relations: trade and economic aspects" and information during the working lunch on the state of play of the EU-India FTA.

34. Preparation of the Council meeting (Economic and Financial Affairs) on 13 March 2012

a) Financial Transaction Tax

- State of play

7316/12 FISC 37 ECOFIN 226

The Committee prepared ECOFIN discussions on this issue on the basis of the Presidency Note reflecting the state of play of work carried out so far.

b) Alert Mechanism Report

- Council conclusions

6905/12 ECOFIN 197 UEM 43 SOC 149

The Committee agreed to forward the draft Council conclusions to the Council for adoption.

- c) **Proposal for a Council Decision suspending commitments from the Cohesion Fund for Hungary (*restricted session*)**
- **Adoption**
6952/12 ECOFIN 198 FSTR 14 FC 9 REGIO 29 CADREFIN 111 OC 90
+ COR 1 (sl)

Following an exchange of views, the Chairman concluded that the draft Council Decision as contained in 6952/12 would be submitted to the Council for adoption.

- d) **Commission recommendation for a Council recommendation with a view to bringing an end to the situation of an excessive government deficit in Hungary (*restricted session*)**
7140/12 ECOFIN 211 UEM 46

Following an exchange of views, the Chairman concluded that the draft Council recommendation as contained in 7140/12 would be submitted to the Council for adoption.

- e) **Other items in connection with the Council meeting**

The Committee finalised the provisional agenda for this Council meeting and reviewed the state of readiness of the agenda items listed.

Coreper Part 1

II

- 60. Proposal for a Regulation of the European Parliament and of the Council on roaming on public mobile communications networks within the Union (Recast) (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Presidency reported on the outcome of the informal trilogue of 7 March 2012 and explained that the second trilogue on 15 March 2012 will take place on the basis of the same general mandate. The Presidency intends to come back to the Committee on 21 March 2012 with a request for a more specific mandate in view of the third trilogue on 27 March 2012.

- 61. Proposal for a Directive of the European Parliament and of the Council amending Directive 2004/40/EC on minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (eighteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**
 - **(poss.) Analysis of the final compromise text**
7071/12 SOC 159 CODEC 516

The Committee confirmed the agreement reached with the European Parliament, as set out in 7071/12 ADD 1 and agreed that a letter be sent to the European Parliament with the agreed compromise text in the annex.

- 62. Proposal for a Regulation of the European Parliament and of the Council on European Standardisation and amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/105/EC and 2009/23/EC of the European Parliament and of the Council (First reading) (Legislative deliberation)**
- **Guidance for future work**
7120/1/12 COMPET 121 IND 42 MI 139 RECH 72 ENT 50 TELECOM 42
CODEC 527 REV 1
7149/12 COMPET 122 IND 43 MI 140 RECH 76 ENT 51 TELECOM 43 CODEC 536

The Committee has discussed the two outstanding issues as set out in 7149/12 and has given guidance for the Presidency in this regard.

- 63. Proposal for a Directive of the European Parliament and of the Council on control of major-accident hazards involving dangerous substances (Seveso III) (First reading) (Legislative deliberation)**
- **Presidency briefing on the outcome of the informal trilogue**

The Committee took note of the information provided by the Chair on the outcome of the informal trilogue with the European Parliament held on 6 March 2012. The Presidency underscored the progress made on Major-accident prevention policy, Inspections and Information to public provisions. The Presidency will seek for a revised mandate from the Committee for the next informal trilogue on 27 March 2012 as this last trilogue will deal with the outstanding political issues.

- 64. Preparation for the Council meeting (Agriculture and Fisheries) on 19 and 20 March 2012**

- 1. Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy (First reading) (*Legislative deliberation*)**
- **Orientation debate**
12514/11 PECHE 187 CODEC 1166
7080/12 PECHE 64 CODEC 520

The Committee prepared the item. The item is retained on the Council agenda.

- 2. Proposal for a Regulation of the European Parliament and of the Council on the Common Organisation of the Markets in Fishery and Aquaculture Products (First reading) (*Legislative deliberation*)**
- **Orientation debate**
12516/11 PECHE 188 CODEC 1167
7081/12 PECHE 65 CODEC 521

The Committee prepared the item. The item is retained on the Council agenda.

- 3. Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation (EC) No 861/2006 and Council Regulation No XXX/2011] on integrated maritime policy (First reading) (*Legislative deliberation*)**
- **Orientation debate**
17870/11 PECHE 368 CADREFIN 162 CODEC 2255
7076/12 PECHE 63 CADREFIN 116 CODEC 519

The Committee prepared the item. The item is retained on the Council agenda.

4. Communication from the Commission to the European Parliament and the Council on the External dimension of the Common Fisheries Policy (*Non-legislative activity*)

- Adoption of Council conclusions

12517/11 PECHE 189

7086/12 PECHE 66

7087/12 PECHE 67

The Committee prepared the item. The item is retained on the Council agenda.

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The Irish delegation requested to insert an AOB item on "the North Atlantic mackerel fishery following the failure of the Coastal States negotiations - Information from the Irish delegation".

This request was supported by the United Kingdom, French and Spanish delegations.

The Committee added the item to the Council agenda.

65. Proposal for a Directive of the European Parliament and of the Council on certain permitted uses of orphan works (First reading) (Legislative deliberation)

- Analysis of the Presidency compromise text

7085/12 PI 27 AUDIO 24 CULT 32 CODEC 522

+ COR 1

The Committee had a first exchange of views on the outstanding issues concerning the proposed Directive on the basis of the Presidency Note contained in 7085/12 + COR 1. It agreed to revert to this file at its next meeting.

- Any other business

(a) Communication from the Commission on Improving the delivery of benefits from EU environment measures: building confidence through better knowledge and responsiveness

= Information from the Commission

The Commission informed the Committee on its recently adopted Communication on Improving the delivery of benefits from EU environment measures: building confidence through better knowledge and responsiveness. The aim of the Communication is to highlight the possible ways for better, faster, more adequate implementation of the EU environmental acquis, therefore enabling a significant growth impact of this legislation.

The Commission focuses on knowledge, participation and better understanding of ownership and not on infringement.

(b) ETS/Aviation
= **Information from the Commission**

The Commission briefed the Committee on recent developments on ETS-aviation. It informed the Committee about the recent Moscow meeting; reactions from China, India and the US; the EEAS demarche in the run-up to the Moscow meeting; and recent developments within ICAO.

(c) Nominations of the board of Green Climate Fund under UNFCCC
= **Information from the Presidency**

The Presidency informed the Committee that the Danish Presidency would raise the above-mentioned issue under 'Any Other Business' at the Council (Environment) on 9 March 2012. Some delegations made preliminary comments on the elements that the Presidency has put forward in document 6835/12 to be taken into account in order to find a pragmatic solution for the distribution of seats in the Green Climate Fund Board.

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