



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 April 2012

7910/12

CRS/CRP 11

SUMMARY RECORD

**Subject : 2401st meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 20, 21, 22 and 23 March 2012**

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48. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1198/2006 on the European Fisheries Fund, 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) (Legislative deliberation + Statement)

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- 1. Adoption of the provisional agenda and "I" items**
doc. 7871/12 OJ/CRP1 11 + ADD 1
7831/1/12 REV 1 OJ/CRP2 11 + CM 2271/12

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

The following item is **added** :

(Coreper Part 1, under I)

- 56. Letter from the Commission inviting the Council to adopt the Commission proposal for a Council regulation adjusting with the effect from 1 July 2011 the remuneration and pension of the officials and other servants of the European Union and the correction coefficients applied thereto**
- **Information note for the Permanent Representatives Committee (Part 1)**
7968/12 JUR 162 STAT 10

The following item is **withdrawn** :

(Coreper Part 2, under I)

- 30. Multiannual Financial Framework (2014-2020)**
- **Schengen relatedness of some of the JHA financial instruments**
7338/12 JAI 145 JAIEX 11 CADREFIN 127 ENFOPOL 59 ASIM 25
PROCIV 31 CODEC 575

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

- 21. Council Regulation concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010**
7754/12 PESC 356 RELEX 240 CONUN 48 COMEM 100 CONOP 52
FIN 202 COARM 88
- 25. Belarus**
- a) **Council Implementing Decision implementing Decision 2010/639/CFSP concerning restrictive measures against Belarus**
 - b) **Council Implementing Regulation implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus**
7761/12 PESC 360 RELEX 242 COEST 87 FIN 206
+ ADD 1 RESTREINT UE
- 29. Pooling and Sharing of Military Capabilities**
- **Draft Council conclusions**
7681/12 COPS 76 COSDP 219 PESC 341 POLMIL 9

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

BG and CZ made a declaration on the following item :

11. Proposal for a Regulation of the European Parliament and of the Council on OTC derivative transactions, central counterparties and trade repositories (EMIR) (First reading)

- Approval of the final compromise text

7509/1/12 REV 1 EF 58 ECOFIN 239 CODEC 630

+ REV 1 ADD 1

+ REV 1 ADD 2

"Declaration by the Republic of Bulgaria and the Czech Republic on the proposal for a Regulation of the European Parliament and of the Council on OTC derivative transactions, central counterparties and trade repositories (EMIR)

The Republic of Bulgaria and the Czech Republic express strong concern about the scope of Article 23 (1) where a recognition of a CCP established in a third country is demanded by ESMA in all cases and for all types of financial instruments, irrespective of whether an obligation for mandatory clearing through CCP is required or not. It would not be allowed under any circumstances a CCP established in a third country to provide clearing services to EU counterparties or trading venues without such recognition and the freedom to choose a CCP on a contractual basis will be restricted in cases where no obligation for central clearing through CCP is required by this regulation or by other EU legislation."

The Commission made a declaration at the same item (11) :

"Declaration by the Commission concerning the proposal for a Regulation of the European Parliament and the Council on OTC derivative transactions, central counterparties and trade repositories (EMIR)

The Commission welcomes the political agreement reached on EMIR, but notes for the minutes that it has legal objections against one provision in the text.

The Commission considers that Article 67a (3) should be deleted.

The Commission is of the view that Article 290 is to be interpreted as meaning that it is autonomous in the preparation and adoption of delegated acts. The standard recital on expert advice contained in the Common Understanding agreed between the three institutions is a reflection of this interpretation. It is therefore not acceptable and is contrary to Article 290 to go beyond the recital as agreed in the Common Understanding and to include an obligation to consult experts in the substantive provisions."

BG made a declaration on the following item :

48. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1198/2006 on the European Fisheries Fund, 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) (Legislative deliberation + Statement)

- **Adoption of the legislative act**

PE-CONS 1/12 PECHE 21 CADREFIN 27 CODEC 145 OC 16

7645/12 CODEC 658 PECHE 86 CADREFIN 144 OC 132

+ ADD 1

1. "The Republic of Bulgaria has consistently supported the opinion that resolving issues related to the financial and economic crisis requires a coordinated approach at the EU level. The crisis has put national budgets under pressure and has led to challenges for the investment process everywhere in the European Union.
2. The Republic of Bulgaria maintains serious reserve with regard to the proposal for temporary increase in the co-financing rates from the EU funds for the EU Member States which are under financial assistance programmes.
3. The proposed approach discriminates against the Member States which have put extremely important efforts in the years of the crisis to maintain financial and fiscal discipline and have avoided being in a situation of liquidity difficulties. The proposal should have also created incentive mechanisms for the efforts of the Member States which have been disciplined. It should have also encompassed the Member States which stick to financial and fiscal discipline but which because of the economic crisis also undergo temporary difficulties in safeguarding co-financing.
4. The refusal to undertake such an approach may lead to "wrong" incentives to the ones which have not maintained financial and fiscal discipline. The amendment could potentially have a discouraging effect on the Member States in adhering to the Stability and Growth Pact and sticking to sound and sustainable fiscal policy.
5. This position has been expressed by the Bulgarian Prime Minister at the European Council, as well as in the General Affairs Council and ECOFIN. It also has the support of the Bulgarian Parliament."

Coreper Part 2

II

2. Preparation of the Council meeting (General Affairs) on 26 March 2012

a) Multiannual Financial Framework (2014-2020)

- Sections of Negotiating Box relating to Headings 1 (except cohesion and CEF), 3, 4 and 5 and horizontal issues
7634/12 CADREFIN 142 POLGEN 45

In preparation of the General Affairs Council, the Committee exchanged views on the sections of the Negotiating Box relating to Headings 1 (except cohesion and CEF), 3, 4, and 5 and horizontal issues.

b) European Council

- Follow-up by the Council
7824/12 CO EUR-PREP 12 POLGEN 48

The Committee took note of the follow-up the Council will give to the orientations set by the European Councils of December 2011 and March 2012.

c) 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.

21. Council Regulation concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010

7754/12 PESC 356 RELEX 240 CONUN 48 COMEM 100 CONOP 52
FIN 202 COARM 88

The Committee agreed the above legal text, as well as a Council and Commission Declaration. The Committee invited the Foreign Affairs Council (FAC) to adopt the legal text and also to agree to insert the Declaration into its minutes.

25. Belarus

- a) **Council Implementing Decision implementing Decision 2010/639/CFSP concerning restrictive measures against Belarus**
- b) **Council Implementing Regulation implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus**
7761/12 PESC 360 RELEX 242 COEST 87 FIN 206
+ ADD 1 RESTREINT UE

The Committee reached agreement on additional restrictive measures against Belarus, as set out in 7761/12 ADD 1 RESTREINT. The relevant legal texts will be submitted for adoption to the Council (Foreign Affairs) on 23 March 2012.

29. Pooling and Sharing of Military Capabilities

- **Draft Council conclusions**
7681/12 COPS 76 COSDP 219 PESC 341 POLMIL 9

The Committee examined the draft Council conclusions on Pooling and Sharing of Military Capabilities as set out in 7681/12 and agreed the text. The Committee also agreed that a technical amendment to paragraph 2 of the conclusions can be made after the outcome of the meeting of the European Defence Agency Steering Board of 22 March 2012 is known, before the submission of the draft conclusions to the Council for adoption as set out in 7960/12.

31. Preparation of the Council meeting (Foreign Affairs) on 22/23 March 2012

- a) **Syria**
 - **Draft Council conclusions**
8003/12 COMAG 24 PESC 387 COHAFA 30 SY 9

On 21 March 2012 the Committee initially examined the draft Council conclusions on Syria as set out in 7591/12. On 22 March 2012 the Committee further examined and agreed the text and submitted it to the Council for adoption as set out in 8003/12.

- b) **Belarus**
 - **Draft Council conclusions**
7777/12 COEST 88 PESC 365 RELEX 246

The outcome of the Committee's deliberations is contained in 7965/12.

c) **Sahel**

- **Draft Council conclusions**

7859/1/12 REV 1 COAFR 81 ACP 36 PESC 373 DEVGEN 68 COTER 20
COMAG 23 COHAFA 29 RELEX 254

The Committee updated the draft Council conclusions on Sahel further to developments in Mali, agreed them (doc. 8064/12) and forwarded them to the Council with a view to their adoption on 23 March 2012.

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

There was no discussion or conclusions under this item.

32. **EU-Ukraine Association Agreement and DCFTA**

- **Information by the EEAS on state of play**

The Committee heard a presentation by the European External Action Service on the state of play of the EU-Ukraine Association Agreement and DCFTA, in particular its initialling.

33. **Amended proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of asylum seekers (Recast) (First reading)**

- **Preparation for the first informal trilogue**

7709/12 ASILE 48 CODEC 677

The outcome of proceedings on this item is set out in 7958/12.

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)**

- **Preparation for the first informal trilogue**

7683/12 ASILE 47 CODEC 667

The Committee had an exchange of views on this item and will come back to it in one of its forthcoming meetings.

35. EU-Republic of Korea Summit (Seoul, 28 March 2012)

- State of play of preparations

7678/12 COASI 30 ASIE 21 PESC 339 RELEX 230 POLGEN 47 ECOFIN 263
ENV 208 WTO 101

The Committee took note of the state of play on the preparations for the EU-Republic of Korea Summit on 28 March 2012 in Seoul on the basis of information given by the EEAS and the Commission services.

36. Follow-up to the Council meeting (Foreign Affairs/Trade) on 16 March 2012

The Committee took note of the Presidency's intentions as to the follow-up to the main files discussed at the Council on 16 March 2012, in particular the Bilateral Investment Treaties Regulation, the GSP Regulation, the EU-US Trade Economic relations, the EU-Colombia/Peru Multi Party Agreement, the Russian ban on imports of certain categories of livestock from the EU and the state of play in the scoping exercise with Japan.

37. Evaluation of European Union agencies

7727/12 INST 212

The Committee:

- i) endorsed the 'Draft Joint Statement and Common Approach' on the evaluation of EU agencies, with the exception of the two remaining open points (point 10.1 on the composition of the agencies' Management Boards and point 14.2-14.4 on issues, related to agencies' Directors, i.e. the EP role in Directors' appointment, the recruitment grade and the duration of Directors' mandate);
- ii) mandated the Presidency to continue the negotiations with the European Parliament and the Commission on these two remaining open points on the basis of the guidelines in point 5 of 7727/12.

Coreper Part 1

II

49. Proposal for a Decision of the European Parliament and of the Council setting up an information exchange mechanism with regard to intergovernmental agreements between Member States and third countries in the field of energy (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
7404/12 ENER 88 CODEC 589

At the end of the brief exchange of views that took place the Chair could conclude that the Committee has given him a mandate for the first informal trilogue on the basis of the text set out in 7404/12 while noting that several delegations were prepared to show some flexibility e.g. on article 5.

50. Proposal for a Regulation of the European Parliament and of the Council on roaming on public mobile communications networks within the Union (Recast) (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
7863/12 TELECOM 59 COMPET 161 MI 189 CONSOM 34 CODEC 718

The Committee granted the Presidency a mandate for the 3rd trilogue on the basis of document 7863/12.

51. Proposal for a Directive of the European Parliament and of the Council on control of major-accident hazards involving dangerous substances (Seveso III) (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
7595/12 ENV 203 IND 59 PROCIV 43 CODEC 644

The Committee agreed, subject to some adjustments in the text of the fourth column of document 7595/12, to a revised mandate with a view to a last informal trilogue to be held on 27 March 2012 in the framework of negotiations with the European Parliament to reach an agreement in first reading on the above-mentioned proposal.

52. Green Climate Fund: EU representation on the board
- Proposals for distribution of members and alternate members

The Committee had an exchange of views on the need for a common EU solution on this issue and for the EU to be represented on the Board of the Green Climate Fund. The Presidency indicated that it would revert to this issue next week with a view to agreeing on a solution by 31 March 2012.

53. Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/32/EC as regards the sulphur content of marine fuels (First reading) (Legislative deliberation)
- Presidency debriefing on the outcome of the informal trilogue

The Presidency presented to the Committee the results of the exploratory meeting with the European Parliament on the above-mentioned Directive, held in Brussels on 21 March 2012 where the main political issues were identified and positions explained. It was agreed that a series of issues will be discussed during tripartite technical meetings. The Presidency will seek for a revised mandate from the Committee for the next informal trilogue.

54. Proposal for a Regulation of the European Parliament and of the Council on European Standardisation and amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/105/EC and 2009/23/EC of the European Parliament and of the Council (First reading) (Legislative deliberation)
- Preparation for the informal trilogue
7636/12 COMPET 154 IND 60 MI 180 RECH 87 ENT 64 TELECOM 54
CODEC 654

The Committee has discussed the outstanding issues in the Council text and the IMCO amendments.

The Committee has given a mandate to the Presidency to engage in informal trilogue meetings in order to explore the possibilities for an agreement at first reading.

55. (a) **Proposal for a Regulation of the European Parliament and of the Council on European Venture Capital Funds (EuVECA) (First reading) (Legislative deliberation)**
- (b) **Proposal for a Regulation of the European Parliament and of the Council on European Social Entrepreneurship Funds (EuSEF) (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
 7584/12 EF 61 ECOFIN 250 COMPET 151 IND 58 SOC 190 CODEC 641
 7581/12 EF 59 ECOFIN 247 COMPET 148 IND 56 CODEC 638
 7582/12 EF 60 ECOFIN 248 COMPET 149 SOC 189 IND 57 CODEC 639

The Committee agreed on the mandate for the Presidency to start negotiations with the European Parliament, as set out in 8132/12 and 8124/12.

- **Any other business**
 - **ETS/Aviation**
 - **Information from the Commission**

The Commission gave an update on international developments concerning the inclusion of aviation in the EU ETS.

- **G20 meeting of Employment Ministers in Mexico, 17-18 May 2012**
 = **Representation of EU and Member States**

The Committee agreed that the Presidency should be fully engaged and involved, alongside the Commission, in the preparatory meetings and in the ministerial meeting of the G20 Labour and Employment Ministers. It took note of the information provided by the Commission on the preparatory process.

- **Fisheries (requested by the ES delegation)**

1) CFP reform in the run-up to the next AGRIFISH Council

The Spanish delegation inquired about the planned way forward with further work on the CFP reform package and suggested that the debate at the April Council should be properly prepared by the Committee on the basis of non-papers.

The Chair confirmed that Council would hold the orientation debates in April on regionalisation and TFCs and that the Committee would be involved in the preparatory work, but no new texts were expected on these two topics.

2) Timing of CLS opinion on the regulation on measures against third countries

The Spanish delegation inquired about the Council timetable for the proposal for a Regulation on measures against third countries fishing unsustainably, in particular regarding the availability of the legal opinion from the Council Legal Service. The Spanish delegation, supported by the French, Portuguese, Irish, Finnish and United Kingdom delegations stressed that this file is a key priority and all possible means should be used in order to solve the underlying problem with Iceland.

The Chair indicated that the legal opinion was delayed by the late availability of comments from delegations. The Council Legal Service confirmed that the written legal opinion will be available as soon as possible.

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