



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 May 2009

9414/09

CRS CRP 19

SUMMARY RECORD

**Subject : 2273rd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 6 May 2009**

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

doc. 9398/09 OJ/CRP1 17

9409/09 OJ/CRP2 17

The above mentioned agenda is approved with the following changes:

The following item is **added** :

(Coreper Part 2, under I)

39. Discharge for implementation of the Council's 2007 budget

9523/09 FIN 175 BUDGET 31 INST 69

The following item is **withdrawn** :

(Coreper Part 2, under II)

**36. Debrief from the joint seminar "EU Policy on Russia: The Way Forward 2009"
(Brussels, 23 April 2009)**

- **Information point**

The following item on the agenda of CRP2 under part II, is **transferred** under "Any other business" :

34. Employment summit (Prague, 7 May 2009)

- **update**

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

On the following item three statements are made :

17. 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, financial reporting and auditing

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

By the DE delegation :

"Germany recalls the Commission's original intention with regard to the three Committees of supervisors to co-finance specific activities, i.e. training and IT projects to be developed and implemented by the Committees of supervisors. The possibility to allow for operating grants for the Committees of supervisors may jeopardize this original objective, since the financial resources available for training and IT projects are likely to be reduced. Germany, therefore, strongly urges the Commission to bear in mind her original objective when deciding on the amounts and on the maximum percentage of financing.

As regards to the financing of IASCF, EFRAG und PIOB Germany supports the proposal as a compromise."

By the UK delegation :

"The Council has agreed to co-finance specific EU wide projects established under Community legislation, but not general funding of the committees' activities. The UK therefore cannot agree to the current proposal which allows for general funding of the level 3 committees, as it is concerned that such funding could undermine the independence of the committees. In addition the UK is unable to accept the comitology provisions which would allow for any future bodies to also be funded under this proposal. These are issues which should be addressed as part of the debate currently taking place on the Larosiére proposals."

By the COREPER :

"The worsening of the financial crisis has emphasized the need to urgently strengthen supervisory convergence and cooperation at EU level. The development of common information technology tools and of a common supervisory culture by the three EU Committees of Supervisors CESR, CEBS and CEOIPS are two instruments to achieve this aim.

As a result, and pending the entry into force of the Community Programme for the period 2010-2013, the Commission is invited to proceed with the proposal to provide interim financing to the three EU Committees of Supervisors in 2009 by way of a Commission decision along the following lines (the 2009 Commission decision on interim funding):

- The interim Commission financing will be identified within the framework of the implementation and development of the Internal Market for the year 2009 under budget line 12.0201. This means the funding will come out of the Commission's existing budget, under amounts already allocated by the budgetary authorities to DG Internal Market for 2009. The funding decision itself will thus take the form of a Commission decision.
- The Commission will provide the three EU Committees of Supervisors with limited action grants to finance (i) training projects (both sectoral and cross-sectoral) developed by each of the three Committees and (ii) in the case of CESR, a specific IT project under the Transaction Reporting Exchange Mechanism (TREM) provided for under the Markets in financial instruments directive (MiFID), namely the extension of TREM to cover Over-the-counter derivatives. These are strategic projects that have been identified as priorities by the EU Committees of Supervisors.
- The total amount of the Commission interim funding for 2009 cannot exceed EUR 500,000 and should cover part of the cost of the identified projects and trainings put forward by the EU Committees of Supervisors for 2009.
- The 2009 Commission decision on interim funding is justified by the exceptional circumstances of the ongoing financial crisis and by the fact that the contemplated Community Programme will only enter into force from 2010 onwards, it is thus not meant to constitute a precedent."

Coreper Part 1

II

- 8. Setting of the provisional agenda of the Council meeting (Agriculture and Fisheries) on 25 May 2009
(For the items within the remit of the Permanent Representatives Committee)**

The Committee agrees the provisional agenda for the forthcoming Council meeting (Agriculture and Fisheries) on 25 May 2009 as set out in 10004/09.

- 9. Setting of the provisional agenda of the Council meeting "Competitiveness" (Internal Market, Industry and Research) on 28 and 29 May 2009**

The Committee sets the provisional agenda for the meeting of the Competitiveness Council on 28 and 29 May 2009.

- 10. Proposal for a Council Regulation extending the provisions of Regulation(EC) No 883/2004 and Regulation (EC) No [...] to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality**
- **Political agreement**
12166/07 SOC 287
9192/09 SOC 284 MIGR 51

The Committee examines the issues still outstanding on the basis of a report by the Social Questions Working Party (doc. 9192/09). ES maintains a substantive reservation on recital No 16 and on Article 1(2) as it feels that the text might constitute a step backwards with regard to the current Regulation (Regulation (EEC) No 859/2003). With the support of IT and PT, it asks for a written opinion of the Council Legal Service about the impact of Article 1(2) of the draft Regulation as regards the application of the principle of equal treatment in relation to third-country nationals.

LT maintains its scrutiny reservation on recital No 13 and asks for a written opinion of the Council Legal Service about the interpretation of this recital as regards its impact on the obligation for Member States to grant invalidity, old age or survivors' pensions to third-country nationals when they reside in a third country.

The Presidency undertakes to hold bilateral meetings with the delegations concerned with a view to exploring possible solutions so as to pave the way for the Council (EPSCO) to reach a political agreement at its session on 8-9 June 2009.

11. Proposal for a Directive of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare

- Examination of the open issues

9144/09 SAN 88 SOC 279 MI 175 CODEC 634

The Committee provided indications on the way forward on the proposal:

- codification of the case-law of the Court of Justice: a number of delegations supported that the Directive should cover all healthcare without prejudice to whether it is provided by a healthcare provider who is contracted or not to the local public health insurance or otherwise defined public system. Other delegations expressed their preference to only cover contracted healthcare providers;
- exclusions of certain types of care: the discussion focused mainly on long-term care. Some delegations mentioned other types of care that should be excluded: allocation of human organs and prevention programmes (such as vaccination);
- mutual recognition of prescriptions: delegations generally endorsed this principle. However, there are still doubts about its implementation in practice. Some delegations supported the use of the comitology procedure;
- Chapter IV "Cooperation On Healthcare": delegations supported in general cooperation in the field of healthcare. However, delegations' opinions varied as regards its form of realization. A number of delegations wished to proceed via the comitology procedure of a not binding nature.

Coreper Part 2

II

31. Follow-up to the Council meeting (Economic and Financial Affairs) on 5 May 2009

The Committee took note of the proceedings of the ECOFIN Council of 5 May 2009.

32. Preparation of the Council meeting (General Affairs and External Relations) on 18/19 May 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.

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.

33. Preparation of the Southern Corridor Summit (Prague, 8 May 2009)

9423/09 COEST 162 COPOL 31 ENER 163 TRANS 178

The Committee agreed on the text of a draft Joint Declaration of the Southern Corridor Summit in Prague on 8 May 2009, as a basis for the finalisation with third countries of the joint declaration to be adopted at the Summit.

35. Eastern Partnership Summit (Prague, 7 May 2009)

- update

The Committee reached broad agreement on the text of a draft Joint Declaration of the Prague Eastern Partnership Summit, which will be further discussed with partner countries in a final round of multilateral consultations in Prague ahead of the Summit (7 May).

37. Information about the EU-USA JHA Ministerial Troika, (Prague, 28 April 2009)

Le Comité a été informé par la Présidence du contenu des discussions lors de la réunion sous rubrique, en insistant sur le Visa Waiver, la protection des données, la fermeture de Guantanamo et plus en général, sur l'avenir des relations transatlantiques dans le domaine JAI.

La Commission a mentionné également l'urgence de négocier un accord avec les Etats-Unis pour faire suite au réaménagement des données opéré par Swift et a esquisé un premier calendrier à cet effet.

Le dossier de Guantanamo continuera à être traité au Comité comme l'ont demandé plusieurs délégations. La Présidence montante a aussi annoncé qu'elle gèrera de manière transparente la préparation du futur agenda transatlantique.

38. EU-Pakistan Summit preparations (Brussels, 17 June 2009)

9428/09 COASI 76 PESC 572 POLGEN 78 ASIE 28

The Committee discussed the preparations of the first ad hoc EU-Pakistan Summit, scheduled to take place in Brussels on the afternoon of 17 June 2009, on the basis of the document 9428/09 presented to it by the Presidency, the Commission and the General Secretariat of the Council. The Committee will revert to the issue in its meeting of 11 June 2009.

- Any other business

- Employment Summit

- Information from the Presidency

The Committee takes note of the draft Main Messages circulated informally by the Presidency. Whilst delegations consider that the text represents a real improvement on the previous version, some delegations still express misgivings regarding its overall balance.

Some delegations having raised the question of the use to be made of the text, the Commission representative indicates that the outcome of the informal Summit will be reflected in the document which the Commission will present at the end of May, with a view to the June European Council.

- **Proposal for a Regulation of the European Parliament and the Council establishing an Agency for the Cooperation of Energy Regulators**
 - **Location of the seat of the Agency**

Without prejudice to completion of the formal procedures for the adoption of this Regulation, the Chairperson of the Committee invited interested delegations to submit their candidature and whatever supporting information by 18 May. The Chairperson recalled that so far RO/SI/SK have offered to host the Agency. Exchange of views on this issue could take place in the margins of the June TTE Council.

34. Employment summit (Prague, 7 May 2009)

- **update**

Presidency provided an update on the preparations of this summit. The document with the main messages would be examined by COREPER I.
