



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 November 2012

15884/12

CRS/CRP 38

SUMMARY RECORD

**Subject : 2428th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 7 and 9 November 2012**

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

doc. 15754/12 OJ/CRP1 38 + COR 1
15762/1/12 REV 1 OJ/CRP2 38

The above-mentioned agendas are approved with the following change:

The following item is **added**:

(Coreper Part 1, under AOB)

- **EU ETS/Aviation**
= **Information from the Commission**

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

A statement is made by the SI delegation on the following item :

- 21. Transparency - Public access to documents**
- **Confirmatory application No 20/c/01/12**
14526/12 INF 152 API 98

"Slovenia cannot fully agree with the reasoning regarding the overall sensitive nature of the legal advice nor with the reasoning regarding the absence of an overriding public interest in disclosure. Therefore, Slovenia votes against the proposed reply."

The NL, SE, EE, FI and DK joined the SI statement.

A statement is made by the DE delegation on the following item :

- 24. Commission delegated decision of 29.6.2012 on investigations and fines related to the manipulation of statistics as referred to in Regulation (EU) No 1173/2011 of the European Parliament and of the Council on the effective enforcement of budgetary surveillance in the euro area**
- **Information note**
15422/12 STATIS 75 ECOFIN 874 UEM 300 DELACT 47

"Germany indicates that in the framework of the budgetary surveillance of both the federal budget and of the budget of the German Länder by the EU Commission the federal structure of Germany must be taken into account."

Coreper Part 1

II

9. Setting of the provisional agenda for the Council meeting (Education, Youth, Culture and Sport) on 26 and 27 November 2012

The Committee agreed the provisional agenda for the forthcoming Council meeting (Education, Youth, Culture and Sport) as set out in 16395/12.

**10. Setting of the provisional agenda for the Council meeting (Agriculture and Fisheries) on 28 and 29 November 2012
(For the items in the remit of the Permanent Representative Committee)**

The Committee agreed the provisional agenda for the forthcoming Council meeting (Agriculture and Fisheries) on 28 and 29 November 2012 as set out in 16460/12.

11. Draft Council Decision authorising the Commission to negotiate an international agreement within the World Intellectual Property Organization on improved access to books for print impaired persons

- **Approval of the text of the Decision**
15377/12 PI 129 RESTREINT UE

The Committee agreed on the text of the Decision, as contained in the Annex to document 15377/12 RESTREINT EU, and noted that this will be submitted to the Council for adoption following legal linguistic scrutiny.

12. Proposal for a Regulation of the European Parliament and of the Council on the establishment of a Programme for the Environment and Climate Action (LIFE) (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
15536/12 ENV 814 ENER 430 CADREFIN 441 CODEC 2503
+ COR 1

The Committee agreed on the revised mandate as contained in the Annex to document 15536/12 + COR 1. A number of Member States expressed concerns with the criteria for establishing indicative national allocations for projects under the climate sub-programme.

At this stage, the Presidency decided not to open the text on this point and informed delegations that this issue will be fully dealt with when preparing the revised mandate for a third trilogue.

- 13. ICCAT annual meeting (Agadir, 12-19 November 2012)**
- **European Union coordination of a common position**
15381/12 PECHE 421
15401/1/12 PECHE 423 REV 1
16466/2/10 PECHE 292 REV 2
15740/12 PECHE 448

The outcome of proceedings on this item are set out in 15884/12 EXT 1 LIMITE.

- 14. Proposal for a Regulation of the European Parliament and of the Council on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 714/2009 and 715/2009 (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the Presidency debriefing on the second informal trilogue that took place on November 7, 2012. This trilogue addressed chapters 2 to 6 of the proposal and allowed each side to set its position and demands such as for the EP the collaborative scheme, time limits for permit granting including with respect to spatial planning, the role of ACER and its funding, criteria and the use of ranking for the selection of projects of common interest, the use of delegated acts for the adoption of the list of projects, the introduction of a transitional cost-benefit analysis and operational coordination.

This trilogue will be followed by technical meetings on 8 and 12 November 2012 with a view to preparing the third informal trilogue scheduled on 27 November 2012.

- 16. 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)**
- **Preparation for the informal trilogue**
15145/12 DENLEG 106 AGRI 685 SAN 244 CODEC 2423

The Committee approved, by qualified majority, the mandate as submitted in document 15145/12, as complemented by DS 1749/12 and with a new version for recital 26.

DE expressed its disapproval as it could not obtain the guarantee that the current rules on gluten will be entirely transferred under the new legal framework and because the Union list would not include the "other substances" (becoming a closed list).

UK was opposed to the extension of the prohibition to use pictures on the labelling, presentation and advertising of food for infants to the follow-on formula, as it is an extension of the scope of the legal framework.

SE feared the incompatibility of the restrictions on labelling, presentation and advertising established in a Regulation with the fundamental right of freedom of expression.

17. New Legislative Framework Alignment Package (Implementation of the Goods Package) (First reading) (Legislative deliberation)

- (a) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to lifts and safety components for lifts**
15091/1/12 ENT 253 MI 642 CONSOM 126 CODEC 2411 COMPET 633 REV 1
- (b) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to making available on the market of simple pressure vessels**
12375/1/12 ENT 172 MI 479 CONSOM 95 CODEC 1873 COMPET 494 REV 1
- (c) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to making available on the market of measuring instruments**
12373/1/12 ENT 170 MI 477 CONSOM 93 CODEC 1871 COMPET 492 REV 1
- (d) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to making available on the market of non-automatic weighing instruments**
12374/1/12/ ENT 171 MI 478 CONSOM 94 CODEC 1872 COMPET 493 REV 1
- (e) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles**
12372/1/12 ENT 169 MI 476 CONSOM 92 CODEC 1870 COMPET 491 REV 1
- (f) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits**
12707/1/12 ENT 178 MI 504 CONSOM 98 CODEC 1927 COMPET 510 REV 1
- (g) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to electromagnetic compatibility**
12708/2/12 ENT 179 MI 505 CONSOM 99 CODEC 1928 COMPET 511 REV 2
- (h) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres**
12376/2/12 ENT 173 MI 480 CONSOM 96 CODEC 1874 COMPET 495 REV 2

- (j) **Proposal for a Directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses**
15593/12 ENT 276 MI 671 CONSOM 132 CODEC 2519 COMPET 655
- **Endorsement of the mandate for the trilogue**
15583/1/12 ENT 275 MI 669 CONSOM 131 CODEC 2515 COMPET 653 REV 1

The Committee took note of the state-of-play on this dossier, supported the inclusion of a review clause into the text of the lifts directive proposal and endorsed the mandate for the Presidency to engage in informal contacts with the European Parliament with a view to exploring the possibility of first-reading agreements on all nine proposals within the "package".

18. **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)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the debriefing from the Presidency about the outcome of the first informal trilogue taking place on 7 November 2012. The Council's General Approach remains unchanged. The Presidency is mandated to conduct a technical meeting on 12 November 2012 with a view to preparing the second trilogue.

The Presidency will report to the Committee on the outcome of this technical meeting.

19. **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending regulation (EC) No 561/2006 of the European Parliament and the Council ("Tachograph") (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
15581/12 TRANS 368 CODEC 2513

The Committee discussed the compromise proposals proposed by the Presidency on the retrofitting of vehicles, inclusion of weight sensors in the smart tachographs and the recording of additional points of the daily working period, as in document 15581/12, with a view to preparing the first informal trilogue on 15 November 2012.

Coreper Part 2

II

33. Preparation of the Council meeting (Foreign Affairs) on 19 November 2012

- Other items in connection with the Council meeting

The Committee received an update by the EEAS SG Pierre Vimont on the draft agenda of the FAC on 19 November 2012.

The FAC will start at 11h00 in joint session with in the Defence Ministers, with the following agenda items:

- Defence Policy in view of discussion at the EC in 2013;
- the state of play of CSDEP operations;
- Task Force Defence.

The latter two items will be discussed in the presence of the NATO Secretary General, upon invitation by the HR.

A joint lunch (without NATO SG) will be dedicated to discuss Mali on the basis of draft recommendations for a CMC. If needed, procedural decisions on Mali/CMC will be agreed during the formal afternoon session.

Ministers for Foreign Affairs will continue with the afternoon session, starting at 15h00, with the following items:

1. DRC, including the adoption of Council conclusions;
2. Southern neighbourhood:
 - a) Syria: adoption of Council conclusions and an update on events in and outside Syria (activities of the Special Envoy Brahimi and attempts to unify the Syrian opposition);
 - b) Lebanon: adoption of Council conclusions;
 - c) Yemen: adoption of Council conclusions (as an A item);
 - d) Egypt: debrief from the Task Force;
 - e) Libya: update on the situation;
3. Ukraine: discussion on the elections results and on a way forward, with a view to adopting Council conclusions at the December FAC;

4. Cuba: no Council conclusions, just a procedural decision to go ahead with internal work (EEAS, Commission), with a view to drafting negotiating directives for a future EU-Cuba bilateral agreement;
5. MEPP: state of play of the PA initiative to submit a draft resolution to the UNGA, following the elections in the US;
6. USA: a first exchange of views on the EU-US relations following the re-election of Barack Obama, possibly on the basis of an EEAS paper containing a number of discussion points, with a view to a more detailed discussion at the December FAC.

Following a number of requests, Vimont expressed reservations on the need to discuss the deteriorating human rights situation in Russia at the November FAC and proposed to postpone this item to December. A number of delegations suggested to prepare the discussion on Russia well in advance of the December FAC in all relevant preparatory bodies, including the Committee.

34. EU-CELAC Summit (Santiago de Chile, 26-27 January 2013)

- **Orientation debate**

15683/12 AMLAT 63 PESC 1328 RESTREINT UE

On the basis of an orientation note distributed under the responsibility of the Cabinet of the President of the European Council, in close cooperation with the Presidency, the Commission and the EEAS, the Committee had a preliminary exchange of views regarding the EU's approach and priorities for the next EU-CELAC Summit.

The Commission and delegations stressed that CELAC is the privileged partner for bi-regional cooperation. Emphasis was also put on the importance of legal security for investment and security challenges in the region.

The Presidency reminded that the Committee will have the opportunity of a second discussion ahead of the Summit to take stock of the preparations, including the draft Statement.

35. Preparation of the Council meeting (Economic and Financial Affairs) on 13 November 2012

a) Banking Supervision Mechanism

- i) Council Regulation conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions**
- ii) Regulation of the European Parliament and of the Council amending Regulation (EC) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority) as regards its interaction with Council Regulation (EU) No.../... conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (First reading)**
 - Orientation debate**
15663/12 EF 245 ECOFIN 902 CODEC 2542

The Committee discussed the key issues on the file as set out in the Presidency report to the Committee/Council (doc. 15663/12). Following the debate, the Chairman concluded that the report would be submitted to the ECOFIN Council on 13 November 2012 without amendments.

b) Economic governance - Two pack

- i) Regulation on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area**
- ii) Regulation on the strengthening of economic and budgetary surveillance of Member States experiencing or threatened with serious difficulties with respect to their financial stability in the euro area**
 - State of play**

The Committee discussed the Presidency note (DS 1722/1/12 REV1) on the revised negotiating mandate for the Presidency. The revised Presidency note (DS 1722/2/12 REV2), taking into account the Committee discussion, will be sent to ECOFIN Council for discussion.

- c) **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)**
 - **Information from the Presidency**
15654/12 EF 244 ECOFIN 901 CODEC 2540

The Committee was debriefed by the Presidency on the state of play on the file, and took note of the intention of the Presidency to inform the ECOFIN Council on 13 November 2012 of progress. It is the intention of the Presidency to reach political agreement with the European Parliament before the end of the year.

- d) **Financial Transaction Tax (FTT)**
 - **State of play**
15390/12 FISC 144 ECOFIN 871

The Committee agreed that the file will be submitted to the forthcoming Council (ECOFIN) for a state of play in the light of the recently received Commission proposal for a Council decision authorising enhanced cooperation (doc. 15390/12).

- e) **Mandate for negotiations of amendments to the Savings Taxation agreements with third countries**
 - **Orientation debate**
14879/12 FISC 137 CH 41 FL 13 MC 7 AND 10 SM 18 RESTREINT UE

The Committee decided to have an orientation debate in the Council (ECOFIN) on 13 November 2012 on the basis of the Presidency note (doc. 14879/12).

- f) **Follow-up to the European Council on 18-19 October 2012**
 - **Exchange of views**

The Committee agreed to briefly inform Ministers about the outcome of the EC discussion regarding the work on achieving genuine Economic and Monetary Union.

g) Preparation of the 18th Conference of Parties to the United Nations Framework Convention on Climate Change (UNFCCC) in Qatar from 26 November to 7 December 2012

- **Draft Council conclusions**
15540/12 ECOFIN 887 ENV 815
15541/12 ECOFIN 888 ENV 816

The Committee agreed changes to the draft conclusions and decided to forward the revised conclusions to the Council (ECOFIN) of 13 November 2012 for adoption.

h) EU statistics

- **Draft Council conclusions**
15542/12 ECOFIN 889 UEM 302 STATIS 78
15544/12 ECOFIN 890 UEM 303 STATIS 79

The Committee agreed on the draft Council conclusions and decided to forward them to the Council for adoption as an A item.

The following statement for the minutes of the Committee was submitted by Germany and Slovenia :

"Germany and Slovenia express their view that the wording of bullet point 4 of the Council Conclusions concerning EU statistics based on document 15544/12 does not at any time oblige Member states to sign Commitments on Confidence for implementing the Code of Practise in this area. The Code of Practise is not be rooted in European law. Working level discussions have just begun; results are still pending. Moreover, the requested assessment by the Council and Commission of the legal quality of Commitments on Confidence and Code of Practise is still pending."

i) EU state aid modernisation

- **Draft Presidency conclusions**
15595/12 RC 30 COMPET 656 ECO 130 MI 672 RECH 395
IND 179 ENV 822 REGIO 118 TELECOM 196 ENER 435 EF 241
AUDIO 106

The Committee agreed on the approach suggested in 15595/12 that it would be the Presidency that would draw conclusions in the light of the debate in the Council. The text of the draft Presidency conclusions was slightly amended as set out in 15595/1/12 REV 1. After a similar debate in the Competitiveness Council, the ECOFIN Council will return to the matter and adopt Council conclusions.

j) 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.

- 36. Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Recast) (First reading)**
- **Preparation for the informal trilogue with regard to comitology-related issues**
15585/12 ASILE 128 CODEC 2516

The Committee had an exchange of views on this item. The Chair informed the Committee that the next informal trilogue was scheduled to take place on 12 November 2012 and that he will report back to the Committee at its next meeting.

- 37. Debriefing on the G20 Sherpa meeting (Mexico, 29-30 October 2012)**

The EU G20 Sherpa, Mr Antonio Cabral informed the Committee of the outcome of the G20 Sherpa meeting, which took place in Mexico on 29-30 October 2012.

- 38. Statute of the Court of Justice of the European Union (*restricted session*)**
- **Reform of the General Court**
= **Presidency compromise proposal**
15342/12 JUR 546 COUR 71 INST 630

The Committee had an exchange of views on the appointment of additional Judges to the General Court, on the basis of a Presidency note set out in 15342/12.

- 39. Preparation of the meeting of the Conciliation Committee and the meeting of the Council (Economic and Financial Affairs/Budget) on 9 November 2012**

The Committee held an exchange of views with the Commission and took note of the information provided by the Presidency concerning the preparation of the meeting of the Conciliation Committee and the meeting of the Ecofin/Budget Council on 9 November 2012.

40. **Proposal for a Decision of the European Parliament and of the Council providing further macro-financial assistance to Georgia (European Parliament second reading)**
- **Presidency debriefing on the outcome of the informal trilogue and preparation for the next informal trilogue**
15531/12 ECOFIN 886 RELEX 980 COEST 368 NIS 81 CODEC 2499

The Committee was debriefed on the outcome of the last trilogue on the above mentioned proposal and discussed the Presidency mandate in view of the next trilogue. The Committee confirmed that the procedure which should apply for the adoption of the memorandum of understanding is the examination procedure.

41. **Preparation of the Council meeting (General Affairs) on 20 November 2012**
- **Other items in connection with the Council meeting**

Le Comité a 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 du 20 novembre 2012.

42. **Better coordination in the Council on cyber policy issues**
15686/12 POLGEN 183 JAI 750 TELECOM 198 PROCIV 170 CSC 72 CIS 6 RELEX 988
JAIEX 91 RECH 398 COMPET 659 IND 181 COTER 107

The Committee adopted the Terms of Reference for a Friends of Presidency Group on Cyber issues, as outlined in document 15686/12. Member States should communicate the contact details of their focal contact point (s) to the Council General Secretariat, as indicated in the said document.

- **Any other business**
= **EU ETS/Aviation**
- **Information from the Commission**

The Committee took note of the information provided by the Commission regarding the discussions in the ICAO Council related to a framework for the application of market based measures and to possible options for a global market based measures scheme.

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