



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 April 2012

8200/12

CRS/CRP 12

SUMMARY RECORD

**Subject : 2402nd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 28 and 30 March 2012**

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

doc. 8142/12 OJ/CRP1 12 + AMD 1
8164/12 OJ/CRP2 12

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

The following items are **withdrawn** :

(Coreper Part 1, under II)

13. 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)

- **Preparation for the informal trilogue**
8110/12 ENV 236 MAR 28 MI 203 CODEC 794

(Coreper Part 2, under I)

28. Multiannual Financial Framework (2014-2020)

- **Schengen relatedness of some of the JHA financial instruments**
7338/1/12 REV 1 JAI 145 JAIEX 11 CADREFIN 127 ENFOPOL 59 ASIM 25
PROCIV 31 CODEC 575

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

NL made a comment on the following item :

21. Proposal for a decision of the European Parliament and of the Council providing macro-financial assistance to the Kyrgyz Republic (First reading)

- **Information on the mandate for the trilogue**
8014/12 ECOFIN 279 RELEX 264 COEST 99 NIS 25 CODEC 765
7016/1/12 REV 1 ECOFIN 201 RELEX 184 COEST 64 NIS 16 CODEC 507

"The position of the Netherlands is to abstain. Providing Macro Financial Assistance to the Kyrgyz Republic is stretching the geographical delimitation of the "Genval criteria" too far, without the availability of compelling economic or even political arguments to do this. MFA - support is not meant to be an alternative to general development aid, but should be granted because of balance of payments needs. These needs seem to be not very urgent in the case of the Kyrgyz Republic, whose reserves can still cover imports for another four months."

DE will also abstain and agreed with the Dutch comment.

Coreper Part 1

II

8. **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)**
- **Presidency debriefing on the outcome of the informal trilogue**
 - **(poss.) Analysis of the final compromise text**

The Committee took note of the Presidency briefing on the informal trilogue that was held on 27 March 2012.

On the basis of the possible compromise texts agreed by the Committee on 21 and 28 March 2012, the Committee gave its support to the amendments to the Commission's original proposal which would be acceptable to the Council for a first reading agreement on the above-mentioned proposal.

The Committee took also note of the Commission's intention to table a declaration announcing its intention to undertake further analysis of the risks and consequences of major accidents involving dangerous substances and mixtures falling under hazard category H2 ACUTE TOXIC, Category 3, dermal exposure route.

9. **Green Climate Fund**
- **Nominations for the Board**
(This item will be dealt with in restricted session)

The Committee did not find agreement on an EU approach to the nominations for the GCF Board. The Chair concluded that efforts to secure seats for the EU would continue in the broader context of cooperation between developed countries in the framework of UNFCCC. He underlined that the obligation of loyal cooperation between EU Member States and the Commission continued to prevail and asked delegations to hold back any individual nominations of candidates at least until a meeting between developed countries' representatives which was expected to take place in Geneva on 13 or 16 April 2012.

UK made the following statement :

"UNITED KINGDOM STATEMENT ON THE GREEN CLIMATE FUND BOARD

The United Kingdom wishes to record that it does not accept that the EU is automatically entitled to a seat by virtue of its participation in the UNFCCC. Furthermore, the United Kingdom considers that the decision on EU representation on the Board falls to the Council to determine. The United Kingdom contests the legitimacy of the decision of the Commission dated 14 March 2012 purporting to nominate a Commission official as the EU representative to the Board. In the view of the United Kingdom that decision is ultra vires the Commission and we therefore reserve our position on taking any necessary action under the Treaties."

- 10. Proposal for a Decision of the European Parliament and of the Council on roaming on public mobile communications networks within the Union (Recast) (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**
 - **(poss.) Analysis of the final compromise text**

The Committee endorsed the final compromise text as given at document 8231/12 and as agreed at the 3rd trilogue on 27 March 2012.

- 11. Proposal for a Directive of the European Parliament and of the Council on certain permitted uses of orphan works (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**

The Committee was debriefed by the Presidency on the outcome of the first informal trilogue on the above-mentioned file, which took place on 29 March 2012.

12. 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)

- Presidency debriefing on the outcome of the informal trilogue

The Chairman informed the Committee on the main points of the 1st informal trilogue on the above proposal which took place on 28 March 2012. This trilogue, of an exploratory nature, allowed the Council side to state its red lines, e.g regarding the role of the Commission during negotiations and the stage at which it could intervene as well as the nature of IGA to be communicated to the Commission, and the European Parliament side to list the provisions of main interest, notably Art. 2, 3, 4, 5 and 8.

This trilogue was followed by a technical meeting on 29 March 2012, the next trialogue is scheduled on 23 April 2012 and will be prepared by the Committee on 18 April 2012.

Coreper Part 2

II

30. Debriefing G20 Sherpa meeting (Mexico City, 15-16 March 2012)

The Commission Sherpa Antonio Cabral debriefed the Committee on the G20 Sherpa meeting, which took place in Mexico City the 15 and 16 March 2012. The meeting focused on two main issues : the economic situation and the need for balanced growth.

31. Follow-up to the Council meeting (Foreign Affairs) on 22-23 March 2012

The Committee was briefed by ESG Pierre Vimont on the follow up to the FAC of 22 March 2012 in the Ministers of Defence (MOD) composition and of 23 March 2012 in the Foreign Ministers composition.

ESG Vimont emphasised very positive discussion by MOD on the issue of **pooling and sharing of military capabilities** (adoption of Council conclusions); the issue would be further discussed on 2-3 April 2012 at the Defence Policy Directors meeting, together with the EU narrative for the NATO Summit in Chicago, with a view to the informal dinner of MOD on 18 April 2012.

EU Operations: OPLAN for ATALANTA soon to be approved by the PSC; Strategic Review for EUTM Somalia to be ready by September; operational planning for RMCB to continue; operational planning for Sahel to start soon (following the adoption of CMC) with a view to adopting CONOPS before the summer break.

ESG Vimont also reported on very positive discussion at the informal dinner with the Candidate countries which took place on 22 March 2012 (Serbia present for the first time). Emphasis on the need for a sustained long-term policy vis-à-vis **Afghanistan and Pakistan** beyond 2014. Major challenges: improve the coherence between civilian and military capabilities needs; strengthen development cooperation.

Situation in the **Southern Neighbourhood:** positive developments in Tunisia, reservations as regards the transition in Libya as well as concerns over the developments in Egypt.

Foreign Ministers on 23 March 2012 discussed the Sahel, Belarus and Syria and had lunch with the Turkish FM Davutoglu.

Sahel: need to continue implementing the strategy and to start with the planning for the CSDP mission, concerns over the unfolding events in Mali.

Belarus: emphasis on the need to keep monitoring the sanctions process and the visas facilitation for Belarus citizens. Return of the EU Head of Delegation and EU Member States Ambassadors to Minsk: PSC agreed on modalities and possible timeframe of the return (the week between the Catholic and the Orthodox Easter). The next step will be to communicate this intention to the Belarus authorities for reaction.

Syria: in favour of inviting Kofi Annan (UN and LAS envoy to Syria) and Valery Amos (OCHA) to the lunch of the next FAC. Full support for the Annan mission, the need for continued humanitarian assistance in Syria, hope for more unity among representatives of the Syrian opposition, in particular with a view to the second Friends of the Syrian people meeting in Istanbul on 1 April 2012. These issues were also discussed with FM Davutoglu during lunch. The issue of inviting Cyprus to the meeting in Istanbul remained inconclusive; the HR will continue to discuss this with the Turkish authorities.

32. Preparation of the EU-Russia Summit

- Orientation debate

8029/12 COEST 100 PESC 389 POLGEN 50 RESTREINT UE

The discussion was postponed until 19 April 2012.

33. Follow-up to the Council meeting (General Affairs) on 26 March 2012

Le Comité est informé du suivi que la présidence entend donner à la session du Conseil Affaires générales du 26 mars 2012.

34. Proposal for a Regulation of the European Parliament and of the Council amending Decision No 1639/2006/EC establishing a Competitiveness and Innovation Framework Programme (2007-2013) and Regulation (EC) No 680/2007 laying down general rules for the granting of Community financial aid in the field of the trans-European transport and energy networks (First reading)

- Mandate for negotiations with the European Parliament

8019/12 ECOFIN 281 COMPET 165 TRANS 93 RECH 95 ENER 110

ENV 227 TELECOM 60 ECO 37 CODEC 767

6389/2/12 REV 2 ECOFIN 139 COMPET 86 TRANS 39 RECH 44 ENER 52

ENV 103 TELECOM 28 ECO 16 CODEC 352

The Committee agreed on a mandate with regard to the above proposal, as set out in 6389/2/12 REV 2 and invited the Presidency to conduct negotiations with the European Parliament on the basis of this mandate with a view to reaching an agreement at first reading. The UK delegation reserved its position, pending the completion of parliamentary scrutiny.

35. Reform of the Statute of the Court of Justice (restricted session)

- Appointment of Additional Judges for the General Court

8161/12 CODEC 813 COUR 12 INST 238 JUR 173

The Committee had an exchange of views on the appointment of additional Judges to the General Court, on the basis of a Presidency note set out in 8161/12.

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