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THE EUROPEAN UNION**

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CRS/CRP 21

SUMMARY RECORD

**Subject : 2363rd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 11 and 12 May 2011**

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

doc. 9867/11 OJ/CRP1 17 + AMD 1

9909/1/11 REV 1 OJ/CRP2 17 COMIX 305 + CM 2913/11

The above mentioned agendas are approved with the following changes :

The following items are **added** :

(Coreper Part 2, under II)

57. Preparation of the Council meeting (Economic and Financial Affairs) on 17 May 2011

h) Economic governance

i) Financial back-stops

- **Draft Council statement**
9979/11 EF 69 ECOFIN 258

j) Review of the economic adjustment programme for Ireland

- **Draft Council Decision**
9777/11 ECOFIN 240 UEM 76
9781/11 ECOFIN 243 UEM 79

The following items are **withdrawn** :

(Coreper Part 1, under I)

13. Special Report No 14/2010 from the European Court of Auditors entitled "The Commission's management of the system of veterinary checks for meat imports following the 2004 hygiene legislation reforms"

- **Adoption of Council conclusions**
9557/11 FIN 277 AGRI 331 VETER 21 DENLEG 65 AGRIFIN 44

(Coreper Part 1, under II)

18. Proposal for a Directive of the European Parliament and of the Council facilitating cross-border exchange of information on road safety related traffic offences (Second reading) (Legislative deliberation)

- **Preparation for the informal trialogue**
7984/08 TRANS 100 CODEC 416
9531/11 TRANS 128 DAPIX 40 ENFOPOL 128 CODEC 711

(Coreper Part 2, under I)

- 45. Council Decision amending and extending Joint Action 2005/889/CFSP on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah)**
9803/11 PESC 554 CIVCOM 240 COSDP 435 COMEM 137 RELEX 451
JAI 287 EUBAM RAFAH 16
9253/11 PESC 518 CIVCOM 225 COSDP 388 COMEM 129 RELEX 404
JAI 255 EUBAM RAFAH 14
- 47. Council Decision on the signing and conclusion of the Agreement between the European Union and the Republic of Mauritius on the conditions of transfer of suspected pirates and associated seized property from the EU-led naval force to the Republic of Mauritius and on the conditions of suspected pirates after transfer**
9883/11 COSDP 445 PESC 563 COAFR 134 CONUN 44 SOMALIA 40
9298/11 COSDP 392 PESC 521 COAFR 128 CONUN 43 SOMALIA 37

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

15. **Proposal for a Directive of the European Parliament and of the Council amending Directive 97/68/EC as regards the provisions for engines placed on the market under the flexibility scheme (First reading) (Legislative deliberation)**
- **Presidency briefing on the outcome of the informal dialogue**

The Presidency has the intention to continue negotiations with the European Parliament in view of a first-reading agreement on the basis of the mandate given to it on 4 April 2011.

16. **Setting of the provisional agenda of the Council meeting (Transport, Telecommunications and Energy) on 27 May 2011**

The Committee agreed on the provisional agenda as set out in 10511/11.

17. **Setting of the provisional agenda for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 30 and 31 May 2011**

The Committee set the provisional agenda for the meeting of the Competitiveness Council.

19. **Preparation for the Council meeting "Agriculture and Fisheries" on 17 May 2011**

- (a) **Draft Decision of the Representatives of the Governments of the Member States, meeting within the Council, authorising the Presidency of the Council to negotiate, on behalf of the Member States, the provisions of a legally binding agreement on forests in Europe, that fall within the competences of the Member States (*Non-legislative activity*)**
- (b) **Council Decision on the participation of the European Union in negotiations on a legally binding agreement on forests in Europe**
- **Adoption**
9754/11 AGRIFORET 10 ENV 332 RELEX 441 PROBA 52
9807/11 AGRIFORET 13 ENV 335 RELEX 452 PROBA 56 RESTREINT UE
9787/11 AGRIFORET 12 ENV 334 RELEX 449 PROBA 55

The Committee prepared the item regarding the possible participation of the European Union in negotiations on a legally binding agreement on forests in Europe. It decided to maintain this point on part B of the Council agenda for its meeting on 17 May 2011.

Furthermore, the Presidency invited Member States to submit written comments regarding the texts of the two draft Decisions until Thursday, 12 May, at noon, with a view to possibly organising a meeting of the agricultural attachés on Monday, 16 May in the morning, aimed at finalising the two texts before the Council meeting.

20. Preparation for the Council meeting "Employment, Social Policy, Health and Consumer Affairs" on 19 May 2011

- **An EU Framework for National Roma Integration Strategies up to 2020 (*Non-legislative activity*)**
 - **Presentation by the Commission**
8727/11 SOC 318 POLGEN 64 JAI 218 EDUC 67 FREMP 33 COHOM 97
FSTR 14 FC 14 REGIO 28
 - **Exchange of views**
9767/11 SOC 388 POLGEN 79 JAI 285 EDUC 90 FREMP 47 COHOM 122
FSTR 18 FC 18 REGIO 37
 - (a) **Council conclusions**
 - **Adoption**
9714/11 SOC 385 POLGEN 78 JAI 277 EDUC 88 FREMP 46
COHOM 119 FSTR 17 FC 17 REGIO 36
 - (b) **Opinion of the Social Protection Committee**
 - **Endorsement**
9618/11 SOC 376

The Committee agrees that the Council will hold an exchange of views on the basis of the Presidency note (doc. 9767/11).

The Chair confirms the observation by the BE delegation that the words "within their broader social inclusion policies" in paragraph 22 of the draft Conclusions (as set out in 9714/11) also cover areas such as employment, education, housing and health. The Committee invites the Council to adopt the draft Conclusions (to be found in 10025/11).

The Committee agrees to submit the SPC Opinion, as set out in 9618/11, to the Council for endorsement.

- 21. Proposal for a Directive of the European Parliament and of the Council on consumer rights (First reading) (Legislative deliberation)**
- **Presidency briefing on the outcome of the informal trialogue**

The Committee took note of the oral de-briefing on the outcome of the trialogue of 10 May 2011 made by the Presidency.

- 22. Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (Eurovignette) (Second reading) (Legislative deliberation)**
- **Presidency briefing on the outcome of the informal trialogue**

The Presidency briefly informed the Committee on the results of the fourth informal trialogue with the European Parliament and the Commission on Eurovignette, held in Strasbourg on 9 May 2011. The results of the trialogue are reflected in document 9922/11.

- 23. Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers (Second reading) (Legislative deliberation)**
- **Presidency briefing on the outcome of the informal trialogue**

The Committee was informed of the results of the informal trialogue with the representatives of the European Parliament and of the Commission that took place on 10 May 2011.

Coreper Part 2

II

51. Preparation of the Council meeting (Justice and Home Affairs) on 12 May 2011

a) Southern Neighbourhood Region

- Follow-up to the European Council Declaration of 11 March and Conclusions of the European Council of 24-25 March 2011 and Council Conclusions of 11-12 April 2011 and presentation and discussion on the Commission Communication on Migration

9731/11 JAI 278 ASIM 47 COMIX 301

9768/11 JAI 286 ASIM 49 COMIX 302

- Ministerial meeting in Nicosia, 19 April 2011
= Information by Cyprus

The Committee agreed to submit the Presidency Note to the Council in order to assist in guiding the discussion. The Presidency also indicated that Cyprus would be invited to report on the outcome of the Ministerial meeting of 19 April involving certain Member States under this item.

b) Other items in connection with the Council meeting

The Presidency provided information on the organisation of the meeting.

52. 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

9765/11 FRONT 60 CODEC 764 COMIX 299

The Committee agreed to submit the state of play to the JHA Council/Mixed Committee.

53. Draft agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service

9492/11 JAI 268 AUS 1 DATAPROTEC 37 AVIATION 112 RELEX 417
RESTREINT UE

The Committee discussed the draft Agreement provided by the Commission. Several delegations expressed their dissatisfaction with the way the Commission had handled this file, notably as regards the belated provision of the text of the draft Agreement to the Council. A number of Member States stated that they required more time to scrutinise the text of the draft Agreement and some concerns were voiced. The UK and IE also required more time to clarify their course of action under Protocol No 21. The CLS made an intervention regarding the legal basis on which the Agreement was to be signed and concluded. The Presidency concluded that the Committee would revert to this file at its next meeting.

54. Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Kingdom of Spain, the Republic of Estonia, the French Republic, the Republic of Hungary, the Italian Republic, the Republic of Poland, the Republic of Portugal, Romania, the Republic of Finland and the Kingdom of Sweden for a Directive of the European Parliament and of the Council on the European Protection Order

- **State of play**
9667/1/11 REV 1 COPEN 97 CODEC 737

After a discussion, the Presidency concluded that the new scope was in general met with approval, subject to further discussion in the relevant working party. The European Parliament will be informed of the developments in the file.

55. Preparation of the Council meeting (Foreign Affairs/Trade) on 13 May 2011

a) **Proposal for a regulation on applying the Generalised System of Preferences (GSP)**
- **First presentation**

The Commission briefly presented the above-mentioned proposal which had been adopted on 10 May 2011. In the exchange of views, several delegations pointed at possible inconsistencies in the Commission's proposal that would need to be corrected. The President indicated that, following the Commission's presentation, the Council would hold a first exchange of views on this legislative dossier. Ministers would be invited to limit their interventions to two minutes.

- b) Regulation establishing transitional agreements for Bilateral Investment Agreements between Member States and third countries**
 - **State of play**
11953/10 WTO 252 FDI 12

In view of the adoption of Parliament's first reading position at the plenary session of 10 May 2011, the Commission indicated its readiness for a constructive approach towards the early second reading agreement. The President indicated that the Council would address the state of play on this legislative dossier. Ministers would be invited to limit their interventions to two minutes.

- c) EU-Japan Summit**
 - **Preparation of the trade aspects of the summit**

The President indicated that at the FAC of 13 May 2011 discussions would be focused on the preparation of trade aspects of this summit, most notably the possible launching of FTA negotiations. The President also recalled the European Council conclusions of 24-25 March 2011 in this respect.

The Commission indicated that before launching of FTA negotiations Japan would need to demonstrate its ability to tackle the key issues of EU's interest. Since outright launching of the negotiations was not on the summit agenda, the Commission elaborated on the possible two-track approach i.e. immediate launching of the scoping exercise, and initiation of internal preparatory work on a negotiating mandate to be adopted by the Commission once the results of the scoping exercise are available and the relevant conditions are met. According to the Commission, this approach seemed to be acceptable to Japan.

- d) Doha Development Agenda negotiations**
 - **State of play**

The President indicated that the Council would discuss the state of play in the DDA negotiations, focusing in particular on the reactions of the WTO membership to the EU's negotiating initiative on non-agricultural market access, which had been presented recently to the WTO Trade Negotiations Committee. The Commission explained that the Council would be informed about the outcome of the most recent contacts at the level of senior officials. In the weeks following the Council's meeting, contacts would be taking place also in various multilateral political fora (OECD, G-8).

e) **AOB**

i) **Trade and Investment Barriers Report**

= **Follow-up by the Commission**

7599/11 WTO 97 SERVICES 28 FDI 7 PI 17 MAP 2 ECOFIN 132

COMPET 105 SOC 230 POLGEN 45

+ ADD 1

The Commission indicated that this report, which had been already noted by the European Council at its meeting on 24-25 March 2011, represented a new instrument in the context of common commercial policy which should be of help also to Member States in their bilateral contacts with key trading partners. The CY delegation announced a unilateral statement on this item to be entered into the Council's minutes.

ii) **Mercosur**

9911/11 WTO 203 AMLAT 41 AGRI 356

The item was requested by the IE delegation, in order to reiterate its concerns on some aspects of the agricultural negotiations. The request was supported by a number of delegations.

The Commission indicated that it intended to update the Council on the outcome of the most recent negotiating round held in Paraguay on 2-6 May 2011, and on the results of the impact assessment studies. In particular, during the last round it became clear that the process of exchanging the market access offers could be delayed into the autumn. The Commission also specified that the concerns of Irish delegation would be taken into consideration in the negotiations.

f) **Other items in connection with the Council meeting**

The Committee touched upon the Council discussion on two lunch items i.e. the state of play in the EU-India negotiations for a Broad-based Trade and Investment Agreement and the EU-Canada negotiations for a Comprehensive Economic and Trade Agreement, in particular in the field of services and investment.

The PL delegation announced that it might ask to add an agenda item (under AOB) on the EU's trade relations with the Southern Mediterranean countries.

56. Debriefing of second G20 Sherpa meeting (28-29 April) by the EU G20 Sherpa

The Committee took note of the de-briefing made by the Commission on the second G20 Sherpa meeting, held on 28/29 April 2011. The Head of Cabinet of the PEC informed the Committee on the upcoming G8 Summit. FR, as Chair of both the G8 and the G20 also gave additional information on the upcoming G8 and G20 summits.

57. Preparation of the Council meeting (Economic and Financial Affairs) on 17 May 2011

a) Regulation on Short Selling and certain aspects of Credit Default Swaps

- General approach

9758/11 EF 63 ECOFIN 236 CODEC 763

6823/3/11 REV 3 EF 18 ECOFIN 82 CODEC 272

Following the discussion, the Committee decided to forward the file to the Council with a view to reaching an agreement on the general approach.

b) Savings taxation Directive

- Orientation debate

9647/11 FISC 43

The Committee decided to forward draft Council conclusions (doc. 9647/11) to the Council as a basis for its orientation debate.

c) Financial sector taxation

- Presidency Interim Report

9649/11 FISC 44

The Committee decided to forward Presidency Interim Report to the Council, and the Presidency took note of the comments made by France regarding its text.

d) Commodity markets

- Draft Council conclusions

9722/11 ECOFIN 232 MI 237 AGRI 341 COMER 97

The Committee decided to forward the draft Council Conclusions (9722/11) to the Council for adoption.

- e) **Financial support to Portugal**
 - **Council Decision on granting Union financial assistance to Portugal**
9776/11 ECOFIN 239 UEM 75
9780/11 ECOFIN 242 UEM 78

The Committee decided to forward the draft Council Decision to the Council for adoption.

- f) **Financing climate change, preparation of UN meetings**
 - **Draft Council conclusions**
9872/11 ECOFIN 247 ENV 342

The Committee decided to forward the draft Council Conclusions (doc. 9872/11) to the Council for adoption.

- g) **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.

- h) **Economic governance**

The Committee discussed the Presidency report on economic governance and provided comments enabling the Presidency to finalise the report.

- i) **Financial back-stops**
 - **Draft Council statement**
9979/11 EF 69 ECOFIN 258

The Committee took note of the draft Council (ECOFIN) statement prepared by the EFC and decided to submit it to Council as set out in 9979/11.

- j) **Review of the economic adjustment programme for Ireland**
 - **Draft Council Decision**
9777/11 ECOFIN 240 UEM 76
9781/11 ECOFIN 243 UEM 79

The Committee decided to forward the draft Council Decision to the Council for adoption.

58. Proposal for a Regulation of the European Parliament and of the Council on the financial rules applicable to the annual budget of the Union
9626/11 FIN 286 CODEC 730 + ADD 1

This item was withdrawn from the agenda.

59. Preparation of the Council meeting (General Affairs) on 23 May 2011
- **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 du Conseil Affaires générales.

60. Preparation of the Council meeting (Foreign Affairs/Defence/Development) on 23-24 May 2011
- **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 du Conseil Affaires étrangères/défense/développement.

- **Any other business**
 - **Correlation tables**
 - = **Information from the Presidency**

Presidency informed delegations that the Committee (Part 2) had not accepted a compromise text submitted by the Presidency. Instead, the Committee (Part 2) took the view that both Institutions should fully respect the existing IIA and mandated the Presidency to inform the European Parliament accordingly. The European Parliament took note of this position and is conducting internal consultations.

- **ECOFIN conclusions on economic aspects of EU energy and climate change issues**

The BE delegation, supported by other delegations, drew delegations' attention to the fact that ECOFIN had worked on conclusions on the climate change and energy issues without involving other relevant Council formations, although the draft conclusions go far beyond the budget aspect. It insisted that the Committee and the relevant Council formations should play a role in such exercises.

- **European Network and Information Security Agency (ENISA) (requested by the GR delegation)**

The Greek delegation expressed concerns over the limited mandate of ENISA. In its proposal, the Commission announced its intention to increase both the budget and the staff of ENISA. This proposal was made in the framework of the Digital Agenda which covers the period up to 2020. GR underlines the inconsistency in the Commission's proposal, particularly because the Commission proposes an extension of the mandate of the ENISA for only 5 years. GR pleads for a permanent mandate which could best accommodate the endeavour of both, the Agency and the host country. GR was supported by ES, FR, CY, BG, IT, MT, SL, PT, SK, LU. The Presidency took note of this evolution with the view to upcoming negotiations with the European Parliament.

* * *

Under AOB the Presidency of the Committee - Part 2 gave a brief report on the consultations between the Council and the European Parliament on common issues of interest notably on access to classified documents, correlation tables and participation of the European Parliament in international conferences.
