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THE EUROPEAN UNION**

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9140/09

CRS/CRP 18

SUMMARY RECORD

**Subject : 2272nd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 29 April 2009**

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

doc. 9145/09 OJ/CRP1 16 + AMD 1
9147/09 OJ/CRP2 16

The above mentioned agenda is approved with the following changes:

The following items are **added** :

(Coreper Part 1, under II)

12. Review of the EU regulatory framework for electronic communications networks and services (Second reading)

(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

- **Analysis of the compromise text with a view to agreement**
9238/09 TELECOM 89 MI 179 COMPET 239 DATAPROTECT 32
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(Coreper Part 2, under II)

41. Reduced VAT rates/UK Derogation

9043/09 FISC 50
8238/2/09 REV 2 FISC 39

42. Medium-term balance of payments assistance to Romania

9052/09 ECOFIN 307 UEM 137
9050/09 ECOFIN 306 UEM 136

The following items are **withdrawn** :

(Coreper Part 2, under I)

19. Proposal for a Decision of the European Parliament and of the Council establishing a Community programme to support specific activities in the field of financial services

9105/09 ECOFIN 314 EF 62 SURE 13 BUDGET 23 DRS 35 CODEC 629

29. Implementation report of the revised Strategy on Terrorist financing

8864/1/09 REV 1 JAI 223 ECOFIN 286 EF 57 RELEX 352 ENFOPOL 89
COTER 34

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

- 12. 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**
- **Presidency briefing on the outcome of the trialogue**
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9237/09 TELECOM 88 MI 178 COMPET 238 CONSOM 92 CODEC 643
- (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**
- **Analysis of the compromise text with a view to agreement**
9238/09 TELECOM 89 MI 179 COMPET 239 DATAPROTECT 32
CONSOM 93 CODEC 644

This item was discussed in restricted session.

- 13. Preparation of the Council meeting (Education, Youth and Culture) on 11 and 12 May 2009**
- 1. Evaluation of the current framework for European cooperation in the youth field and on future perspectives for the renewed framework**
- **Adoption of the conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council**
 - **Exchange of views**
(Public debate, pursuant to Article 8(3) CRP (proposed by the Presidency))
8981/09 JEUN 23 EDUC 68 SOC 267
8993/09 JEUN 24 EDUC 71 SOC 270

The Committee notes that there exists now full agreement on the text of the draft conclusions and submits the draft to Council for adoption on the basis of a new document 9169/09. The Committee also takes note of the fact that an exchange of views will be organised in Council.

2. Culture as a catalyst for creativity and innovation

- **Adoption of Council conclusions**
(Public debate, pursuant to Article 8(3) CRP (proposed by the Presidency))
8749/1/09 CULT 29 REV 1

The Committee takes note of the full agreement on the text of the draft conclusions and submits the draft to Council for adoption on the basis of document 8749/1/09 REV 1.

3. European Capital of Culture

- (a) **Nomination by the Council of two members of the selection panel and the monitoring and advisory panel for the period 2010-2012**
 - **Selection of 2 Member States with a view to the nomination by the Council of the two experts**

The Committee gives its support to the draw being organised at the Council meeting.

- (b) **Recommendation for a Council Decision on the European Capital of Culture event for the year 2012**
 - **Adoption of Council Decision**
8720/09 CULT 28
8790/09 CULT 32

The Committee recommends forwarding the item on the designation of the European Capital of Culture for 2012 for adoption by the Council on the basis of document 8790/09.

- (c) **Recommendation for a Council Decision on the European Capital of Culture event for the year 2013**
 - **Adoption of Council Decision**
(Public debate, pursuant to Article 8(3) CRP (proposed by the Presidency))
8770/09 CULT 30
8794/09 CULT 33

The Committee recommends forwarding the item on the designation of the European Capital of Culture for 2013 for adoption by the Council on the basis of document 8794/09.

4. Creative Content Online

- **Exchange of views**
(Public debate, pursuant to Article 8(3) CRP (proposed by the Presidency))
8771/09 AUDIO 15 PI 31 MI 156 TELECOM 73 CULT 31

The Committee takes note of the Presidency background paper and questionnaire as set out in 8771/09 and submits the file to Council where an exchange of views will take place.

14. Preparation of the Extraordinary Council meeting (Employment, Social Policy, Health and Consumers) on 30 April 2009

1. Setting of the provisional agenda

2. Swine influenza

- Adoption of Council conclusions

9178/09 SAN 90 AGRILEG 54 RELEX 390 DEVGEN 120 PROCIV 59
VETER 5 COCON 11 USA 25 AMLAT 42

The Presidency explained the reasons justifying convening an extraordinary meeting of the Council in order to exchange views on the situation created by the influenza outbreaks with a view to give a quick coordinated response and message to the EU citizens.

Delegations and the Commission supported the Presidency on having this meeting on 30 April in Luxembourg and agreed on the provisional agenda containing a single item with two sub-items (exchange of views and adoption of Council conclusions).

The Presidency informed of the questions to be used to orientate the exchange of views and announced that representatives from the European Centre for Disease Prevention and Control and from the World Health Organization will be invited to the extraordinary meeting in order to have their assessment of the situation created by the influenza outbreaks.

The Presidency proposed a first draft of the Council conclusions calling the Member States and the Commission to cooperate to act in a coordinated manner in the fields of prevention, diagnosis and treatment, communication, monitoring and surveillance, and research and development in the field of influenza A/H1N1. This draft was amended following the discussion among delegations. It was agreed that additional changes can be required following the discussions during the Council meeting the next day.

The Committee agreed to forward the item to the extraordinary Council (EPSCO) session on 30 April 2009 for an exchange of views and for adoption of Council conclusions.

Coreper Part 2

II

33. Follow-up to the Council meeting (General Affairs and External Relations) on 27/28 April 2009

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

34. Presentation of the agenda of the Council meeting (General Affairs and External Relations) on 18/19 May 2009

Le Comité prend acte de la liste des points susceptibles de figurer aux ordres du jour provisoires des sessions du Conseil susvisées.

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

a) Quality and sustainability of public finances

- Council conclusions

8818/09 ECOFIN 284 SOC 254 BUDGET 19 STATIS 49

The Committee approved the text of draft conclusions as set out in 8818/09 and agreed to submit them to Council for discussion and adoption.

b) Five years after EU Enlargement

- Council conclusions

8964/1/09 REV 1 ECOFIN 297 UEM 130 AG 32

The Committee approved the text of draft conclusions as set out in 8964/1/09 REV 1 and agreed to submit them to the Council for adoption as an A item.

c) Taxation

- Tobacco Excise Directive

= **Political Agreement**

9082/09 FISC 52

The Committee took note of the positions expressed and agreed to transmit the file for further discussion to the 5 May ECOFIN Council.

d) Other items in connection with the Council meeting

The Committee prepared the Ministerial Dialogue with Candidate Countries. The Committee finalised the provisional agenda for this Council meeting and reviewed the state of readiness of the agenda items listed.

36. Preparation of the EU-China Summit (Prague, 20 May 2009)
9118/09 PESC 528 COASI 71 ASIE 25 POLGEN 75

The Committee revisited the preparations for the eleventh EU-China Summit, to be held in Prague on 20 May 2009, it broadly confirmed the EU priorities identified in September, and adjusted them as suggested by the Presidency to take account of developments since then.

37. Final state of play of the preparations for the EU-Japan Summit (Prague, 4 May 2009)
9120/09 PESC 529 COASI 72 RELEX 380 POLGEN 76 ECOFIN 316 ENER 154 ENV 338

The Committee took note of the state of preparations for the EU-Japan Summit and had a discussion on the draft Joint Press Statement to be adopted at the Summit.

38. Preparation of the Eastern Partnership Summit (Prague, 7 May 2009)

The Committee had an exchange of views on the draft Joint Declaration of the Prague Eastern Partnership Summit, ahead of the next round of multilateral consultations with partner countries on 5 May 2009. The Committee also received detailed information from the Presidency on the organisational aspects of the Eastern Partnership Summit.

39. Proposal for a Directive of the European Parliament and of the Council amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements (First Reading)

- **Approval of the final compromise text with a view to a first reading agreement with the European Parliament**
9196/09 DROIPEN 26 MAR 77 ENV 341 CODEC 641

The Committee examined this file on the basis of the document 9196/09 DROIPEN 26 MAR 77 ENV 341 CODEC 641. The outcome of the discussions is set out in 9266/09 DROIPEN 27 MAR 78 ENV 344 CODEC 646 + ADD 1.

Malta presented the following declaration for the minutes of the Committee and of the Council meeting at which the Directive will be adopted :

"Although Malta is voting in favour of the compromise package for a consolidated text of the proposed Directive, as set out in the Annex to document 9196/09 (dated 28 April 2009), it is doing so on the premise that the determinant criterion for the criminal offence under Article 5a paragraph 3 is the "deterioration in the quality of the water" and that therefore the acceptance of this provision does not constitute an acceptance of the criminalisation of repeated minor offences. Therefore, Malta's acceptance is based on the strict understanding that this does not constitute a precedent in any other instrument providing for criminal offences."

40. 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**
- **Approval of the final compromise text with a view to a first reading agreement with the European Parliament**
- 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**
9094/09 JUSTCIV 100
9093/09 JUSTCIV 99 CODEC 628

The Committee approved the final compromise text of the proposal under (a) with a view to reaching a first reading agreement with the European Parliament and mandated its Chairman to send the required letter to the European Parliament to this effect.

The Commission representative confirmed that the Commission was willing to make a statement to the Council minutes spelling out that it would cooperate with Member States with a view to ensuring the amendment or the re-negotiation under Article 307 of the EC Treaty of broad legal assistance agreements with third countries entered into by Member States prior to their accession to the European Union.

As for the proposal under (b) the Committee took note of the text presented and confirmed the need to keep the texts of the two proposals as identical as possible.

The NL and the UK delegations maintained their parliamentary scrutiny reservations on the two proposals.

41. Reduced VAT rates/UK Derogation

9043/09 FISC 50

8238/2/09 REV 2 FISC 39

The Committee agreed to:

- Forward the text of the VAT reduced rates directive (doc. 8238/09 FISC 39 Rev 2) as an A item to the 5 May ECOFIN Council, accompanied by the usual A item note which will record the minutes statements, including the following statement by Cyprus (doc. 9202/09 FISC 53 + ADD 1) :

"Cyprus currently applies an exemption with deductibility of VAT paid at the preceding stage in respect of the supply of pharmaceuticals and foodstuff for human consumption. The current application of zero VAT rate on these items is based on a derogation, which after renewal, expires on December 31st 2010. Though we are in favor of zero VAT rate on these, in good faith and community spirit, Cyprus refrained from specifically raising the issue of further extension.

Under the terms of the political agreement reached at the 2931st meeting of ECOFIN Council on March 10, 2009, on the reduced VAT regime, all other member states that currently apply zero VAT rate on foodstuff and pharmaceuticals will have the latitude to continue applying zero rate after the end of 2010 (doc. 7448/1/09 REV 1 FISC 31). Cyprus will be the only Member State, from those currently having an exemption with deductibility of VAT paid at the preceding stage, to lose this option after 2010.

Cyprus considers that the wording of the proposed Council Directive amending Directive 2006/112/EC as regards reduced rates of value added tax should have better reflected the principles of equality and equal treatment of Member States in similar situations. In this respect, the same derogation should have applied to Member States in similar situations allowing them to benefit from the same special arrangements provided for in Article 111 (c).

Cyprus expects that an appropriate way will be found in order to accommodate its legitimate request before the expiration of the said derogation at the end of 2010."

- Forward, without passing through the Committee another time, the English language version of the legal-linguistic text on the UK derogation (doc. 9043/09 FISC 50) as an A item to the 5 May ECOFIN Council, accompanied by the usual A item note (doc. 9203/09 FISC 54). It will be suggested to Council to adopt this text in the English version only, it being understood that the other language versions will be submitted for adoption as soon as possible.

42. Medium-term balance of payments assistance to Romania

9052/09 ECOFIN 307 UEM 137

9050/09 ECOFIN 306 UEM 136

The Committee took note of the concerns expressed by the Romanian delegation regarding the Commission proposal for a Council Decision providing Community medium-term financial assistance for Romania.

- Any other business

- (a) 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)**
- **Information from the Presidency on results of the vote of the European Parliament**

The Presidency informed the Committee on technical changes made to the agreed text.

- (b) 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 (GSM) (First reading)**
- **Information from the Presidency on results of the vote of the European Parliament**

The Presidency informed the Committee on technical changes made to the agreed text.

(c) Employment Summit
- Information from the Presidency

The Presidency informs the Committee of its latest intentions regarding the informal Employment Summit to be held in Prague on 7 May 2009.

In the light of comments made by delegations, the Presidency undertakes to reexamine the draft recommendations which it submitted for the Committee's attention.

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