



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 31 March 2009

7369/09

CRS CRP 12

SUMMARY RECORD

**Subject : 2266th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 11, 12, 13 and 16 March 2009**

SUMMARY

Page

1. Adoption of the provisional agenda and items "I" 9

Coreper Part 1

I

2. Replies to written questions put to the Council by Members of the European Parliament
- (a) n° E-0059/09 put by Marco Cappato
"Council study on the adoption of free software"
 - (b) n° E-0199/09 and E-0239/09 put by Pedro Guerreiro
"Assassination of Farabundo Martí National Liberation Front (FMLN) activists and the elections in El Salvador"
"Violence of the Nationalist Republican Alliance (ARENA) in El Salvador elections"
 - (c) n° E-0210/09 put by Hannes Swoboda
"Impact on the citizens of EU Member States of the gas dispute between Russia and Ukraine"
 - (d) n° E-0218/09 put by Jas Gawronski and Charles Tannock
"The recent military coup in Guinea"
 - (e) n° P-0247/09 put by Silvia-Adriana Țicău
"Measures to increase the energy efficiency of buildings"
 - (f) n° E-0576/09 put by Luca Romagnoli
"Plight of Christians in Iraq"
 - (g) n° P-0638/09 put by Roberto Fiore
"The situation in Palestine"
4. Draft minutes of Council meetings
- (a) 2892nd meeting of the Council (Agriculture and Fisheries), held in Brussels on 29/30 September 2008
 - (b) 2898th meeting of the Council (Environment), held in Luxembourg on 20 October 2008
 - (c) 2900th meeting of the Council (Agriculture and Fisheries), held in Luxembourg on 27/28 October 2008
 - (d) 2905th meeting of the Council (Education, Youth and Culture), held in Brussels on 20/21 November 2008
 - (e) 2907th meeting of the Council (Transport, Telecommunications and Energy), held in Brussels on 27 November 2008
5. Involvement of the associated countries to the 7th Framework Programme for research and technological development as observers in the CREST dedicated configurations, namely the High level group for Joint Programming (GPC) and the Strategic Forum for International S&T Cooperation (SFIC)
6. Proposal for a Commission Directive amending Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments in respect of exploitation of the maximum permissible errors, as regards the instrument-specific annexes MI-001 to MI-005

7. Draft Commission Decision amending Council Directive 76/769/EEC as regards restrictions on the marketing and use of organostannic compounds for the purpose of adapting its Annex I to technical progress
8. Draft Commission Regulation replacing Annex IX to Directive 2007/46/EC of the European Parliament and of the Council establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles ("Framework Directive")
9. Draft Commission Regulation (EC) No .../.. of [...] laying down detailed rules for the implementation of Annex I to Regulation (EC) No. .../2008 of the European Parliament and of the Council on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC
10. Eighth session of the United Nations Forum on Forests (UNFF-8)
(New York, 20 April to 1 May 2009)
11. Proposal for a Council Decision for the establishment of the Community position in the General Fisheries Commission for the Mediterranean (GFCM)
12. Draft Council Resolution on the EU Customs Action Plan to combat IPR infringements for the years 2009 to 2012
14. Proposal for a Directive of the European Parliament and of the Council amending Directive 98/8/EC concerning the placing of biocidal products on the market as regards the extension of certain time periods (First reading)
15. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1172/98 on statistical returns in respect of the carriage of goods by road as regards the implementing powers conferred on the Commission (First reading)
16. Proposal for a Directive of the European Parliament and of the Council on the colouring matters which may be added to medicinal products (recast) (First reading)
17. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein as regards the implementing powers conferred on the Commission (Adaptation to the regulatory procedure with scrutiny) (First reading)
18. Proposal for a Directive of the European Parliament and of the Council relating to common provisions for both measuring instruments and methods of metrological control (recast) (First reading)

19. Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients (recast) (First reading)
20. Proposal for a Directive of the European Parliament and of the Council on injunctions for the protection of consumers' interests (codified version) (First reading)
21. Proposal for a Directive of the European Parliament and of the Council on non-automatic weighing instruments (codified version) (First reading)
22. Proposal for a Regulation of the European Parliament and of the Council on the establishment of the European Environment Agency and the European Environment Information and Observation Network (codified version) (First reading)
23. Proposal for a Directive of the European Parliament and of the Council on the legal protection of computer programs (codified version) (First reading)
24. Proposal for a Directive of the European Parliament and of the Council concerning mergers of public limited liability companies (codified version) (First reading)
25. Proposal for a Decision of the European Parliament and of the Council on a procedure for prior examination and consultation in respect of certain laws, regulations and administrative provisions concerning transport proposed in Member States (codified version) (First reading)

II

26. Proposal for a Regulation of the European Parliament and of the Council laying down health rules as regards animal by-products not intended for human consumption (Animal by-products Regulation) (First reading)13
27. Proposal for a Decision of the European Parliament and of the Council on the participation by the Community in a European metrology research and development programme undertaken by several Member States (First reading)13
28. 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 (Third reading)13
29. Preparation of the Council meeting (Transport, Telecommunications and Energy) on 30 and 31 March 2009
 1. Setting of the provisional agenda14
 2. SESAR: ATM Master Plan
 - (a) Draft Council Decision endorsing the European Air Traffic Management Master Plan of the SESAR project14
 - (b) Draft Council Resolution on the endorsement of the European Air Traffic Management Master Plan14

3.	Proposal for a Regulation of the European Parliament and the Council concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws	14
4.	Accessible Information Society	15
30.	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)	15
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)	15
32.	Proposal for a Regulation of the European Parliament and of the Council on substances that deplete the ozone layer (recast) (First reading)	15
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 (Second reading)	16
(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 (Second reading)	16
34.	Proposal for a Regulation of the European Parliament and of the Council on cosmetic products (recast) (First reading)	16
35.	Proposal for a Regulation of the European Parliament and of the Council on a Community Ecolabel scheme (First reading)	17
38.	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 Directive of the European Parliament and of the Council amending Directive 2003/55/EC concerning common rules for the internal market in natural gas	
(c)	Proposal for a Regulation of the European Parliament and of the Council establishing an Agency for the Cooperation of Energy Regulators	
(d)	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	
(e)	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1775/2005 on conditions for access to the natural gas transmission networks	17
39.	Proposal for a Directive of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for energy related products (First reading)	18

40.	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)	Proposal for a Regulation of the European Parliament and of the Council establishing the Group of European Regulators in Telecoms	
		18
41.	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 717/2007 on roaming on public mobile telephone networks within the Community and Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services (First reading)	19
43.	Proposal for a Decision of the European Parliament and of the Council on interoperability solutions for European public administrations (ISA) (First reading)	19

Coreper Part 2

I

44. Case before the Court of Justice - Case C-576/08 P (People's Mojahedin Organisation of Iran v. Council of the European Union)
45. Case before the Court of First Instance - Case T-537/08 (Cixi Jiangnan Chemical Fiber Co. and Others v. Council)
46. Case before the Court of First Instance
 - Case T-572/08 P (Appeal by the Commission of the European Communities against the judgment delivered by the Civil Service Tribunal on 13 November 2008 in Case F-90/07, Traore v. Commission)
47. Resolutions, decisions and opinions adopted by the European Parliament at its part-session in Brussels, from 18 to 19 February 2009
48. Meeting on 5 March 2009 of the Working Party on Information, extended to heads of national information services and communication experts to discuss public communication on "human rights"
49. Publication of the European e-Justice action plan in the Official Journal of the European Union
50. Convening of a Conference of the Representatives of the Governments of the Member States
 - Appointment of two judges to the Court of Justice of the European Communities
51. Committee of the Regions - Appointment of one member (IT)
52. Report on proceedings in the Council's others configurations
53. Opening of consultations with Guinea under Article 96 of the Cotonou Agreement
54. Contribution of the General Affairs and External Relations Council to the Spring European Council (19/20 March 2009) : "Taking into account the development dimension for a comprehensive post-2012 Climate change agreement in Copenhagen"
55. EUFOR Chad/RCA
56. Council Decision on the nomination of the Chairperson of the European Statistical Governance Advisory Board (ESGAB)
57. Appointment of the three members of the European Statistical Governance Advisory Board (ESGAB)
58. Proposal for a Decision of the European Parliament and of the Council granting a Community guarantee to the European Investment Bank against losses under loans and loan guarantees for projects outside the Community

59. Relations with Russia
 - Establishment of the position of the European Union for the consultation under Article 16 of the EU-Russia Partnership and Cooperation Agreement (PCA) on tariff issues (Brussels, 20 March 2009)
60. Implementation of UNSCR 1373(2001)
61. Guidelines for allowances for seconded staff participating in EU civilian crisis management missions
63. Draft amending budget for C.SIS installation and operating costs for 2009

II

64. Follow-up to the Council meeting (Economic and Financial Affairs), on 10 March 200920
65. Preparation of the Council meeting (General Affairs and External Relations), on 16/17 March 2009
 - A. General Affairs
 - a) Preparation of the European Council on 19/20 March 200920
 - b) European Economic Recovery Plan20
 - B. External Relations
 - a) Western Balkans21
 - b) Belarus21
 - c) Sudan21
 - d) Other items in connection with the Council meeting21
66. Draft Regulation of the European Parliament and of the Council establishing a Community Code on Visas22
67. Presentation of the agenda of the Council meeting (Justice and Home Affairs), on 6/7 April 200922
68. Preparation of the visit of Vice-President Barrot and Czech Minister of Interior Langer to the US (16/17 March 2009)22
69. Preparation of the Informal meeting of the EU Heads of States or Governments with the US President (Prague, 5 April 2009)22
70. Southern Corridor Summit (Prague, 8 May 2009)23
- Any other business
 - 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) 23

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

doc. 7301/09 OJ/CRP1 10 +AMD 1

7069/09 OJ/CRP2 10 COMIX 209 + CM 1177/09 + CM 1199/09

The above mentioned agenda is approved with the following changes:

The following items are **added** :

(Coreper Part 2, under I)

71. Invitation of the Conference of Presidents of the European Parliament

- **Draft reply to the letter of Mr Hans-Gert PÖTTERING, President of the European Parliament**

7345/09 PE 95 INST 44

7305/09 PE 94 INST 43

72. Council conclusions on the international financing of climate change

7590/09 ECOFIN 195 ENV 204 POLGEN 56

7592/09 ECOFIN 196 ENV 205 POLGEN 57

The following items are **withdrawn** :

(Coreper Part 1, under I)

3. Draft agenda for the forthcoming part-session of the European Parliament in Strasbourg from 23 to 26 March 2009

7070/09 PE 87

7072/09 PE 88

13. Proposal for a Council Decision on the signing and provisional application of the Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services

- **Adoption**

6190/09 AVIATION 15 COAFR 47 ACP 39 RELEX 113

7165/09 AVIATION 35 COAFR 83 ACP 59 RELEX 199

(Coreper Part 1, under II)

36. Proposal for a Regulation of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (First reading)

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

- **Preparation for the next informal trialogue**

7172/09 ENV 167 CODEC 294

37. (poss.) 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)
- Analysis of a compromise text with a view to an agreement
7272/09 DRS 20 COMPET 131 CODEC 312
42. Proposal for a directive of the European Parliament and of the Council amending Council Directive 87/372/EEC on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community (First reading)
- Preparation for the trialogue
7354/09 TELECOM 40 CODEC 326

The following item on the agenda of CRP2 under part I, is **transferred** under part II :

62. Afghanistan
- Draft Council conclusions
7364/09 COASI 34 CIVCOM 154 PESC 321 COPS 129

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

A statement is made by the BE, FR, LUX and NL delegations on the following item :

**16. Proposal for a Directive of the European Parliament and of the Council on the colouring matters which may be added to medicinal products (recast)
(First reading)**

- Adoption of legislative act

PE-CONS 3696/08 MI 351 ECO 130 SAN 213 CODEC 1272 + REV 1 (lt)
7118/09 CODEC 285 MI 92 ECO 27 SAN 45

"Belgium, France, Luxembourg and the Netherlands support the recast of *Directive 78/25/EEC on colouring matters which may be added to medicinal products*.

Belgium, France, Luxembourg and the Netherlands however have concerns about colour E128 Red 2G. In paragraph 5) of the proposed *Directive on colouring matters which may be added to medicinal products* there is a reference to Annex I of *Directive 94/36 on foodstuffs* which lists the colour E128 Red 2G as a permitted colour.

After being alerted to the possible serious risks to health of E128 Red 2G, on 26 July 2007 the Commission took emergency measures and implemented a suspension on the use of E128 Red 2G in foodstuffs in *Regulation 884/2007* (Article 1 paragraph 1).

However, the way the suspension is introduced by the Regulation it only applies to foodstuffs and not to human medicinal products, since the colouring matter is not removed from Annex I of *Directive 94/36* but only from Annex IV which lists the permitted uses in foodstuffs. Because of this, there is no suspension for the use of E128 Red 2G in medicinal products for human use.

Due to the fact that E128 Red 2G causes serious health risks, Belgium, France, Luxembourg and the Netherlands would like to express their concerns about the situation where this colouring matter will still be allowed to be used in human medicinal products.

Belgium, France, Luxembourg and the Netherlands realise that this legal deficiency might not be solved before 20 January 2011, which is the latest date for the revision of the allowed food additives provided for in article 30 of *Regulation 1333/2008 on food additives*. Therefore Belgium, France, Luxembourg and the Netherlands requests that the Commission treats this revision as a matter of urgency."

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

54. Contribution of the General Affairs and External Relations Council to the Spring European Council (19/20 March 2009) : "Taking into account the development dimension for a comprehensive post-2012 Climate change agreement in Copenhagen"

- Draft Council conclusions

7274/09 DEVGEN 58 ACP 61 ENV 172 RELEX 209 ONU 19 FIN 68

+ ADD 1

"Our understanding of paragraph 16 of the conclusions in 7274/09 of 9 March 2009 is that soundings should first be taken as to whether and to what extent innovative forms of financing can be considered in order to finance adaptation and mitigation strategies in developing countries. Only once the results of these soundings are known can a decision be taken on the involvement of innovative forms of financing."

Coreper Part 1

II

- 26. Proposal for a Regulation of the European Parliament and of the Council laying down health rules as regards animal by-products not intended for human consumption (Animal by-products Regulation) (First reading)**
- **Presidency briefing on the outcome of the informal trialogue**

The Committee takes note of the information provided by the Presidency on the outcome of the informal trialogue which took place on 10 March 2009. The Committee asks the Working Party to assess the results and draft a compromise text in view of preparing the next trialogue scheduled on 18 March 2009.

- 27. Proposal for a Decision of the European Parliament and of the Council on the participation by the Community in a European metrology research and development programme undertaken by several Member States (First reading)**
- **Preparation for the next informal trialogue**
7236/09 RECH 68 COMPET 128 CODEC 299

The Committee endorsed the text as set out in 7236/09 as a mandate to the Presidency in view of the next informal trialogue with the European Parliament.

- 28. 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 (Third reading)**
- **Preparation for conciliation**
7360/2009 CODEC 327 SOC 171 SAN 48 TRANS 96 MAR 44

Le Comité prépare la réunion du comité de conciliation sur base du document 7360/09 et examine de nouvelles propositions de compromis de la Présidence. Les résultats du débat figurent au document 7482/09 (doc. pour la conciliation).

**29. Preparation of the Council meeting (Transport, Telecommunications and Energy)
on 30 and 31 March 2009**

1. Setting of the provisional agenda

The Committee agreed on the provisional agenda for the next TTE Council meeting as set out in 7936/09.

2. SESAR: ATM Master Plan

- (a) Draft Council Decision endorsing the European Air Traffic Management Master Plan of the SESAR project**
- (b) Draft Council Resolution on the endorsement of the European Air Traffic Management Master Plan**
 - Adoption**
 - 7119/09 AVIATION 32
 - 7195/09 AVIATION 37

The Committee was not in the position to settle the remaining outstanding issue and therefore decided to refer this file, for further examination, to the TTE Council on 30 March 2009 with a view to adopting:

- the draft Council Decision endorsing the European Air Traffic Management Master Plan of the SESAR project;
- the draft Council Resolution on the endorsement of the European Air Traffic Management Master Plan.

3. Proposal for a Regulation of the European Parliament and the Council concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws

- Progress report / Policy debate**
 - (Public deliberation pursuant to Article 8(1) (c) CRP)
 - 11990/08 MAR 109 TRANS 466 CODEC 995
 - 7141/09 MAR 41 TRANS 92 CODEC 290

The Committee endorsed the Presidency's progress report and decided to submit it to the Council.

4. Accessible Information Society

- Adoption of Council conclusions

7356/09 TELECOM 41 SOC 170 COMPET 136 RECH 69

The Committee examined the draft Council conclusions, as set out in 7356/09, and agreed to submit them to the Council for adoption.

30. 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)

- Presidency briefing on the outcome of the informal trialogue**
- Preparation for the next informal trialogue**

7273/09 AVIATION 38 CODEC 313

The Committee examined the file and endorsed the Presidency's negotiating mandate for the next informal trialogue with the European Parliament.

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)

- Presidency briefing on the outcome of the informal trialogue**
- Preparation for the next informal trialogue**

7276/09 AVIATION 39 CODEC 314

The Committee

- settled the remaining outstanding issues with a view to preparing the final informal contacts between the European Parliament and the Council which took place on 12 March 2009 and
- approved the various compromise texts presented by the Presidency, in advance of those discussions.

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

- Analysis of the final compromise text with a view to agreement**

7163/09 ENV 166 CODEC 292

The Committee confirmed the agreement on the final compromise text set out in 7163/09 + COR 1. The standard letter will be sent to the Chair of the Parliament's Environment Committee.

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 (Second reading)**
- (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 (Second reading)**
- **Preparation for the next informal trialogue**
7286/09 SOC 166 CODEC 315

The Committee reached agreement on the position to be taken with a view to the Presidency's forthcoming contacts with Parliament.

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

- **Presidency briefing on the outcome of the informal trialogue**
- **Analysis of the final compromise text with a view to agreement**
7014/1/09 MI 82 ENT 39 CONSUM 42 SAN 40 ECO 23 ENV 150 CHIMIE 22
CODEC 265 REV 1 + REV 1 ADD 1

The Committee approved (the PL delegation stated its intention to vote against the adoption of the Regulation), the compromise text presented by the Presidency in document 7014/1/09 REV 1 ADD 1, and mandated the Presidency to inform the European Parliament accordingly, with a view to reaching first reading agreement on the proposal.

The DE delegation will make a statement to the minutes of the Council meeting which will adopt the text of the Regulation, regarding the labelling of nanomaterials.

The Commission will make statements to the Council minutes regarding (a) recast, (b) internet sales, (c) counterfeit, (d) transitional provisions and dates of application of the Regulation, and (e) definition of nanomaterials.

The Council will make a statement to its minutes regarding the use of the recasting technique.

35. Proposal for a Regulation of the European Parliament and of the Council on a Community Ecolabel scheme (First reading)

- **Presidency briefing on the outcome of the informal trialogue**
- **Preparation for the next informal trialogue**

7173/09 ENV 168 CODEC 295

The Committee heard a brief Presidency report on the outcome of the first trialogue (Strasbourg, 10 March 2009) and mandated the Presidency to negotiate on the basis of the Annex to document 7173/09, with a view to a first-reading agreement with the European Parliament.

38. 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 Directive of the European Parliament and of the Council amending Directive 2003/55/EC concerning common rules for the internal market in natural gas**
 - **Preparation for the next informal trialogue**
5437/9/09 ENER 18 CODEC 48 REV 9 + COR 1
5438/1/09 ENER 19 CODEC 49 REV 1 + COR 1
- (c) **Proposal for a Regulation of the European Parliament and of the Council establishing an Agency for the Cooperation of Energy Regulators**
- (d) **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**
- (e) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1775/2005 on conditions for access to the natural gas transmission networks**
 - **Presidency briefing on the outcome of the informal trialogue**

The Chairperson informed the Committee on the 5th trialogue which took place on 13 March and was devoted to the three above Regulations, with the exception of gas specifics. Issues raised by the EP related to exemptions, penalties, the Agency's role on guidelines/codes and 10-year plan, the Agency's accountability to the EP and its seat.

The next trialogue will take place on 18 March and should be devoted to the three Regulations, gas specifics, issues not yet addressed and unbundling.

- **Preparation for the next informal trialogue**
 - 5583/4/09 ENER 26 CODEC 62 REV 4 + COR 1
 - 5582/4/09 ENER 25 CODEC 61 REV 4 + COR 1
 - 5578/1/09 ENER 24 CODEC 60 REV 1 + COR 1

The Chairperson outlined how the Presidency intended to proceed on the topics on the agenda of the trialogues on 18 March (the three Regulations, gas specifics, issues not yet addressed and unbundling) and took stock of delegations' comments. Subject to some adjustments it appeared that the above documents could serve as a basis for the Presidency's mandate on issues related to the three Regulations, gas specifics and some other issues. Regarding unbundling the Chairperson had to conclude that the position remained unchanged.

39. Proposal for a Directive of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for energy related products (First reading)

- **Preparation for the next informal trialogue**
 - 7269/09 ENER 78 ENV 171 CODEC 310

The Chairperson could conclude that the Committee has agreed that document 7269/09 could serve as a basis for the Presidency's mandate at the coming trialogue on 18 March.

40. 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) **Proposal for a 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**

This point was discussed in restricted session.

41. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 717/2007 on roaming on public mobile telephone networks within the Community and Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services (First reading)

- Preparation for the trialogue

7347/09 TELECOM 38 COMPET 134 MI 99 CONSOM 49 CODEC 323

In view of the 1st trialogue on the roaming Regulation on 17 March 2009, the Committee examined a 4-column table with the positions of the negotiating parties. The Committee discussed issues such as price caps, initial minimum charging periods, data roaming and bill shock, the review clause and the duration of the Regulation. The Committee agreed with the Presidency to start discussions with the Parliament in view of reaching a first-reading agreement before the end of the current legislature.

43. Proposal for a Decision of the European Parliament and of the Council on interoperability solutions for European public administrations (ISA) (First reading)

- Preparation for the trialogue

7351/09 TELECOM 39 COMPET 135 CODEC 325

The Presidency will start negotiations with the European Parliament on the basis of the guidelines given by the Committee in view of a first-reading agreement.

Coreper Part 2

II

62. Afghanistan

- Draft Council conclusions

7364/09 COASI 34 CIVCOM 154 PESC 321 COPS 129

The Committee reached agreement on the draft Conclusions on Afghanistan and transmitted them as an A point to the Council for endorsement.

64. Follow-up to the Council meeting (Economic and Financial Affairs), on 10 March 2009

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

65. Preparation of the Council meeting (General Affairs and External Relations), on 16/17 March 2009

A. General Affairs

a) Preparation of the European Council on 19/20 March 2009

- Draft Conclusions

7277/09 POLGEN 46

The Committee had a discussion on the draft European Council conclusions as set out in 7277/09.

The Presidency will present a revised version of the draft conclusions prior to the meeting of the Council on 16 March 2009.

- Declaration on the Eastern Partnership

7412/09 NIS 20 COEST 86

The outcome of the discussion on this item is set out in Annex 2 to document 7553/09.

b) European Economic Recovery Plan

7426/09 POLGEN 50 FIN 74 ECOFIN 184 ENER 81 AGRI 95

AGRIFIN 27 AGRISTR 12 SOC 177

The Committee had a table round exchange of views based on three questions set forward by the Presidency regarding the way forward on an agreement on the Recovery package.

B. External Relations

a) Western Balkans

- **Draft Council conclusions on Bosnia and Herzegovina**
7267/09 COWEB 46 COSDP 211 PESC 306
- **Application by Montenegro for membership of the European Union**
= **Draft Council conclusions**
7375/09 COWEB 47 ELARG 9 + COR 1

Le Comité a pris note de la note de la Présidence (doc. 7375/09 + COR 1) concernant le Monténégro et a confirmé le projet de conclusions sur la Bosnie Herzégovine telles qu'elles sont reprises dans le document 7267/1/09 en vue de l'adoption par le Conseil.

b) Belarus

- **Draft Council conclusions**
7355/09 COEST 83 PESC 318
7425/09 COEST 87 PESC 331

The Committee discussed the text of the Draft Council Conclusions as set out in 7355/09 COEST 83 PESC 318. In light of this discussion, the Presidency concluded that it will prepare a revised version to be submitted for adoption to the Council (GAERC, 16-17 March) (subsequently distributed as document 7425/09 COEST 87 PESC 331).

c) Sudan

- **Draft Council conclusions**
7608/09 PESC 352 COAFR 97 COHAFA 12 ACP 68

The work of the Committee is contained in 7608/09 .

d) Other items in connection with the Council meeting

- **EU-US Relations**

The Committee had an exchange of view on international issues of relevance to the transatlantic relationship, including Afghanistan.

- **Middle East**

Presidency confirmed that Middle East will be discussed over lunch. It intends to give a debrief on the closed Troika dinner with the Egyptian and Palestinian FMs and the Jordanian ambassador to EU at the eve of the GAERC. Furthermore, the discussion will be devoted to the state of play in Gaza, inter-Palestinian talks and political situation in Israel.

66. Draft Regulation of the European Parliament and of the Council establishing a Community Code on Visas

7293/09 VISA 85 COMIX 206 CODEC 317 + COR 1

The compromise text set out in 7293/09 VISA 85 CODEC 317 COMIX 206 + COR 1 was supported by delegations, subject to reservations by DE (personal appearance and interview), AT and LV (appeal) and a scrutiny reservation by FI. The Presidency concluded that the agreement on the compromise text had been confirmed by a sufficient majority and that the Presidency would inform the European Parliament accordingly.

67. Presentation of the agenda of the Council meeting (Justice and Home Affairs), on 6/7 April 2009

La Présidence a présenté l'ordre du jour du Conseil JAI des 6 et 7 avril 2009.

68. Preparation of the visit of Vice-President Barrot and Czech Minister of Interior Langer to the US (16/17 March 2009)

The Presidency and the Commission confirmed that the visit would have a broader scope than Guantanamo. In particular, visa-waiver issues and data protection would be addressed in wide range of meetings with DHS, Justice, the White House and the Congress.

69. Preparation of the Informal meeting of the EU Heads of States or Governments with the US President (Prague, 5 April 2009)

The Committee had an exchange of views on the preparation of the Informal meeting of the European Union Heads of States or Governments with the President of the United States of America.

70. Southern Corridor Summit (Prague, 8 May 2009)

The Presidency informed about its intentions for the Southern Corridor Summit in Prague on 8 May 2009, followed by an exchange of views.

- Any other business

- **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)**
 - **Information from the Presidency**

The Presidency informed the Committee about the decision of the European Parliament to proceed with the first reading vote on this file at the European Parliament Plenary session on 23-26 March 2009. Consequently, the second trialogue that was discussed by the Committee on 20 February 2009 did not take place.
