



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 January 2013

17965/12

CRS/CRP 45

SUMMARY RECORD

**Subject : 2434th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 17, 19 and 21 December 2012**

SUMMARY

Page

1. Adoption of the provisional agenda and "I" items 11

Coreper Part 2

I

2. Proposal for a Regulation of the European Parliament and of the Council amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union
3. Council Implementing Decision amending Implementing Decision 2011/344/EU on granting Union financial assistance to Portugal
4. Legal act in the excessive deficit procedure: Adoption of linguistic versions not available at the time of adoption of acts by the Council:
Council Decision amending Decision 2011/734/EU addressed to Greece with a view to reinforcing and deepening fiscal surveillance and giving notice to Greece to take measures for the deficit reduction judged necessary to remedy the situation of excessive deficit
5. Special report No 11/2012 from the European Court of Auditors entitled "Suckler cow and ewe and goat direct aids under partial implementation of SPS arrangements"
6. Special report No 14/2012 from the European Court of Auditors entitled "Implementation of EU hygiene legislation in slaughterhouses of countries that joined the EU since 2004"
7. Special report No 16/2012 from the European Court of Auditors entitled "The effectiveness of the Single Area Payment Scheme as a transitional system for supporting farmers in the new Member States"
8. Relations with Jordan
 - Adoption of the European Union's position for the Association Council's tenth meeting (Brussels, 19 December 2012)
9. Enlargement
 - Accession negotiations with Iceland
 - = Chapter 16: Taxation
10. Enlargement
 - Accession negotiations with Iceland
 - = Chapter 17: Economic and Monetary Policy
11. Enlargement
 - Accession negotiations with Iceland
 - = Chapter 27: Environment

12. Enlargement
 - Accession negotiations with Montenegro
 - = Outcome of screening on Chapter 23: Judiciary and fundamental rights
13. Enlargement
 - Accession negotiations with Montenegro
 - = Outcome of screening on Chapter 24: Justice, freedom and security
14. Enlargement
 - Accession negotiations with Montenegro
 - = Chapter 25: Science and Research
15. Draft Council conclusions on EU relations with EFTA countries
16. Draft conclusions of the Council of the European Union and of the Representatives of the Governments of the Member States meeting within the Council
 - Future Swiss Financial Contribution for the benefit of Croatia
17. Council Decision amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo
18. Iran
 - a) Council Decision amending Decision 2011/235/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Iran
 - b) Council Regulation amending Regulation (EU) No 359/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran
19. Council Regulation amending Regulation (EU) No 1284/2009 imposing certain specific restrictive measures in respect of the Republic of Guinea
20. Council Decision on EU activities in support of the Arms Trade Treaty, in the framework of the European Security Strategy
23. Draft minutes of Council meetings
 - a) 3148th meeting of the Council of the European Union (Economic and Financial Affairs), held in Brussels on 21 February 2012
 - b) 3170th meeting of the Council of the European Union (Foreign Affairs), held in Brussels on 31 May 2012
 - c) 3172nd meeting of the Council of the European Union (Justice and Home Affairs), held in Luxembourg on 7 and 8 June 2012
 - d) 3178th meeting of the Council of the European Union (Economic and Financial Affairs), held in Luxembourg on 22 June 2012
 - e) 3179th meeting of the Council of the European Union (Foreign Affairs), held in Luxembourg on 25 June 2012

- f) 3180th meeting of the Council of the European Union (General Affairs), held in Luxembourg on 26 June 2012
 - g) 3181st meeting of the Council of the European Union (Economic and Financial Affairs), held in Brussels on 10 July 2012
 - h) 3183rd meeting of the Council of the European Union (Foreign Affairs), held in Brussels on 23 July 2012
 - i) 3184th meeting of the Council of the European Union (General Affairs), held in Brussels on 24 July 2012
- 24. Case before the General Court
 - Case T-431/12 (Distillerie Bonollo SPA and Others v. Council)
 - 25. Case before the General Court
 - Case T-432/12 (Volzskij trubnyi zavod OAO (VTZ OAO) and Others v. Council)
 - 26. Case before the General Court
 - Case T-442/12 (Changmao Biochemical Engineering Ltd. v. Council)
 - 28. Monthly list of acts adopted under the written procedure
 - a) August 2012
 - b) September 2012
 - c) October 2012
 - 29. Recommendation to the Council concerning the acceptance of NATO's approval procedures for cryptographic products
 - 30. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 106/2008 on a Community energy-efficiency labelling programme for office equipment (First reading)
 - 31. Proposal for a Regulation of the European Parliament and of the Council on the European statistical programme 2013-2017 (First reading)
 - 32. Proposal for a Regulation of the European Parliament and of the Council Implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part (First reading)
 - 33. Proposal for a Regulation of the European Parliament and of the Council Implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States on the one hand, and Central America on the other (First reading)

36. Special report No 15/2012: Management of conflict of interest in selected EU Agencies
37. Special report No 16/2012: The effectiveness of the Single Area Payment Scheme as a transitional system for supporting farmers in the new Member States
38. Proposal for a Regulation of the European Parliament and of the Council on the European system of national and regional accounts in the European Union (ESA 2010) (First reading)
39. Revised rules for markets in financial instruments (First reading)
 - a) Proposal for a Directive of the European Parliament and of the Council on markets in financial instruments repealing Directive 2004/39/EC of the European Parliament and of the Council (Recast) (MiFID)
 - b) Proposal for a Regulation of the European Parliament and of the Council on markets in financial instruments and amending Regulation [EMIR] on OTC derivatives, central counterparties and trade repositories (MiFIR)
40. Proposal for a Council Regulation fixing for 2013 and 2014 the fishing opportunities for EU vessels for certain deep-sea fish stocks
41. Council Recommendation on the validation of non-formal and informal learning
42. Proposal for a Council directive on consular protection for citizens of the Union abroad
43. CCA Review Process: Presidency Report on "Arrangements for Crisis Coordination at EU political level"
44. EU Support for Sustainable Change in Transition Societies
45. Draft Council Conclusions on the European Court of Auditors' Special Report No 13/2012: "European Union Development Assistance for Drinking-Water Supply and Basic Sanitation in Sub-Saharan Countries"
46. Draft Council conclusions on EU relations with the Principality of Andorra, the Principality of Monaco and the Republic of San Marino
48. Council Decision amending Common Position 2003/495/CFSP on Iraq
49. Council Decision amending and extending Decision 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces
50. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) and the Convention implementing the Schengen Agreement (First reading)
51. (poss.) Council Directive amending Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals

52. Council conclusions on a request to the European Union Agency for Fundamental Rights in accordance with Article 4 (1) c) and d) of the Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights
53. Draft Council Decision on the launch of automated data exchange with regard to DNA data in the Republic of Poland
54. Draft Council Act laying down the mortality tables
55. Draft Council Decision amending the list of third States and organisations with which Europol shall conclude agreements

II

21.	Debrief of the first G20 Sherpa meeting under Russian Presidency (Moscow, 10-12 December 2012)	19
22.	Amended proposal for a Directive of the European Parliament and of the Council on common procedures for granting and withdrawing international protection status (Recast) (First reading)	19
56.	Schengen Governance legislative package	
a)	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances (First reading)	21
b)	Proposal for a Council Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis	21
58.	Draft Decision of the European Parliament and of the Council amending Decision No 574/2007/EC with a view to increasing the co-financing rate of the External Borders Fund for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability (First reading)	21
59.	Draft Decision of the European Parliament and of the Council amending Decision No 573/2007/EC, Decision No 575/2007/EC and Council Decision 2007/435/EC with a view to increasing the co-financing rate of the European Refugee Fund, the European Return Fund and the European Fund for the Integration of third-country nationals as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability (First reading)	21
60.	Multiannual Financial Framework 2014-2020 (Home Affairs)	
i)	Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (First reading)	22
ii)	Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund (First reading)	22
61.	Follow-up to the Council meeting (Justice and Home Affairs) on 6/7 December 2012	22
62.	Follow-up to the Council meeting (Foreign Affairs) on 10 December 2012	22
63.	Follow-up to the Council meeting (General Affairs) on 11 December 2012	23
64.	Follow-up to the European Council on 13/14 December 2012	23

65.	Follow-up to the Council meeting (Economic and Financial Affairs) on 12 December 2012	23
66.	Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 22 January 2013	24
67.	Cohesion Policy legislative package (First reading)	
	a) Note: Mandate for negotiations with the European Parliament	24
	b) Progress Report: State of play	24
68.	- Draft Arrangement between the European Parliament, the Council and the High Representative of the Union for Foreign Affairs and Security Policy concerning access by the European Parliament to classified information held by the Council and the European External Action Service in the area of the common foreign and security policy - Draft Interinstitutional Agreement between the European Parliament and the Council repealing the Interinstitutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy	25
69.	Proposals for external financing instruments under Heading 4 (2014-2020) (First reading)	
	- Progress report of negotiations with the European Parliament in respect of the external financing instruments under Heading 4 of the Multiannual Financial Framework 2014-2020	25

Coreper Part 1

I

75. Replies to written questions put to the Council by Members of the European Parliament
- (a) n° E-007887/2012 put by Keith Taylor
"Wild animals kept as pets in the European Union"
 - (b) n° E-008085/2012 put by Chris Davies, Gerben-Jan Gerbrandy, Jo Leinen, Satu Hassi, Bas Eickhout and Linda McAvan
"Basis for reaching Council 'conclusions', including those concerning international agreements"
 - (c) n° E-008866/2012 put by Matteo Salvini
"Single European patent"
 - (d) n° E-008997/2012 put by Sergio Gutiérrez Prieto, Iratxe García Pérez and Enrique Guerrero Salom
"Continuation of the European programme of food aid for the most deprived persons"
 - (e) n° E-009157/2012 put by David Martin
"Indication of country of origin"
 - (f) n° E-009252/2012 put by Georgios Toussas
"Solidarity with the struggle of the Colombian people"
 - (g) n° P-009345/2012 put by Paul Murphy
"Addition of the LTTE to the EU 'terrorist list'"
 - (h) n° E-009472/2012 put by Diogo Feio
"Revitalising European industry"
76. Proposal for a Council Regulation amending Regulation (EC) No 723/2009 concerning the Community legal framework for a European Research Infrastructures Consortium (ERIC)
77. Amendment to the Commission proposal COM (2011) 627 final/3 for a Regulation of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural development (EAFRD)
78. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels (First reading) (Legislative deliberation)

II

79. 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) 26
80. 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) 26
81. 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) 27
82. Proposal for a regulation of the European Parliament and of the Council concerning customs enforcement of intellectual property rights (IPR) (First reading) (Legislative deliberation) 27
- Any other business
- Council meeting (Transport, Telecommunications and Energy) on 20 December 2012
= Information from the Presidency on the exchange of views held during the ministerial lunch on the "Potential of the transport sector as convergence platform towards energy and telecommunication infrastructures" 27

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

doc. 18012/12 OJ/CRP1 44

17826/2/12 REV 2 OJ/CRP2 44 COMIX 736 + REV 2 COR 1 + REV 2 COR 2

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

The following items are **added**:

(Coreper Part 2, under I)

70. Afghanistan

17393/12 PESC 1505 RELEX 1123 COASI 204 COARM 266 FIN 1020

a) **Council Implementing Decision implementing Decision 2011/486/CFSP concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan**

17188/12 PESC 1481 COASI 199 COARM 257 FIN 993 OC 706

b) **Council Implementing Regulation implementing Article 11(1) of Regulation (EU) No 753/2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan**

17189/12 PESC 1482 RELEX 1105 COASI 200 COARM 258 FIN 994 OC 707

72. Libya

17904/12 PESC 1561 RELEX 1173 COMEM 384 COARM 277 FIN 1069

a) **Council Decision amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya**

17827/12 PESC 1551 COMEM 381 COARM 274 FIN 1062 OC 758

b) **Council Regulation amending Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya**

17830/12 PESC 1553 RELEX 1166 COMEM 382 COARM 275 FIN 1063
OC 761

74. Access arrangements for meetings of the Council and its preparatory bodies

14387/1/12 REV 1 POLGEN 159 CSC 60

The following items are **withdrawn**:

(Coreper Part 2, under I)

- 27. Unique sequential numbering - new identifier to be attributed to acts published in the Official Journal "L" series**
17842/12 JURINFO 65 INF 208 JUR 643
- 71. EU communication priorities for 2013-2014**
17847/12 INF 209
- 73. (poss.) Council Decision on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)**
17508/12 COSDP 1074 PESC 1519 COAFR 399 RELEX 1140 CONUN 169
17412/12 COSDP 1062 PESC 1506 COAFR 393 RELEX 1125 CONUN 166 OC 726

(Coreper Part 2, under II)

- 57. Draft Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (First reading)**
- **Approval of the final compromise text with a view to an agreement at first reading**
17574/12 VISA 248 CODEC 2998 COMIX 729
+ COR 1
(this item is also withdrawn from the MIXED COMMITTEE meeting)

The following CRP2 agenda items are **transferred** from Part I to Part II :

- 34. 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)**
- **Adoption**
 - a) of the Council's position at first reading
 - b) of the statement of the Council's reasons
- 17712 CODEC 3035 ASILE 151 OC 750
+ ADD 1
+ ADD 2
15605/12 ASILE 129 CODEC 2520 OC 601
+ ADD 1

35. Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (Recast) (First reading)

- Adoption

a) of the Council's position at first reading

b) of the statement of the Council's reasons

17713/12 CODEC 3036 ASILE 152 OC 751

14654/12 ASILE 124 CODEC 2311 OC 548

+ ADD 1 REV 1

47. Iran

a) Council Regulation amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran

17795/12 PESC 1549 RELEX 1165 CONUN 175 COMEM 380 CONOP 181

FIN 1056 COARM 273

b) Council Decision amending Decision 2010/413/CFSP concerning restrictive measures against Iran

17523/12 PESC 1526 CONUN 171 COMEM 371 CONOP 180

FIN 1033 COARM 271 OC 735

+ ADD 1 RESTREINT UE

c) Council Implementing Regulation implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran

17522/12 PESC 1525 RELEX 1142 CONUN 170 COMEM 370 CONOP 179

FIN 1032 COARM 270 OC 734

+ ADD 1 RESTREINT UE

+ COR 1 RESTREINT UE

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

Statements are made on the following items :

8. Relations with Jordan

- **Adoption of the European Union's position for the Association Council's tenth meeting (Brussels, 19 December 2012)**
17628/12 RHJ 11 OC 740

Statement by France

"La délégation française salue la tenue du 10^e Conseil d'Association entre l'Union européenne et la Jordanie. Elle saisit cette occasion pour rappeler son attachement à ce que les Etats membres soient étroitement et pleinement associés à la prise de décision sur toutes les problématiques relevant de la compétence du COREPER II, à commencer par celles relatives à la mobilité. Elle regrette que cela n'ait pas totalement été le cas s'agissant du relevé de conclusions de la Task Force avec la Jordanie le 22 février dernier et réitère donc la demande qu'elle avait présentée avec d'autres délégations à ce qu'un débat se tienne sur ce point, dans les meilleurs délais, au niveau du groupe Maghreb-Machrek afin de s'assurer du respect des procédures et des enceintes agréées."

11. Enlargement

- **Accession negotiations with Iceland**
= **Chapter 27: Environment**
17800/12 ELARG 140

Statement by the United Kingdom, the Netherlands, Austria and Portugal

"The United Kingdom, the Netherlands, Austria and Portugal welcome the Commission's intention to keep the Council informed of Iceland's progress in reconsidering a number of requests for technical adaptations, derogations and transitional periods. Specifically, we expect Iceland to bring its whaling policy in line with that of the EU by the date of accession and agree that Iceland should be invited to reconsider its request to amend Annexes IV and V of the Habitats Directive.

We recognise that whaling is a sensitive issue for Iceland, acknowledge Iceland's conservation efforts in the framework of other international agreements, and hope that Iceland will be able to fully support global efforts for cetacean conservation. We also note the considerable economic, social and educational benefits of Iceland's growing whale watching industry as an alternative to commercial whaling.

We note that this chapter may only be provisionally closed once an agreement has been reached on Iceland's special requests. We expect that Iceland will commit to take three specific steps by the date of accession to bring its whaling policy in line with that of the EU:

1. Fully align with the Habitats Directive, which is clear that all whale species are strictly protected within EU waters.
2. Remove any reservations to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
3. Fully align with the EU's common position in the International Whaling Commission (IWC) in support of maintaining the moratorium on commercial whaling."

Statement by Spain

"Spain considers that during the negotiations of chapter 27, "Environment", Iceland must proceed to harmonise its whale protection policy with the policy and *acquis* of the European Union."

- 16. Draft conclusions of the Council of the European Union and of the Representatives of the Governments of the Member States meeting within the Council**
- **Future Swiss Financial Contribution for the benefit of Croatia**
17723/12 CH 56 AELE 97 EEE 127 RESTREINT UE

Statement by the Commission

"The Conclusions on a Swiss financial contribution for Croatia constitute a political decision under Article 16 of the Treaty on European Union. Article 16 confers policy-making powers to the Council. As a consequence, the Conclusions are to be understood as the political decision of the Council, not of the Member States.

The Commission takes note of the political decision taken by the Council and will, on this basis, accept the invitation to engage in discussions with Switzerland on behalf of the EU. The Commission recalls in this regard its position in cases C-28/12 and C-114/12, pending before the Court of Justice".

38. Proposal for a Regulation of the European Parliament and of the Council on the European system of national and regional accounts in the European Union (ESA 2010) (First reading)

- Approval of the final compromise

17645/12 STATIS 103 ECOFIN 1065 UEM 340 CODEC 3019

17646/12 STATIS 104 ECOFIN 1066 UEM 341 CODEC 3020

+ ADD 1 to ADD 26

Statement by Slovenia

"Slovenia shares from the very beginning the main objective of the Proposal for a Regulation of the European Parliament and of the Council on the European System of National and Regional Accounts in the European Union (ESA 2010). Large majority of concerns that Slovenia expressed towards the Commission's proposal was addressed during procedure so far. The compromise is thus almost fully satisfactory for Slovenia.

However, according to the current Regulation (Regulation ESA 1995, Regulation No 2223/1996) Slovenia has so-called permanent derogations for the transmission of the following statistics: GDP by the output approach at current prices, quarterly, for years 1995-1999; employment in hours worked, for years 1995-1999; financial accounts, for years 1995-2001; government expenditure by function, for years 1995-1999. Slovenia will do its best to compile the missing statistics and fill the gaps but this will not be possible for all mentioned data. This relates in particular to financial accounts and government expenditure by function. Data sources needed to compile mentioned statistics are not available and they cannot be created for the past. Consequently, Slovenia will never be in a position to compile these statistics and to comply with requirements of the Regulation. Therefore, we cannot support the compromise text."

40. Proposal for a Council Regulation fixing for 2013 and 2014 the fishing opportunities for EU vessels for certain deep-sea fish stocks

- Adoption

17290/12 PECHE 526 OC 720

+ ADD 1

17289/12 PECHE 525 OC 719

Statement by Sweden

"Sweden believes in the importance to apply the principles enshrined in the UN Agreement on Migratory Stocks and in the International Guidelines for Deep Sea Fishing from 2008, particularly concerning the stock assessments, impact assessments and the application of the precautionary approach. Where no scientific advice is available the precautionary approach should apply. On 29 of November the Council reached a political agreement on the proposal for deep sea species for 2013 and 2014. Sweden will vote no to the final compromise because the precautionary approach has not been applied for stocks where no reliable scientific advice is available."

50. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) and the Convention implementing the Schengen Agreement (First reading)

- Approval of the final compromise text with a view to an agreement at first reading

17618/12 FRONT 178 CODEC 3008 COMIX 730

+ ADD 1

Statement by Hungary

"Hungary considers that the amendments to the Schengen Borders Code constitute a timely and important development and valuable addition to the tools at the Member States' disposal in the protection and management of the Union's external borders. During the deliberations, Hungary has actively contributed to the text with significant proposals.

However, as regards certain provisions in the text proposal put on the agenda of the Council by the Presidency concerning the content of bilateral agreements with third countries, notably in Annex VI, Hungary has concerns as regards the revision of existing bilateral agreements ; which can have a negative effect on already ongoing cooperation with third countries in the course of border checks, based on recently concluded and finalized bilateral agreements."

Statement by Slovenia

"The Republic of Slovenia expresses its commitment to comprehensive implementation of the proposed changes of the Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) and the Convention implementing the Schengen Agreement (the proposal 2011/0051 (COD)). However, at the same time it wishes to point out possible consequences of the changes to Article 21, paragraph d, of the Schengen Borders Code and Article 22 of the Convention.

The existing obligation for third-country nationals to register their presence to the competent authorities of a member state presents a crucial connection between a third country national and a member state. The amendment of the articles mentioned above transforms this obligation into a possibility of a member state to regulate this issue in its national legislation. We believe that non-harmonised rules in member states could have an unfavourable effect on the management of legal and irregular migration and consequently on the level of internal security in member states and in the Union."

Coreper Part 2

II

21. Debrief of the first G20 Sherpa meeting under Russian Presidency (Moscow, 10-12 December 2012)

The Committee took note of the report by the Commission on the first Sherpa meeting under Russian Presidency.

22. Amended proposal for a Directive of the European Parliament and of the Council on common procedures for granting and withdrawing international protection status (Recast) (First reading)

- **Preparation of the seventh informal trilogue**
17698/12 ASILE 150 CODEC 3031

The Committee endorsed the Presidency suggestions as they appear in the annex to document 17698/12 as a mandate for the Presidency to engage in the 7th informal trilogue on 17 December 2012.

The Presidency reported to the Committee about the outcome of the 7th informal trilogue of the above-mentioned proposal.

34. 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)

- **Adoption**
 - a) of the Council's position at first reading
 - b) of the statement of the Council's reasons
- 17712 CODEC 3035 ASILE 151 OC 750
+ ADD 1
+ ADD 2
15605/12 ASILE 129 CODEC 2520 OC 601
+ ADD 1

35. Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (Recast) (First reading)

- **Adoption**
 - a) of the Council's position at first reading**
 - b) of the statement of the Council's reasons**
- 17713/12 CODEC 3036 ASILE 152 OC 751
14654/12 ASILE 124 CODEC 2311 OC 548
+ ADD 1 REV 1

The Committee decided to withdraw these two items from the agenda of the Council on 20 December 2012 and to proceed to their adoption at a later stage in conjunction with the rest of the package comprising the remaining instruments in the field of asylum.

47. Iran

- a) Council Regulation amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran**
17795/12 PESC 1549 RELEX 1165 CONUN 175 COMEM 380 CONOP 181
FIN 1056 COARM 273
- b) Council Decision amending Decision 2010/413/CFSP concerning restrictive measures against Iran**
17523/12 PESC 1526 CONUN 171 COMEM 371 CONOP 180
FIN 1033 COARM 271 OC 735
+ ADD 1 RESTREINT UE
- c) Council Implementing Regulation implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran**
17522/12 PESC 1525 RELEX 1142 CONUN 170 COMEM 370 CONOP 179
FIN 1032 COARM 270 OC 734
+ ADD 1 RESTREINT UE
+ COR 1 RESTREINT UE

The Committee examined a draft Council Declaration concerning Article 23(3) of Regulation (EU) No 267/2012 (making of funds or economic resources indirectly available to listed persons or entities). The Committee agreed that in the absence of further comments by delegations, the declaration, as well as the three legal acts will be adopted in a Written Procedure to be launched on 20 December 2012.

56. Schengen Governance legislative package

- a) **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances (First reading)**
6161/6/12 REV 6 SCHENGEN 9 FRONT 15 SCH-EVAL 17 COMIX 83 CODEC 292
- b) **Proposal for a Council Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis**
11846/3/12 REV 3 SCHENGEN 54 SCH-EVAL 94 FRONT 106 COMIX 405

The Committee confirmed the outcome of the discussions held during the Mixed Committee as set out in 5290/13 and took note of the report made by the Presidency in the Mixed Committee.

58. Draft Decision of the European Parliament and of the Council amending Decision No 574/2007/EC with a view to increasing the co-financing rate of the External Borders Fund for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability (First reading)

17711/12 JAI 917 FRONT 180 VISA 250 CADREFIN 517 CODEC 3034 COMIX 732
14181/12 JAI 642 FRONT 126 VISA 175 CADREFIN 406 CODEC 2219 COMIX 518

59. Draft Decision of the European Parliament and of the Council amending Decision No 573/2007/EC, Decision No 575/2007/EC and Council Decision 2007/435/EC with a view to increasing the co-financing rate of the European Refugee Fund, the European Return Fund and the European Fund for the Integration of third-country nationals as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability (First reading)

17709/12 JAI 916 ASIM 154 CADREFIN 516 CODEC 3033
14123/12 JAI 632 ASIM 113 CADREFIN 403 CODEC 2206

SI was of the view that all Member States in financial difficulties, and not just those covered by the proposals, potentially should be able to benefit from the increased co-financing rate. NL called for an impact assessment. Following the exchange of views, it was concluded that there was sufficient support for the proposals of the Commission with a view to agreements at first reading with the European Parliament on those proposals. The Presidency would inform the European Parliament accordingly.

60. Multiannual Financial Framework 2014-2020 (Home Affairs)

- i) Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (First reading)**
- **Partial general approach**
17056/12 JAI 859 ENFOPOL 401 PROCIV 206 CADREFIN 495 CODEC 2878

The Committee had an extensive discussion on the Regulation mentioned in the heading. A partial general approach was reached on the entire document except on the figures, which remain between brackets since they are dependent on the overall budget 2014-2020. Some delegations regretted that land border crossing points had not been included in Article 10(1)(c). A proposal by LU was accepted to add a reference to Eurojust in Article 4.

- ii) Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund (First reading)**
- **Partial general approach**
17736/12 JAI 918 ASIM 155 MIGR 144 ASILE 153 CADREFIN 519
CODEC 3043

The Committee had an extensive discussion on the Regulation mentioned in the heading. A partial general approach was reached on the entire document except on the figures, which remain between brackets since they are dependent on the overall budget 2014-2020. On Article 9(3) (currently being deleted but originally meant to address all integration needs), no agreement was reached among Delegations and the Committee will return to the issue at a later stage; in the meantime however, technical exchanges can already take place with the European Parliament.

61. Follow-up to the Council meeting (Justice and Home Affairs) on 6/7 December 2012

The Committee ensured the follow-up to the Council meeting (JAI) on 6/7 December 2012.

62. Follow-up to the Council meeting (Foreign Affairs) on 10 December 2012

The Committee ensured the follow-up to the Council meeting (Foreign Affairs) on 10 December 2012.

63. Follow-up to the Council meeting (General Affairs) on 11 December 2012

The Committee took note of the main issues discussed at the General Affairs Council meeting, the draft EC conclusions, notably the Growth, Defence and EMU elements, the Annual Growth Survey, the incoming Presidency's Roadmap on the European semester, the endorsement of Council conclusions on Enlargement and the Stabilisation process and the Council's 18 month Programme (1 January 2013-30 June 2014).

64. Follow-up to the European Council on 13/14 December 2012

The Committee took note of the follow-up the Council will give to the orientations set by the EC in particular the continuation of work on the EMU and other social and economic issues.

65. Follow-up to the Council meeting (Economic and Financial Affairs) on 12 December 2012

- The sole item on the agenda was the Banking Supervision Mechanism.
- A compromise was reached and the Council agreed on a general approach to consult the European Parliament on the basis of the Presidency's compromise proposals for the ECB Regulation and to enter into trilogues with the European Parliament as regards the EBA Regulation.
- One file is in co-legislation and one is in consultation procedure.
- The CY and the IRL presidency met on 18 December 2012 for the first talks with the EP on the SSM.
- The next steps are as follows:
 - 8-9 January: New trilogues (for the EBA Regulation) and talks (for the ECB Regulation) ;
 - 15 January: A planned meeting (to be confirmed) by the Ad Hoc Working Party ;
 - 17 January: Debrief at the Committee ;
 - In the weeks following that Committee: Further trilogues/talks with the EP ;
 - Second half of January: The Ad Hoc Working Party will probably be convened.
- The Presidency will then decide when to put the item on the Council agenda in order to adopt the final agreement.

66. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 22 January 2013

The Committee agreed the provisional agenda for this Council meeting.

67. Cohesion Policy legislative package (First reading)

a) Note: Mandate for negotiations with the European Parliament

17666/1/12 REV 1 FSTR 83 FC 51 REGIO 161 SOC 999 AGRISTR 182 PECHE 541
CADREFIN 511 CODEC 3023

The Committee took note of the progress report as contained in 17667/12 and the progress achieved with regard to the Cohesion Policy legislative package and agreed with its conclusions.

b) Progress Report: State of play

17667/12 FSTR 84 FC 52 REGIO 162 SOC 1000 AGRISTR 183 PECHE 542
CADREFIN 512 CODEC 3024

The Committee :

- took note of the progress achieved with regard to the strategic programming bloc of the Cohesion Policy legislative package ;
- mandated the Presidency to inform the European Parliament that document 17666/1/12 REV 1 is the basis for a compromise between the two institutions subject to the principle that "nothing is agreed until everything is agreed" ;
- mandated the Presidency to inform the European Parliament that Member States have the intention to take into account in the preparatory stage of programming as far as possible the principles as laid out in Article 5 concerning the programming bloc.

68. - Draft Arrangement between the European Parliament, the Council and the High Representative of the Union for Foreign Affairs and Security Policy concerning access by the European Parliament to classified information held by the Council and the European External Action Service in the area of the common foreign and security policy

- **Draft Interinstitutional Agreement between the European Parliament and the Council repealing the Interinstitutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy**
- **Position with a view to opening negotiations with the EP**
17773/12 PE 597 INST 737 PESC 1548 RELEX 1164 CSC 92

The Committee adopted a position with a view to opening the negotiations with the European Parliament on an arrangement between the European Parliament, the Council and the High Representative of the Union for Foreign Affairs and Security Policy concerning access by the European Parliament to classified information held by the Council and the European External Action Service in the area of the common foreign and security policy (as set out in 17773/12) and decided that this should be forwarded to the European Parliament.

69. Proposals for external financing instruments under Heading 4 (2014-2020) (First reading)

- **Progress report of negotiations with the European Parliament in respect of the external financing instruments under Heading 4 of the Multiannual Financial Framework 2014-2020**
17737/1/12 REV 1 CADREFIN 520 DEVGEN 345 ACP 250 RELEX 1158
COASI 209 ASIE 109 COMAG 134 COHOM 275 COEST 436
COWEB 211 ELARG 135 CODEC 3044 PE 594 FIN 1053

The Committee was debriefed by the Presidency on negotiations with the European Parliament. It took note of the progress report contained in 17737/1/12 REV1 and confirmed the agreement on the issues set out in the report.

Coreper Part 1

II

79. 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**
- **Analysis of the final compromise text with a view to agreement**
17889/12 ENV 955 ONU 156 FORETS 84 AGRI 875 CODEC 3082

The Committee was informed by the Presidency on the outcome of the last informal trilogue on 13 December 2012. The Committee then approved the final compromise text set out in the Annex to document 17889/12 and authorised the Presidency to send a letter to the European Parliament confirming agreement by the Committee of the draft compromise package.

80. 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**
- **Analysis of the final compromise text with a view to agreement**
17937/12 ENV 958 ENER544 TRANS 471 IND 241 ONU 158 AGRIFORET 9
ECOFIN 1094 CODEC 3092

The Committee was informed by the Presidency on the outcome of the third informal trilogue on 17 December 2012. The Committee approved the final compromise text set out in Annex B to document 17937/12 and authorised the Presidency to send a letter to the European Parliament confirming agreement by the Committee of the draft compromise package.

The Committee took note of the Commission's intention to table at the time of adoption the statement set out in Annex A of document 17937/12. The Commission also indicated that it will start working on technical issues and will examine whether more work will be needed on approximated inventories and the Union system for policies, measures and projections. The Committee took note of the intention of DE to table a statement at the time of adoption. UK lifted its parliamentary scrutiny reserve.

- 81. 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 oral progress report by the Presidency on the outcome of the fourth informal trilogue on 18 December 2012.

- 82. Proposal for a regulation of the European Parliament and of the Council concerning customs enforcement of intellectual property rights (IPR) (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**
- **Analysis of the final compromise text with a view to agreement**
17974/12 UD 330 PI 179 COMER 274 CODEC 3100

The Committee was debriefed on the outcome of the trilogue meeting with the European Parliament on 19 December 2012 and agreed on the text laid down in the Annex to document 17974/12 + COR 1.

- **Any other business**
- **Council meeting (Transport, Telecommunications and Energy) on 20 December 2012**
 - = **Information from the Presidency on the exchange of views held during the ministerial lunch on the "Potential of the transport sector as convergence platform towards energy and telecommunication infrastructures"**

The Presidency informed the Committee on the discussion held at the ministerial lunch on 20 December 2012 concerning the potential of the transport sector as convergence platform towards energy and telecommunication infrastructures.

- **Capital requirements Directive (CRD IV)**

The Chairman informed the Committee on the state of play of this file. An agreement is close, but more work needs to be done.

=====