



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 6 March 2013

6293/13

CRS/CRP 6

SUMMARY RECORD

**Subject : 2440th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 13, 14 and 18 February 2013**

SUMMARY

Page

1. Adoption of the provisional agenda and "I" items 6

Coreper Part 1

I

2. Replies to written questions put to the Council by Members of the European Parliament
- (a) n° E-008981/2012 put by Sophocles Sophocleous
"Cypriot police officers unlawfully arrested by the occupation regime"
 - (b) n° E-010591/2012 put by Marc Tarabella
"Charging VAT in the customer's country of residence on online sales of cultural goods"
 - (c) n° E-010609/2012 put by Mojca Kleva
"National prosperity factors"
 - (d) n° E-010765/2012 put by Christine De Veyrac
"EU trade agreements with third countries"
 - (e) n° E-010906/2012 put by Nikolaos Salavrakos
"Assessment of customs union with Turkey"
 - (f) n° E-000009/2013 put by Marc Tarabella
"Three scenarios for the Union in 2030"
3. Commission Regulation (EC) No .../. of XXX adopting the programme of ad hoc modules, covering the years 2016 to 2018, for the labour force sample survey provided for by Council Regulation (EC) No 577/98
4. Proposal for a Council Decision on the conclusion of the Agreement providing a general framework for enhanced cooperation between the European Union and the European Organisation for the Safety of Air Navigation
5. 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)

II

6.	Preparation of the Council meeting (Transport, Telecommunications and <u>Energy</u>) on 22 February 2013	
1.	Proposal for a Directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (First reading) (<i>Legislative deliberation</i>)	8
2.	Communication from the Commission on "Making the internal energy market work" (<i>Non legislative activity</i>)	8
3.	European semester 2013 Communication from the Commission: "Annual Growth Survey 2013"(<i>Non legislative activity</i>)	8
7.	Proposal for a Regulation of the European Parliament and of the Council on safety of offshore oil and gas prospecting, exploration and production activities (First reading) (Legislative deliberation)	9
8.	Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the Trans-European Transport Network (First reading) (Legislative deliberation)	9
9.	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)	9
10.	Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/98/EC on re-use of public sector information (First reading) (Legislative deliberation) ...	10
11.	Proposal for a Council Regulation establishing for the period 2014-2020 the programme "Europe for Citizens"	10
12.	Preparation for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 18 and 19 February 2013	
	• REACH (<i>Non-legislative activity</i>) Roadmap on substances of very high concern	10
13.	Proposal for a Regulation of the European Parliament and of the Council on the Common Organisation of the Markets in Fishery and Aquaculture Products (First reading) (Legislative deliberation)	11
14.	27th Session of the Governing Council of UNEP/Global Ministerial Environment Forum (Nairobi, 18-22 February 2013)	11

Coreper Part 2

I

15. Case before the General Court:
 - Case T-552/12 (North Drilling Company (NDC) v. Council of the European Union)
16. Case before the Court of Justice
 - C-446/12 - C-449/12, Willems e.a.(Raad van State - Pays-Bas)
17. Case C-576/12 P before the Court of Justice of the EU
 - Ivan Jurašinović v. Council of the European Union
18. Committee of the Regions
 - Nomination of a French member and two French alternate members of the Committee of the Regions
19. Anti-dumping
 - Proposal for a Council Implementing Regulation imposing a definitive anti-dumping duty on imports of bioethanol originating in the United States of America
20. Anti-dumping
 - Proposal for a Council Implementing Regulation imposing a definitive anti-dumping duty on imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China
21. Special report No 20/2012: Is structural measures funding for municipal waste management infrastructure projects effective in helping Member States achieve EU waste policy objectives?
22. (poss.) Draft Council conclusions on the Eastern Partnership
23. (poss.) Draft Council conclusions on Special Report n°18/2012 of the Court of Auditors "European Union Assistance to Kosovo related to the rule of law" of 3 October 2012
24. Draft Council conclusions on the Cooperation and Verification Mechanism
25. Draft Council conclusions on the DPRK
26. Draft Council conclusions on EU priorities at the UN Human Rights Fora

II

28.	Presentation of the agenda of the Council meeting (Justice and Home Affairs) on 7/8 March 2013	13
29.	Follow-up to the Council meeting (Economic and Financial Affairs) on 12 February 2013	13
30.	Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 5 March 2013	14
31.	Revised capital requirements rules (CRD IV) (First reading)	
	a) Proposal for a Regulation of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms	
	b) Proposal for a Directive of the European Parliament and of the Council on the access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms and amending Directive 2002/87/EC of the European Parliament and of the Council on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate	14
32.	Follow-up to the Council meeting (General Affairs) on 4 February 2013	15
33.	Follow-up to the European Council on 7/8 February 2013	15
34.	Follow-up to the Council meeting (Foreign Affairs) on 31 January 2013	15
35.	Preparation of the Council meeting (Foreign Affairs) on 18 February 2013	
	- Other items in connection with the Council meeting	16
	- Any other business	16

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

doc. 6282/13 OJ/CRP1 6

6291/1/13 REV 1 OJ/CRP2 6 + CM 1630/1/13 REV 1

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

The following items are **added** :

(Coreper Part 2, under I)

36. (poss.) Council Decision amending Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe

6264/13 PESC 153 COAFR 56 COARM 18 FIN 66

6203/13 PESC 148 COAFR 53 COARM 17 FIN 64 OC 53

37. (poss.) Draft Council conclusions on Zimbabwe

6289/13 COAFR 57 ACP 26 RELEX 120 PESC 156

38. Council Decision amending Decision 2010/800/CFSP concerning restrictive measures against the Democratic People's Republic of Korea

6320/13 PESC 159 COASI 14 COARM 19 FIN 72 CONUN 22

6087/13 PESC 138 COASI 11 COARM 16 FIN 61 CONUN 18 OC 50

39. Council Decision on the launch of a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)

6338/13 COSDP 136 PESC 160 COAFR 58 RELEX 122 CONUN 23 EUTM MALI 14

5497/1/13 REV 1 COSDP 62 PESC 74 COAFR 23 RELEX 58 CONUN 8 EUTM

MALI 4 OC 26

(Coreper Part 2, under II)

35. Preparation of the Council meeting (Foreign Affairs) on 18 February 2013

- **Southern Neighbourhood**

= **(poss.) Draft Council conclusions on Syria**

6268/13 COMAG 19 PESC 154 COHAFA 19 SY 2

The following item is **withdrawn**:

(Coreper Part 2, under I)

27. Proposal for a Directive on the protection of the euro and other currencies against counterfeiting by criminal law, repealing Council Framework Decision 2000/383/JHA

- **Optional consultation of the European Economic and Social Committee**

6205/13 DROIPEN 12 JAI 86 ECOFIN 100 UEM 19 GAF 4 CODEC 277

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

- 35. Preparation of the Council meeting (Foreign Affairs) on 18 February 2013
Mali**
= **Draft Council conclusions**
6239/13 COAFR 54 ACP 25 PESC 150 DEVGEN 37 COTER 18
COMAG 18 COHAFA 18 RELEX 117

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

- 36. Council Decision amending Decision 2011/101/CFSP concerning restrictive
measures against Zimbabwe**
6264/13 PESC 153 COAFR 56 COARM 18 FIN 66
- 37. Draft Council conclusions on Zimbabwe**
6289/13 COAFR 57 ACP 26 RELEX 120 PESC 156

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

Coreper Part 1

II

6. **Preparation of the Council meeting (Transport, Telecommunications and Energy) on 22 February 2013**
 1. **Proposal for a Directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (First reading) (*Legislative deliberation*)**
 - **Orientation debate**
6041/13 ENER 27 ENV 88 ENT 36 TRANS 46 AGRI 59 POLGEN 14
CODEC 239

The Committee agreed that an orientation debate could take place on the basis of the questions set out in 6041/13.

2. **Communication from the Commission on "Making the internal energy market work" (*Non legislative activity*)**
 - **Policy debate**
5869/13 ENER 20

The Committee agreed that a policy debate could take place on the basis of the questions set out in 5869/13.

3. **European semester 2013**
Communication from the Commission: "Annual Growth Survey 2013" (*Non legislative activity*)
 - **Exchange of views**
6120/13 ENER 33 POLGEN 15

The Committee agreed that the Council could have an exchange of views on the basis of the questions set out in 6120/13.

7. 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

6099/13 ENER 30 ENV 91 MARE 3 COMAR 5 PROCIV 18 CODEC 253

While taking due account the concerns expressed by delegations e.g. regarding recital 40 (Arctic), possible transposition obligations for landlocked countries, the too low threshold retained to trigger the functional separation of competent authorities, the inclusion of provisions on public participation, the conditions for EMSA assistance the Chair could conclude that the Committee could endorse the mandate for the third trilogue on 21 February 2013, as set out in 6099/13 + COR 1 and further amended regarding the definition of oil spill. The Chair further noted that some flexibility might have to be shown on transposition deadlines and endeavoured to test a higher threshold with the European Parliament.

8. Proposal for a Regulation of the European Parliament and of the Council on Union guidelines for the development of the Trans-European Transport Network (First reading) (Legislative deliberation)

- Preparation for the informal trilogue

15629/3/11 TRANS 276 ECOFIN 688 ENV 778 RECH 336 CODEC 1699 REV 3
6010/13 TRANS 37 ECOFIN 77 ENV 86 RECH 30 CODEC 224μ

The Committee:

- examined the EP amendments and the related Presidency compromise proposals;
- gave the Presidency a mandate for the first informal trilogue on the above proposal with a view to a first reading agreement with the European Parliament.

9. 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

6125/13 DRS 21 COMPET 76 ECOFIN 88 CODEC 263

The Committee provided a mandate to the Presidency to negotiate with the European Parliament at the fifth informal trilogue on 18 February 2013 on the basis of the Presidency compromise text on Articles 1 to 11 as set out in 6125/13 with modifications to Article 3(8) and Article 8(6)(c) and a flexible mandate on Chapter 9 in the light of the principle that "nothing is agreed until everything is agreed".

The Chair noted the concerns expressed by some delegations regarding elements of the compromise proposed by the European Parliament on Chapter 9 (the deletion of the criminal law exemption clause, the review clause, the equivalence mechanism and the project definition).

10. Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/98/EC on re-use of public sector information (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
6236/13 TELECOM 22 PI 16 COMPET 84 AUDIO 9 CULT 13 CODEC 284

The Committee agreed on a mandate for the 2nd informal trilogue to be held on 18 February 2013 on the basis of the position set out in 6236/13 + COR 1.

11. Proposal for a Council Regulation establishing for the period 2014-2020 the programme "Europe for Citizens"

- **Preparation for Council approach**
5933/1/13 CULT 11 FREMP 6 JAI 64 EDUC 28 SOC 65 CADREFIN 21 REV 1

The Committee was invited to approve the revised text contained in the annex to the report (doc. 5933/1/13 REV 1) with a view to facilitating the Presidency's task of agreeing a way forward on this dossier through the forthcoming informal contacts between the Presidency, the European Parliament and the Commission.

The text as it results from the Committee's examination on this point is set out in 6447/13.

12. Preparation for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 18 and 19 February 2013

- **REACH (Non-legislative activity)**
Roadmap on substances of very high concern
 - **Presentation by the Commission**
5867/13 COMPET 62 IND 25 RECH 27 ECOFIN 69 ECO 15 SOC 62 ENV 73
SAN 32 CONSOM 13 MI 63 CHIMIE 11 ENT 28

The Committee noted that sub-point (c) "Roadmap on substances of very high concern" (doc. 5867/13) of agenda item 8 "REACH" will be shifted as an information point by the Commission under 'any other business' of the Competitiveness Council agenda.

- 13. Proposal for a Regulation of the European Parliament and of the Council on the Common Organisation of the Markets in Fishery and Aquaculture Products (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
6079/13 PECHE 44 CODEC 244

The Committee approved the negotiation mandate for the Presidency to conduct informal trilogues with the European Parliament and the Commission, while reserving the stance over the implementation procedure (delegated acts / implementing acts) for a later stage.

- 14. 27th Session of the Governing Council of UNEP/Global Ministerial Environment Forum (Nairobi, 18-22 February 2013)**
- **Establishment of a position regarding the European Union status**
6226/13 ENV 107 DEVG 36 ONU 8 JUR 58

The Committee examined the outstanding issue set out in document 6226/13. At the end of the debate, the Chairman concluded that the Committee had approved by qualified majority the position of the Union on the status of the EU within the 27th session of UNEP Governing Council/GMEF as set out in the Annex to the above mentioned document and it decided to transmit it to Council for adoption as an "A" item.

The UK entered the following statement for the minutes:

"It is the firm view of the United Kingdom that UN General Assembly resolution 65/276 on the participation of the European Union in the work of the United Nations only applies, in accordance with its paragraph 2, to the sessions and work of the General Assembly and its committees and working groups, to international meetings and conferences convened under the auspices of the Assembly, and to United Nations conferences. It does not apply to the other principal organs of the United Nations, or subsidiary bodies, including its funds and programmes, such as the UN Environment Programme (UNEP). This is made clear in the UN Secretary-General's cover note to resolution 65/276. As such resolution 65/276 is not an applicable rule or practice of the General Assembly that can be used as a procedure for the conduct of business of the twenty seventh session of the Governing Council of UNEP in accordance with paragraph 4(b) of UN General Assembly resolution 67/213 on UNEP.

The UK therefore cannot agree to the text setting out the position of the Union on the status of the EU within the twenty seventh session of the Governing Council/GMEF of UNEP. The UK believes that if the Union expresses its support for the interpretation set out by the UNEP Secretariat in point 7 of its paper of 30 November 2012 concerning the Rules of Procedure of the UNEP Governing Council with universal membership it is accepting the automatic applicability to UNEP of resolution 65/276, contrary to paragraph 2 of that resolution and paragraph 3 of the Secretary-General's covering note.

The UK further believes that this Union position only covers the twenty seventh session and that the Council must subsequently take a final decision on the status of the Union at the Governing Council, or its successor body, in due course in accordance with paragraph 23 of the Council conclusions of 25 October 2012 on the follow up to Rio+20.

Finally it is the position of the UK that a decision of the Council on the status of the EU in UNEP, an international organisation where no decisions with legal effects are taken, is political in nature and therefore should be agreed by consensus and not by qualified majority vote."

Coreper Part 2

II

28. Presentation of the agenda of the Council meeting (Justice and Home Affairs) on 7/8 March 2013

The Presidency presented the JHA Council agenda. The Commission requested the addition of the Smart Borders Package, with a view to a presentation by the Commissioner of the legislative proposals which are expected to be adopted in advance of the Council, and of an information point on the recent High Level Conference on Empowering local actors to counter violent extremism. FI signalled that it may wish to raise the Internal Security Fund Regulation.

The Presidency confirmed that the issue of the full application of the Schengen acquis to RO/BG was being maintained on the agenda pending further consideration by the Committee. The Presidency also confirmed that the proposed lunchtime discussion on migratory pressures would deal with developments and the outlook in relation to migratory pressures facing the Union in general and was not limited to Syria.

29. Follow-up to the Council meeting (Economic and Financial Affairs) on 12 February 2013

- The Council adopted conclusions under the 2013 European Semester on the basis of two reports submitted by the Commission: the annual growth survey and the alert mechanism report.
- Regarding the annual growth survey, the Council agreed that the priorities identified in the 2012 survey remain valid for 2013. It considered that improving confidence, reviving economic growth, ensuring debt sustainability and improving competitiveness, whilst creating the conditions for sustainable growth and jobs in the longer term, are of particular importance at the current juncture.
- As concerns the alert mechanism report, the Council acknowledged that many EU economies continue to face important challenges in correcting macroeconomic imbalances accumulated before the economic crisis.

It welcomed implementation of structural reforms in the member states, leading to gains in competitiveness and a rebalancing in the EU and within the euro area.

- The Council also adopted conclusions on the Commission's 2012 fiscal sustainability report. The report assesses the sustainability of public finances in the member states on the basis of long-term budgetary projections, incorporating the implications of the financial, economic and fiscal crisis, as well as the impact of ageing populations. It is the first such report since 2009.
- Furthermore, the Council adopted:
 - the recommendation on the discharge to be given to the Commission in respect of the implementation of the general budget of the European Union for the financial year 2011. The Netherlands, Sweden and the United Kingdom voted against and provided a unilateral statement for the Council minutes.
 - its conclusions on the budget guidelines for 2014.

30. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 5 March 2013

The Committee agreed the provisional agenda for this Council meeting.

31. Revised capital requirements rules (CRD IV) (First reading)

- a) **Proposal for a Regulation of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms**
- b) **Proposal for a Directive of the European Parliament and of the Council on the access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms and amending Directive 2002/87/EC of the European Parliament and of the Council on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate**
 - **Updated mandate**
6188/1/13 REV 1 EF 22 ECOFIN 96 CODEC 274
6188/13 ADD1 EF 22 ECOFIN 96 CODEC 274

The Committee took note of the texts presented by the Presidency, examined the Presidency report and agreed to mandate the Presidency to continue the informal negotiations with the European Parliament and the Commission with a view to reaching an agreement at first reading.

Swedish delegation made the following statement on Articles 372 and 373 of the draft Regulation:

"With reference to the exemptions set out in CRR Articles 372 and 373 from the CVA capital charge, Sweden would like to state our dissatisfaction with the current text extending the exemptions the Council is allowing. Higher capital requirements for counterparty risk is one of the key lessons from the financial crisis 2007-2009, and the CVA capital charge - which is a response to that lesson - is an important part of the Basel 3 Agreement. The additional exemptions offered in CRR represents a significant departure from both the Basel Committee's and the FSB's intentions. And they are a mistake from an economic and financial perspective as they increase the risk of European banks, and thereby reduce financial stability in the EU. Basel Committee will most likely make this point in its future evaluation of how the EU has implemented the Basel 3 agreement, and clearly state that this is a departure from what was agreed at a global level in the Committee."

32. Follow-up to the Council meeting (General Affairs) on 4 February 2013

The Committee took note of the information given by the Presidency on the follow-up to the General Affairs Council on 4 February 2013, which focused on the preparation of the February European Council and the Presidency's Working Programme.

33. Follow-up to the European Council on 7/8 February 2013

The Committee took note of the follow-up to the orientations set by the European Council on 7/8 February 2013 (MFF).

34. Follow-up to the Council meeting (Foreign Affairs) on 31 January 2013

The Executive Secretary General of the EEAS informed the Committee of the way in which the High Representative intends to follow-up on the exchange of views that took place at the Foreign Affairs Council on 31 January 2013. The presentation was focused on the Southern Neighbourhood.

35. Preparation of the Council meeting (Foreign Affairs) on 18 February 2013

- **Southern Neighbourhood**
 - = **Draft Council conclusions on Syria (restricted session 1+2)**
6268/13 COMAG 19 PESC 154 COHAFA 19 SY 2

The Committee examined the draft Council conclusions on Syria as set out in 6268/13, and decided to forward them to the Council for adoption. There are outstanding issues in brackets in paragraphs 7 and 8.

- **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 18 February 2013.

36. Council Decision amending Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe
6264/13 PESC 153 COAFR 56 COARM 18 FIN 66

The Committee discussed the draft Council Decision amending Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe, and decided to forward it to the Council for further discussion.

37. Draft Council conclusions on Zimbabwe
6289/13 COAFR 57 ACP 26 RELEX 120 PESC 156

The Committee submitted the draft Council Conclusions to Council for further handling (doc. 6289/13).

- **Any other business**
 - = **Mislabelling of meat products**

Following the discovery of undeclared horse meat in beef products in several Member States, the Presidency informed the Committee on their decision to hold on 13 February 2013 at 18h00 an informal ministerial meeting which would be attended by FR, UK, LU, SE, PL and RO as well as by Commissioner Borg.

The aim of the meeting would be to take stock of the situation. The Presidency added that the meeting would also be open to any other interested Member State.
