



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 24 June 2008

9971/08

CRS/CRP 21

SUMMARY RECORD

**Subject : 2230th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 28 and 30 May 2008**

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 - b) 2824th meeting of the Council (General Affairs and External Relations) held in Luxembourg on 15/16 October 2007
 - c) 2827th meeting of the Council (Justice and Home Affairs) held in Brussels on 8/9 November 2007
 - d) 2828th meeting of the Council (Economic and Financial Affairs) held in Brussels on 13 November 2007
 - e) 2833rd meeting of the Council (Economic and Financial Affairs : Budget) held in Brussels on 23 November 2007
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 - (d) Proposal for a Regulation of the European Parliament and of the Council on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1576/89, Council Regulation (EEC) No 1601/91, Regulation (EC) No 2232/96 and Directive 2000/13/EC21

58. Preparation of the Council meeting (Transport, Telecommunications and Energy) on 6 June 2008

1. Internal Energy Market Legislative Package

- (a) Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/54 concerning common rules for the internal market in electricity
- (b) Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/55 concerning common rules for the internal market in natural gas
- (c) Proposal for a Regulation of the European Parliament and of the Council establishing an Agency for the Cooperation of Energy Regulators
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- (a) Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading system of the Community
- (b) Proposal for a Decision of the European Parliament and of the Council on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020
- (c) Proposal for a Directive of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directives 85/337/EEC, 96/61/EC, Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC and Regulation (EC) No 1013/2006
- (d) Proposal for a Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources

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59. Preparation of the Council meeting (Environment) on 5 June 2008

1. Climate-Energy Legislative Package

- (a) Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading system of the Community
- (b) Proposal for a Decision of the European Parliament and of the Council on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020
- (c) Proposal for a Directive of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directives 85/337/EEC, 96/61/EC, Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC and Regulation (EC) No 1013/2006

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

doc. 9899/08 OJ/CRP1 20

9892/08 OJ/CRP2 20 COMIX 437

The above mentioned agenda is approved with the following changes :

The following items are **added** :

(Coreper Part 2, under I)

61. Relations with Russia

- **Key outstanding issues for the EU in its relations with Russia**
9952/08 PESC 661 COEST 111

62. Letter by the Chairs of the three EU Committees of supervisors (CEBS, CEIOPS and CESR) to the ECOFIN President as cover to their draft 2008 Work Programmes

- **Approval of a letter by the President of the Council**
9969/08 EF 33 ECOFIN 206 SURE 13

The following item is **withdrawn** :

(Coreper Part 2, under I)

35. Committee of the Regions

- **Appointing a UK member**
9446/08 CDR 40
9033/08 CDR 38 JUR 189

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

A declaration is made by the Commission on the following item :

3. Draft Council Decision concerning the conclusion of the Convention on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters

- Request for the assent of the European Parliament

9196/08 JUSTCIV 94 CH 28 ISL 15 N 18

9793/08 JUSTCIV 107 CH 29 ISL 16 N 19

"Following the declaration made by the European Community in accordance with Article II(2) of Protocol 1 to the Lugano Convention, the Commission recalls that it did not propose such a declaration. This declaration has the effect of breaching the parallelism between the Lugano Convention and the parallel Community instrument Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, while the principal objective of the new Lugano Convention was to reinstall such parallelism. As a result, for the Commission this declaration is without prejudice to the ongoing revision of the rules on third party proceedings/notices in the context of Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters."

A declaration is made by the DE delegation, on the following item :

33. Comitology: General adaptation to the regulatory procedure with scrutiny - Omnibus I

9842/08 JUR 211 INST 55 CODEC 647 AGRI 152 AGRIFIN 33 AGRILEG 86

AVIATION 111 CODIF 86 CONSOM 56 COMER 95 DENLEG 58

ECO 61 ECOFIN 202 EEE 18 ENER 157 ENT 104 ENV 320 ETS 7

IND 47 MAR 77 MI 161 PECHE 115 SOC 310 STATIS 71 TELECOM 79

TOUR 4 TRANS 168 UD 83 WTO 97

" We can accept the Presidency proposal concerning Directive 2002/30 of the European Parliament and of the Council of 26 March 2002 (on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports) as part of an overall compromise solution. It seems to be a special case which is hardly comparable to other legal acts.

However, we would like to emphasise that the amendment of an annex of a basic act is not ipso jure a measure of general scope in the sense of Article 2(2) of Council Decision 1999/468/EC, as amended by Decision 2006/512/EC, and is therefore not necessarily to be adopted in accordance with the regulatory procedure with scrutiny."

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II

42. Follow-up to the Council meeting (General Affairs and External Relations) on 26/27 May 2008

Le Comité est informé par la Présidence des suites que celle-ci entend donner à certains points ayant fait l'objet des délibérations du Conseil.

43. Presentation of the agenda of the Council meeting (General Affairs and External Relations) on 16/17 June 2008

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

44. Preparation of the European Council, 19/20 June 2008

- **Draft conclusions**
9857/08 POLGEN 53

The Committee examined the draft conclusions presented by the Presidency.

The Presidency took note of delegations' remarks and suggestions and announced that it would prepare a revised draft.

45. Presentation of the agenda of the Council meeting in the composition of the Heads of State or Government on 19/20 June 2008

The Committee agreed the provisional agenda for this Council meeting.

46. Preparation of the Council meeting (Economic and Financial Affairs) on 3 June 2008

a) Preparation of the European Council (19/20 June 2008)

- **Food prices**
= **Exchange of views**
8507/08 ECOFIN 136 AGRI 149 POLGEN 52

The Committee discussed the draft note for the Council (ECOFIN) as set out in document 8507/08, in particular three amendments proposed by the French delegation. The Committee could not reach an agreement on the proposed amendments on the text and agreed that the Presidency would send a document to the Council (ECOFIN) on its own responsibility, based on the draft note 8507/08.

b) Financial services

- **Clearing and settlement**
= **Draft Council conclusions**
9720/08 EF 31 ECOFIN 192

The Committee agreed to submit the draft conclusions, as set out in document 9720/08, to Council for adoption.

c) Taxation

- **Report of the Code of Conduct Group (business taxation)**
= **Draft Council conclusions**
9633/08 FISC 56
9652/08 FISC 59
9976/08 FISC 67

The Committee agreed to submit the draft Council conclusions to the Council as set out in document 9652/08.

d) 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.

47. Preparation of the Council meeting (Justice and Home Affairs) on 5/6 June 2008

- a) Proposal for a Council Regulation on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations**
 - Political guidelines and agreement on certain aspects**
9591/08 JUSTCIV 100

The Committee agrees to submit the political guidelines to the JHA Council on 5 and 6 June 2008 as a "B" item, as set out in document 9591/08 JUSTIV 100.

- b) Proposal for a Council Regulation amending Regulation (EC) No 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters (Rome III)**
 - Political guidelines**
9711/08 JUSTCIV 105
9142/08 JUR 191 JUSTCIV 93
8038/08 JUR 148 JUSTCIV 62

The Committee agrees to submit the political guidelines, contained in the Presidency document, to the Council on 5/6 June 2008 as a "B" item.

- c) Proposal for a Council Directive amending Directive 2003/109/EC to extend its scope to beneficiaries of international protection**
8691/08 ASIM 31

The Committee holds an exchange of views concerning this item and decides to submit outstanding questions to the Council on 5/6 June 2008.

- d) **Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany with a view to adopting a Council Framework Decision on the enforcement of decisions rendered *in absentia* and amending Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States, Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties, Framework Decision 2006/783/JHA on the application of the principle of mutual recognition to confiscation orders and Framework Decision 2008/.../JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union**
9824/08 COPEN 99

Following a discussion on this file in the Committee, the President concluded that there was agreement on the text of the draft Framework Decision, except as regards an outstanding request by IT in respect of Article 7 (see point D in 9824/08 COPEN 99 ADD 1). The President invited the JHA Counsellors to re-examine the text of this Article in the light of the discussion in the Committee, with a view to allowing the JHA Council on 5/6 June 2008 to reach a general approach on the text.

- e) **Draft Council Decision on the strengthening of Eurojust amending Council Decision 2002/187/JHA of 28 February 2002, as amended by Council Decision 2003/659/JHA setting up Eurojust with a view to reinforcing the fight against serious crime**
9980/08 COPEN 104 EUROJUST 54 EJN 40

The Committee examined the Presidency compromise proposal for Articles 5a, 9a-9g, 12 and 13 on the basis of 9980/08 Copen 104 EUROJUST 54 EJN 40 LIMITE. Following the remarks and by the delegations, it was decided that a revised document will be presented to Council on 5/6 June 2008.

- f) **Other items in connection with the Council meeting**
- **Resettlement of refugees from Iraq**

The Presidency and DE inform the Committee concerning the arrangements for the Ministers' discussions at their meeting on 5/6 June 2008.

- **Proposal for a Directive of the European Parliament and of the Council on the protection of the environment through criminal**
= **Information about the first reading agreement**

The Committee was informed about the important achievement of a First Reading agreement with the European Parliament on this file.

- **Proposal for a Directive of the European Parliament and of the Council on ship-source pollution**
= **State of play**

The Committee was informed about the state of play of the discussions on this file.

- **Reporting by the Commission and by the General Secretariat of the Council on the implementation of the strategy for the External dimension of JHA: Global Freedom, Security and Justice - Reporting period: January 2007 to May 2008**
9573/08 JAI 254 RELEX 326
9391/08 JAI 237 RELEX 305

The Presidency stated that the reports from the Council Secretariat and from the Commission on the implementation of the JHA Relex strategy would be sent to the Council to take note. CZ asked for an edition in the CSG report, in order to include cooperation with Eastern and South-Eastern Europe. It was agreed that the discussion on content would take place under FR Presidency.

48. Transport Community Treaty with Western Balkans
= **Examination of draft Council Decision**

9291/08 TRANS 142 COWEB 135 ALB 5	
BIH 11 ELARG 48	RESTREINT UE
9955/08 TRANS 171 COWEB 149 ALB 6	
BIH 13 ELARG 52	RESTREINT UE

The Committee examined the draft Decision on a Transport Community Treaty between the European Community and the Western Balkan region reflected in document 9955/08 RESTREINT. As a result of this examination, the reference "Kosovo, under Resolution 1244(99) of the United Nations Security Council" was unanimously agreed. CY, EL, ES, RO and SK announced to include statements in the minutes of the TTE Council on 12/13 June 2008. CY noted that its statement would be for the minutes of both Coreper and Council.

Statement by the Republic of Cyprus

"In line with its policy of support to the European perspective of the Western Balkans and sharing the view that a coordinated development of the transport sector is one of the key issues in this respect and vital for the socio – economic development of the region, the Government of the Republic of Cyprus agrees to authorise the Commission to open negotiations on behalf of the European Community on a treaty establishing a Transport Community.

The Government of the Republic of Cyprus hereby underlines that its agreement to the adoption of the aforementioned Council Decision is without prejudice to its decision, taken in accordance with national practice and international law, of non – recognition of the unilateral declaration of independence of the region of Kosovo and in no way implies recognition of a negotiating party on behalf of the region of Kosovo under United Nations Security Council Resolution 1244 of 10 June 1999, other than the United Nations Interim Administration Mission in Kosovo (UNMIK)."

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II

55. Preparation of the Council meeting (Transport, Telecommunications and Energy) on 12 and 13 June 2008

1. Road transport

9816/08 TRANS 166 CODEC 639

(a) **Proposal for a Regulation of the European Parliament and of the Council on common rules for access to the international road haulage market (recast)**

– **Political agreement**

(Public deliberation, pursuant to Article 8(1)(b) CRP)

10092/2/07 TRANS 189 CODEC 599 REV 2

9816/08 TRANS 166 CODEC 639 ADD 1

(b) **Proposal for a Regulation of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator**

– **Political agreement**

(Public deliberation, pursuant to Article 8(1)(b) CRP)

10114/1/07 TRANS 194 CODEC 602 REV 1

9816/08 TRANS 166 CODEC 639 ADD 2

(c) **Proposal for a Regulation of the European Parliament and of the Council on common rules for the international carriage of passengers by coach and bus (recast)**

– **General approach / Political agreement**

(Public deliberation, pursuant to Article 8(1) (c) or (b) CRP)

10102/07 TRANS 191 CODEC 601

+ REV 2 (en,fr,de)

9816/08 TRANS 166 CODEC 639 ADD 3

The Committee examined the above proposals and decided to send them to the TTE Council on 12/13 June 2008 with a view to possible political agreements.

56. Preparation of the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 9 and 10 June 2008

1. Amended proposal for a Directive of the European Parliament and of the Council amending Directive 2003/88/EC concerning certain aspects of the organisation of working time

– Political agreement

(Public deliberation pursuant to Article 8(1)(b) CRP)

9554/05 SOC 244 SAN 94 TRANS 108 MAR 84 CODEC 441

9699/08 SOC 301 SAN 91 TRANS 162 MAR 76 CODEC 627

The outcome of the Committee's discussions is to be found in document 10273/08 SOC 337 SAN 117 TRANS 190.

The Committee confirms that this item will be included on the Council's agenda.

2. Amended proposal for a Directive of the European Parliament and of the Council on Working Conditions for Temporary Workers

- Political agreement

(Public deliberation pursuant to Article 8(1)(b) CRP)

15098/02 SOC 576 CODEC 1588

9687/08 SOC 300 CODEC 625

The results of the Committee's deliberations are to be found in document 10064/08 SOC 323 CODEC 679 + COR 1 (fi). The text of the draft Directive is to be found in document 10357/08 SOC 346 CODEC 727 + REV 1 (ro).

The Committee confirms that this item will be included on the Council's agenda.

57. Food improvement agents package (Second reading)

- (a) Proposal for a Regulation of the European Parliament and of the Council establishing a common authorisation procedure for food additives, food enzymes and food flavourings**
- (b) Proposal for a Regulation of the European Parliament and of the Council on food additives**
- (c) Proposal for a Regulation of the European Parliament and of the Council on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97 of the European Parliament and of the Council**

- (d) **Proposal for a Regulation of the European Parliament and of the Council on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1576/89, Council Regulation (EEC) No 1601/91, Regulation (EC) No 2232/96 and Directive 2000/13/EC**
 - **Presidency briefing on the outcome of the informal trilogue**

The Presidency informed the Committee of the outcome of the first informal trilogue with the European Parliament.

58. Preparation of the Council meeting (Transport, Telecommunications and Energy) on 6 June 2008

1. Internal Energy Market Legislative Package
9512/1/08 ENER 148 CODEC 608 REV 1

- (a) **Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/54 concerning common rules for the internal market in electricity**
 - **General approach**
(Public deliberation, pursuant to Article 8(1)(c) CRP)
9355/08 ENER 139 CODEC 587 + COR 1
- (b) **Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/55 concerning common rules for the internal market in natural gas**
 - **General approach**
(Public deliberation, pursuant to Article 8(1)(c) CRP)
9354/08 ENER 138 CODEC 586 + COR 1
- (c) **Proposal for a Regulation of the European Parliament and of the Council establishing an Agency for the Cooperation of Energy Regulators**
 - **General approach**
(Public deliberation, pursuant to Article 8(1)(c) CRP)
5193/4/08 ENER 7 CODEC 22 REV 4 + COR 1
- (d) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1228/03 on conditions for access to the network for cross-border exchanges in electricity**
 - **General approach**
(Public deliberation, pursuant to Article 8(1)(c) CRP)
6989/3/08 ENER 62 CODEC 268 REV 3

(e) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1775/05 on conditions for access to the natural gas transmission networks

– General approach

(Public deliberation, pursuant to Article 8(1)(c) CRP)
8098/08 ENER 98 CODEC 428

Le Comité a poursuivi son examen des éléments de compromis suggérés par la Présidence en vue de parvenir, lors du Conseil du 6 juin, à une orientation générale sur chacune des cinq propositions.

2. Climate-Energy Legislative Package

(a) Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading system of the Community

(b) Proposal for a Decision of the European Parliament and of the Council on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020

(c) Proposal for a Directive of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directives 85/337/EEC, 96/61/EC, Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC and Regulation (EC) No 1013/2006

(d) Proposal for a Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources

– Progress report

– Policy debate

(Public deliberation, pursuant to Article 8(1)(c) CRP)

5862/08 ENV 52 ENER 29 IND 11 COMPET 31 MI 34 ECOFIN 34
TRANS 22 AVIATION 25 CODEC 105

5849/08 ENV 50 ENER 28 IND 10 COMPET 30 MI 33 ECOFIN 32
TRANS 20 CODEC 104

5835/08 ENV 48 ENER 27 IND 9 CODEC 103

5421/08 ENER 15 ENV 24 TRANS 15 AGRI 15 CODEC 58

9648/08 ENV 307 ENER 152 IND 44 COMPET 187 MI 156 ECOFIN 189
TRANS 161 AVIATION 110 AGRI 144 CODEC 622

Après avoir pris note des suggestions de plusieurs délégations concernant le rapport destiné au Conseil, la Présidente du Comité a pu conclure que ce rapport servirait de base au débat du Conseil.

59. Preparation of the Council meeting (Environment) on 5 June 2008

1. Climate-Energy Legislative Package

- (a) Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading system of the Community**
- (b) Proposal for a Decision of the European Parliament and of the Council on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020**
- (c) Proposal for a Directive of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directives 85/337/EEC, 96/61/EC, Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC and Regulation (EC) No 1013/2006**
- (d) Proposal for a Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources**
 - **Progress report**
 - **Policy debate**
(Public deliberation, pursuant to Article 8(1)(c) CRP)
5862/08 ENV 52 ENER 29 IND 11 COMPET 31 MI 34 ECOFIN 34
TRANS 22 AVIATION 25 CODEC 105
5849/08 ENV 50 ENER 28 IND 10 COMPET 30 MI 33 ECOFIN 32
TRANS 20 CODEC 104
5835/08 ENV 48 ENER 27 IND 9 CODEC 103
5421/08 ENER 15 ENV 24 TRANS 15 AGRI 15 CODEC 58
9648/08 ENV 307 ENER 152 IND 44 COMPET 187 MI 156 ECOFIN 189
TRANS 161 AVIATION 110 AGRI 144 CODEC 622

The Committee took note of the progress report by the Presidency (doc. 9648/08). The public debate at the Council (Environment) on the abovementioned issue will be organised around the identified outstanding issues.

2. GMOs: The way forward

- **Exchange of views**
9615/08 AGRI 142 ENV 304

The Committee confirmed that the Council will hold an exchange of views aimed at improving the reflection on a number of policy issues related to GMOs.

- 60. Proposal for a Directive of the European Parliament and of the Council on waste and repealing certain Directives (Second reading)**
- (a) Presidency briefing on the outcome of the informal trilogue**
 - (b) Preparation for the next informal trilogue**
- 9662/08 ENV 310 CODEC 623

The Committee agrees to a modified Presidency mandate in view of the third informal trilogue to be held on 2 June 2008.

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