



**COUNCIL OF
THE EUROPEAN UNION**

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8553/11

CRS/CRP 15

SUMMARY RECORD

**Subject : 2358th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 30 March 2011**

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

doc. 8299/11 OJ/CRP1 12 + ADD 1

8301/11 OJ/CRP2 12

The above mentioned agendas are approved with the following changes :

The following item is **added** :

(Coreper Part 1, under II)

53. Preparation of the Council meeting (Transport, Telecommunications and Energy) on 31 March 2011

- **Proposal for a Council Decision concerning the accession of the European Union to the Protocol of 2002 to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974 (*Non-legislative activity*)**
 - **Adoption of Council position**
17511/10 MAR 127 + COR 1
8338/11 MAR 49 JUSTCIV 72

The following item is **withdrawn** :

(Coreper Part 1, under I)

9. Proposal for a Directive of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment (recast) (First reading) (Legislative deliberation + Statement)

- **Adoption of the legislative act**
PE-CONS 62/10 ENV 835 MI 525 CODEC 1456
+ REV 1 (pt)
+ COR 1 (de)
8117/11 CODEC 483 ENV 228 MI 151 + ADD 1

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 **PT** delegation on the following item :

20. Proposal for a Regulation of the European Parliament and of the Council on amending Regulation (EC) No 1060/2009 on credit rating agencies (First reading)

- Adoption of the legislative act

PE-CONS 70/10 EF 218 ECOFIN 877 CODEC 1581

8116/11 CODEC 482 EF 37 ECOFIN 162 + ADD 1

"Portugal strongly supports giving ESMA the statute of a truly European supervisor for credit rating agencies and thus welcomes the proposed regulation assigning ESMA competences on the registration and supervision of credit rating agencies.

Nevertheless, Portugal regrets that the enforcement powers being given to ESMA in the proposed regulation are seemingly weaker than the enforcement powers currently granted to national competent authorities enforcing financial legislation on market participants. Although ESMA is granted sanctioning powers, it would be a mistake, in our view, if those powers were limited to a quasi-mechanical application of criteria and amounts set out in the legislation. Especially in the outset of ESMA's establishment, Portugal expects that ESMA's enforcement powers will not be limited just to whether or not to apply the sanction."

At the same item (**pt-20, credit rating agencies**) another declaration is made :

"Declaration from the United Kingdom, Spain, the Netherlands, Sweden, Austria, Finland, Hungary, Ireland and Luxembourg

The above mentioned Member States welcome the revision of Regulation 1060/2009, which will allow the European Securities and Markets Authority (ESMA) to supervise credit rating agencies in line with the agreement reached on the supervisory package in the EU. Also, these Member States welcome in particular the fact that ESMA will, in co-operation with EBA and EIOPA, issue and update guidelines on the application of the endorsement regime under article 4(3) by 7th June 2011. These guidelines are necessary to clarify that endorsement can take place if the third country's regulatory regime or, in the absence of such regulatory requirements, the credit rating agency itself applies requirements which are at least as stringent as the requirements set out in articles 6-12 of Regulation 1060/2009. The endorsing credit rating agency shall remain responsible to ESMA for compliance with such requirements, in accordance with paragraph 5 of Article 4 of Regulation 1060/2009."

Coreper Part 1

II

10. Proposal for a Council Regulation on a European private company (Legislative deliberation)

- **Political agreement**
11252/08 DRS 17
8083/11 DRS 42 SOC 275
8084/11 DRS 43 SOC 276

The Committee examined the Presidency compromise text on the main outstanding issues as reflected in document 8083/11, took note of delegations' positions and comments, and will revert to this matter at one of its forthcoming meetings.

11. Proposal for a Directive of the European Parliament and of the Council amending Directive 2000/75/EC as regards vaccination against bluetongue (First reading) (Legislative deliberation)

- **Presidency briefing on the outcome of the informal trialogue**
- **Analysing the remaining outstanding issue**
7939/11 AGRILEG 36 VETER 10 CODEC 457 + ADD 1

The Committee took note of the draft text resulting from Presidency negotiations with the European Parliament and reconfirmed the Presidency's mandate (as set out in document 5498/11, agreed by the Committee on 26 January 2011) regarding the correlation tables. It authorised the Presidency to inform the European Parliament accordingly.

12. 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)

- **Presidency briefing on the outcome of the informal trialogue**
7378/11 CULT 14 CODEC 357
+ ADD 1 REV 1

The Committee took note of the information provided by the Presidency on the outcome of the informal trialogue on 22 March 2011 and on the next steps envisaged for the handling of this file, in particular the fact that a further informal trialogue will take place on 12 April 2011.

13. Submission of information on forest management reference levels by the European Union, as requested by Decision -/CMP.6 on land use, land use change and forestry
- Follow-up
8152/11 ENV 232 ONU 53 FORETS 27 AGRI 245

The Committee agreed to use the silence procedure with a view to endorsing the Presidency's compromise suggestion outlined hereunder:

The Committee agrees on the following intervals for the caps: 4-6% for the cap on credits; 8-12% for the cap on debits.

In any case, the principle to keep the cap on debits at as close as possible to twice the cap on the credits should be respected.

Whilst the intervals represent the EU's position in negotiations under the UNFCCC the EU retains the flexibility to make adjustments, as appropriate, in the light of developments in the negotiations.

Furthermore, the intervals assume that a future international agreement will include provisions that address emissions related to force majeure events and accounting for changes in the harvested wood products pool, for which the EU has expressed its preference in the October 2009 and March 2010 Council Conclusions, in particular as regards emission peaks related to salvage logging. In case the UNFCCC negotiations do not adequately address these issues, the Commission will consider ways to address them in the EU's domestic implementation and make proposals, as appropriate, while ensuring environmental integrity. Subsequently, Working Party on International Environment Issues (Climate change) will finalise the submission to the UNFCCC Secretariat.

The silence procedure elapsed without any objections being raised.

Two Member States asked for their statements to be recorded.

Finland made the following statement:

"Finland is willing to agree on the Presidency's compromise proposal on caps (doc. 8152/11) with the following clarifications:

Finland recalls the agreement reached by the EU Environment Ministers at the Cancun COP-16 Conference and confirmed by the Environment Council Conclusions of March 2011, whereby the compensation of deforestation (art. 3.3 of the Kyoto Protocol) with sustainable forest management (as in the Kyoto Protocol art. 3.4) was maintained as a part of the reference level approach under the UNFCCC. In countries with considerable forest cover the societal development will inevitably cause deforestation.

The emissions caused by this development should be allowed to be compensated by any corresponding sinks due to forest management activities. This simply means summing up all relevant LULUCF categories before any caps are applied in accounting."

Germany made the following statement:

"Germany would be ready to agree to a lower credit (3%) and a wider factor (above 2) between credits and debits if the international negotiations lead into this direction."

- 14. 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)**
- **Presidency briefing on the outcome of the informal trialogue**

The Presidency informed the Committee on the results of the second informal trialogue on Eurovignette, held in Brussels on 22 March 2011.

- 53. Preparation of the Council meeting (Transport, Telecommunications and Energy) on 31 March 2011**

- **Proposal for a Council Decision concerning the accession of the European Union to the Protocol of 2002 to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974 (*Non-legislative activity*)**
 - **Adoption of Council position**
17511/10 MAR 127 + COR 1
8338/11 MAR 49 JUSTCIV 72

The Committee continued its examination of the proposal for a Council position, as set out in 8338/11. Following this examination, the Presidency decided to modify the proposal and to submit an amended proposal to the TTE Council on 31 March 2011.

Coreper Part 2

II

43. Preparation of the Council meeting (Justice and Home Affairs), on 11-12 April 2011

- a) **Commission report on the joint review of the implementation of the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging data from the European Union to the United States for the purpose of the Terrorist Finance Tracking Program**
8142/11 JAI 186 USA 23 RELEX 302 DATAPROTECT 20

The Commission explained the late transmission of the report and gave a short indication of the main content of the report, which the Commissioner will present at the Council meeting of 11 April 2011.

- b) **Proposal for a Directive of the European Parliament and of the Council on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorists offences and serious crime**
- **The possible inclusion of intra EU flights**
8016/11 GENVAL 27 AVIATION 62 DATAPROTECT 16 CODEC 466
8230/11 JUR 115 GENVAL 29 AVIATION 72 DATAPROTECT 21
CODEC 509

Delegations debated the four options set out in the Presidency note. The UK proposal to include intra-EU flights was supported by a large number of Member states with some supporting Member States expressing a preference for option 4, and one for option 3 and FI position was preliminary. Five delegations stated their opposition to the UK proposal or expressed a preference for the current Commission proposal.

c) **Other items in connection with the Council meeting**

Presidency gave some practical information about the agenda of the Council.

44. **Relations with the European Parliament (April 2011)** 8150/11 PE 140 INST 173 POLGEN 57 CODEC 495

Le Comité a eu un échange de vues sur les relations entre le Conseil et le Parlement européen sur base d'une note fournie par le Secrétariat Général du Conseil.

45. Proposal for a Council Decision on the signature of the regional Convention on pan Euro-Mediterranean preferential rules of origin

- Adoption

8386/11 UD 78 COWEB 72 + ADD 1
9124/2/10 REV 2 UD 118 COWEB 327
9429/10 UD 126 COWEB 326
+ COR 1 (de) + COR 2 (fr) + COR 3
+ REV 1 (lt)

The Committee noted the agreement of all delegations on the text of the draft Council Decision contained in document 9124/2/10 REV 2, with the text of the declaration in Annex I to this document modified to read as follows: "The European Union states that the reference to Kosovo prejudices neither the European Union Member States' position nor any European Union position on the status of Kosovo nor the European Union Member States' right to determine their relations with Kosovo."

The Committee also noted that all delegations agreed to recommend to the Council to decide:

- a) under the "A" items of its meeting on 14 April 2011, to adopt the Council decision on the signature of the regional Convention on pan-Euro-Mediterranean preferential rules of origin, as contained in document 9124/3/10 REV 3;
- b) to enter in the minutes of the Council adopting the Council Decision on the signature of the regional Convention on pan-Euro-Mediterranean preferential rules of origin, the joint statement made by Bulgaria, the Czech Republic, Germany, Estonia, Hungary, Austria, Portugal, Romania, Slovenia and Finland on Enhanced cumulation rules of origin between the EU, the EFTA States, the participants in the European Union's stabilization and association process and Turkey; and the statement by UK supported by the Czech Republic, Denmark, Germany, Estonia, Ireland, Italy, Latvia, Lithuania, the Netherlands, Austria, Poland, Belgium and Finland related to the references to Kosovo in all EU documents.

46. Follow up to the Council meeting (General Affairs), on 21 March 2011

Le Comité est informé du suivi que la présidence entend donner à la session du Conseil Affaires générales.

47. Preparation of the Council meeting (General Affairs), on 13 April 2011
- 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 du Conseil Affaires générales.

48. Follow up to the European Council on 24-25 March 2011

Le Comité prend acte des résultats du Conseil européen des 24-25 mars 2011.

49. Follow up to the Council meeting (Foreign Affairs), on 21 March 2011

Le Comité est informé du suivi que la HR a l'intention de donner à la session du Conseil Affaires étrangères.

50. Preparation of the Council meeting (Foreign Affairs) on 12 April 2011
- 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 du Conseil Affaires étrangères.

51. EU-Russia Summit
- Orientation debate

8280/11 COEST 102 PESC 410 POLGEN 60 RESTREINT UE

The Committee had an exchange of views on preparations for the EU- Russia Summit (Russia, early June 2011) on the basis of a note issued under the responsibility of the Cabinet of the President of the European Council, in close cooperation with the Presidency of the Council, the Commission services and the European External Action Service (doc. 8280/11 RESTREINT UE).

52. EU-Japan Summit

- Orientation debate

8263/11 COASI 54 PESC 408 RELEX 310 POLGEN 59 WTO 132 RESTREINT UE

The Committee had a preliminary discussion on preparations for the next EU-Japan Summit on the basis of an orientation note distributed under the responsibility of the Cabinet of the President of the European Council, in close cooperation with the Presidency, the Commission services and the EEAS.
