



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 16 May 2012

9568/12

CRS/CRP 16

SUMMARY RECORD

**Subject : 2406th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 3 and 4 May 2012**

SUMMARY

Page

1. Adoption of the provisional agenda and items "I" 7

Coreper Part 1

I

2. Replies to written questions put to the Council by Members of the European Parliament
- (a) n° E-001277/2012 put by Joanna Senyszyn
"Human rights violations"
 - (b) n° E-003064/2012 put by Eleni Theocharous
"Turkey's à la carte accession process"
3. Proposal for a Regulation of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural development (EAFRD)
4. Governing Board of the European Foundation for the Improvement of Living and Working Conditions
Appointment of Ms Sonja BALJEU, Dutch alternate member, in place of Mr Leon MEIJER, who has resigned
5. Advisory Committee on Safety and Health at Work
Appointment of Mr Alexander BURZ, Austrian member, in place of Ms Alexandra SCHÖNGRUNDNER, who has resigned
6. (poss.) Draft Commission Regulation (EU) No .../.. of XXX amending Regulation (EC) No 593/2007 on the fees and charges levied by the European Aviation Safety Agency
7. Draft Commission Decision of XXX amending Commission Decisions 2002/731/EC, 2002/732/EC, 2002/733/EC, 2002/735/EC and 2006/66/EC and repealing Commission Decision 2002/730/EC concerning technical specifications for interoperability (omnibus part 1)
8. Draft Commission Decision of XXX amending Commission Decisions 2006/679/EC and 2006/860/EC concerning technical specifications for interoperability (omnibus part 2)
9. Draft Commission Decision of XXX amending Commission Decisions 2006/861/EC, 2008/163/EC, 2008/164/EC, 2008/217/EC, 2008/231/EC, 2008/232/EC, 2008/284/EC, 2011/229/EU, 2011/274/EU, 2011/275/EU, 2011/291/EU and 2011/314/EU concerning technical specifications for interoperability (omnibus part 3)
10. Draft Commission Regulation (EU) No .../.. of XXX amending Regulation (EC) No 658/2007 concerning financial penalties for infringement of certain obligations in connection with marketing authorisations granted under Regulation (EC) No 726/2004 of the European Parliament and of the Council

11. Draft Commission Decision of XXX establishing the ecological criteria for the award of the EU Ecolabel for printed paper
12. Draft Commission Regulation (EU) No.../. amending Commission Regulation (EC) No 641/2009 as regards ecodesign requirements for glandless stand-alone circulators integrated into products
13. Draft guidelines for the 4th T20 Tourism Ministers meeting (Mérida (Yucatán), México, 14-16 May 2012)
14. Draft Council Decision on the conclusion of a voluntary partnership agreement between the European Union and the Central African Republic on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)
15. Draft Council Decision on the conclusion of a voluntary partnership agreement between the European Union and the Republic of Liberia on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)
16. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (First reading) (Legislative deliberation + Statement)

II

17.	Preparation for the Council meeting (Agriculture and Fisheries) on 14 and 15 May 2012	
1.	Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy (First reading) (<i>Legislative deliberation</i>)	8
2.	Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation (EC) No 861/2006 and Council Regulation No XXX/2011 on integrated maritime policy (First reading) (<i>Legislative deliberation</i>)	8
18.	Proposal for a Regulation of the European Parliament and of the Council on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (First reading) (<i>Legislative deliberation</i>)	8
19.	Green Climate Fund (This item will be dealt with in restricted session)	
-	Resolution of outstanding issue regarding Board nominations	9
20.	Proposal for a Directive of the European Parliament and of the Council on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (First reading) (<i>Legislative deliberation</i>)	9
21.	Proposal for a Directive of the European Parliament and of the Council on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings (Accounting Directive) (First reading) (<i>Legislative deliberation</i>)	9
22.	(poss.) 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) (<i>Legislative deliberation</i>)	10
23.	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) (<i>Legislative deliberation</i>) (This item will be dealt with in restricted session)	10

Coreper Part 2

I

24. Joined Cases T-439/10 and T-440/10 (FULMEN v. Council of the European Union) - Judgment of the EU General Court
25. Case before the General Court of the European Union
 - Case T-57/12 Good Luck Shipping LLC against the Council of the European Union
26. Proposal for transfer of appropriations N° DEC05/2012 within Section III - Commission - of the general budget for 2012
27. Proposal for transfer of appropriations N° DEC06/2012 within Section III - Commission - of the general budget for 2012
28. Proposal for a Decision of the European Parliament and of the Council on amendments to the Agreements establishing the European Bank for Reconstruction and Development (EBRD) extending the geographic scope of EBRD operations to the Southern and Eastern Mediterranean (First reading)
29. Proposal for a Council Decision on the position to be taken by the European Union within the ACP-EU Council of Ministers regarding the revision of terms and conditions of investment financing (Chapter 1 of Annex II to the ACP-EU Partnership Agreement)
30. Relations with ACP Group of States
 - Preparation of the 62nd meeting of the ACP-EU Committee of Ambassadors - Draft Annotated Agenda
31. Fourth meeting of the EU-Albania Stabilisation and Association Council (Brussels, 15 May 2012)
32. Relations with Montenegro
 - Publication of the Decision amending Decision 1/2010 adopting the rules of procedure of the Stabilisation and Association Council, in view of setting up a Joint Consultative Committee between the European Economic and Social Committee and Montenegro's social partners and other civil society organisations and a Joint Consultative Committee between the Committee of the Regions of the European Union and Montenegrin local and regional authorities
33. Proposal for a Decision of the European Parliament and of the Council providing further macro- financial assistance to Georgia (First reading)
 - a) Adoption of the position of the Council in first reading
 - b) Adoption of the statement of the Council reasons
34. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) N° 1083/2006 as regards certain provisions relating to risk sharing instruments for Member States experiencing or threatened with serious difficulties with respect to their financial stability (First reading)

II

35.	Multiannual Financial Framework (2014-2020)	
-	Section of the Negotiating Box relating to Headings 1 (except cohesion and CEF), 3, 4, 5 and horizontal issues	11
36.	Proposal for a Council Decision establishing a Multiannual Framework for the European Union Agency for Fundamental Rights for 2013-2017	11
37.	Follow-up to the Council meeting (Justice and Home Affairs) on 26/27 April 2012	12
38.	Reform of the Statute of the Court of Justice	12
39.	Follow-up to the Council meeting (Economic and Financial Affairs) on 2 May 2012	12
40.	Preparation of the Council meeting (Economic and Financial Affairs) on 15 May 2012	
-	Other items in connection with the Council meeting	12
41.	Preparation of the Council meeting (Foreign Affairs/Development) on 14 May 2012	
-	Other items in connection with the Council meeting	13
42.	EU-Mexico Summit (18 June 2012)	13
-	Any other business	14

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

doc. 9345/12 OJ/CRP1 16

9351/12 OJ/CRP2 16

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

17. Preparation for the Council meeting (Agriculture and Fisheries) on 14 and 15 May 2012

1. Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy (First reading) (*Legislative deliberation*)

- **Orientation debate**
12514/11 PECHE 187 CODEC 1166
9155/12 PECHE 133 CODEC 1081

The Committee prepared the item and the Presidency informed that the Information Note to Council (doc. 9155/12) would be slightly modified on MSY. The item is retained on the Council agenda.

2. Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation (EC) No 861/2006 and Council Regulation No XXX/2011 on integrated maritime policy (First reading) (*Legislative deliberation*)

- **Orientation debate**
17870/11 PECHE 368 CADREFIN 162 CODEC 2255
9153/12 PECHE 132 CADREFIN 216 CODEC 1079

The Committee prepared the item. The item is retained on the Council agenda.

18. Proposal for a Regulation of the European Parliament and of the Council on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (First reading) (*Legislative deliberation*)

- **Presidency debriefing on the outcome of the informal trilogue**
9249/12 COMPET 220 MI 268 CODEC 1104

The Committee took note of the outcome of the second informal trilogue which took place on 25 April 2012.

19. Green Climate Fund (This item will be dealt with in restricted session)

- Resolution of outstanding issue regarding Board nominations

9379/12 ENV 315 ONU 51 DEVGEN 114 ECOFIN 375 ENER 146 FORETS 31
MAR 49 AVIATION 77

The Committee heard the report back from the negotiations amongst developed countries held in Geneva on 13 May 2012 on the seats of the Green Climate Fund Board. It agreed that the outcome of these negotiations, including the role of the Commission, should be preserved. To this end, the draft Council conclusions nominating a member of the Commission to represent the EU would need to be finalised shortly, taking into account the comments made. Finally, it agreed that more time was needed to convince the Russian Federation of the legal soundness of this solution and that in the end the EU would need to avoid being seen as blocking a solution.

20. Proposal for a Directive of the European Parliament and of the Council on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (First reading) (Legislative deliberation)

- Guidance for future work

9124/12 CONSOM 49 MI 260 JUSTCIV 149 CODEC 1076

The Committee discussed the Presidency text (doc. 9124/12). Delegations focused on the politically essential issues of Chapters I and II and showed flexibility on the difficulties they still have with regard to these issues, proposing alternative wording.

The Presidency took note of the comments made by delegations, committed to present another compromise text which would reflect such comments and called on delegations to be also flexible at the Working Party of 10 May 2012.

21. Proposal for a Directive of the European Parliament and of the Council on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings (Accounting Directive) (First reading) (Legislative deliberation)

- Preparation for the informal trilogue

9089/12 DRS 67 COMPET 213 ECOFIN 349 CODEC 1061

The Committee mandated the Presidency to make minor technical amendments to the Presidency compromise text set out in the Annex of document 9089/12 and to start negotiations on that basis with the European Parliament towards a first reading agreement.

- 22. 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)**
- **Preparation for the informal trilogue**
9137/12 ENER 139 CODEC 1075

At the end of the brief exchange that took place the Chair could conclude that the Committee has given him a mandate for the third informal trilogue on the basis of the text set out in 9137/12, complemented with a change in recital 7 proposed by the Lithuanian delegation. The Chair also concluded that the Committee could in principle agree to a proposal for a technical correction on recital 15 as proposed by the Commission, but that the Commission would have to present this proposal at the informal trilogue meeting.

- 23. 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) (This item will be dealt with in restricted session)**
- **Preparation for the informal trilogue**
9150/12 ENER 140 ENV 307 TRANS 126 ECOFIN 357 RECH 124 CODEC 1078
+ ADD 1

The Committee reached agreement on a mandate for the third trilogue on the basis of the above document and had a first exploratory exchange on Article 6.

Coreper Part 2

II

35. Multiannual Financial Framework (2014-2020)

- **Section of the Negotiating Box relating to Headings 1 (except cohesion and CEF), 3, 4, 5 and horizontal issues**
9116/12 CADREFIN 213 POLGEN 65

The Committee had an exchange of views on the section of the Negotiating Box relating to Headings 1 (except cohesion and CEF), 3, 4, 5 and to horizontal issues.

36. Proposal for a Council Decision establishing a Multiannual Framework for the European Union Agency for Fundamental Rights for 2013-2017

- **Outstanding issues**
9158/12 FREMP 65 JAI 285 COSCE 13 COHOM 88

The Committee exchanged views on the outstanding issues.

As regards the reference to national minorities, it was agreed to work further on the basis of the Presidency proposal and to supplement it with a possible declaration clarifying the question of competencies in the light of the explanations relating to the Charter of Fundamental Rights.

Concerning the exclusion of police cooperation and judicial cooperation in criminal matters, the Presidency concluded that the Presidency compromise proposal was a good way forward. The Council would make a declaration upon the adoption of the Decision with a commitment to re-examine this question in the context of the review of the FRA Regulation.

As regards parliamentary scrutiny reservations, DE stated that their reservation did not preclude sending the text to the European Parliament for consent whereas CZ/UK reserved their positions on this for a later stage.

37. Follow-up to the Council meeting (Justice and Home Affairs) on 26/27 April 2012

The Committee was informed of the results of the Council by referring in particular to the discussions on the PNR and the follow-up of the Schengen Governance, Readmission agreements and the draft Council conclusions on the Global Approach to Migration and Mobility. The Presidency also informed the Committee on the discussion held at lunch by the Interior and the Justice Ministers.

38. Reform of the Statute of the Court of Justice

- Information from the Presidency

The Presidency briefly informed the delegations of the state of play and of its intention to come back to the Committee on this issue the following week in view of the preparation for an informal trilogue with the European Parliament.

39. Follow-up to the Council meeting (Economic and Financial Affairs) on 2 May 2012

During the breakfast, the Council took note of the information provided by the Chair of the EBRD Board of Governors on the selection process of the next EBRD President.

At the ECOFIN itself, the Council took note of written and oral reports on the outcome of the G20 and IMF Spring meetings of 19-22 April 2012.

On the main item, the revised capital requirements rules (CRD IV), the Council held an extensive debate on the latest Presidency proposal for a general approach. Following the debate the Presidency announced that the compromise text, as amended during the meeting, would be submitted to the ECOFIN Council on 15 May 2012 for confirmation following technical verification.

40. Preparation of the Council meeting (Economic and Financial Affairs) on 15 May 2012

- Other items in connection with the Council meeting

The Committee reviewed the state of readiness of the agenda items listed.

41. Preparation of the Council meeting (Foreign Affairs/Development) on 14 May 2012

- Other items in connection with the Council meeting

Myanmar/Burma

The Committee noted that the discussion would be a follow-up to the April FAC discussion, with particular focus on how to phase in development cooperation and how to coordinate between the EU and its Member States. No Council conclusions are foreseen.

Afghanistan

The Committee noted that the May FAC discussion would follow-up on the one held at the April FAC. Council conclusions to be adopted would be aimed at giving guidance for the upcoming high level meetings (Chicago, Kabul, Tokyo).

(poss.) Pakistan

The Committee agreed to postpone the discussion until the June FAC, in time for the visit of the High Representative to Islamabad (date tbc).

42. EU-Mexico Summit (18 June 2012)

- Orientation debate

9310/12 AMLAT 26 PESC 529

The Committee held an exchange of views regarding the approach and objective of the Summit, on the basis of a note issued under the responsibility of the EEAS and in close cooperation with the Commission. The 6th EU-Mexico Summit would be held in Los Cabos, Mexico, on 17 June 2012 in the margins of the G-20 Summit, two weeks before the Mexican presidential elections. Delegations indicated their priorities, most notably on the review of the EU-Mexican Global Agreement, the Joint Executive Plan, Mexico's internal security situation and human rights issues, environment, climate change, international economic issues/G20 and regional integration in Latin America, in particular "Alianza del Pacífico" and CELAC (Community of Latin American and Caribbean countries). On Trade and investment issues, Member States concurred on the need to convey their concern over protectionist tendencies in Latin America and strive for an investment-friendly climate in the region. The preparation of the Summit would be included at the Foreign Affairs Council on 14 May 2012 and the Committee would come back to this issue before the Summit.

- **Any other business**

- **Revision of the Gothenburg Protocol (Convention on Long-range Transboundary Air Pollution - CLRTAP)**

AT, joined by FI and LUX, informed the Committee of the difficulties they were facing with regard to the values proposed by the Commission for a number of pollutants at the negotiations for the revision of the Gothenburg Protocol, currently taking place in Geneva, at the 30th session of the CLRTAP Executive Body. The Commission maintained a strict position focusing on the implementation of the EU acquis and on the need for the EU not to appear divided in the context of an international negotiation, but - instead - address the concerns raised in the context of a forthcoming revision of the NEC Directive. NL supported the Commission's approach. The Chair invited all delegations to display flexibility, in order not to have the EU blocking the entire GP negotiations, which were to be concluded the following day, as per the agreed schedule. The Committee took note of the information presented by AT, FI and LUX.
