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THE EUROPEAN UNION**

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8487/09

CRS/CRP 16

SUMMARY RECORD

**Subject : 2270th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 7 April 2009**

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

doc. 8432/09 OJ/CRP1 14 + ADD 1

8446/09 OJ/CRP2 14

The above mentioned agenda is approved with the following changes:

The following items are **added** :

(Coreper Part 1, under II)

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

- **Information from the Presidency**

- **Approval of the compromise text with a view to agreement**

8104/1/09 STATIS 41 AGRI 137 ENV 256 CODEC 444 REV 1

+ ADD 1

(Coreper Part 2, under II)

45. a) Proposal for a Regulation of the European Parliament and of the Council establishing a procedure for the negotiation and conclusion of bilateral agreements between Member States and third countries concerning sectoral matters and covering applicable law in contractual and non-contractual obligations

- **Basis for negotiations with the European Parliament with a view to a first reading agreement**

8484/09 JUSTCIV 77 CODEC 516

b) Proposal for a Council Regulation establishing a procedure for the negotiation and conclusion of bilateral agreements between Member States and third countries concerning sectoral matters and covering jurisdiction, recognition and enforcement of judgments and decisions in matrimonial matters, parental responsibility and maintenance obligations, and applicable law in matters relating to maintenance obligations

- **State of play**

8485/09 JUSTCIV 78

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

Coreper Part 1

II

5. **Proposal for a Decision of the European Parliament and of the Council on the participation of the Community in a European metrology research and development programme undertaken by several Member States (First reading)**
 - **Analysis of the final compromise text with a view to agreement**
7842/09 RECH 81 COMPET 156 CODEC 388

The Committee approved the compromise text as set out in 7842/09 which the Presidency would send to the European Parliament with a view to reaching an agreement at first reading.

6. **Preparation of the Council meeting (Agriculture and Fisheries) on 23 and 24 April 2009**
 1. **Communication from the Commission to the European Parliament and the Council on a European Community plan of action for the conservation and management of sharks**
 - **Adoption of the Council conclusions and exchange of views on future Plan of Action**
6158/09 PECHE 29 ENV 85
7804/1/09 PECHE 71 ENV 233 REV 1
7723/09 PECHE 69 ENV 225

The Committee prepared this item and forwarded it to Council. The item is retained on the Council agenda.

2. **Green Paper on the reform of the Common Fisheries Policy**
 - **Presentation by the Commission**
8285/09 PECHE 83

The Committee prepared this item and forwarded it to Council. The item is retained on the Council agenda.

3. **Communication from the Commission to the Council and the European Parliament on Sustainable Development of Community Aquaculture**
 - **Presentation by the Commission**
8286/09 PECHE 84

The Committee prepared this item and forwarded it to Council. The item is retained on the Council agenda.

In addition, the Committee was informed of the following requests to put AOB items on the Council agenda:

Delays in EFF spending by Member States
- Request by the Commission

Eels and CITES
- Request by the Netherlands delegation

Common approach for gill nets in the coastal zone/harbour porpoises
- Request by the Netherlands delegation

7. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1927/2006 on establishing the European Globalisation Adjustment Fund (First reading)

- **Presidency briefing on the outcome of the informal trialogue**
- **Analysis of the compromise text with a view to agreement**
8382/09 SOC 229 ECOFIN 263 FSTR 46 COMPET 189 CODEC 494

The Committee reaches agreement, by a qualified majority, on the text as set out in the Annex to document 8652/09, DE voting against and UK and LV abstaining.

The statements to be entered in the minutes of the Council session at which the Regulation is finally adopted and the statements to be entered in the minutes of the Committee meeting of 7 April are set out, respectively, in Addendum 1 and Addendum 2 to document 8652/09.

8. 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) (This item will be discussed in restricted session)

- **Preparation for the Trialogue within the conciliation**
8475/09 CODEC 515 SOC 240 SAN 70 TRANS 142 MAR 69

Le Comité examine, sur base du document 8475/09, des propositions de compromis de la Présidence en vue du trilogue du 15.4.2009. Les résultats de la discussion figurent au document 8596/09.

9. Proposal for a Decision of the European Parliament and of the Council establishing an audiovisual cooperation programme with professionals from third countries (Media Mundus) (First reading)

- Preparation for the informal trialogue

8237/09 AUDIO 11 RELEX 302 CULT 26 COMPET 179 CODEC 471

The Committee confirms its agreement to the suggested compromise text as contained in the third column of the Annex to document 8237/09, and authorises the Presidency to seek an agreement in first reading on the basis of this text at the forthcoming informal trialogue.

10. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports (First reading)

- Presidency briefing on the outcome of the informal trialogue

- Analysis of the Presidency compromise text

8369/09 AVIATION 62 CODEC 489

The Committee had an in-depth examination of the outstanding issues as well as of the approach to be taken by the Presidency at the informal trialogue on the above proposal on 20 April, on the basis of Annex II of the report to the Committee.

11. 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") (First reading)

- Analysis of final compromise text with a view to agreement

8390/09 TRANS 139 MAR 66 CADREFIN 21 ENV 282 CODEC 498

The Committee endorsed the compromise text submitted by the Presidency and gave the Presidency the mandate to continue negotiations with the European Parliament.

- 12. 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)**
- **Presidency briefing on the outcome of the informal trialogue**
 - **Analysis of the compromise text with a view to agreement**
8298/09 ENT 83 ENV 277 AGRI 147 CODEC 479

The Committee took note of the information provided by the Presidency on the outcome of the informal trialogue held on 31 March 2009. The Committee also approved the compromise text presented by the Presidency in 8298/09 although it expressed doubts as to the pertinence of a certain reference contained in a recital. Consequently, the Committee mandated the Chair to inform the European Parliament accordingly with a view to reaching a first reading agreement on the proposal.

- 13. 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 (First reading)**
- **Presidency briefing on the outcome of the informal trialogue**
 - **Analysis of the final compromise text with a view to agreement**
8409/09 DRS 28 COMPET 193 CODEC 507 + ADD 1

The Chair informed the Committee of recent contacts with the European Parliament's rapporteur, which resulted in a provisional agreement on a global compromise text, as set out in 8409/09 ADD 1.

Following a discussion on the outstanding issues, analyzed in 8409/09, the Committee reached agreement, by qualified majority, on the compromise text set out in 8409/09 ADD 1, as a basis for the adoption of the proposed Directive at first reading. It also mandated the Presidency to inform the European Parliament accordingly.

- 14. Proposal for a Directive of the European Parliament and of the Council on Stage II petrol vapour recovery during refuelling of passenger cars at service stations (First reading)**
- **Preparation for the informal trialogue**
8290/09 ENV 276 ENER 113 IND 37 TRANS 137 CODEC 476

The Committee mandated the Presidency to seek to negotiate a first reading agreement with the European Parliament on the basis of the third column of the table annexed to document 8290/09.

- 15. Proposal for a Decision of the European Parliament and of the Council on interoperability solutions for European public administrations (ISA) (First reading)**
- **Presidency briefing on the outcome of the informal trialogue**
 - **Analysis of the compromise text with a view to agreement**
8359/09 TELECOM 67 COMPET 187 CODEC 486

On 7 April, the Presidency gave a short debriefing on the trilogue, held in Brussels on 1st April 2009.

The Presidency presented to the Committee the compromise proposal (as set out in 8359/09), which was acceptable to delegations and which the Presidency would send to the Parliament in view of the vote in ITRE on 22 April.

- 16. 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**
 - **Information from the Presidency**
 - (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**
 - **Presidency briefing on the outcome of the informal trialogue**
 - **Analysis of the compromise text with a view to agreement**
8365/09 TELECOM 68 MI 140 COMPET 188 DATAPROTECT 23
CONSOM 71 CODEC 487
 - (c) **Proposal for a Regulation of the European Parliament and of the Council establishing the Group of European Regulators in Telecoms**
 - **Information from the Presidency**

This item was discussed in restricted session.

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

- **Information from the Presidency**

- **Approval of the compromise text with a view to agreement**

8104/1/09 STATIS 41 AGRI 137 ENV 256 CODEC 444 REV 1 + ADD 1

The Committee approved the text of the draft Regulation on which an agreement had been found with the European Parliament, with the addition of the word "those" in Article 1(1) and a statement from the Commission to be added to the minutes of the Council.

However, the BG delegation entered a scrutiny reservation on the non-agricultural use and indicated that this delegation might present a statement when the Regulation is adopted.

Coreper Part 2

II

34. Debriefing from Informal ECOFIN Council (Prague, 3/4 April 2009)

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

35. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 5 May 2009

The Committee agreed the provisional agenda for this Council meeting.

36. Debriefing from the G20 meeting (London, 2 April 2009)

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

37. European Economic Recovery Plan

- **Information on the contacts with the European Parliament and preparation of the next informal trialogue**
8444/09 ENER 115 ECOFIN 267 CODEC 510

The Presidency informed the Committee of the outcome of the trilogue meetings with the European Parliament and agreed on the way forward as regards the second trilogue meeting with the ITRE Committee, scheduled on 14 April (tbc).

38. Relations with the Gulf States/GCC

- **Preparation of the 19th EU-GCC Joint Council and Ministerial meeting (Muscat, 29 April 2009): Draft EU-GCC Joint Communiqué**
8128/2/09 REV 2 GOLFE 1 COMEM 62 PESC 417

The Committee examined the one outstanding issue remaining, namely paragraph 4 of point 3.1 "Developments in the Middle East" (Middle East Peace Process) of the draft declaration, the Presidency recalled that all delegations, except one (NL), had supported the Presidency's draft proposal which stuck to agreed language. As the Dutch delegation insisted to refer to the Quartet principles the Presidency offered a compromise text in paragraph 5 of point 3.1 "Developments in the Middle East". DE and FR supported the Presidency's compromise text.

However, NL could not accept this compromise text today. Consequently the Presidency decided to give a deadline (Thursday 9 April noon) to the Dutch delegation with a view to lifting its reservation on this paragraph. If the NL cannot accept the Presidency's compromise text by Thursday 9 April noon, the Presidency indicated that point 3.1 "Developments in the Middle East" (Middle East Peace Process) would be left out of the draft declaration and a placeholder would be placed for discussion by the Ministers in GAERC of 27 April 2009.

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

The Committee was debriefed on the discussions held during the informal meeting of the European Union Heads of State or Government with the President of the United States of America.

40. Preparation of the Council meeting (General Affairs and External Relations) on 27/28 April 2009

a) General Affairs

- Other items in connection with the Council meeting

Le Comité fait le point de l'état de préparation des autres points figurant à l'ordre du jour provisoire de la session Affaires générales.

Le Comité a été informé de l'état des préparations de deux sommets qui auront lieu à Prague, notamment le sommet sur l'emploi prévu le 7 mai, ainsi que le sommet du corridor sud, prévu le 8 mai.

b) External Relations

- Other items in connection with the Council meeting

Le Comité fait le point de l'état de préparation des autres points figurant à l'ordre du jour provisoire de la session Relations extérieures.

Le Comité a été aussi informé de l'état des préparations du sommet sur le partenariat orientale prévu à Prague le 7 mai.

41. Follow-up to the Council meeting (Justice and Home Affairs) on 6 April 2009

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

42. Free Trade Agreement with South Korea

- Draft provisions on criminal enforcement

8442/09 DROIPEN 19 WTO 66 COASI 49 RESTREINT UE

The Committee examined the draft criminal provisions on criminal sanctions for infringements of Intellectual Property Rights to be included in the Free Trade Agreement, currently under negotiation with Korea, on the basis of document 8442/09 DROIPEN 19 WTO 66 COASI 49 RESTREINT UE.

The outcome of the discussions is set out in 8602/09 DROIPEN 21 WTO 70 COASI 56 RESTREINT UE.

The following statement is made by the SE delegation :

"Regarding the provision in article 10.24.2 on Geographical indications, designs and copyright related rights counterfeiting, Sweden accepts the proposed wording as put forward by the Presidency during the Coreper meeting on 7 April 2009.

Sweden considers that this wording is specific to the EU-South Korea Free Trade Agreement and is without prejudice to future Free Trade Agreement negotiations."

43. Proposed readmission agreement between the European Community and the Kingdom of Morocco

The Committee held an exchange of views on the current state of the negotiations and asks the Working Party on Migration to examine the technical aspects of the draft Readmission Agreement with a view to reporting back on the outcome of that examination to the Committee.

45. a) **Proposal for a Regulation of the European Parliament and of the Council establishing a procedure for the negotiation and conclusion of bilateral agreements between Member States and third countries concerning sectoral matters and covering applicable law in contractual and non-contractual obligations**
- **Basis for negotiations with the European Parliament with a view to a first reading agreement**
8484/09 JUSTCIV 77 CODEC 516
- b) **Proposal for a Council Regulation establishing a procedure for the negotiation and conclusion of bilateral agreements between Member States and third countries concerning sectoral matters and covering jurisdiction, recognition and enforcement of judgments and decisions in matrimonial matters, parental responsibility and maintenance obligations, and applicable law in matters relating to maintenance obligations**
- **State of play**
8485/09 JUSTCIV 78

The amendments proposed in the two working documents from the Presidency and the working document from the FI and SE delegations were accepted. An oral amendment from the PL delegation concerning Article 5a was equally accepted.

The outcome of the discussions on the two sub-items are set out in 8609/09 JUSTCIV 80 CODEC 530 and 8610/09 JUSTCIV 81 respectively.

The Commission representative announced that the Commission was ready to make a statement at the time of the adoption of the two Regulations indicating that Member States which have concluded broad legal assistance agreements prior to their accession to the European Union should renegotiate such agreements in line with the second subparagraph of Article 307 of the EC Treaty in order to eliminate any incompatibilities with the Community acquis, including on matters such as jurisdiction, recognition and enforcement in civil and commercial matters. The Commission would offer all its cooperation to achieve a satisfactory result with regard to these specific agreements.

The Member States expressed their satisfaction with this announced statement.

- **Any other business**
 - (a) **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 on further steps**

The Presidency informed the Committee that the European Parliament adopted on 25 March 2009 its first reading legislative resolution containing 80 amendments (doc. 7990/09 - outcome of the European Parliament's first reading). The Committee took note of the Presidency intention to continue the discussion in the Council in view of reaching a political agreement on the above proposal at the AGRI Council in May or June 2009.

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

The Chair informed the Committee of the outcome of the Intellectual Property Attachés meeting on 3 April 2009 and reiterated the need to continue the examination of the proposed Directive in the Working Party, with a view to reaching an agreement in due time.
