



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 6 April 2009

7946/09

CRS/CRP 14

SUMMARY RECORD

**Subject : 2268th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 25, 26 and 27 March 2009**

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

doc. 7933/09 OJ/CRP1 12 + AMD 1

7877/09 OJ/CRP2 12 + CM 1383/09

The above mentioned agenda is approved with the following changes:

The following item is **added** :

(Coreper Part 1, under AOB)

(c) Job summit

- **Request from Spanish delegation**

The following item on the agenda of CRP1 under part I, is **transferred** under part II :

34. Proposal for a Council Regulation concerning a multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean

- **Adoption**

7598/1/09 PECHE 66 REV 1 + REV 1 ADD 1

7116/09 PECHE 44 + COR 1

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 PL delegation on the following item :

7. Proposal for a Regulation of the European Parliament and of the Council on cross-border payments in the Community

7759/1/09 REV 1 EF 45 ECOFIN 201 CONSOM 54 CODEC 375 + ADD 1

"Poland has been supporting the proposal of the Regulation from the very outset of the negotiations, considering favorably endeavors towards ensuring a greater protection of consumers; more homogeneous and competitiveness triggering business environment in the area of cross-border payment services, and consistency of the legal framework for payments.

Nevertheless, Poland has expressed concerns with regard to the provisions, introduced by the European Commission at a certain stage of negotiations, related to multilateral interchange fee (MIF) and the principle of reachability for the payment service provider, e.g. a bank, in accordance with the SEPA direct debit scheme providing transactions which are available to consumers under the direct debit scheme. In Poland's opinion, these provisions incurred an array of doubts.

In the course of difficult negotiations, in the spirit of compromise, Poland agreed on introducing these new provisions concerning both the MIF and reachability. It was based on the condition that Member States which do not have the euro as their national currency would obtain adequate transitional periods for ensuring necessary adaptations of their national payment rules and investments taking into account the specificity of local markets, especially in the context of the use of the above mentioned payment instruments.

This resolution was agreed by delegations and approved by the Council within the general approach.

Bearing this, in mind Poland would like to express its disappointment with the decisions made in the course of negotiations with the European Parliament, according to which transitional periods of 5 and 2 years, referred to in Article 5c.4 have been shortened to 4 and 1 year respectively. This has happened despite the constantly favorable Poland's attitude towards the proposal, the concessions made, reiterated on a number of occasions eagerness for reaching the compromise and with disregard to the agreement made at an earlier stage of negotiations.

Poland would like to stress that shortening of transitional period referred to in Article 5c.4 to one year will incur fundamental, negative consequences. In Poland, direct debit has minor importance as the payment instrument. It makes up approximately 2% of the overall amount of payments. Moreover, at present there is no direct debit services in euro. It is also most likely that by the time Poland joins the euro area, the payments made today i.a. through direct debit are to be replaced with other instruments e.g. e-invoicing.

Hence the Polish banking industry will be forced to make in a short period of time a number of changes without any financial or economic justification."

Coreper Part 2

II

13. Follow-up to the Council meeting (General Affairs and External Relations) on 16/17 March 2009

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

14. Follow-up to the European Council (19/20 March 2009)

7848/1/09 REV 1 POLGEN 60 FIN 89 ECOFIN 220 ENER 90 AGRI 125 AGRIFIN 36
AGRISTR 16 SOC 200

8028/09 AGRI 132 AGRIORG 37 AGRISTR 17 AGRIFIN 37 ECOFIN 242 POLGEN 63
8055/09 ENER 103 ECOFIN 246 CODEC 438

The Presidency informed the Committee on the follow-up to the European Council meeting, notably as regards the Employment Troika Summit and the Eastern Partnership Summit. The Committee also examined the consolidated text of the draft Regulation on the Energy Projects and was informed of works leading to the approval of the rural development proposals. The Commission provided additional information regarding the adoption of legislative proposals stemming from the mandates given in the conclusions of the European Council.

15. Informal meeting of EU Heads of State and Government with President Obama (Prague, 5 April 2009)

- **Information note**

7876/09 USA 18 PESC 381 RELEX 265 POLGEN 61

The Committee received an update on the preparation of the Informal meeting of the European Union Heads of State or Government with the President of the United States of America.

16. Debrief on the meeting of Vice-President Barrot and Czech Minister of Interior Langer with Representatives of the US Administration (16/17 March 2009)

The Committee took note of the debriefing from the Presidency on this meeting.

17. Preparation of the Council meeting (Justice and Home Affairs) on 6 April 2009
- Other items in connection with the Council meeting

Le Comité a pris note de l'annonce par la Présidence que la session du Conseil n'aura lieu qu'un jour et qu'il n'y aura qu'un lunch pour les Ministres de l'Intérieur, pendant lequel une discussion aura lieu sur la nomination du Directeur d'Europol.

Quelques points sont ajoutés à l'ordre du jour, sous Divers :

- à la demande de l'Italie : "Information concernant le G8 JAI" qui se tiendra à Rome les 28-30 mai 2009;
- à la demande de la Grèce : "Forum Global sur la Migration et le Développement".

La Présidence confirme son intention de mettre à l'ordre du jour "La crise financière : Que peut on faire dans le domaine de la Justice ?"

18. Amended proposal for a Directive of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance - SOLVENCY II
- Political agreement
7820/09 SURE 4 ECOFIN 206 CODEC 385
7821/09 SURE 5 ECOFIN 207 CODEC 386 + COR 1

The Committee examined the above mentioned proposal and agreed to mandate the Presidency to invite the European Parliament to consider amending Articles 127(3), 305b (1) and (2), Recital 35a, and Article 310 of the Proposal with a view to facilitating an agreement on the Proposal.

19. Possible postponement of granting the discharge for implementation of the Council's 2007 budget (restricted session)
7930/09 FIN 91

The Committee:

- expressed its disappointment at the position of the European Parliament Committee on Budgetary Control which proposes to postpone the discharge to the Council for 2007;
- noted that the Presidency will hold a meeting with the President of the European Parliament, in the light of which a letter may be sent to the European Parliament.

Coreper Part 1

II

34. Proposal for a Council Regulation concerning a multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean

- Adoption

7598/1/09 PECHE 66 REV 1	+ REV 1 ADD 1
7116/09 PECHE 44	+ COR 1

The Italian delegation accepted the Commission statement concerning Article 5 of the proposal as laid out in 7598/1/09 PECHE 66 REV 1 ADD 2. All delegations agreed to submit the proposal to the Council for adoption, together with all accompanying Commission statements as laid out in 7598/1/09 PECHE 66 REV 1 ADD 1 and ADD 2, as an "A" item at its meeting of 6 April 2009.

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

- Analysis of the compromise text with a view to agreement

7755/09 ENV 230 CODEC 373

The Committee approved the compromise proposal set out in 7755/09, with Italy and the Netherlands indicating their intention to vote against, and mandated the Presidency to send the standard notification letter to the European Parliament, with a view to securing agreement at first reading.

41. 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)

- Analysis of the compromise text with a view to agreement

7756/09 ENV 231 CODEC 374

The Committee approved the compromise proposal set out in 7756/09 and mandated the Presidency to send the standard notification letter to the European Parliament, with a view to securing agreement at first reading.

42. 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)

- **Presidency briefing on the outcome of the informal trialogue**
- **Analysis of the compromise text with a view to agreement**

7798/09 ENER 88 ENV 232 CODEC 381

Following the Chairperson's outline of the compromise achieved with the European Parliament at the informal trialogue held on 18 March, the Committee could agree on this compromise and on the signing by the Chairperson of the letter to the European Parliament reflecting this agreement as set out in 8003/09.

**43. Internal Energy Market legislative package (Second reading)
(This item will be discussed in restricted session)**

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

The Chairperson informed the Committee on the 7th trialogue which took place on 23 March and addressed the whole package. The Chairperson outlined the main elements of the outcome of this last trialogue and indicated that, in the Presidency's view, this outcome was in line with the mandate given by the Committee and that, regarding unbundling issues, the few changes introduced do not alter the balance of the corresponding provisions.

On this occasion the Chairperson pointed out to the Committee that during the negotiations the European Parliament side was in possession of internal Council documents, which made the negotiations more difficult to conduct from the Council side.

The Committee will be invited to assess this outcome on Friday 27 March.

- **Analysis of the compromise text with a view to agreement**
7809/09 ENER 89 CODEC 384
+ ADD 1 + ADD 2 + ADD 3 + ADD 4 + ADD 5

On the basis of delegations' interventions the Chairperson could conclude that the letter notifying the Chairperson of the ITRE committee of Committee's agreement on the Internal Energy Market package as set out in 7809/09 ADD 1 to ADD 5 could be sent out.

The Committee took note of a technical scrutiny reservation entered by DE and that DE's agreement was subject to:

- The decision on the seat of the Agency being taken in time for the final adoption of the package; this was supported by HU/SK/SI/RO/Cion.
- The following statement:

"The regime for **industrial networks** is **disproportionate**. Extensive regulation of industrial networks is not necessary for the purposes of the internal market and will entail additional bureaucracy and costs for the businesses concerned. In our view, it is **imperative** that the text be **improved** before the EU legislative process is completed."

DE indicated that it might request that a statement be recorded in the Council's minutes later on. AT also indicated that might request that a statement on small networks be recorded in the Council's minutes.

In reply to the concerns expressed by IT/GR on recital 30 (ADD 2, p.13) the Commission made the following declaration on the application of existing exemption decisions under Art. 22 of Directive 2003/55/EC concerning common rules for the internal market in natural gas and Art. 7 of Regulation (EC) n° 1228/2003 on conditions for access to the network for cross-border exchanges in electricity:

"Draft Declaration by the Commission on the application of existing exemption decisions under Article 22 of Directive 2003/55/EC concerning common rules for the internal market in natural gas and Article 7 of Regulation (EC) 2003/1228 on conditions for access to the network for cross-border exchanges in electricity

Exemptions from the regulatory regime granted under the existing Directive 2003/55/EC and Regulation (EC) 2003/1228 for new cross-border infrastructure continue to apply until the expiry date foreseen in the granted exemption decision also after entry into force of the Directive amending Directive 2003/55/EC and the Regulation repealing Regulation (EC) 2003/1228. Unless provided otherwise in the exemption decisions themselves, such exemptions may therefore not be altered by application of the provisions on new infrastructure provided for in Article 35 of the amended Gas Directive and Article 17 of the new Electricity Regulation."

In reply to DK/BG request for clarification on the scope of the 80% target for smart meters in Annex A to the Directive on Electricity (ADD 1) the Commission made the following statement:

"According to Annex A of the Directive, in the case an economic assessment of the long-term costs and benefits has been made, at least 80% of those consumers which have been assessed positively have to be equipped with intelligent metering systems by 2020. It is understood that in the case no economic assessment of the long-term costs and benefits is made, at least 80% of all consumers have to be equipped with intelligent metering systems by 2020".

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

1. External Relations

Proposal for a Council decision on the signature and provisional application of the EU-Canada Air Transport Agreement

- Adoption

7602/09 AVIATION 42 CDN 3 RELEX 240

The Committee:

- observed that there were still outstanding issues preventing adoption at this point;
- submitted the file to the TTE Council with a view to reaching a political position.

2. **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 ("Eurovignette")**
- **Progress report/Policy debate**
(Public deliberation, pursuant to Article 8(1)(c) CRP)
11857/1/08 TRANS 249 FISC 95 ENV 456 CODEC 973 REV 1
7546/09 TRANS 107 FISC 33 ENV 194 CODEC 355

The Committee took note of the Presidency's progress report including 3 questions addressed to Ministers and agreed to transmit it to the TTE Council as a basis for a political debate.

3. **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Strategic goals and recommendations for the EU's maritime transport policy until 2018**
- **Adoption of Council conclusions**
5779/09 MAR 7
7506/09 MAR 48

The Committee examined the text of the draft Council conclusions on the Commission's Communication, as set out in 7506/09, resolved the outstanding issues and agreed to submit them to the forthcoming TTE Council on 30 March 2009 for adoption.

4. **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Communication and action plan with a view to establishing a European maritime transport space without barriers**
- **Adoption of Council conclusions**
5775/09 MAR 5
7508/09 MAR 49 + COR 1

The Committee endorsed the draft Council conclusions on the above communication as established by the Working Party on Shipping and agreed to submit it to the Council for adoption.

5. **Communication from the Commission - Action Plan for the Deployment of Intelligent Transport Systems in Europe**
- **Adoption of Council conclusions**
17563/08 TRANS 492 TELECOM 237 IND 235
7545/09 TRANS 106 TELECOM 44 IND 27

The Committee took note of the draft Council conclusions and agreed to submit them to the TTE Council for adoption.

6. The impact of the economic downturn on ICT and how ICT can boost EU's economy

- Exchange of views

7749/09 TELECOM 48 COMPET 152 MI 110 RECH 80

The Committee agreed to submit the questions proposed by the Presidency to the Council as a basis for the exchange of views as set out in 7749/09 REV 1.

45. Proposal for a Regulation of the European Parliament and of the Council amending Regulation 1692/2006 establishing the second "Marco Polo" programme for the granting of Community financial assistance to improve the environmental performance of the freight transport system ("Marco Polo II")

- Presidency briefing on the outcome of the informal trialogue

- Preparation for the next informal trialogue

7512/09 TRANS 103 MAR 50 CADREFIN 11 ENV 190 CODEC 350

The Committee took note of the outcome of the informal trialogue and invited the Presidency to pursue the informal contacts with the European Parliament.

46. Review of the EU regulatory framework for electronic communications networks and services (Second reading) (This item will be discussed in restricted session)

(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 informal trialogue

- Analysis of the compromise text with a view to agreement

7939/09 TELECOM 56 MI 118 COMPET 163 DATAPROTECT 18 CONSOM 60
CAB 11 CODEC 409

This point was discussed in restricted session.

47. 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)

- **Presidency briefing on the outcome of the trialogue**
- **Analysis of the compromise text with a view to agreement**
7941/09 TELECOM 57 COMPET 164 MI 119 CONSOM 61 CODEC 410

On 25 March, the Presidency gave a short debriefing on the trialogue, held the previous day, and which solved most outstanding issues, including price caps, bill shocks and the duration of the Regulation.

On 27 March, the Presidency presented to the Committee its latest Presidency compromise proposals (as set out in 7941/09), which were acceptable to delegations and which the Presidency would send to the European Parliament in view of the vote in ITRE on 31 March.

48. Proposal for a Directive of the European Parliament and of the Council on machinery for pesticide application, amending Directive 2006/42/EC of 17 May 2006 on machinery (First reading)

- **Preparation for the informal trialogue**
7962/09 ENT 73 ENV 237 AGRI 130 CODEC 412

The Committee discussed and agreed on a mandate for the Presidency in view of the informal trialogue.

49. 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)**
 - **Presidency briefing on the outcome of the informal trialogue**
 - **Analysis of the compromise text with a view to agreement**
8102/09 SOC 210 CODEC 442
8103/09 SOC 211 CODEC 443

The Committee takes note of the information by the Presidency on the outcome of the informal trialogue, on 16 March 2009 and confirms the agreement reached with the European Parliament, in accordance with the texts as set out in 8102/09 and 8103/09.

50. Road transport (European Parliament second reading)

- (a) Proposal for a Regulation of the European Parliament and of the Council on common rules for access to the international road haulage market (recast)**
- (b) Proposal for a Regulation of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator**
- (c) Proposal for a Regulation of the European Parliament and of the Council on common rules for access to the international market for coach and bus services (recast)**
- **Presidency briefing on the outcome of the informal trialogue**
- **Analysis of the compromise text with a view to agreement**
8020/09 TRANS 122 CODEC 425
+ ADD 1 + ADD 2 + ADD 3 + ADD 4

The Committee examined the results of the fourth trialogue with the European Parliament and endorsed the negotiated compromise package.

51. Proposal for a Regulation of the European Parliament and of the Council concerning statistics on plant protection products (Second reading)

- **Presidency briefing on the outcome of the informal trialogue**
- **Analysis of the compromise text with a view to agreement**
8104/09 STATIS 41 AGRI 137 ENV 256 CODEC 444

The Committee took note of an oral presentation from the Chair on the outcome of the third trialogue which took place in Strasbourg on 24 March 2009.

Some delegations wanted further clarification as regards the scope of the Regulation to the effect that only pesticides that are plant protection products were covered. In this respect, the FR delegation suggested adding "those" before "pesticides" in Article 1, para 1.

Some delegations also asked for a statement from the Commission on how it intends to implement the Regulation when it comes to the scope.

The IE delegation informed that Ireland would present a statement when the Regulation will be adopted.

The Chair undertook to check whether it was possible for the European Parliament to accept the addition of the word "those" in Article 1, para 1.

- 52. Proposal for a Directive of the European Parliament and of the Council amending Council Directives 77/91/EEC, 78/855/EEC and 82/891/EEC and Directive 2005/56/EC as regards reporting and documentation requirements in the case of merger and divisions**
- **Preparation for the informal trialogue**
7865/09 DRS 24 COMPET 158 CODEC 391

The Committee took note of the Presidency's intention to engage into informal talks with the European Parliament, on the basis of the text set out in 7865/09 ADD 1, and agreed that discussions continue at technical level with a view to a first reading agreement on the proposed Directive.

- 53. Proposal for a Directive of the European Parliament and of the Council amending Directive 2006/116/EC of the European Parliament and of the Council on the term of protection of copyright and related rights (First reading)**
- **Preparation for the informal trialogue**
7734/09 PI 20 CULT 20 CODEC 369

The Committee had an exchange of views on the proposed Directive on the basis of the Note contained in 7734/09 + ADD 1, following which the Chair concluded that in the absence of sufficient support for initiating negotiations with the European Parliament at this stage the examination of the file would continue in the Working Party with a view to further deliberations in the Committee in due course.

- 54. Proposal for a Regulation of the European Parliament and of the Council concerning trade in seal products (First reading)**
- **Preparation for the informal trialogue**
7480/09 ENV 189 AGRI 99 MI 102 COMER 36 PECHE 58 CODEC 345

The Committee held an exchange of views on the basis of options presented by the Presidency, allowing the Presidency to enter into exploratory discussions with the European Parliament.

55. 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 informal trialogue**
7924/09 TELECOM 53 CODEC 407

The Presidency reported on a technical meeting that had taken place in Strasbourg on 24 March. That meeting concluded that there was broad agreement on the proposal and that there were no outstanding issues. The Presidency presented its compromise proposals (as set out in 7924/09), which were acceptable to delegations, and which the Presidency would send together with the usual letters to the European Parliament in view of the vote in ITRE on 31 March.

56. 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 informal trialogue**
7920/09 TELECOM 52 COMPET 162 CODEC 406

The Presidency was given a mandate for a trialogue on 1st April 2009 in view of a first reading agreement.

57. 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 the conciliation**
7788/09 CODEC 379 SOC 195 SAN 56 TRANS 115 MAR 52

Le Comité prépare la réunion du comité de conciliation du 1.4.2009 sur base du document 7788/09 et examine de nouvelles propositions de compromis de la Présidence. Les résultats du débat figurent au document 8191/09 (doc. pour la conciliation).

- **Any other business**

(a) Proposal for a Regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of the construction products

- **Information from the Presidency**
7685/09 MI 107 ENT 59 COMPET 151 CODEC 367

The Committee took note of the information on the state-of-play of the dossier as provided by the Presidency.

- (b) 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)**
- **Information from the Presidency**

The Presidency informed the Committee of its intention to continue informal discussions, with a view to exploring possible ways for reaching an agreement on this proposal in due time.

- (c) Job summit**
- **Request from Spanish delegation**

The Presidency informs the Committee of its provisional plans for the Employment Summit to be held on 7 May 2009.

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