



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 February 2013

5599/13

CRS/CRP 3

SUMMARY RECORD

**Subject : 2437th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 23, 24 and 25 January 2013**

SUMMARY

Page

1. Adoption of the provisional agenda and "I" items 8

Coreper Part 2

I

7. Committee of the Regions
- Council Decision appointing a Belgian member and a Belgian alternate member of the Committee of the Regions
8. Committee of the Regions
- Council Decision appointing a Czech alternate member of the Committee of the Regions
9. Committee of the Regions
- Council Decision appointing an Italian member of the Committee of the Regions
10. Transparency - Public access to documents
- Confirmatory application n° 21/c/01/12
11. Internet access for delegations in Council meeting rooms
12. Council Decision issuing directives to the Commission for the negotiation of the review of the Convention on Nuclear Safety
13. Review of restrictive measures against Belarus
- Letter of reply to employer of a person subject to the restrictive measures provided for in Council Decision 2010/639/CFSP and in Council Regulation (EC) n° 765/2006
14. Council Decision amending Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia
15. Operation Plan (OPLAN) for the European Union Capabilities Mission in Niger, EUCAP SAHEL Niger
16. Operation Plan (OPLAN) for the European Union Aviation Security CSDP Mission in South Sudan (EUAVSEC-South Sudan)
17. Operation Plan (OPLAN) for the European Union Regional Maritime Capacity Building Mission in the Horn of Africa and the Western Indian Ocean (EUCAP NESTOR)
18. Draft European Union Exercise Programme 2013-2015

19. Draft Agreement on Operation and Strategic Co-operation between the Principality of Liechtenstein and the European Police Office (Europol)
20. Amended proposal for a Regulation of the European Parliament and of the Council establishing an action programme for taxation in the European Union for the period 2014-2020 (Fiscalis 2020) and repealing Decision n° 1482/2007/EC (First reading)
21. Commission Delegated Regulation (EU) n° .../.. of 18 December 2012 amending Annex II of Regulation (EU) n° 978/2012 applying a scheme of generalised tariff preferences
22. Commission Delegated Regulation (EU) n° .../.. of 18 December 2012 establishing rules related to the procedure for granting the special incentive arrangement for sustainable development and good governance under Regulation (EU) n° 978/2012 of the European Parliament and the Council applying a scheme of generalised tariff preferences

II

2.	Preparation of the Council meeting (General Affairs) on 4 February 2013	
	a) Preparation of the European Council on 7/8 February 2013	9
	b) Other items in connection with the Council meeting	9
3.	Preparation of the Council meeting (Foreign Affairs) on 31 January 2013	
	- Other items in connection with the Council meeting	9
4.	Presentation of the agenda of the Council meeting (Foreign Affairs) on 18 February 2013	9
5.	Follow-up to the Council meeting (Economic and Financial Affairs) on 22 January 2013	10
6.	Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 12 February 2013	10
23.	Preparation of the EU-Ukraine Summit	11
24.	China (<i>restricted session</i>)	11
25.	Proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters (First reading)	11

Coreper Part 1

I

26. Replies to written questions put to the Council by Members of the European Parliament
- (a) n° E-008445/2012 put by Thomas Ulmer
"Uniform application of pharmaceuticals law for herbal medicinal products"
 - (b) n° E-009069/2012 put by Sophia in 't Veld, Joanna Senyszyn, Cornelis de Jong and Marietje Schaake
"Blasphemy laws within the European Union"
 - (c) n° E-009830/2012 put by Vilija Blinkevičiūtė
"Continued provision for EU food aid under the 2014-2020 multiannual financial framework"
 - (d) n° E-009989/2012 put by Andreas Mölzer
"Stopping the wave of Roma asylum seekers"
 - (e) n° E-010101/2012 put by Ivo Belet
"European Investment Bank support for Ford Turkey"
 - (f) n° E-010228/2012 put by María Irigoyen Pérez
"Creation of a council for cohesion policy"
 - (g) n° E-010316/2012 put by Julie Girling
"Dispute between French and British fishermen over the 12-nautical-mile limit"
 - (h) n° E-010320/2012 put by Rachida Dati
"Simplifying tourist-visa issuing procedures - making the most of Europe's assets"
 - (i) n° E-010710/2012 put by David Martin
"EU-Japan Free Trade Agreement"
27. Advisory Committee on Freedom of Movement for Workers
Appointment of Ms Julia ENZELBERGER, Austrian member, in place of Mr Andreas GRUBER who has resigned
28. Governing Board of the European Foundation for the Improvement of Living and Working Conditions
Appointment of Ms Eva PÕLDIS, Estonian member, in place of Ms Liina MALK, who has resigned
29. Advisory Committee on Safety and Health at Work
Appointment of Mr Carlos PEREIRA, Portuguese member, in place of Mr Luís Nascimento LOPES, who has resigned
30. Advisory Committee on Safety and Health at Work
Appointment of Ms Elisabete MOTA, Portuguese alternate member, in place of Mr José Manuel dos SANTOS, who has resigned

31. Advisory Committee on Safety and Health at Work
Appointment of Ms Diana POLICARPO, Portuguese alternate member, in place of Ms Alice RODRIGUES, who has resigned
32. Governing Board of the European Agency for Safety and Health at Work
Appointment of Mr José Luís PEREIRA FORTE, Portuguese member, in place of Mr Luís Filipe NASCIMENTO LOPES, who has resigned
33. Governing Board of the European Agency for Safety and Health at Work
Appointment of Mr Carlos PEREIRA, Portuguese alternate member, in place of Mr José Manuel dos SANTOS, who has resigned
34. Commission Regulation (EU) No .../.. of XXX amending Annex III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of Sodium ascorbate (E 301) in vitamin D preparations intended for use in foods for infants and young children
35. Commission Regulation (EU) No .../.. of XXX amending Annex III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of Tricalcium phosphate (E 341 (iii)) in nutrient preparations intended for use in foods for infants and young children
36. Commission Regulation (EU) No .../.. of XXX amending Regulation (EC) No 272/2009 as regards the screening of liquids, aerosols and gels at EU airport
37. Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (First reading) (Legislative deliberation)
38. Proposal for a Regulation (EU) No .../... of the European Parliament and of the Council on the approval and market surveillance of agricultural or forestry vehicles (First reading) (Legislative deliberation)
39. Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/16/EC on port State control (First reading) (Legislative deliberation)

II

40.	Horizon 2020	
	(a)	Proposal for a Regulation of the European Parliament and the Council establishing Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020) (First reading) (Legislative deliberation)
	(b)	Proposal for a Regulation of the European Parliament and of the Council laying down the rules for participation and dissemination in 'Horizon 2020' – The Framework Programme for Research and Innovation (2014-2020) (First reading) (Legislative deliberation)
	 12
41.	Proposal for a Regulation of the European Parliament and of the Council establishing a Programme for the Competitiveness of Enterprises and Small and Medium-sized Enterprises (COSME) (2014-2020) (First reading) (Legislative deliberation) 12
42.	Proposal for a Regulation of the European Parliament and of the Council on safety of offshore oil and gas prospection, exploration and production activities (First reading) (Legislative deliberation) 13
43.	Proposal for a Regulation of the European Parliament and of the Council laying down Union Customs Code (First reading) (Legislative deliberation) 13
-	Any other business	
	(a)	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)
	 13
	(b)	ETS/Aviation
	 13

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

doc. 5528/13 OJ/CRP1 3

5519/1/13 REV 1 OJ/CRP2 3

The above-mentioned agendas are approved.

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

Regarding item 20 (Fiscalis 2020), replying to the comments by some delegations regarding the notification made by the UK, in accordance with Article 3(1) of Protocol 21, of its intention to take part in the adoption and application of Fiscalis 2020 (doc. 17448/12 FISC 191 CODEC 2961), the Legal Service clarified that the Fiscalis 2020 Regulation will not be based on a provision of Title V of Part Three of the Treaty and that Protocol No 21 to the Treaties does not apply. Protocol No 21 would be applicable only if the proposed measure had been made pursuant to that Title V, in which case the relevant legal basis belonging to this Title would have been inserted in the preamble, as well as the necessary recitals reflecting the different "opt in/opt out" situations for the three Member States concerned (UK, IE and DK). In doing so, the Legal Service also indicated that it had noted in recent months an increase of such notifications by the UK in files outside the scope Title V and that its approach to these notification was the same as for the Fiscalis programme, namely that Protocol 21 was not applicable in these cases, and therefore the notifications not relevant.

Coreper Part 2

II

2. Preparation of the Council meeting (General Affairs) on 4 February 2013

- a) **Preparation of the European Council on 7/8 February 2013**
- **Draft guidelines for the conclusions**
5090/13 CO EUR-PREP 1

The Committee discussed the draft guidelines in view of the preparation of the EC conclusions.

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

Le Comité a mis au point l'ordre du jour provisoire de la session du Conseil Affaires générales du 4 février 2013.

3. Preparation of the Council meeting (Foreign Affairs) on 31 January 2013

- **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 on 31 January 2013.

4. Presentation of the agenda of the Council meeting (Foreign Affairs) on 18 February 2013

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 on 18 February 2013.

The main items foreseen for discussion are: Southern Neighbourhood, with an emphasis on Syria; the Middle East Peace Process (MEPP); Iraq; Eastern Partnership (EaP) and Mali.

In the margins of the FAC, the Northern Dimension Ministerial meeting will take place.

5. Follow-up to the Council meeting (Economic and Financial Affairs) on 22 January 2013

- At the ECOFIN breakfast, Ministers were debriefed from the Eurogroup the day before and had an exchange of views on the economic situation.
- At the ECOFIN itself, the Irish Presidency first presented its ECOFIN work programme.
- Next, the Council discussed the follow-up to be given to the main ECOFIN-related decisions taken by the European Council on 13 and 14 December 2012.
- Afterwards, the Council discussed the Commission's Annual Growth Survey, focusing on ways to promote growth and employment in the short and medium term and on the role of non-bank financing in restoring normal lending to the economy.
Draft conclusions will be prepared in the light of the Council's discussion, for adoption at its meeting on 12 February 2013.
- The Council heard a presentation by the Commission of a communication proposing an action plan to better combat tax fraud and tax evasion.
- Next, the Council adopted a decision authorising 11 Member States to proceed with the introduction of a Financial Transaction Tax (FTT) through enhanced cooperation. The Commission will now make a proposal defining the substance of the enhanced cooperation. The adoption by the Council will require the unanimous agreement of participating Member States.
- Finally, under any other business, the Presidency informed the Council of the progress made on three key legislative dossiers for which negotiations are ongoing with the European Parliament - the Single Supervisory Mechanism, CRD IV and the Two Pack.

6. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 12 February 2013

The Committee agreed the provisional agenda for this Council meeting.

23. Preparation of the EU-Ukraine Summit

- **Orientation debate**

5478/13 COEST 10 PESC 65 POLGEN 7 RESTREINT UE

The Committee had an exchange of views on preparations for the EU-Ukraine Summit (to be held in Brussels on 25 February 2013) on the basis of a Summit orientation note issued under the responsibility of the Cabinet of the President of the European Council, in close cooperation with the Presidency of the Council, the Commission services, and the European External Action Service (doc. 5478/13 RESTREINT EU/EU RESTRICTED). Delegations expressed broad support for the Summit orientation note and the approach proposed.

24. China (*restricted session*)

- **Strategic Debate**

The Committee held a strategic discussion on the EU's relationship with China, as a first exchange in preparing for the EU-China Summit in autumn 2013. The debate focused mainly on streamlining priorities for engagement with China and enhancing working methods.

25. Proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters (First reading)

- **Draft recitals**

5429/13 JUSTCIV 8 COPEN 6 CODEC 99

The Committee approved the text of the recitals as additional part of the mandate for negotiations with the European Parliament as set out in 5429/13.

Coreper Part 1

II

40. Horizon 2020

- (a) **Proposal for a Regulation of the European Parliament and the Council establishing Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020) (First reading) (Legislative deliberation)**
- (b) **Proposal for a Regulation of the European Parliament and of the Council laying down the rules for participation and dissemination in 'Horizon 2020' – The Framework Programme for Research and Innovation (2014-2020) (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
 - 10663/12 RECH 207 COMPET 364 IND 102 MI 398 EDUC 152 TELECOM 118
ENER 233 ENV 446 REGIO 75 AGRI 362 TRANS 187 SAN 134 CODEC 1511
+ COR 1 (bg)
 - 14846/12 RECH 366 COMPET 613 ATO 139 CODEC 2365
+ COR 1 (fr,de,sk)
 - 5500/13 RECH 10 COMPET 26 ATO 8 IND 9 MI 28 EDUC 16 TELECOM 6
ENER 10 ENV 42 REGIO 3 AGRI 26 TRANS 14 SAN 23 CODEC 113

The Committee gave the Presidency the mandate for the first trilogue on the basis of the Council's Partial General Approach.

41. **Proposal for a Regulation of the European Parliament and of the Council establishing a Programme for the Competitiveness of Enterprises and Small and Medium-sized Enterprises (COSME) (2014-2020) (First reading) (Legislative deliberation)**

- **Preparation for the informal trilogue**
 - 10586/12 COMPET 358 IND 100 MI 390 CODEC 1483
 - 5502/13 COMPET 27 IND 10 MI 29 CODEC 114

The Committee gave the Presidency the mandate for the first trilogue on the basis of the Council's Partial General Approach.

42. Proposal for a Regulation of the European Parliament and of the Council on safety of offshore oil and gas prospection, exploration and production activities (First reading) (Legislative deliberation)

- Preparation for the informal trilogue

5305/13 ENER 7 ENV 30 MARE 1 COMAR 1 PROCIV 5 CODEC 70

With a view to the second trilogue scheduled on 29 January 2013 the Committee could agree to the mandate set out in 5305/13 with some amendments i.a. concerning provisions on competent authority (art. 8a) and the conditions under which functional separation would require establishing a line of accountability and the extent of the separation in terms of Ministers involved (recital 16).

43. Proposal for a Regulation of the European Parliament and of the Council laying down Union Customs Code (First reading) (Legislative deliberation)

- Preparation for the informal trilogue

6784/12 UD 49 ENFOCUSTOM 10 MI 120 COMER 36 TRANS 53 CODEC 450

5558/13 UD 10 ENFOCUSTOM 11 MI 32 COMER 3 TRANS 16 CODEC 125

The Committee, with the UK delegation entering a parliamentary scrutiny reservation, gave a mandate to the Chair of the Customs Union Working Party to initiate negotiations on the draft Union Customs Code, based on the text as laid down in document 5558/13, in the framework of informal trilogue meetings with the European Parliament and the Commission.

- Any other business

(a) 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)

- Information from the Presidency on the state of play

The Committee was informed on the state of play and of the convening of a third trilogue on 29 January 2013 building on several technical meetings.

(b) ETS/Aviation

- Information from the Commission on the state of play

The Committee took note of the information provided by the Commission regarding the application of the EU's Greenhouse Gas Emissions Trading Scheme (EU ETS) to international aviation, in particular about the preparation of the next meeting of the ICAO High Level Group on International Aviation and Climate Change.