



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 April 2011

7749/11

CRS/CRP 13

SUMMARY RECORD

**Subject : 2356th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 16, 17 and 21 March 2011**

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

doc. 7688/11 OJ/CRP1 10 + ADD 1

7760/1/11 REV 1 OJ/CRP2 10 COMIX 163 + CM 2173/1/11 REV 1

The above mentioned agendas are approved with the following changes :

The following items are **added** :

(Coreper Part 1, under II)

20. Preparation for the extraordinary meeting of the "Transport, Telecommunication and Energy" Council on 21 March 2011

- **Recent international developments and their impact on world energy markets and the EU energy sector (*Non-legislative activity*)**
 - **Stock taking and exchange of views**
7773/11 ENER 59 ATO 14 RELEX 267

(Coreper Part 2, under II)

50. Preparation of the Council meeting (Foreign Affairs), on 21 March 2011

- b) **EU Strategy for Security and Development in the Sahel**
= **Draft Council conclusions**
7739/11 COAFR 91 ACP 69 PESC 355 DEVGEN 72 COTER 23
COMAG 33 RELEX 263 MIGR 51
- c) **Iran**
= **Draft Council conclusions**
7836/11 COMEM 87 PESC 363 COHOM 74
- e) **Developments in the Southern Neighbourhood including Yemen and Bahrain**
 - **Draft Council conclusions on Yemen**
7953/11 COMEM 92 PESC 379
 - **Draft Council conclusions on Bahrain**
7952/11 COMEM 91 PESC 378
- f) **Draft Council conclusions on Bosnia and Herzegovina**
7881/11 COPS 161 PESC 370 COPOL 13 COWEB 67 POLMIL 7
- g) **Draft Council conclusions on Libya**
7980/11 COMEM 96 PESC 385

(Coreper Part 2, under I)

59. Case T-86/11 (Bamba against the Council of the European Union) brought before the General Court

7887/11 JUR 98 RELEX 278 PESC 366 COAFR 96

- 60. a) Council implementing Decision implementing Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya**
b) Council implementing Regulation implementing Article 16(2) of Council Regulation (EU) N° 204/2011 concerning restrictive measures in view of the situation in Libya

7928/11 PESC 373 RELEX 285 COMEM 90 COARM 43 FIN 188

7927/11 PESC 372 RELEX 284 COMEM 89 COARM 42 FIN 187

+ ADD 1 RESTREINT UE

7926/11 PESC 371 COMEM 88 COARM 41 FIN 186

+ ADD 1 RESTREINT UE

The following item is **withdrawn** :

(Coreper Part 2, under I)

32. Draft Council Decision amending and extending the period of application of Decision 2007/641/EC concluding consultations with the Republic of the Fiji Islands under Article 96 of the ACP-EU Partnership Agreement and Article 37 of the Development Cooperation Instrument

- Adoption

7162/11 ACP 54 COASI 43 PESC 284 RELEX 202

7163/11 ACP 55 COASI 44 PESC 285 RELEX 203

The following CRP2 agenda item is **transferred** from Part I to Part II :

39. Council Decision concerning restrictive measures in view of the situation in Bosnia and Herzegovina

7624/11 PESC 343 COWEB 62 FIN 171

7527/11 PESC 326 COWEB 58 FIN 170

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

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

31. Draft Council conclusions - Guidelines for the participation of the European Union in the Fourth UN Conference on the Least Developed Countries (LDC-IV, Istanbul, 9-13 May 2011)

"Cyprus notes that invitations for the above-mentioned UN Conference on Least Developed Countries, hosted by Turkey, were sent out on February 10, 2011, by the President of Turkey Mr. Abdullah Gül to Heads of States and Governments.

Cyprus is the sole EU Member State that has not received an invitation by the host country. Moreover, according to available information, the Turkish government does not intend to extend its invitation to Cyprus.

Non-invitation of a UN and EU Member State is incompatible with Turkey's role as host country of a UN Conference, a role which calls for equal treatment and respect of the principle of non-discrimination of all UN Member States. Such stance should be taken into consideration with respect to the future delegation of host country responsibilities for subsequent UN conferences.

Moreover, Turkey's stance is not in line with its status as a candidate country and its obligations as outlined in the negotiating framework, which includes the obligation for normalization of relations between Turkey and all EU Member States, including with the Republic of Cyprus.

Cyprus expects its EU partners and the EU's representative to the Fourth UN Conference on Least Developed Countries not to condone such unacceptable behaviour but raise this issue appropriately, with a view to ensuring that the host country honours its obligations including through the non-discriminating treatment of all EU Member States."

Declarations are made by the Commission on the following items :

36. b) Council Regulation amending Council Regulation 1284/2009 imposing certain specific restrictive measures in respect of the Republic of Guinea

5806/11 PESC 111 RELEX 78 COAFR 41 COARM 8 FIN 46

5773/11 PESC 107 RELEX 75 COAFR 40 COARM 7 FIN 45

+ ADD 1 RESTREINT UE

6038/11 PESC 148 RELEX 106 COAFR 51 COARM 14 FIN 62

"The Commission notes that the Council has reserved implementing powers for itself "in view of the political situation in the Republic of Guinea, and to ensure consistency with the process for amending and reviewing the Annex to Decision 2010/638/CFSP". With reference to Article 291(2) of the Treaty, the Commission maintains its view that it would have been more appropriate to confer implementing powers upon the Commission. The Commission considers that this case cannot be considered a precedent for future arrangements on implementing powers in respect of future Council regulations imposing restrictive measures."

38. b) Council Regulation concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt

7478/1/11 REV 1 PESC 324 COMAG 26 FIN 159 RELEX 246

+ REV 2 (fr)

7323/11 PESC 305 COMAG 23 FIN 147

+ ADD 1 RESTREINT UE

7554/11 PESC 331 RELEX 232 COMAG 28 FIN 166

+ ADD 1 RESTREINT UE

"The Commission notes that the Council has reserved implementing powers for itself "in view of the seriousness of the political and security situation in Egypt and to ensure consistency with the process for amending and reviewing the Annex to Decision 2011/.../CFSP". With reference to Article 291(2) of the Treaty, the Commission maintains its view that it would have been more appropriate to confer implementing powers upon the Commission. The Commission considers that this case cannot be considered a precedent for future arrangements on implementing powers in respect of future Council regulations imposing restrictive measures."

Coreper Part 1

II

- 16. Proposal for a Regulation of the European Parliament and of the Council on novel foods and amending Regulation (EC) n° 1331/2008 and repealing Regulation (EC) No 258/97 and Commission Regulation (EC) No 1852/2001 (Third reading) (Legislative deliberation)**
- **Preparation for conciliation**

Le Comité prépare la réunion du comité de conciliation du 16.3.2011 et établit un nouveau mandat de négociation.

- 17. Contribution to the European Semester (synthesis report)**
- **Presentation by the Presidency**

The Committee took note of the synthesis report on the Annual Growth Survey (AGS) in the framework of the European semester (doc. 7745/11). Some delegations (IT, NL, AT) asked for amendments to the Annex Part. The synthesis report will also be presented to the Committee - Part 2 the 17 March.

- 18. Proposal for a Decision of the European Parliament and of the Council establishing a European Union action for the European Heritage Label (First reading) (Legislative deliberation)**
- **Preparation for the informal trialogue**
7378/11 CULT 14 CODEC 357 + ADD 1

The Committee examined the outstanding issues on the basis of the text contained in document 7378/11 and in the addendum with a view to pre-negotiating the first reading position of the Council.

UK, DK and NL delegations confirmed their reservations on the text.

The Committee authorised the Presidency to start discussions with the European Parliament and the Commission in the context of an informal trialogue. For this purpose, it approved the text suggested by the Presidency in the addendum (ADD 1) to document 7378/11 as a basis for such a negotiation.

19. Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (Second reading) (Legislative deliberation)

- **Preparation for the next informal trialogue**
7542/11 TRANS 72 FISC 24 ENV 186 CODEC 382

Following a Presidency request, the Committee focused the discussion on the examination of the Presidency's proposals for vehicle scope (Amendment 10), the mark up for the most polluting vehicles (Amendment 12) and the earmarking (Amendments 18 and 21), as included in document 7542/11 with a view to preparing the next informal trialogue on 22 March 2011.

20. Preparation for the extraordinary meeting of the "Transport, Telecommunication and Energy" Council on 21 March 2011

- **Recent international developments and their impact on world energy markets and the EU energy sector (*Non-legislative activity*)**
 - **Stocktaking and exchange of views**
7773/11 ENER 59 ATO 14 RELEX 267

The Committee agreed on the provisional agenda and that the Council could proceed along the lines set out in document 7773/11.

Coreper Part 2

II

- 39. Council Decision concerning restrictive measures in view of the situation in Bosnia and Herzegovina**
7624/11 PESC 343 COWEB 62 FIN 171
7527/11 PESC 326 COWEB 58 FIN 170

The Committee's discussion followed France's wish to note its unease with what it considers is the introduction of a precedent on the modalities of adoption of the lists of targeted individuals and entities in sanctions regimes via a I/A note (doc. 7624/11). Sweden and Slovenia recorded general reserves on the draft Council Decision until the discussion on the accompanying draft Council conclusions is completed. The Netherlands noted that one element of the PSC discussion on the draft Council conclusions on Bosnia and Herzegovina included enlargement which is a competence of the Committee.

The Committee agreed to recommend that the FAC adopt the draft Council Decision pending lifting of reserves.

- 48. Presentation of the agenda for the Council meeting (Justice and Home Affairs), on 11/12 April 2011**

The Presidency presented the agenda and put an additional item on the agenda at the request of the Romanian delegation.

- 49. Proposal for a Directive of the European Parliament and of the Council on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (recast)**
- **Preparation of first informal trialogue**
6944/11 ASILE 13 CODEC 297

The outcome of the Committee's proceedings is set out in document 7899/11.

50. Preparation of the Council meeting (Foreign Affairs), on 21 March 2011

a) Draft Council conclusions on Somalia

7815/11 COAFR 93 ACP 71 PESC 359 DEVGEN 75 COSDP 258
COTER 25 CONUN 28

The Committee agreed draft Council Conclusions on Somalia (doc. 7889/11) and forwarded them to the Council with a view to their adoption on 21 March 2011.

b) EU Strategy for Security and Development in the Sahel

= **Draft Council conclusions**

7739/11 COAFR 91 ACP 69 PESC 355 DEVGEN 72 COTER 23 COMAG 33
RELEX 263 MIGR 51

The Committee agreed draft Council Conclusions on a European Union Strategy for Security and Development in the Sahel (doc. 7891/11) and forwarded them to the Council with a view to their adoption on 21 March 2011.

c) Iran

= **Draft Council conclusions**

7836/11 COMEM 87 PESC 363 COHOM 74

The Committee discussed and agreed draft Council conclusions on Iran and forwarded them to the Council for approval.

d) Other items in connection with the Council meeting

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

e) Developments in the Southern Neighbourhood including Yemen and Bahrain

= **Draft Council conclusions on Yemen**

7953/11 COMEM 92 PESC 379

The Committee discussed and agreed the draft Council conclusions on Yemen and forwarded them to the Council for approval.

= **Draft Council conclusions on Bahrain**
7952/11 COMEM 91 PESC 378

The Committee discussed and agreed draft Council conclusions on Bahrain and forwarded them to the Council for approval.

f) **Draft Council conclusions on Bosnia and Herzegovina**
7881/11 COPS 161 PESC 370 COPOL 13 COWEB 67 POLMIL 7

The Committee discussed and agreed draft Council conclusions on Bosnia and Herzegovina and forwarded them to the Council for approval.

g) **Draft Council conclusions on Libya**
7980/11 COMEM 96 PESC 385

The Committee discussed and agreed draft Council conclusions on Libya and forwarded them to the Council for approval.

51. Presentation of the agenda for the Council meeting (Foreign Affairs), on 12 April 2011

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

52. Japan
- **Information by the Presidency**

The Committee was informed of the ongoing discussions in different EU fora following the events in Japan.

53. Côte d'Ivoire
- **Draft Council Decision amending Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire**
7292/11 PESC 302 COAFR 77 RELEX 214 COARM 35 FIN 143

The Committee discussion followed the extensive but inconclusive discussions in the RELEX Group on amendments to the EU autonomous restrictive measures. Delegations recalled the deteriorating situation in the country and the need to tighten the measures, including by deciding on new designations that are currently blocked, due to impossibility to agree on the amendments.

The Chair referred to the latest Presidency compromise proposal made in RELEX that was not acceptable for France. Considering the situation in Côte d'Ivoire, France pointed out that they now consider the inclusion of a humanitarian clause as absolute priority. In this context, France took stock of widespread objections, on legal and other grounds, to its proposal of an anti-substitution clause, but insisted on the inappropriateness of inclusion of a transitional period for existing contracts. France expressed however willingness to look for a compromise date for the review.

The item was referred back to the RELEX Group for further discussion.

54. United Nations draft resolution on the participation of the European Union in the work of the United Nations General Assembly
7309/11 PESC 304 CONUN 20 POLGEN 38 ONU 32

The Committee endorsed the High Representative's proposed action for the final phase of the campaign, including the tabling of the draft resolution recommended by NY Heads of Mission and contained in document 7309/11.

It was noted that the situation would be assessed again by the NY Heads of Mission at the beginning of April, to determine what further recommendations to make regarding when to proceed to action and on the basis of which final text.

The UK requested that the following unilateral declaration be entered in the Committee's minutes:

"For the avoidance of doubt, the modalities set down in the UNGA Resolution including the Annex to it for EU representation in the General Assembly are without prejudice to the right of Member States in respect of matters falling within their competence to determine who shall act on their behalf in accordance with EU law."

55. Follow up to the Council meeting (Economic and Financial Affairs), on 15 March 2011

The Committee took note of the proceedings of this Council meeting.

56. Proposal for a Decision of the European Parliament and of the Council granting an EU guarantee to the European Investment Bank against losses under loans and guarantees for projects outside the European Union

- **Preparation of informal triologue**
7647/11 ECOFIN 133 RELEX 251 CODEC 399

With a view to preparing the first informal triologue with the European Parliament, the Committee exchanged views on the main issues set out by the Presidency in document 7647/11, namely ceilings and flexibility, reflows, the platform for cooperation and development, the development orientation of the EIB and reporting requirements, decisions under the next multi-annual framework and delegated acts. The Committee endorsed the Presidency approach as regards the last three issues and agreed on the mandate set out in the fourth column of the table annexed to document 7647/11 as a basis for negotiations with the European Parliament.

57. Preparation of the Council meeting (General Affairs), on 21 March 2011

- a) **Preparation of the European Council on 24-25 March 2011 (restricted session)**
 - **Draft conclusions**
6813/11 CO EUR PREP 6

The Committee examined the draft of the European Council conclusions in a restricted session.

- **Implementation of the European Semester**
= **Synthesis report**
7745/11 POLGEN 50 EUR-PREP 11 ENV 203 ENER 57 TRANS 81
MI 142 RECH 62 COMPET 108 IND 34 REGIO 18 ECOFIN 140
SOC 239 EDUC 51 AGRI 220 PECHE 75

The Committee took note of the Synthesis report on the Implementation of the European Semester presented by the Presidency.

b) Other items in connection with the Council meeting

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

58. Presentation of the agenda for the Council meeting (General Affairs), on 13 April 2011

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

- Any other business

- **Meeting of the Galileo Interinstitutional Panel (GIP) (Strasbourg, 8 March 2011)**
 - **Presidency briefing on the outcome of the fourth meeting**

The Presidency informed the Committee on the outcome of the fourth Galileo Interinstitutional Panel which took place in Strasbourg on 8 March 2011.

- **Air cargo (requested by the UK delegation)**

Regarding the "Athens Convention", UK requested to take the item off from the March Council agenda and to postpone the adoption process until the June Council. The reason for UK to request this postponement was related to the protocol attached to the Convention, which contains the elements of justice and home affairs. This protocol is highly sensitive for the UK Parliament and UK needs to solve some legal matters before the Council meeting. For the Commission it would be difficult to accept the delay since this Decision is closely related to other international regulations. Therefore, the Commission encouraged UK to introduce a recital to the regulation. The Presidency would also prefer the Decision to be adopted in March.

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