



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 11 April 2013

7697/13

CRS/CRP 11

SUMMARY RECORD

**Subject : 2445th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 20 and 22 March 2013**

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

doc. 7578/13 OJ/CRP1 11 + ADD 1
7579/1/13 REV 1 OJ/CRP2 11

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

The following items are **added** :

(Coreper Part 1, under I)

57. Proposal for a Council Regulation amending Regulations (EU) No 44/2012, (EU) No 39/2013 and (EU) No 40/2013 as regards certain fishing opportunities

- **Decision to use the written procedure for the adoption**
7628/13 PECHE 108 OC 152

(Coreper Part 2, under I)

58. Draft Mission Plan and Draft Rules of Engagement Authorisation for EUTM Somalia

7577/13 COSDP 243 PESC 298 POLMIL 19 COAFR 89 EUTRA SOMALIA 21
6685/1/13 REV 1 CSDP/PSDC 118 COSDP 172
EUTRA SOMALIA 14 RESTREINT UE
+ REV 1 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.

Coreper Part 1

II

- 16. 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**
6457/2/13 PECHE 59 CODEC 341 REV 2
7459/13 PECHE 99 CODEC 576

The Committee endorsed the revised mandate for the Presidency's negotiation as laid down in document 6457/2/13 REV 2.

- 17. Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Presidency informed delegations about the first informal trilogue meeting with the negotiating team of the European Parliament held on 19 March 2013. The meeting covered Articles 1 to 4, 6 and parts of Article 37 of the proposal. Meetings at the technical meeting were agreed to deal with definitions and to draft texts which would be referred to them.

- 18. Proposal for a Directive of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (XXth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
7436/13 SOC 172 CODEC 562

The delegations provided the Presidency with an updated mandate on outstanding issues as set in document 7436/13.

DK, NL, AT and UK raised concerns about Article 4(1) concerning public access to risk assessment.

DK was of the view public access to documents should be addressed rather in a horizontal directive. NL, AT and UK questioned the appropriateness of the legal basis of the draft Directive for such a provision. In particular, NL and AT felt that the Directive should not contain a provision which does not contribute to the objective of protection of health and safety of workers as stipulated in Article 153(2) of TFEU.

NL and AT made the following statement to be entered into the Committee minutes :

"The Directive on Electromagnetic Fields (EMF) aims at protection of health and safety of workers against the effects of electromagnetic fields. For this purpose, the directive is based on Article 153(2) TFEU, which provides a legal basis for directives laying down minimum requirements in the field of protection of health and safety of employees at the workplace. There is no objective evidence that Article 4(1) of the directive on EMF defining the employer's obligation to make risk assessments public on request contributes to the objective of protection of health and safety of workers. Therefore, Article 4(1) does not serve the purpose of Article 153(2) TFEU.

To this end, the directive should not contain the provision in Article 4(1)."

UK entered a scrutiny reservation on Article 4(1). BG lifted a scrutiny reservation on this provision.

- 19. 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 debriefing on the outcome of the informal trilogue**

The Committee took note of the information provided by the Presidency on the outcome of the informal trilogues held on 11 and 19 March 2013.

- 20. Proposal for a Council Regulation establishing for the period 2014-2020 the programme "Europe for Citizens"**
- **Finalisation of the Council text**
7168/13 CULT 19 FREMP 27 JAI 189 EDUC 74 SOC 152 CADREFIN 49

The Committee took note of the information provided by the Presidency about the results of the informal contact meeting with the European Parliament that took place on 6 March 2013, and approved the revised text as contained in the annex to document 7168/13.

- 21. 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)**
- **Preparation for the informal trilogue**
7129/13 MAR 23 TRANS 94 SOC 147 CODEC 485

The Committee examined the outstanding issues and gave the Presidency a mandate to negotiate with the European Parliament at the informal trilogue on 10 April 2013.

- 22. Proposal for a Decision of the European Parliament and of the Council derogating temporarily from Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community (First reading) (Legislative deliberation)**
- **Analysis of the final compromise text with a view to agreement**
7451/13 ENV 204 AVIATION 40 MI 196 IND 71 ENER 89 CODEC 570

The Committee approved the overall compromise package set out in document 7451/1/13 REV 1 and authorised the Presidency to address the letter to the European Parliament with a view to a first reading agreement.

- 23. Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee was debriefed on the outcome of the informal trilogue which took place on 19 March 2013.

- 24. 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)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee was debriefed on the outcome of the informal trilogue which took place on 21 March 2013.

- 25. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and the Council ("Tachograph") (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Presidency informed delegations about the results of the informal trilogue on the above dossier, which took place on 20 March 2013.

- 26. Proposal for a Decision of the European Parliament and of the Council on serious cross-border threats to health (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee took note of the oral report from the Presidency on the outcome of the second informal trilogue on 20 March 2013. The Presidency will submit to the Committee a compromise proposal covering all outstanding issues towards the end of April. The last trilogue is planned for 6 May 2013.

- 27. 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**
7493/13 TELECOM 49 PI 41 COMPET 153 AUDIO 17 CULT 24 CODEC 585

While being aware of the concerns of a few delegations about the acceleration of the pace of negotiations and the need for more internal consultations the Chair noted that most delegations were willing to see these negotiations being concluded and could agree to the compromise package proposed around Art. 4 and 6. Regarding Art. 6 its provisions should meet the concerns of Member States while not being open to abuse. Regarding deadlines 24 months for transposition and 36 months for reporting (Art. 13) should be retained.

The Committee agreed on the mandate for the 3rd informal trilogue to be held on 25 March 2013 on the basis of the position set out in 7493/13 as amended regarding the reporting period.

- 28. Proposal for a Directive of the European Parliament and of the Council amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Presidency presented the results of the third informal trilogue to the Committee. The outcome was not positive. However, if the possibility of an agreement was to emerge, based on last minute oral proposals presented during this meeting by EP and Commission, the Committee will be informed and could return to this point on 27 March 2013.

29. Horizon 2020

- (a) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 294/2008 establishing the European Institute of Innovation and Technology (First reading) (Legislative deliberation)**
- (b) Proposal for a Decision of the European Parliament and of the Council on the Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT): the contribution of the EIT to a more innovative Europe (First reading) (Legislative deliberation)**
 - **Preparation for the informal trilogue**
7455/13 RECH 68 COMPET 148 EDUC 83 CODEC 574
7458/13 RECH 69 COMPET 149 EDUC 84 CODEC 575

The Committee gave the Presidency the mandate for the informal trilogue.

- 30. Proposal for a Directive of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation on administrative cooperation through the Internal Market Information System (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Presidency debriefed the Committee on the outcome of the first informal trilogue, which was held on 20 March 2013 and focused on three horizontal issues, namely the European professional card, the partial access and the alert mechanism.

- 31. 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 by the Presidency on the outcome of the sixth informal trilogue on 19 March 2013.

- 32. Proposal for a Regulation of the European Parliament and of the Council laying down Union Customs Code (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 on 19 March 2013.

Coreper Part 2

II

46. EU-Japan Summit (Tokyo, 25 March 2013)

- State of play of preparations

7444/13 COASI 39 ASIE 11 PESC 291 RELEX 214 POLGEN 37 WTO 65
ECOFIN 197 ENV 207

The Committee took stock of the progress made in the preparations of the upcoming EU-Japan Summit and provided orientations for further negotiations ahead of the Summit. The discussions focused mainly on the points of the draft joint press statement that are still open.

47. Proposed single supervisory mechanism

- a) Council Regulation conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions
- b) Regulation of the European Parliament and of the Council amending Regulation (EC) No 1093/2010 establishing a European Supervisory Authority (European Banking Authority) as regards its interaction with Council Regulation (EU) No.../... conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (First reading)
 - State of play

The Committee examined the state of play in relation to the two files and decided to continue the examination at a later date.

48. Proposal for a Decision of the European Parliament and of the Council providing further macro-financial assistance to Georgia (Second reading)

- Information by the Presidency

The Committee was informed of the Presidency's intentions and next steps in relation to the upcoming conciliation on Macro-Financial Assistance to Georgia, including that a meeting of the Conciliation Committee is scheduled for end of May.

49. Follow-up to the Council meeting (Justice and Home Affairs) on 7/8 March 2013

The Committee was briefly informed on the follow-up of the JHA Council and had an exchange of views on how to improve the quality of ministerial debates i.a. by reviewing the seating arrangements.

50. Follow-up to the Council meeting (Foreign Affairs) on 11 March 2013

The Committee ensured the follow-up to this Council session.

51. Follow-up to the Council meeting (General Affairs) on 11 March 2013

This month's General Affairs Council focused on the preparations of the upcoming European Council, on 14-15 March 2013. It examined the draft EC conclusions and took note of the Synthesis report of the implementation of the European Semester.

52. Follow-up to the European Council on 14/15 March 2013

The Committee took note of the main outcomes of the March EC, as well as of the thematic discussions planned for the rest of the year.

53. Debrief of the G20 Sherpa meeting (Moscow, 4 March 2013)

The G20 Sherpa Antonio Cabral debriefed the Committee on the main outcomes of the meeting which took place in Moscow the 4 March 2013.

54. Multiannual Financial Framework (*restricted session*)

The Chair updated the Committee - in a restricted session - on the MFF file and the discussions with the European Parliament.

55. 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 eighth informal trilogue**
7434/13 ASILE 9 CODEC 561
+ ADD 1

The Committee endorsed the text of the Asylum procedures Directive as it appears in document 7434/13 + ADD 1 as a mandate for the Presidency to engage in the eighth trilogue on 21 March 2013.

- 56. Amended proposal for a Regulation of the European Parliament and of the Council on the establishment of 'EURODAC' for the comparison of fingerprints for the effective application of Regulation (EU) No [.../...] (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) and to request comparisons with EURODAC data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (Recast version) (First reading)**
- **Preparation of the fourth informal trilogue**
7476/13 EURODAC 4 CODEC 580 ENFOPOL 76

The Committee confirmed agreement for an amended mandate to the Presidency, on the basis of a compromise set out in document 7476/13, with a view to engaging in the fourth informal trilogue to be held on 21 March 2013.

NL made the following statement :

"The Netherlands is in favour of the EURODAC proposal and creating the possibility to use EURODAC data under strict conditions for criminal investigations into serious crimes.

There is however a critical opinion of the European Data Protection Supervisor.

The criticism focuses on the necessity and proportionality to compare dactyloscopic traces from a crime scene or fingerprints of suspects of serious crimes with those of asylum seekers.

The Netherlands differs of opinion with the European Data Protection Supervisor. Since 1989, fingerprints of suspects or dactyloscopic traces from crime scenes may under strict conditions be compared with those of asylum seekers in the national files in the Netherlands. The percentage of hits in the Netherlands confirms that this legal competence is necessary for the investigation of serious criminal offences.

In the Dutch Parliament there are concerns about this proposal and, in particular, there is concern about the risk of indirect discrimination.

A monitoring and evaluation mechanism is provided for in the EURODAC proposal.

The evaluation will assess if the consultation of EURODAC for the prevention, detection and investigation of terrorist offences and other serious criminal offences has led to indirect discrimination of persons seeking international protection.

The Netherlands attaches great importance to this element of the evaluation.

The Netherlands would like to ask the European Commission to pay its attention to this aspect of the evaluation from the moment the Regulation will entry into force.

If it is necessary to collect certain data to determine possible stigmatizing effects, the relevant authorities should be informed in time."

- **Any other business**

= **Delegated/implementing acts**

Presidency informed on delegated/implementing acts, as in Coreper Part 2, 20 March 2013, regarding recent contacts between the Commission and the Council, and between the three institutions, to find a way forward on this topic. The Antici Group will work on the issue after Easter.

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