



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 12 May 2011

8784/11

CRS/CRP 16

SUMMARY RECORD

**Subject : 2359th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 7, 8 and in Luxembourg on 12 April 2011**

SUMMARY

Page

1. Adoption of the provisional agenda and items "I" 10

Coreper Part 2

I

2. Case T-156/11 before the General Court Since Hardware (Guangzhou) Co. Ltd. v. Council of the European Union
3. Resolutions, Decisions and Opinions adopted by the European Parliament at its part-session in Brussels, on 23-24 March 2011
4. Council Decision appointing one Spanish member of the Committee of the Regions
5. Outcome of the triologue on 30 March 2011
6. Proposal for transfer of appropriations No DEC6/2011 within Section III - Commission - of the general budget for 2011
7. Proposal for transfer of appropriations No DEC7/2011 within Section III - Commission - of the general budget for 2011
8. Proposal for transfer of appropriations No DEC8/2011 within Section III - Commission - of the general budget for 2011
9. Amended Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/1999 concerning investigations conducted by the European Anti-fraud Office (OLAF) and repealing Regulation (EURATOM) No 1074/1999
10. Macro-financial assistance : draft letter from the President of the Council to the Commissioner for Economic and Monetary Affairs
11. Proposal for a Decision of the European Parliament and of the Council providing further macro-financial assistance to Georgia
12. Council Decision on the arrangements for the negotiation of a Monetary Agreement with the French Republic, acting for the benefit of the French overseas collectivity of Saint-Barthélemy

13. Council Decision amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the National Bank van België/Banque Nationale de Belgique
15. Relations with the Republic of Moldova
 - Council Decision on the conclusion of a Protocol to the Partnership and Co-operation Agreement between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, on a framework Agreement between the European Union and the Republic of Moldova on the general principles for the participation of the Republic of Moldova in Union programmes
16. Relations with Palestinian Authority/Palestine Liberation Organization
 - a) Proposal for a Council Decision on the signature of an Agreement in the form of an Exchange of Letters between the European Union, of the one part, and the Palestinian Authority of the West Bank and the Gaza Strip, of the other part, providing further liberalisation of agricultural products, processed agricultural products and fish and fishery products and amending the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part
 - b) Proposal for a Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Union, of the one part, and the Palestinian Authority of the West Bank and the Gaza Strip, of the other part, providing further liberalisation of agricultural products, processed agricultural products and fish and fishery products and amending the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part
 - c) Request by the Council for the European Parliament's approval
17. Enlargement
 - Accession negotiations with Iceland
 - = Outcome of screening on Chapter 10 : Information society and media
18. Relations with Croatia
 - Amendments to Protocol 4 to the Stabilisation and Association Agreement
19. Iran
 - a) Council Decision concerning restrictive measures directed against certain persons and entities in view of the situation in Iran
 - b) Council Regulation concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran

20. Libya
 - a) Council implementing Decision implementing Council Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya
 - b) Council implementing Regulation implementing Article 16(1) and (2) of Council Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya
21. Council Decision amending Council Decision 2010/232/CFSP renewing restrictive measures against Burma/Myanmar
22. Draft Council Conclusions concerning the Implementation Plan of the EU Strategy for supporting disaster risk reduction in developing countries 2011-2014
23. Proposal for a Council Directive amending Directive 2003/109/EC to extend its scope to beneficiaries of international protection (First Reading)
24. Proposal for a Regulation of the European Parliament and of the Council implementing the bilateral safeguard clause of the EU-Korea Free Trade Agreement (First Reading)
25. Proposal for a Regulation (EU) of the European Parliament and of the Council amending Council Regulation (EC) No 732/2008 applying a scheme of generalised tariff preferences for the period from January 2009 to 31 December 2011 (First Reading)
26. Draft Council conclusions on cooperation between Europol and the SECI Center/SELEC

II

27.	Preparation of the Council meeting (Justice and Home Affairs) on 11/12 April 2011	
a)	Proposal for a Directive on attacks against information systems	12
b)	Proposal for a Directive on combating the sexual abuse, sexual exploitation of children and child pornography, and repealing Framework Decision 2004/68/JHA	12
c)	Proposal for a Directive of the European Parliament and of the Council on the right to information in criminal proceedings	12
d)	Southern Neighbourhood Region	13
e)	Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX)	13
f)	Proposal for a Regulation of the European Parliament and of the Council on establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice	13
g)	Other items in connection with the Council meeting	13
28.	Preparation of the Council meeting (General Affairs) on 13 April 2011	
a)	Follow up to the European Council meetings	13
b)	Danube Region Strategy	14
c)	Other items in connection with the Council meeting	14
29.	European Union Civil Service Tribunal (restricted session)	15
30.	Judgment of the General Court in Case T-233/09 (Access Info Europe v. Council of the European Union)	15
31.	Preparation of the Council meeting (Foreign Affairs) on 12 April 2011	
a)	Southern Neighbourhood including Libya	15
b)	Middle East	15
c)	Southern Caucasus	16
d)	Belarus	16
e)	Human Rights	16

f)	EEAS	16
g)	Yemen	16
h)	Bahrain	16
i)	Libya	17
j)	Syria	17
l)	Other items in connection with the Council meeting	17

I

32. Reply to written questions put to the Council by Members of the European Parliament

- (a) n° E-010149/2010 put by Charles Tannock
"The case of Farid Tukhbatullin"
- (b) n° E-000193/2011 put by Ilda Figueiredo and João Ferreira
"Community funding for the repressive Honduran government"
- (c) n° E-000421/2011 put by Ilda Figueiredo
"Argentinian sovereignty over the Falkland Islands"
- (d) n° E-000702/2011 put by Sonia Alfano
"Combating homophobia and discrimination based on sexual orientation in the EU - repeated homophobic utterances by the Italian Prime Minister"
- (e) n° E-000878/2011 put by Raül Romeva i Rueda
"Human Rights Watch report"
- (f) n° E-001051/2011 put by Martin Ehrenhauser
"Disciplinary proceedings - Annex IX, Article 3, of the EU Staff Regulations"
- (g) n° E-001184/2011 put by Axel Voss and Ernst Strasser
"European Investigation Order and European Evidence Warrant"
- (h) n° E-001232/2011 put by Raül Romeva i Rueda
"Unpunished rape in India"
- (i) n° E-001243/2011 put by Georgios Papastamkos
"International Agreement on the protection of the Prespa Park"
- (j) n° E-001289/2011 put by Iva Zanicchi and Salvatore Iacolino
"Combating match fixing in European football"
- (k) n° E-001400/2011 put by Csanád Szegedi
"EU membership conditions for Serbia"
- (l) n° E-001473/2011 put by László Surján
"Persecution of Christians"
- (m) n° E-001552/2011 put by Fiorello Provera
"Clashes in Darfur displacing thousands"
- (n) n° E-001561/2011 put by Dominique Baudis
"Amendment to Article 23 of the ENPI Regulation"
- (o) n° E-001573/2011 put by João Ferreira
"European Innovation Scoreboard"
- (p) n° E-001647/2011 put by Oreste Rossi
"Water table of the Mayan Riviera at risk"

33. Consumption of EAGF appropriations for the period from 16 October 2010 to 31 January 2011

34. Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean
35. Proposal for a Council Decision on access by fishing vessels flying the flag of the Bolivarian Republic of Venezuela to the exclusive economic zone off the coast of the French department of Guiana
36. Draft Commission Regulation of [...] determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, certain restrictions applicable to the use of international credits from projects involving industrial gases
37. Draft Commission Decision of [...] on establishing the ecological criteria for the award of the EU Ecolabel for Personal Computers
38. Draft Commission Decision of [...] on establishing the ecological criteria for the award of the EU Ecolabel for Notebook Computers
39. Draft Commission Decision of [...] on establishing the ecological criteria for the award of the EU Ecolabel for light sources
40. Draft Commission Decision of [...] on establishing the ecological criteria for the award of the EU Ecolabel for copying and graphic paper
41. Draft Commission Regulation of [...] on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer
42. Draft Commission Decision on the safety requirements to be met by European standards for gymnastic equipment pursuant to Directive 2001/95/EC of the European Parliament and of the Council
43. Draft Commission Decision on the safety requirements to be met by European standards for stationary training equipment pursuant to Directive 2001/95/EC of the European Parliament and of the Council
44. Draft Commission Decision on the safety requirements to be met by European standards to address certain risks posed to children by internal blinds, corded window coverings and safety devices pursuant to Directive 2001/95/EC of the European Parliament and of the Council (Text with EEA relevance)
45. Proposal for a Council Directive amending Directive 98/8/EC of the European Parliament and of the Council to include creosote as an active substance in Annex I thereto
46. Special Report No 10/2010 from the European Court of Auditors entitled "Specific measures for agriculture in favour of the outermost regions of the Union and the smaller Aegean islands"

47. Draft Council conclusions on a strategy to prepare certain neighbouring countries for accession to the 1987 EC-EFTA Conventions on a common transit procedure and the simplification of formalities in trade in goods
48. Draft Council Decision amending Council Decision of 26 July 2010 on the participation of the European Union in negotiations of amendments to the 1998 Protocol on Heavy Metals to the 1979 Convention on Long-Range Transboundary Air Pollution

II

49. 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)18
50. Preparation for the Council meeting "Agriculture and Fisheries" on 14 April 2011
 1. Proposal for a Council Directive amending Council Directive 91/414/EEC to renew the inclusion of carbendazim as active substance (*Non-legislative activity*)18
 2. Communication from the Commission to the European Parliament and the Council: Review of fishing effort management in western waters (*Non-legislative activity*)18
51. Proposal for a Regulation of the European Parliament and of the Council on textile names and related labelling of textile products (Second reading) (Legislative deliberation)19
- Any other business
 - Meeting between the Presidency, European Parliament and the Commission on the EP-Council relations (Strasbourg, 6 April 2011)19

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

doc. 8667/11 OJ/CRP1 13

8614/1/11 REV 1 OJ/CRP2 13 COMIX 203 + REV 1 EXT 1 + CM 2500/11

+ CM 2500/1/11 REV 1

The above mentioned agendas are approved with the following changes :

The following items are **added** :

(Coreper Part 2, under I)

52. Council Decision appointing one Italian member of the Committee of the Regions

8751/11 CDR 20

8749/11 CDR 19

53. Approval of "OP EUFOR Libya - Draft Concept of Operations and the Provisional Statement of requirements"

8936/11 PESC 481 COSDP 351 COMAG 54 COHAFA 34

LIBYE 9

RESTREINT UE

8937/11 PESC 482 COSDP 352 COMAG 55 COHAFA 35

LIBYE 10

RESTREINT UE

(Coreper Part 2, under II)

31. Preparation of the Council meeting (Foreign Affairs) on 12 April 2011

m) Côte d'Ivoire

- Draft Council conclusions

8677/11 PESC 443 COAFR 112 ACP 80 COSDP 322 RELEX 345

COHAFA 26

n) Burma/Myanmar

- Draft Council conclusions

8736/11 PESC 456 COASI 64

The following item is **withdrawn** :

(Coreper Part 2, under I)

14. (poss.) Relations with Russia

- Establishment of the position of the European Union for the eighth EU-Russia Permanent Partnership Council (Foreign Ministers) to be held in Luxembourg on 12 April 2011

8586/11 NIS 36 COEST 115

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

- 31. Preparation of the Council meeting (Foreign Affairs) on 12 April 2011**
k) **Relations with Gulf States/GCC preparations 21st EU-Joint Council and Ministerial Meeting in Abu Dhabi, 20 April 2011**
= **Draft Communiqué and Agenda**
8598/11 GOLFE 5 COMEM 112 PESC 435

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

Coreper Part 2

II

27. Preparation of the Council meeting (Justice and Home Affairs) on 11/12 April 2011

a) **Proposal for a Directive on attacks against information systems**

- **Partial general approach**
8508/11 DROIPEN 24 TELECOM 39 CODEC 561

Further to an intensive set of meetings of the Council preparatory bodies prior to the meeting of the Committee, the Presidency has submitted to the attention of the Committee a possible compromise package proposal with a view to presenting it to the Council.

The discussions of the Committee demonstrated that there were some policy issues which would need further guidance from the Council in order the Council preparatory bodies to finalise the work on the proposal. In this respect, it was decided that the Council should be invited to give a political guidance on the outstanding issues and to take note of the current state of play of the work on the proposal.

DK made the following statement:

"The solution found in Art. 16 and reflected in recital 19 is based on an interpretation of Protocol (No 22) on the position of Denmark, which Denmark cannot agree to. "

b) **Proposal for a Directive on combating the sexual abuse, sexual exploitation of children and child pornography, and repealing Framework Decision 2004/68/JHA**

- **Information from the Presidency on the trialogue with the European Parliament**

The Committee took note of the report by the Presidency on the trialogue with regard to this file.

c) **Proposal for a Directive of the European Parliament and of the Council on the right to information in criminal proceedings**

- **Information from the Presidency on the trialogue with the European Parliament**

The Committee confirmed that this item would be dealt with at the JHA Council meeting in order to inform the Ministers on the state of play in the negotiations with the European Parliament on the draft Directive.

- d) **Southern Neighbourhood Region**
 - **Draft Council conclusions**
8650/11 ASIM 31 COMIX 208

COMIX/Committee prepared the Ministerial discussion to be held during the Council meeting in Luxembourg. A letter from Commissioner Malmström setting out the Commission's ideas on the way forward was circulated.

- e) **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX)**
 - **State of play**
8518/11 FRONT 39 CODEC 563 COMIX 198

The Committee concluded that the state of play would be submitted to the Mixed Committee at Ministerial level.

- f) **Proposal for a Regulation of the European Parliament and of the Council on establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice**
 - **Preparation of the possible agreement with the European Parliament (outstanding issues)**
8327/11 JAI 198 SIRIS 22 VISA 59 EURODAC 10 ENFOPOL 86
EUROJUST 37 COMIX 188 CODEC 519

This item was discussed at the Mixed Committee meeting.

- g) **Other items in connection with the Council meeting**

The organization of the two-days JHA meeting has been finalized.

28. Preparation of the Council meeting (General Affairs) on 13 April 2011

- a) **Follow up to the European Council meetings**
 - **Report by the Presidency**
8651/11 CO EUR-PREP 15 POLGEN 63

The Committee took note of the report by the Presidency on the state of play of the operative steps already taken further to the decisions taken by the European Council at its meetings on 4 February, 11 March and 24/25 March 2011.

b) Danube Region Strategy

- Council conclusions

8388/11 FSTR 13 FC 13 REGIO 25 SOC 300 + ADD 1

The Committee invited the Council to adopt the Conclusions on the European Union Strategy for the Danube Region as set out in document 8388/11.

Declaration by the German and Bulgarian delegation

Hungary associated itself with the first two paragraphs of this declaration

"Germany and Bulgaria declare that they cannot agree to the following target proposed in section 3.1 of the Communication from the European Commission (COM(2010) 715 final): *"Remove existing navigability bottlenecks on the river so as to accommodate type VIb vessels all year round by 2015"*.

The target proposed under 3.1 (second indent incl. footnote) involves stipulations going beyond the minimum requirements for modernising according to the TEN-T guidelines (Decision No 661/2010/EU) in terms of waterway classes, year-round navigability and draught. These cannot be met in the same way by all sections of the Danube. The parameters for modernising must therefore be oriented towards the specific conditions in the individual sections.

The outcome of the current EU-supported study to conduct variant-independent research on the Danube between Straubing and Vilshofen is entirely open. The study is not geared towards the "class VIb" target."

Declarations by the Austrian and Romanian delegation

"Austria and Romania share the reservation against the target referred to in the German and Bulgarian declaration. They express the expectation that this target will be reworked in accordance with the procedure laid down in the Council conclusions (doc. 8388/11)."

c) 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.

29. European Union Civil Service Tribunal (restricted session)

- **Appointment of three judges**
8524/11 JUR 147 COUR 15
8108/11 JUR 107 COUR 7
+ COR 1
+ ADD 1 to 9

On the basis of the opinion of the consultative committee, the Committee had an exchange of views on the appointment of three judges to the Civil Service Tribunal of the European Union. The item was referred to the Antici Group for further discussion.

30. Judgment of the General Court in Case T-233/09 (Access Info Europe v. Council of the European Union)

8421/11 JUR 137 API 30 + COR 1

The Committee discussed the implications of the judgment of the General Court in Case T-233/09 (Access Info Europe v. Council of the European Union) on the Council's future practice. A clear majority of delegations was in favour of appealing the judgment. A formal decision would be taken in due time.

31. Preparation of the Council meeting (Foreign Affairs) on 12 April 2011

a) Southern Neighbourhood including Libya

The EEAS informed the Committee about the state of preparations for the FAC of 12 April 2011 which will start, over working lunch, with a discussion on developments in the EU's Southern Neighbourhood, focusing on Libya, and including Syria, Yemen and Bahrain.

b) Middle East

The EEAS informed the Committee about the state of preparations for the FAC of 12 April 2011. The Council will hold an exchange of views on the Middle East Peace Process ahead of the international meeting of the Ad hoc Liaison Committee, to be hosted by the High Representative on 13 April in Brussels.

c) Southern Caucasus

The Committee takes note of the decision of the High Representative to postpone the discussion by the Foreign Affairs Council of the Southern Caucasus to a future meeting of the Council.

d) Belarus

The Committee prepares the discussion by the Foreign Affairs Council on the situation in Belarus and the options for further EU measures.

e) Human Rights

Le Comité a été informé que le but de ce point, au Conseil Affaires Étrangères, était un débat d'orientation, préparé par une note de présentation qui serait envoyée avant le Conseil.

f) EEAS

EEAS indicated that the Ministers will continue the discussions started at the Gymnich.

g) Yemen

- **Draft Council conclusions**
8648/11 COMEM 115 PESC 439

The Committee agreed draft Council Conclusions on Yemen (doc. 8648/11) and forwarded them to the Council with a view to their adoption on 12 April 2011.

h) Bahrain

- **Draft Council conclusions**
8647/11 COMEM 114 PESC 438

The Committee agreed draft Council Conclusions on Bahrain (doc. 8647/11) and forwarded them to the Council with a view to their adoption on 12 April 2011.

i) Libya

- Draft Council conclusions

8794/11 COMAG 49 LIBYE 7 PESC 463 JAI 226 COHAFA 29 POLMIL 15

The Committee agreed draft Council Conclusions on Libya (doc. 8674/1/11+ 8794/11) and forwarded them to the Council with a view to their adoption on 12 April 2011.

j) Syria

- Draft Council conclusions

8676/11 COMAG 46 PESC 442

The Committee agreed draft Council Conclusions on Syria (doc. 8676/11) and forwarded them to the Council with a view to their adoption on 12 April 2011.

l) 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.

m) Côte d'Ivoire

- Draft Council conclusions

8677/11 PESC 443 COAFR 112 ACP 80 COSDP 322 RELEX 345
COHAFA 26

The Committee agreed draft Council Conclusions on Côte d'Ivoire (doc. 8677/1/11 REV 1) and forwarded them to the Council with a view to their adoption on 12 April 2011.

n) Burma/Myanmar

- Draft Council conclusions

8736/11 PESC 456 COASI 64

The Committee agreed draft Council Conclusions on Burma/Myanmar (doc. 8736/11) and forwarded them to the Council with a view to their adoption on 12 April 2011.

Coreper Part 1

II

49. 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 next informal trialogue**
8417/11 CULT 22 CODEC 531 + ADD 1

The Committee authorises the Presidency to continue discussions with the European Parliament and the Commission in the context of the forthcoming informal trialogue. For this purpose, it approves the text suggested by the Presidency in the addendum (ADD 1) to document 8417/11 as a basis for such negotiations, with the following amendment:

In Recital 10b, page 5 the word "could" is replaced by "should".

50. Preparation for the Council meeting "Agriculture and Fisheries" on 14 April 2011

1. Proposal for a Council Directive amending Council Directive 91/414/EEC to renew the inclusion of carbendazim as active substance (*Non-legislative activity*)

- **Adoption**
5974/11 AGRILEG 12
7958/11 AGRILEG 37

The Committee noted the lack of the necessary qualified majority to reach a decision in favour or against this proposal, thus inviting the Council ("Agriculture and Fisheries") of 14 April 2011 to confirm the positions of delegations.

2. Communication from the Commission to the European Parliament and the Council: Review of fishing effort management in western waters (*Non-legislative activity*)

- **Exchange of views**
16257/10 PECHE 281
8111/11 PECHE 81

The Committee prepared the exchange of views on the review of fishing effort management in western waters. It approved 3 questions proposed by the Presidency to guide the Council discussions.

51. Proposal for a Regulation of the European Parliament and of the Council on textile names and related labelling of textile products (Second reading) (Legislative deliberation)

- **Presidency briefing on the outcome of the informal trialogue**
- **Preparation for the next informal trialogue**
8496/11 TEXT 2 MI 175 ENT 80 CHIMIE 20 ECO 34 CONSOM 41 CODEC 558

The Committee mandates the Presidency to participate in informal negotiations with the representatives of the European Parliament with a view to reaching a second reading agreement on the basis of the suggestions in the Annex to document 8496/11.

- **Any other business**
 - **Meeting between the Presidency, European Parliament and the Commission on the EP-Council relations (Strasbourg, 6 April 2011)**
 - **Information from the Presidency**

The Committee took note of the information provided by the Presidency.
