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THE EUROPEAN UNION**

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16161/12

CRS/CRP 39

SUMMARY RECORD

**Subject : 2429th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 14, 15 and 19 November 2012**

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 - (b) n° E-007705/2012 put by Angelika Werthmann
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Appointment of Ms Anna SAMKOVÁ, Czech alternate member, in place of Mr Jaroslav HLAVÍN, who has resigned

7. Advisory Committee on Safety and Health at Work
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1. Adoption of the provisional agenda and "I" items

doc. 16086/12 OJ/CRP1 39 + ADD 1
16003/2/12 REV 2 OJ/CRP2 39 + CM 5388/1/12 REV 1

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

The following items are **added**:

(Coreper Part 2, under II)

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

i) USA

(Coreper Part 1, under I)

66. Proposal for a Regulation of the European Parliament and of the Council concerning the implementation of the Agreements concluded by the EU following negotiations in the framework of Article XXVIII of GATT 1994, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (First Reading) (Legislative deliberation)

- **Approval of the final compromise text**
16178/12 WTO 362 AGRI 748 UD 281 CODEC 2650

67. Proposal for a Regulation of the European Parliament and of the Council on the allocation of tariff-rate quotas applying to exports of wood from the Russian Federation to the European Union (First Reading) (Legislative deliberation)

- **Approval of the final compromise text**
16180/12 WTO 363 COEST 393 CODEC 2651

68. Enlargement

Accession negotiations with Montenegro

- **Outcome of screening on Chapter 25 (Science and Research)**
16218/12 ELARG 115

(Coreper Part 1, under II)

69. Proposal for a Regulation of the European Parliament and of the Council implementing enhanced cooperation in the area of the creation of unitary patent protection (First reading) (Legislative deliberation)

- **Endorsement of the patents package**
16220/12 PI 144 CODEC 2661
16221/12 PI 145 COUR 73
16222/12 PI 146 COUR 74
18855/11 PI 194 OC 106

(This item will be dealt with in the restricted session: DPR + Mertens only)

70. **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**
71. **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)**
 - **Presidency debriefing and agreement on the outcome of the informal trilogue**
15145/12 DENLEG 106 AGRI 685 SAN 244 CODEC 2423

The following items are **withdrawn**:

(Coreper Part 1, under II)

20. **Proposal for a Council Decision on the signature, on behalf of the European Union, and the provisional application of the Protocol between the European Union and the Islamic Republic of Mauritania setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force**
 - **Preparation for adoption**
14282/12 PECHE 371
15840/12 PECHE 456

(Coreper Part 2, under I)

57. **(poss.) European Economic Area**
 - **Establishment of the European Union's common position for the 38th meeting of the EEA Council**
15900/12 EEE 116

(Coreper Part 2, under II)

62. **(poss.) Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (First reading)**
 - **Questionnaire on delegated/implementing acts**
14946/1/12 REV 1 DATAPROTECT 119 JAI 700 DAPIX 130 MI 631
FREMP 125 DRS 115 COMIX 568 CODEC 2383
64. - **Draft Council conclusions on Syria**
15922/12 COMAG 109 PESC 1344 COHAFA 135 SY 28

The following CRP2 agenda item is **transferred** from Part I to Part II :

- 31. Draft Council conclusions on the Joint Caribbean-EU Partnership Strategy**
- **Adoption**
15770/12 ACP 218 COLAT 54 AMLAT 66 DEVGEN 296 RELEX 995

The following CRP2 agenda item is **transferred** from Part II to Part I :

- 64. Preparation of the Council meeting (Foreign Affairs) on 19 November 2012**
a) **Draft Council conclusions on Military Capability Development**
15224/12 COSDP 894 PESC 1285 COPS 386

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

DE made a statement on the following item :

55. Draft Council conclusions on the Republic of Moldova - Action Plan on Visa Liberalisation
16012/12 COEST 383 JAI 777 VISA 217

"Germany welcomes the draft for Council conclusions concerning Moldova calling for the Council's decision to initiate the VLAP's 2nd phase. This decision follows the procedure the Council and the Commission have agreed on in the COREPER on May 19th, 2010. There it is set down in point 1.ii) that "EU Member States/Council will be fully associated in the different steps of the process, including by ... receiving reports by the Commission on the fulfillment of the first set of benchmarks in view of taking a decision to initiate an assessment of the second set of more specific benchmarks;". In the case of future VLAPs this mechanism demanding a decision by the Council will apply."

AT joined this statement.

Coreper Part 1

II

- 14. 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**
15446/12 DRS 120 COMPET 646 ECOFIN 878 CODEC 2484

The Committee provided a mandate to the Presidency for the negotiations with the European Parliament at the second informal trilogue on the basis of the Presidency compromise suggestions as set out in the Annex to document 15446/12 with the following two changes:

- Article 38(4a) as regards the total number of employees to be deleted; and
- the "equivalence clause" (EP Amendment 108) to be redrafted in cooperation with the Council Legal Service.

The Committee agreed to revert, at a forthcoming meeting, to the issue of the materiality threshold (Article 38(4)) which needed further clarification and to the DE suggestion as regards the responsibility of company boards.

- 15. Proposal for a Regulation of the European Parliament and of the Council on the European Union Programme for Social Change and Innovation (PSCI) (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the Presidency's oral report on the outcome of the second informal trilogue on 7 November 2012.

16. Preparation for the Council meeting (Education, Youth, Culture and Sport) on 26 and 27 November 2012

- 1. Proposal for a Regulation of the European Parliament and of the Council establishing "ERASMUS FOR ALL": the Union Programme for Education, Training, Youth and Sport (First reading) (*Legislative deliberation*)**
 - **Presidency oral report on state of play**

The Committee noted the intention of the Presidency to brief the Council orally on the state of play.

- 2. Literacy (*Non-legislative activity*)**
 - **Adoption of Council conclusions**
15817/12 EDUC 327 JEUN 93 SOC 895

The Committee took note of the unanimous support for the text as contained in 15888/12 and agreed to forward the text to the Council for adoption.

- 3. Education and training in Europe 2020 – the contribution of education and training to economic recovery, growth and jobs (*Non-legislative activity*)**
 - **Adoption of Council conclusions**
15827/12 EDUC 328 SOC 896

The Committee took note of the unanimous support for the text as contained in 16137/12 and agreed to forward the text to the Council for adoption.

- 4. Proposal for a Council Recommendation on the validation of non-formal and informal learning (*Non-legislative activity*)**
 - **Political agreement**
15851/12 EDUC 331 SOC 900 JEUN 96

The outcome of the examination of this file by the Committee is contained in 16144/12.

- 5. Improving teacher quality and status at a time of scarce financial resources (*Non-legislative activity*)**
 - **Policy debate**
15852/12 EDUC 332 SOC 901

The Committee agreed to forward the discussion paper (doc. 15852/12) to the Council as a basis for the policy debate to be held on this subject.

6. Proposal for a Regulation of the European Parliament and of the Council on establishing the Creative Europe Programme (First reading) (*Legislative deliberation*)

- Partial general approach

15847/12 AUDIO 110 CULT 140 CADREFIN 454 RELEX 1003 CODEC 2588

The outcome of the examination of this file by the Committee is contained in 16155/12.

7. Proposal for a Decision of the European Parliament and of the Council establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 (First reading) (*Legislative deliberation*)

- Progress report

15848/12 CULT 141 CODEC 2589

The Committee agreed to forward the progress report to the Council.

8. Cultural governance (*Non-legislative activity*)

- Adoption of Council conclusions

15849/12 CULT 142

The Committee took note of the unanimous support for the text as contained in 15849/12 and agreed to forward the text to the Council for adoption.

9. European strategy for a Better Internet for Children (*Non-legislative activity*)

- Adoption of Council conclusions

15850/12 AUDIO 111 JEUN 95 EDUC 330 TELECOM 203 CONSOM 136
JAI 766 GENVAL 81

The Committee took note of the unanimous support for the text as contained in 15850/12 and agreed to forward the text to the Council for adoption.

10. Internet: a better and safer place for children as a result of a successful interplay between government and industry (*Non-legislative activity*)

- Policy debate

15846/12 AUDIO 109 JEUN 94 EDUC 329 TELECOM 202 CONSOM 135
JAI 765 GENVAL 80

The Committee agreed to forward the discussion paper (doc. 15846/12) to the Council as a basis for the policy debate to be held on this subject.

11. Structured dialogue with young people (*Non-legislative activity*)

- (a) Outcome of EU Youth Conference**
- Information from the Presidency

The Committee noted the intention of the Presidency to brief the Council on the outcome of the EU Youth Conference.

- (b) Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the overview of the structured dialogue with young people on youth participation in democratic life in Europe**
- Adoption
15647/12 JEUN 88 SOC 873 EDUC 319 CULT 138 RELEX 986

The Committee agreed to forward the draft Resolution set out in 15647/12 for adoption by the Council.

- 12. 2012 Joint Report of the Council and the Commission on the implementation of the renewed framework for European cooperation in the youth field (2010 - 2018) (*Non-legislative activity*)**
- Adoption
15660/1/12 JEUN 91 EDUC 322 SOC 876 REV 1

The Committee agreed to forward the text as contained in 15660/2/12 REV 2 to the Council for adoption.

- 13. Draft conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council on the participation and social inclusion of young people with emphasis on those with a migrant background (*Non-legislative activity*)**
- Adoption
15652/12 JEUN 89 SOC 874 EDUC 320 COHOM 240 MIGR 118 RAXEN 5

The Committee took note of the unanimous support for the text as contained in 15652/1/12 REV 1 and agreed to forward the text to the Council for adoption.

14. Mobility and diversity: How to ensure social inclusion ? (*Non-legislative activity*)

- Policy debate

15657/12 JEUN 90 EDUC 321 SOC 875 MIGR 119

The Committee agreed to forward the discussion paper (doc. 15657/12) to the Council as a basis for the policy debate to be held on this subject.

15. Draft conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on strengthening the evidence base for sport policy making (*Non-legislative activity*)

- Adoption

15806/12 SPORT 65 SOC 892

The outcome of the examination of this file by the Committee is contained in 15873/12.

16. Draft conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on establishing a strategy to combat the manipulation of sport results (*Non-legislative activity*)

- Adoption

15845/12 SPORT 67 MI 698 COMPET 670 JUR 569 DROIPEN 156
ENFOPOL 350

The outcome of the examination of this file by the Committee is contained in 15876/12.

17. Anti-doping (*Non-legislative activity*)

(a) WADA Foundation Board

- Selection of the EU representatives (2013-2015)

15720/12 SPORT 62 DOPAGE 17 SAN 263 JAI 753

The Committee agreed to invite the Council to designate the three EU representatives of the Foundation Board of the WADA in accordance with the document 15720/12.

(b) Outcome of the World Anti-Doping Agency (WADA) meetings (Montreal, 17-18 November 2012)

- Information from the Presidency

The Committee noted the intention of the Presidency to brief the Council orally on the outcome of the WADA meetings.

18. Health-enhancing physical activity (HEPA) (*Non-legislative activity*)

- (a) Draft conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on promoting health-enhancing physical activity (HEPA)**

- **Adoption**
15664/12 SPORT 61 SAN 259

The outcome of the examination of this file by the Committee is contained in 15871/12.

- (b) Annual European Week of Sport**

"From virtual sports to real sports: A step from the sofa to the playing field"

- **Policy debate**
15814/12 SPORT 66 SAN 270

The Committee agreed to forward the discussion paper (doc. 15814/12) to the Council as a basis for the policy debate to be held on this subject.

17. 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)

- **Presidency debriefing on the outcome of the informal trilogue**

The Committee was informed about the outcome of the second informal trilogue meeting on LIFE held on 12 November 2012. In particular, the Committee was informed that an agreement on VAT and Staff costs had been reached, pending the request by the European Parliament to the Commission to provide more information on VAT reimbursed and that a potential compromise text was also found on Eco-innovation. Integrated Projects were subject to a long debate while OCTs were also touched upon. No significant progress was made on: i) 75% budgetary resources for Nature and biodiversity projects; ii) Co-financing rates and iii) national allocations as the three institutions maintained their positions. Due to time restrictions, Multiannual work programme and implementing and delegated acts were deferred to the third trilogue. Finally, the Committee was informed that a second technical meeting is foreseen for the 16 November 2012 and that the 3rd trilogue is foreseen for the first week of December.

18. Proposal for a Council Decision establishing the European Union position for the review of the International Telecommunications Regulations to be taken at the World Conference on International Telecommunications or its preparatory process

- Preparation for adoption

13165/12 TELECOM 151 AUDIO 77 MI 527 RELEX 750

15969/12 TELECOM 207 AUDIO 113 MI 705 RELEX 1015 + COR 1

While noting that on substance, as reflected in the annex to Annex A of document 15969/12 + COR1, there was agreement the Commission could not accept the Presidency text and reserve its right to use all remedies available should this text be adopted. Several delegations (BE/ES/PT/CZ/SK/IT) announced their intention to abstain either with respect to the choice of Art. 218(9) as procedural legal basis (CZ/SK) or because, as confirmed by the Council Legal service, of the inconsistency of the presidency text with the TFEU as regards the role of the Commission in representing the Union position. DE/CZ/SK also announced their intention to table separate statements on the choice of legal basis.

All the other delegations could support the Presidency text as well as the addition of "Commission" to the destinies of the Decision and some adaptation to Art. 1a . The Committee took note of Croatia's, an ITU full member, intention to associate itself to the EU position.

19. (a) Proposal for a Council Decision on the signature, on behalf of the European Union, and on the provisional application of the Protocol agreed between the European Union and the Republic of Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force

14159/12 PECHE 365 OC 519

(b) Proposal for a Council Decision on the conclusion of the Protocol agreed between the European Union and the Republic of Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force

14164/12 PECHE 366 OC 520

15234/12 PECHE 410

(c) Proposal for a Council Regulation on the allocation of the fishing opportunities under the Protocol agreed between the European Union and the Republic of Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force

14151/12 PECHE 363 OC 517

- Analysis of the legal basis

15839/12 PECHE 455 OC 624

The Committee agreed with unanimity to amend the legal basis for the Proposal for a Council Decision on concluding a new fisheries Protocol with Madagascar on the basis of a Presidency compromise set out in 15234/12. The Commission did not support this change.

The Swedish delegation declared its intention of voting against the conclusion *per se*.

The Presidency indicated that the adoption of the Council decision on signing and provisional application as well as the Council Regulation on allocation of fishing opportunities would now be put forward for adoption by the "I/A" procedure. The consent of the European Parliament to conclude the protocol would likewise be requested by "I/A" procedure.

21. Setting of the provisional agenda of the Council meeting (Transport, Telecommunications and Energy) on 3 December 2012

The Committee agreed the provisional agenda for the forthcoming Council meeting (TTE) on 3 December 2012.

22. Proposal for a Regulation of the European Parliament and of the Council on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change (First reading) (Legislative deliberation)

- Presidency debriefing on the outcome of the informal trilogue

The Committee took note of the debriefing by the Presidency on the outcome of the second informal trilogue held on 8 November 2012. During the trilogue, the institutions acknowledged that significant differences remained between the institutions' positions despite progress made on technical issues. The Rapporteur considered the Council's moves towards the European Parliament insufficient. The trilogue concentrated on delegated and implementing acts, financial support to developing countries (Art. 17) and emissions from maritime transport (Art. 10), which are the three critical issues in terms of reaching agreement. Other important issues to be resolved are: low-carbon development strategies (Art. 4), PAMs and projections (Art. 14-15) and ETS auctioning revenues (Art. 18). The Presidency had signalled to the EP its restricted margin of manoeuvre but also willingness to examine all possibilities. The Presidency informed the Committee that a technical meeting was scheduled for 16 November 2012 (for additional clarifications on delegated/implementing acts).

The Presidency will in due course submit an updated mandate to the Committee with a view to the third trilogue (date to be confirmed).

- 23. Proposal for a Decision of the European Parliament and of the Council on accounting rules and action plans on greenhouse gas emissions and removals resulting from activities related to land use, land use change and forestry (LULUCF) (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the debriefing by the Presidency of the outcome of the first informal trilogue held on 13 November 2012. The trilogue confirmed that there was considerable distance between the positions of the institutions on key issues even though the number of those issues was limited. The major issues discussed were: the accounting of agricultural activities (Art. 3), LULUCF actions (Art. 10), definition of "forest" (Art. 2 and Annex IV) and accounting periods (Art. 4 and related provisions). On some other issues, further clarification will be needed. A list of points to be discussed at technical level was identified. The Presidency informed the Committee that the second informal trilogue would take place on 27 November 2012, preceded by a technical meeting on 15 November 2012. The Committee will discuss the mandate for the second informal trilogue meeting on 21 November 2012.

- 24. Proposal for a Regulation of the European Parliament and of the Council concerning the European Network and Information Security Agency (ENISA) (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
16042/12 TELECOM 211 MI 712 DATAPROTECT 127 JAI 790 CAB 30
INT 645 CODEC 2626

The Committee agreed on a mandate for the 2nd trilogue to be held on 20 November 2012: this mandate will be based on Annex I and II to document 16042/12 with one correction concerning the last sub-paragraph, fourth column, p. 84, which shall be marked as "not acceptable for alignment."

69. Proposal for a Regulation of the European Parliament and of the Council implementing enhanced cooperation in the area of the creation of unitary patent protection (First reading) (Legislative deliberation) (This item will be dealt with in the restricted session)

- **Endorsement of the patents package**
16220/12 PI 144 CODEC 2661
16221/12 PI 145 COUR 73
16222/12 PI 146 COUR 74
18855/11 PI 194 OC 106

The Committee endorsed the patents package submitted by the Presidency, as described in 16220/12, and mandated the Presidency to inform the European Parliament accordingly.

70. 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 on the outcome of the second informal trilogue of 14 November 2012 and decided to revert to this issue at its meeting on 23 November 2012.

71. 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)

- **Presidency debriefing and agreement on the outcome of the informal trilogue**
15145/12 DENLEG 106 AGRI 685 SAN 244 CODEC 2423

The Committee was informed that an agreement was reached with the European Parliament at the end of the informal trilogue on 14.11.2012, following long and difficult discussions.

The agreement is based on the text set out in document 15145/12, as complemented by DS 1749/12 and with the new version of recital 26 as agreed by the Committee on 9 November 2012, with the following changes:

- The addition of a recital justifying why the extension of the prohibition of the use of pictures on the follow-on formula will be only for labelling;
- The addition of a recital on the compatibility of the prohibition of the use of pictures with the freedom of expression;

- The addition of the expression "and young children" after "infants" in Article 10(2)(b);
- The addition of an article making a reference to the precautionary principle as established in Regulation No 178/2002;

The added texts can be found in DS 1777/12.

It was also decided to integrate the Union list of substances in an Annex to the Regulation, which will be amended by delegated acts. Additional modifications will be necessary to adapt the text to that decision.

DE expressed its disapproval to the agreement for the reasons already mentioned on 9.11.2012.

UK maintained its parliamentary scrutiny reservation and reserved its position on the decision on the Union list.

AT also reserved its position in relation to the decision on the Union list.

Coreper Part 2

II

31. Draft Council conclusions on the Joint Caribbean-EU Partnership Strategy

- Adoption

15770/12 ACP 218 COLAT 54 AMLAT 66 DEVGEN 296 RELEX 995

The Committee examined the request from a delegation and agreed to modify the text of the draft Council conclusions accordingly. The text as set out in 16333/12 will be submitted to the Council for adoption.

37. European Defence Agency

- Draft Budget 2013

15991/12 COSDP 964 POLARM 8 IND 189 RECH 403 ECO 135

The Committee discussion on proposal for the EDA 2013 budget based on zero real growth figures (total proposed budget of 31,187.500 EUR). EDA Chief Executive explained the increase compared to the 2012 budget has been proposed to set off the inflation in 2012 and would be used entirely for keeping the operational budget at 2012 level. The Presidency concluded that some delegations could not accept the draft budget proposal.

The Chair of the Committee announced that the issue would be referred to the FAC (Defence Ministers) on 19 November 2012 for further discussion so as to adopt the 2013 Budget of the Agency, including the Agency's 2013 Staff Establishment Plan, as well as to agree to postpone by one year the adoption of the EDA 3-Year Financial Framework.

38. Relations with the European Parliament (November 2012)

15836/12 PE 489 INST 633 POLGEN 187 CODEC 2586

The Committee held a discussion on relations with the European Parliament on the basis of the document 15836/12.

39. Follow-up to the Council meeting (Economic and Financial Affairs/Budget) on 9 November 2012

The Committee held an exchange of views on the outcome of the Council meeting and the Conciliation Committee meeting with the European Parliament on 9 and 13 November 2012 and took note of the information provided by the Commission on the preparation of the new draft budget for 2013.

It noted the political agreement reached by the Council on the adoption of draft amending budget No 5/2012 as proposed by the Commission.

40. Follow-up to the Council meeting (Economic and Financial Affairs) on 13 November 2012

- Ministers had an extensive exchange of views on the banking supervision mechanism.
- The Council also discussed:
 - the authorisation for enhanced cooperation for FTT
 - negotiations on the Two-pack.
- Ministers were debriefed in an informal session on the state of play as regards the 2013 budget.
- The Council adopted Council conclusions on Climate Finance and Statistics.
The Committee agreed a correction in paragraph 13 of the conclusions on Climate Finance, confirming that the words "looks forward to" should be deleted.

41. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 4 December 2012

The Committee agreed the provisional agenda for this Council meeting.

42. Presentation of the agenda of the Council meeting (Justice and Home Affairs) on 6-7 December 2012

The Presidency outlined its intentions in relation to the items on the JHA Council agenda. The Commission suggested a wider debate on visa policy taking account of a number of recent reports.

- 43. 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 (First reading)**
- **Examination of Presidency compromise proposal in view of trilogue**
15957/12 ASILE 134 CODEC 2607

The Committee examined the Presidency's compromise suggestions, and authorised the Presidency to hold a new trilogue, subject to some technical changes. The Chair announced that he will report back to the Committee on the results of this trilogue.

The Chair subsequently informed the Committee on the agreement reached with the European Parliament on the Dublin Regulation at the trilogue which was held in the evening of Wednesday 14 November 2012.

- 44. Presentation of the agenda of the Council meeting (General Affairs) on 11 December 2012**

The Committee examined the provisional agenda, which will include the progress report on the Cohesion legislative package, the ECJ Statute under legislative activities.

The GAC in December will also examine the preparation of the December EC conclusions, the adoption of the Enlargement conclusions, the endorsement of the Trio programme, the preparation of the Common position for the Accession Conference with Iceland, the presentation of the Annual Growth Survey by the Commission.

A GAC lunch with the President of the European Council is also foreseen.

- 45. Lessons learned from the 2012 European Semester**

- **Synthesis report**
15674/12 CO EUR-PREP 47 POLGEN 182 ENV 827 ENER 436 MI 675 RECH 397
COMPET 658 IND 180 ECOFIN 904 SOC 877 EDUC 323 TELECOM 197

Presidency presented to the Committee the Synthesis report, which is a summary of the discussions held at the various Council formations on the lessons learnt from the 2012 European semester exercise and recommendations for 2013. The Committee agreed to transmit it to the General Affairs Council, as an A item.

46. EU-Brazil Summit

- Orientation debate

15856/12 AMLAT 67 PESC 1340

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-Brazil Summit.

The EEAS and the Commission informed on perspectives for the Summit, indicating that Brazil had so far neither confirmed its date and venue nor provided a draft agenda or the draft Joint Statement. The accent was put, by delegations as well, on the numerous trade irritants and protectionist measures and the need for better market access and for progress in the Mercosur negotiations. On the positive side, mention was made of commonalities and ongoing cooperation in the fields of Science and technology and of Climate change.

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.

47. Preparation of the Council meeting (General Affairs) on 20 November 2012

a) Cohesion Policy Legislative Package (First reading)

- Elements of a partial general approach

15880/12 FSTR 71 FC 46 REGIO 123 SOC 905 AGRISTR 150 PECHE 457

CADREFIN 456 CODEC 2597

+ ADD 1

+ ADD 2

+ ADD 3 REV 1

The Committee:

- examined the elements of a partial general approach on the Cohesion Policy legislative package as set out in ADD 1 and 2 (subject to adjustments reflecting the comments from delegations to be introduced by the Presidency) to document 15880/12 and invited the Council to agree on these elements, subject to the principle that "nothing is agreed until everything is agreed".

- decided to enter into its minutes the following statement (doc. 15880/12 ADD 3 REV 2) :

"Joint Statement of the Council and the Commission on Article 137(6) of the
Common Provisions Regulation (CPR)"

The Council and the Commission confirm that for the purpose of Article 137(6) CPR the reference to the term "applicable Union and national law" in relation to the assessment of serious deficiencies in the effective functioning of management and control systems includes interpretations of this law made either by the Court of Justice of the European Union, by the General Court of the European Union or by the Commission (including Commission interpretative notes) applicable at the date when the relevant management declarations, annual control reports and audit opinions were submitted to the Commission."

- b) Preparation of the European Council on 22/23 November 2012**
 - **Draft conclusions (restricted session)**
15602/12 CO EUR-PREP 38

The Committee took note of the draft EC conclusions prepared by the President of the European Council in close cooperation with the Cyprus Presidency and the President of the Commission.

- c) Preparation of the European Council on 13/14 December 2012**
 - **Annotated draft agenda**
15628/12 CO EUR-PREP 41

The Committee took note of the annotated draft agenda submitted by the President of the European Council, setting out the items the EC is expected to address on 13-14 December 2012.

- d) Other items in connection with the Council meeting**

The Chair informed the Committee that under AOB the Presidency will brief the Council on the results of the Informal meeting of Ministers responsible for Cohesion Policy, held on 6 November 2012 in Nicosia.

58. ASEM 9 Summit

- Debriefing

The Committee was debriefed by the EEAS on the outcome of the 9th ASEM Summit (Vientiane, 5-6 November).

The Summit focused on all three pillars of the ASEM cooperation: financial and economic developments; global issues such as sustainable development, non-traditional security challenges, promotion of universal values; and socio-cultural cooperation. The ASEM partners also discussed regional issues and developments in the Korean Peninsula, Middle East and North Africa, Iran and Afghanistan.

59. Preparation of the Council meeting (Foreign Affairs/Trade) on 29 November 2012

a) Omnibus

- State of play

The Chair recalled that on 14 November 2012 the Committee had mandated the Presidency to enter into informal trilogue negotiations with the European Parliament and the Commission on the "Omnibus I" file. As regards the "Omnibus II" file, the Presidency had been intensifying its efforts so as to enable the Committee to approve the mandate for the trilogue negotiations in the course of November.

b) Financial responsibility for investor-state-dispute settlement

- State of play

16015/12 WTO 352 FDI 30

The Chair indicated that the Council would assess the state of play in the legislative deliberations on the proposed Regulation on financial responsibility for investor-state dispute settlement. The discussion under this item would be based on the Presidency Note (doc. 16015/12) containing three questions to steer the ministers' debate.

c) EU Japan

- Adoption of negotiating mandate

The Chair noted that, while considerable progress had been made, further efforts and technical work were required in order to reach an agreement on the adoption of the negotiating directives at the Council meeting on 29 November 2012.

In the light of the debate, the Presidency concluded that delegations' positions were not far apart; therefore it should be possible to bridge the gaps and to arrive to a compromise to satisfy different views. The Trade Policy Committee would continue its deliberations on the basis of a revised compromise proposal to be prepared by the Presidency. The Committee would revert to this topic at its next meeting, with a view to reaching an agreement in the Council meeting on the following day.

d) EU-Canada CETA
- Finalisation of the negotiation

In the view of the possibly decisive EU-Canada ministerial meeting scheduled for 22 November 2012, the Chair presented a timetable for the Trade Policy Committee discussions ahead of the Council meeting on 29 November 2012.

The European External Action Service commented on the state of play in the EU-Canada negotiations on a Strategic Partnership Agreement and the link with the Comprehensive Economic and Trade Agreement (CETA). The Commission confirmed its ambition to conclude the negotiations in time for the Council meeting and undertook to continue pursuing the ambitious outcome in these negotiations and to keep delegations informed about the progress made.

e) EU-Singapore FTA
- State of play

In view of the advanced stage of the EU-Singapore FTA negotiations, the Chair expressed his expectation that the Commission would debrief the Council on the most recent developments and assess the prospects for concluding them in the coming months.

The Commission reported on the further progress made in the negotiations on the sectoral disciplines to tackle non-tariff barriers and rules of origin as well as the remaining open issues in the areas of geographical indications and financial services.

f) EU-Southern Mediterranean
- State of play

The Chair indicated that the Council would assess the state of play in trade and investment relations with the Southern Mediterranean partners, focusing in particular on the progress made in launching negotiations with Egypt, Jordan, Morocco and Tunisia to establish Deep and Comprehensive Free Trade Areas (DCFTAs).

The Commission reported on the positive conclusion of the DCFTA scoping exercise with Morocco (whose report was distributed on 14 November 2012), and the state of play in the scoping exercises with other three partners.

g) Other items in connection with the Council meeting

The Chair indicated that during the lunch the Council would discuss the state of play in relations with Russia following its accession to the World Trade Organization as well as the coordination of trade and investment relations with China. The Council meeting was scheduled to begin at 9am. In view of a number of important items to be discussed the Presidency asked delegations to show restraint in their interventions.

60. Revised rules for markets in financial instruments (MiFID / MiFIR) (First reading)

- General approach

15313/12 EF 235 ECOFIN 866 CODEC 2462

15274/3/12 REV 3 EF 233 ECOFIN 862 CODEC 2453

15275/3/12 REV 3 EF 234 ECOFIN 863 CODEC 2454

Following the discussion, the Presidency concluded that further work was still needed at the Working Party level. The Committee will revert to the files on 28 November 2012.

61. Proposal for a Regulation of the European Parliament and of the Council creating a European Account Preservation Order to facilitate cross border debt recovery in civil and commercial matters (First reading)

- Orientation debate

15918/12 JUSTCIV 327 CODEC 2604

The outcome of the discussions is set out in 16350/12.

63. Stockholm Programme mid-term review

15921/12 JAI 771 JAIEX 97 ASIM 138 MIGR 124 VISA 216 FRONT 155
ENFOPOL 356 JUSTCIV 328 CATS 74 COSI 101 PROCIV 175

The Presidency presented document 15921/12 to fulfil the mandate of the European Council to submit a mid-term review of the Stockholm programme. The Commission underlined the importance of this document.

The Council will be invited to indicate priorities for taking forward the implementation of the Stockholm Programme on the basis of this overview.

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

b) Mali

- Draft Council conclusions

16172/12 COAFR 359 ACP 222 PESC 1382 DEVGEN 300 COTER 109
COMAG 118 COHAFA 138 RELEX 1036

The Committee approved the draft Council conclusions and submitted them to the Council for adoption.

c) Draft Council conclusions on the situation in the eastern Democratic Republic of Congo

15966/1/12 REV 1 COAFR 348 ACP 219 DEVGEN 298 RELEX 1014 COPS 422

The Committee approved the draft Council conclusions and submitted them to the Council for adoption.

d) Southern Neighbourhood

- Syria

= Draft Council conclusions

15922/12 COMAG 109 PESC 1344 COHAFA 135 SY 28

The Executive Secretary General of the EEAS informed the Committee of the way in which the High Representative intends to conduct the exchange of views on Southern Neighbourhood.

The Committee examined the draft Council conclusions on Syria as set out in 15922/12 and decided to forward them to the Council for adoption.

e) MEPP
- **Draft Council conclusions on Gaza**
16376/12 COMEP 26 PESC 1405

The Executive Secretary General of the EEAS informed the Committee of the intention of the High Representative to conduct the exchange of views on Middle East Peace Process in restricted session. Several Member States requested Council Conclusions on the situation in Gaza.

The Committee examined the draft Council conclusions on Gaza as set out in 16376/12 and decided to forward them to the Council for adoption.

f) Ukraine

The Committee took note of information provided by the EEAS on the discussion on EU-Ukraine relations to be held by the Council on 19 November 2012.

g) Cuba

The EEAS informed that the High Representative did not envisage substantive, but only procedural conclusions. In the wake of the last Council discussion in October 2010, Member States would now be asked if they were prepared to agree to initiate the process of establishing negotiating directives for a bilateral agreement with Cuba.

i) USA

The EEAS informed that the High Representative would have a very brief exchange of views with Member States on the outcome of the US elections and the implication of the results to the EU.

h) Other items in connection with the Council meeting

The Executive Secretary General of the EEAS informed the Committee of the way in which the High Representative intends to conduct the exchange of views at the Foreign Affairs Council (Defence Ministers).

65. Presentation of the agenda of the Council meeting (Foreign Affairs) on 10 December 2012

The Council on 10 December 2012 should start with a lunch discussion on Western Balkans, focusing on the foreign policy aspects of the enlargement package to be adopted by the General Affairs Council the following day.

There should be a discussion ahead of the Summit with Russia, as well as conclusions on Ukraine. Southern Neighbourhood (most likely, Syria, MEPP, possibly Lebanon) should also feature on the December Foreign Affairs Council agenda.

- 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, to possible options for a global market based measures scheme and to the foreseen future work on these issues.

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