



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 March 2012

7718/12

CRS/CRP 10

SUMMARY RECORD

**Subject : 2400th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 14 and 16 March 2012**

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

doc. 7503/12 OJ/CRP1 10

7561/12 OJ/CRP2 10

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

The following item is **withdrawn** :

(Coreper Part 1, under I)

17. Proposal for a Regulation of the European Parliament and of the Council on OTC derivative transactions, central counterparties and trade repositories (EMIR) (First reading) (Legislative deliberation)

- **Approval of the final compromise text**
7509/12 EF 58 ECOFIN 239 CODEC 630

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

Coreper Part 1

II

13. Preparation for the Council meeting (Transport, Telecommunications and Energy) on 22 March 2012

1. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and the Council (First reading) (*Legislative deliberation*)

- General approach

13195/11 TRANS 222 CODEC 1274

7144/12 TRANS 70 CODEC 535

The Committee examined the Presidency's compromise proposal regarding third-country drivers who do not have a normal residence in the European Union and need to drive a lorry equipped with a digital tachograph (Article 21, paragraph 3a, doc. 7144/12) with a view to preparing the general approach for the (TTE) Council on 22 March 2012. A group of Member States proposed some drafting changes to the Presidency's text that were supported by a majority of delegations. However, the Presidency concluded that the Working Party should continue to work on this file in order to find a compromise acceptable to all Member States and, therefore, this point would be withdrawn from the (TTE) Council agenda.

2. Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the Trans-European Transport Network (First reading) (*Legislative deliberation*)

- General approach

15629/3/11 REV 3 TRANS 276 ECOFIN 688 ENV 778 RECH 336 CODEC 1699

7125/12 TRANS 68 ECOFIN 207 ENV 163 RECH 74 CODEC 529

ADD 1 - ADD 33

The Committee examined the text of the draft general approach and agreed to submit it to the (TTE) Council on 22 March 2012 for adoption.

3. **Airport Package**
Proposal for a Regulation of the European Parliament and of the Council on groundhandling services at Union airports and repealing Council Directive 96/67/EC (First reading) (*Legislative deliberation*)
- **General approach**
18008/11 AVIATION 256 CODEC 2288
7349/12 AVIATION 42 CODEC 576

The Committee resolved some of the outstanding issues and agreed to submit the draft general approach to the (TTE) Council on 22 March 2012 for adoption.

14. **Proposal for a Directive of the European Parliament and of the Council on energy efficiency and repealing Directives 2004/8/EC and 2006/32/EC (First reading) (*Legislative deliberation*)**
- **Guidance for future work**
7290/12 ENER 84 ENV 178 TRANS 73 ECOFIN 222 RECH 80 CODEC 558

Following the Chair's introduction pointing to the repeated call of the European Council for both ambition and urgency and noting the flexibility and trade-offs already built into the latest text the Committee conducted a round-table discussion both of the above proposal on the basis of the state of play and issues outlined in 7290/12 and of two Commission non-papers. The discussion aimed at providing guidance on key articles in advance of the definition of a negotiating mandate for informal trilogues with the European Parliament. The discussion focused on Articles 3, 4, 5 and 6 with comments also made on Articles 4a and 10.

While acknowledging the alternative means already offered in the text, most delegations noted that the feasibility and therefore acceptance of the targets set in Articles 4 and 6 would depend on a number of elements and clarifications, e.g. as regards financial means available, the extent to which early actions could be taken into account, the scope of the public buildings covered by Article 4 (regarding which the Presidency suggested that an explanatory note could be circulated), the interpretation of the additionality of measures, the formulation of Annex V in this respect and generally clear methodologies, the gradual implementation of targets, the possibility to take into account the contribution of the transformation/ transmission/distribution sector and to exclude or not activities covered by the ETS.

As regards Article 3, while most delegations are satisfied with the choice offered for the expression of national targets, various views were expressed as to how the 20% target at EU level should be formulated, most delegations supporting a formulation in terms of primary and then final energy, rather than energy intensity.

The new Article 4a received little support.

Following the Commission representative's clarification as to why it is difficult to exclude ETS from Article 6 and why additionality is essential if the proposed Directive is to contribute to closing the gap to achieve the 20% target, the Chair noted the value of today's discussion in improving the understanding of the difficulties in reaching agreement on a binding instrument and understood as well delegations' for a lower level of ambition. Clear agreement on Articles 3 and 6 will be essential before engaging with the European Parliament.

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

- **Preparation for the informal trilogue**
7397/12 PI 29 AUDIO 26 CULT 36 CODEC 585

The Committee agreed on the vast majority of the provisions of the Presidency compromise proposal, as set out in the Annex to 7397/12. It mandated the Presidency to start negotiations with the European Parliament with a view to a first reading agreement on the basis of the agreed text.

18. 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 2nd trilogue of 15 March 2012 in Strasbourg and announced that it would request the Committee on 21 March 2012 for a further specific mandate in view of the 3rd trilogue on 27 March 2012.

19. Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/32/EC as regards the sulphur content of marine fuels (First reading) (Legislative deliberation)

- Preparation for the informal trilogue

7407/12 ENV 192 MAR 21 MI 167 CODEC 590

The Committee agreed to a Presidency mandate with a view to a first informal trilogue to be held on 21 March 2012 in the framework of negotiations with the European Parliament to reach an agreement in first reading on the proposed Directive.

20. Proposal for a Directive of the European Parliament and of the Council on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (First reading) (Legislative deliberation)

- Guidance for future work

7460/12 CONSOM 29 MI 173 JUSTCIV 86 CODEC 608

The Committee discussed the three options concerning the scope of the proposal outlined in the above document.

The Presidency concluded that there was broad support for continuing the work on the basis of option B in combination with option C. However, the number of sectors to be excluded should be limited, e.g. to non-economic services of general interest, social and health services.

The Presidency will put forward the proposal on the scope of the Directive based on following elements:

- 1) exclusion of complaints from traders against consumers (Member States can always cover them in the national legislation if they decide so);
- 2) inclusion of ADR entities operated by one trader provided that safeguards guaranteeing their independence are put in place;
- 3) possibility for ADR entities to keep their procedural rules (new wording to reflect the intervention by the Council Legal service);
- 4) application of the directive only to ADR entities notified by Member States to the Commission.

Coreper Part 2

II

34. Preparation of the Council meeting (Foreign Affairs) on 22/23 March 2012

- Other items in connection with the Council meeting

The Committee took note of information provided by SG of the EEAS, Mr Vimont, setting 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 Council (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). HR would stress the need for MS for the EU to meet its obligations to existing CSDP missions (EULEX Kosovo, EUMM Georgia), before deciding on launching new missions. 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: Sahel, update on the strategy, food and humanitarian crisis, approving a crisis management concept for a possible CSDP mission; Belarus, preparations should advance quickly, in order to enable a decision by Ministers with regard to restrictive measures; EEAS reiterated the need for a coordinated return of MSs Ambassadors to Minsk. Syria: discussion would focus on humanitarian assistance, Kofi Annan Mission, dealing with opposition, possible UNSC resolution, coordination with regard to MS Embassies. Energy and Foreign Policy item would be postponed until FAC in April. Discussion over lunch with Turkish FM Mr Davutoglu, whose attendance has been confirmed, would focus on Syria, MEPP, Iran, Africa (Somalia).

The Committee took note of an intervention by SE/EL on the need to discuss Iran prior to the resumption of the talks. EEAS underlined the need for confidentiality and stressed that HR would inform Ministers on the state of play in her introductory remarks.

DE/RO underlined the importance of the Energy and Foreign Policy item and the need for good preparation on the basis of a discussion paper.

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

- Other items in connection with the Council meeting

In relation to the provisional agenda of the above-mentioned session, the Chair indicated that:

- as regards item 3 (GSP), the Presidency has circulated in 7462/12 the same compromise proposal that was submitted to the Committee on 7 March. This compromise should be read in conjunction with the proposal circulated in the Antici network on Article 42 (2) of the Commission proposal on the new GSP scheme;
- as to item 5 (Colombia/Peru Trade Agreement), the concerns raised at the Committee on 7 March by the UK and IE delegations regarding Title V issues had been solved satisfactorily.

Regarding the request by Latvia, supported by several delegations, for a new item under AOB (Russian's ban on live pigs imports from the EU), the LV delegation drew attention to its note circulated in 7578/12. In this respect, the Commission confirmed that Commission experts would meet Russian counterparts in Moscow on 15 March, to defend the EU's position on this sensitive issue.

36. Follow-up to the Council meeting (Justice and Home Affairs) on 8 March 2012

The Committee was informed of the results of the Council by reference in particular to the follow-up to the discussion on Schengen governance and Greece's National Action Plan on Asylum Reform and Migration Management.

- 37. Amended proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of asylum seekers (Recast) (First reading)**
- **Preparation for the first informal trilogue**
6942/12 ASILE 34 CODEC 491

The Committee had an exchange of views on this item and agreed to revert to it at a forthcoming meeting.

38. Follow-up to the Council meeting (Economic and Financial Affairs) on 13 March 2012

The Chairman started by debriefing from the breakfast before the ECOFIN. He stressed in particular the decision to go ahead with the next package of support for Greece, following the successful private sector bond swap offer and the discussion on the Spanish budget situation, on which terms of reference were adopted. Ministers had also taken note of the process for the appointment of the next President of the EBRD, which will be taken at the EBRD annual meeting on 18-19 May 2012 in London.

Concerning the Council meeting itself, the Chairman touched upon the Financial Transaction Tax, where the Presidency was exploring new grounds for a debate following the discussion in the Council meeting. The Council further agreed both on a Decision for Greece and Council conclusions on the Alert Mechanism Report. On Hungary, the Council adopted both a Decision suspending commitments from the Cohesion Fund, and a Recommendation with a view to bringing an end to the situation of an excessive government deficit. The Council had agreed to return to this at the latest on 22 June 2012 with a view to lifting the suspension if the conditions were met.

- 39. 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

The Committee was informed about the state of play on the basis of work undertaken in the Friends of the Presidency Group (MFF) in February 2012. A brief exchange of views took place where delegations had the opportunity to precise some of the points mentioned in the documents.

40. Preparation of the Council meeting (General Affairs) on 26 March 2012

- Other items in connection with the Council meeting

The Committee took note of the information provided by the Presidency on the General Affairs Council on 26 March 2012.

- Any other business

= Russian ban on imports of live cattle, small ruminants and pigs from EU MS

The LV delegation (supported by EE, DE and NL) asked for an 'AOB' item for the Agriculture and Fisheries Council on 19/20 March 2012 regarding the "Russian ban on imports of live cattle, small ruminants and pigs from EU Member States". The Presidency accepted.

= Infringement procedures

HU informed the Committee of the state of play concerning the on-going dialogue on the infringement procedures, initiated by the Commission in January 2012.

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