



**COUNCIL OF
THE EUROPEAN UNION**

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9244/12

CRS/CRP 15

SUMMARY RECORD

**Subject : 2405th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 25 April 2012**

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

doc. 9055/12 OJ/CRP1 15

8977/12 OJ/CRP2 15

The above-mentioned agendas are approved.

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

Coreper Part 1

II

- 19. Setting of the provisional agenda for the Council meeting (Agriculture and Fisheries) on 14 and 15 May 2012
(For the items in the remit of the Permanent representatives Committee)**

The Committee agreed the provisional agenda for the forthcoming Council meeting (Agriculture and Fisheries) on 14 and 15 May 2012 as set out in 9667/12.

- 20. Proposal for a Directive of the European Parliament and of the Council establishing a single European railway area (Recast) (Second reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Presidency informed the Committee on the results of the first informal trilogue on the railway recast, held in Brussels on 23 April 2012.

- 21. Proposal for a Decision of the European Parliament and of the Council setting up an information exchange mechanism with regard to intergovernmental agreements between Member States and third countries in the field of energy (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Chair debriefed the Committee on the 2nd informal trilogue which took place on 23 April 2012. On this occasion the rapporteur expressed his satisfaction with the Council text on Art. 5 while pointing out the three issues where the European Parliament would like further movement, namely the inclusion of commercial agreements (Art. 3), information to the Commission before and during negotiations (Art. 3 and 4), and the review (Art. 8). In reply the Chair reiterated the Council's red lines on the first two issues while stating that the third one is the only area where the Council could possibly improve its offer if this could lead to an overall agreement.

The Commission representative explained that the Commission had little interest in developing the review clause as this would increase the administrative burden without adding substance and would prefer progress on the two other issues. Regarding commercial agreements Commission is not interested in these agreements as such only in legal provisions included there that may affect the internal market.

The Committee will return to this proposal on 4 May 2012.

22. Proposal for a Directive of the European Parliament and of the Council on energy efficiency and repealing Directives 2004/8/EC and 2006/32/EC (First reading) (Legislative deliberation)

- Presidency debriefing on the outcome of the informal trilogue

The Chair debriefed the Committee on the 2nd informal trilogue which took place on 24 April 2012. The trilogue went through Art. 7, 8, 11 to 15 as well as Art. 8a and 13a proposed by the European Parliament, where the new elements tabled by the Council were in broad terms well received by the EP although the EP side, insofar as the rapporteur presented its position, did not show any significant flexibility in return and largely repeated its position on these provisions. In light of the discussion the Commission volunteered to provide contributions on a series of provisions e.g. on simplified Annexes Va and VI, on the articulation between internal market legislation and ongoing standardisation work on smart meters and Art. 8 (metering), and on demand-response although it should be clear that the Council is not demandeur on provisions in this respect.

The Chair also reported on the messages that the Presidency brought back from the informal energy Ministerial (Horsens, 19-20 April), in particular delegations' support for reaching agreement by the end of June on an ambitious but flexible Directive.

The Committee will return to this proposal on 4 May 2012 with a view to preparing the next trilogue scheduled on 8 May 2012. The Presidency's intention is to have the Committee handling this proposal in a "DPR + 1 + Mertens" format while giving more focused tasks to the Working Party ENER.

23. Proposal for a Directive of the European Parliament and of the Council on certain permitted uses of orphan works (First reading) (Legislative deliberation)

- Presidency debriefing on the outcome of the informal trilogue

The Committee was debriefed by the Presidency on the outcome of the second informal trilogue on the above mentioned file, which took place on 24 April 2012.

- 24. Proposal for a Regulation of the European Parliament and of the Council on food intended for infants and young children and on food for special medical purposes (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee was briefed about the trilogue that took place on 24 April 2012.

The trilogue was the opportunity for the representatives of the three institutions to present and justify their positions, with a view to give the European Parliament the possibility to decide whether the conditions were met to start the negotiations for a first reading agreement.

At the end of the trilogue, the decision of the European Parliament was postponed to a later stage.

25. Preparation for the Council meeting (Education, Youth, Culture and Sport) on 10 and 11 May 2012

- 1. Draft Council conclusions on the digitisation and online accessibility of cultural material and digital preservation (*Legislative deliberation*)**
 - **Adoption**
8832/12 AUDIO 39 CULT 61 TELECOM 73 PI 43

The Committee took note of the unanimous support for the text as contained in 8832/12 and forwarded the text to the Council for adoption.

- 2. Proposal for a Council Regulation establishing for the period 2014-2020 the programme 'Europe for Citizens' (*Legislative deliberation*)**
 - **Partial general approach**
8561/12 CULT 55 FREMP 60 JAI 258 EDUC 90 SOC 282 CADREFIN 195
+ COR 1

The Committee agreed to forward the text as contained in 9095/1/12 REV 1 to the Council with a view to reaching a partial general approach.

3. European Capital of Culture (*Non-legislative activity*)

- (a) Council Decision of 7 May 2007 on the practical and procedural arrangements with a view to the nomination by the Council of the two members of the selection panel and the monitoring and advisory panel for the 'European Capital of Culture' Community action**
 - **Selection of two Member States with a view to the appointment by the Council of two experts in the selection panel**
8992/12 CULT 64

The Committee held a draw with a view to selecting the two Member States who will each appoint an expert to the panel as set out in 8992/12. The Member States selected were Austria and Estonia. The Committee agreed to invite the Council to confirm this selection (see doc. 9054/12) as an "A" item.

- (b) Recommendation for a Council Decision on the European Capital of Culture event for the year 2016**
 - **Adoption**
8379/12 CULT 48
8380/12 CULT 49

The Committee agreed to forward the text as contained in 8380/12 on the designation of Donostia-San Sebastián (Spain) and Wrocław (Poland) as European Capitals of Culture in 2016 to the Council for adoption.

- 4. Proposal for a Regulation of the European Parliament and of the Council on establishing the Creative Europe Programme (*Legislative deliberation*)**
 - **Partial general approach**
8834/12 AUDIO 40 CULT 62 CADREFIN 196 RELEX 340 CODEC 1006
8051/12 AUDIO 41 CULT 65 CADREFIN 206 RELEX 357

The Committee agreed to forward the text as contained in 9097/12 to the Council with a view to reaching a partial general approach. The Committee also agreed to forward the Presidency issues paper as contained in 9291/12 to the Council as a basis for the exchange of views to be held on this file.

5. Anti-doping (*Non-legislative activity*)

(a) Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on combating doping in recreational sport

- Adoption

8838/12 SPORT 27 DOPAGE 10 SAN 83 JAI 260

The Committee took note of the unanimous support for the text as contained in 8838/12 and forwarded the text to the Council for adoption.

(b) Future challenges in the fight against doping including in recreational sport

- Policy debate

(Public debate pursuant to Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])

8837/12 SPORT 26 DOPAGE 9 SAN 82 JAI 259

The Committee agreed to forward the discussion paper (doc. 8837/12) to the Council as a basis for the policy debate to be held on this subject.

6. Proposal for a Regulation of the European Parliament and of the Council establishing 'ERASMUS FOR ALL': the Union Programme for Education, Training, Youth and Sport (*Legislative deliberation*)

- Partial general approach

8835/12 EDUC 92 JEUN 33 SPORT 25 SOC 284 RELEX 341 RECH 116
CADREFIN 197 CODEC 1007

The Committee agreed to forward the text as contained in 9098/12 to the Council with a view to reaching a partial general approach.

7. Draft Council conclusions on the employability of graduates from education and training (*Non-legislative activity*)

- Adoption

8603/12 EDUC 85 JEUN 29 SOC 268

The Committee took note of the unanimous support for the text as contained in 9100/12 and forwarded the text to the Council for adoption.

8. Draft Council conclusions on fostering the creative and innovative potential of young people (*Non-legislative activity*)

- Adoption

8700/12 JEUN 31 CULT 58 EDUC 88 SOC 277

The Committee took note of the unanimous support for the text as contained in 8700/12 and forwarded the text to the Council for adoption.

9. Engaging with young people to release their potential (*Non-legislative activity*)

- Policy debate

(Public debate pursuant to Article 8(2) of the Council's Rules of Procedure
[proposed by the Presidency])

8833/12 JEUN 32 EDUC 91 SOC 283

The Committee agreed to forward the discussion paper (doc. 8833/12) to the Council as a basis for the policy debate to be held on this subject.

26. Rio+20 - The transition towards an inclusive green economy: goals and targets

- Approval of the draft EU position

9070/12 ENV 302 DEVGEN 97 RELEX 358 ONU 46 ECOFIN 347

The Committee examined the proposed goals and targets (Annex I) and decided that the text needed further work by experts before it could be considered as agreed for the purposes of outreach and consultations with third parties. The Committee also considered that this text should not be presented as an agreed EU position or a basis for negotiations in New York, but rather as an indicative or illustrative example of what the EU has in mind in terms of concrete goals and targets in the context of an inclusive green economy.

Coreper Part 2

II

47. Follow-up to the Council meeting (Foreign Affairs) on 23 April 2012

The Committee received a presentation by MD Mara Marinaki on the follow-up to the Foreign Affairs Council on 23 April 2012. It was noted that between this last FAC and the next one on 14 May 2012 (FAC-Development) there are only 11 working days.

Burma/Myanmar: agreement to suspend the sanctions, review in October. The real milestone will be the elections in 2015. The HR/VP is visiting the region, donor coordination to be followed up at the May FAC-Development.

Afghanistan: need to agree on a clear line in view of the Chicago conference, Council conclusions foreseen in the May FAC.

Africa: South Sudan and Mali (on the latter, agreement to start listing in view of restrictive measure).

Issues raised under AOB: Argentina, Libya (to be taken up again in May), Belarus, Surinam (Art. 8).

Items discussed over lunch: Syria, Iran, MEPP (to be taken up at the May FAC, with a number of Member States expressing strong support for an in-dept and formal discussion on this item).

Solidarity was expressed by the FMs to DK regarding the serious situation of human right activist al-Khawaja, a dual-national imprisoned in Bahrain.

48. Presentation of the agenda of the Council meeting (Foreign Affairs/Development) on 14 May 2012

The agenda will be very dense and will include:

Afghanistan: follow-up and Council conclusions on the NATO Chicago Summit, the Kabul regional conference and the Tokyo donors conference.

MEPP: debate in the informal session, need to find the highest common denominators on area C issues, Council conclusions foreseen.

South Neighborhood also to be discussed: Libya, Syria, Algeria, possible Council conclusions.

Mexico: in view of the Summit on 16 June 2012.

Russia: in view of the Summit on 3-4 June 2012 (strategic reflection).

Ukraine: in view of the adoption of a general approach on the Association Agreement.

Bosnia and Herzegovina: postponed from the April FAC.

The Development segment will start at 17hrs and will comprise discussions on two Commission Communications:

(1) Agenda for change (sustainable growth and Human Rights and Governance);

(2) budget support; Council conclusions foreseen on both items.

Also on the agenda: **Burma/Myanmar:** follow up of the April discussions, how to best phase in on development, debrief of the HR visit in the area.

Under the AOB: Food Security in the Horn of Africa and Policy coherence for Development (possible Council conclusions on both).

A few requests of additional items by Member States, EEAS will follow-up:

Discussion on the external dimension of Energy policy (will possibly take place at July FAC) (DE/RO); discussion on Pakistan (EEAS confirmed that HR/VP is preparing a trip in the country) and Somalia (UK); Rio+20 (FI); Serbia and Kosovo (SI); possible postponement of BiH to June.

UK would like to brief Foreign Ministers on "International Family Planning", event to be hosted by the UK together with the Gates Foundation on 11 July; FR would like to have an update on "Joint programming".

49. Follow-up to the Council meeting (General Affairs) on 24 April 2012

The Committee took note of the key outcomes of the April General Affairs Council.

50. Preparation of the Council meeting (Justice and Home Affairs) on 26/27 April 2012

- Other items in connection with the Council meeting

Information from the Presidency on current legislative proposals :

- Schengen Governance proposals

The Presidency indicated that Ministers would be informed in the Mixed Committee at Ministerial level under AOB on the state of affairs regarding the two Schengen Governance proposals.

- Intra Cooperate Transferees (ICT) and Seasonal Workers

The Chair informed delegations that the Presidency intends to report briefly the Council on the latest stage of negotiations concerning the proposed Directives concerning Intra-Corporate Transferees and Seasonal Workers.

- Information by the Czech Republic on the visa requirements for civilian air crew members from the side of the Russian Federation

This information point is included on the agenda of the Mixed Committee at Ministerial level under AOB on request by CZ.

51. Preparation of the Council meeting (Economic and Financial Affairs) on 2 May 2012

- a) **Revised capital requirements rules (CRD IV)**
 - i) **Proposal for a Regulation of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms (First reading)**
 - ii) **Proposal for a Directive of the European Parliament and of the Council on the access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms and amending Directive 2002/87/EC of the European Parliament and of the Council on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate (First reading)**
 - **General Approach**
 - 8467/12 EF 84 ECOFIN 311 CODEC 904
 - 8468/12 EF 85 ECOFIN 312 CODEC 905
 - 8879/1/12 REV 1 EF 94 ECOFIN 334 CODEC 1014
 - + ADD 1
 - + REV 1 ADD 1
 - + REV 1 ADD 2
 - + REV 1 ADD 3

The Committee examined the above mentioned proposals and agreed to submit the file to Council on 2 May 2012 with a view to reaching a general approach. The Chairman informed delegations that the Presidency would in the coming days elaborate a revised compromise proposal to agreement in the ECOFIN Council.

- b) **Fast start climate finance**
 - **Council conclusions**
 - 9017/12 ECOFIN 343 ENV 299

The Committee agreed to remove the item from the Council agenda.

c) Other items in connection with the Council meeting

The Committee finalised the provisional agenda for this Council meeting and reviewed the state of readiness of the agenda items listed.

52. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 15 May 2012

The Committee agreed the provisional agenda for this Council meeting and to add an item on climate finance (Council conclusions).

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