



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 May 2012

8991/12

CRS/CRP 14

SUMMARY RECORD

**Subject : 2404th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 17, 18 and 19 April 2012 and in Luxembourg on 23 April
2012**

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

- doc. 8669/12 OJ/CRP1 14
8759/1/12 REV 1 OJ/CRP2 14 COMIX 238
+ REV 1 COR 1
+ CM 2656/1/12 REV 1

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

The following items are **added** :

(Coreper Part 2, under II)

53. Preparation of the Council meeting (Foreign Affairs) on 23 April 2012

- h) Guinea Bissau**
- **Draft Council conclusions**
8857/12 COAFR 107 ACP 52 PESC 485 RELEX 344
- i) Sudan and South Sudan**
- **Draft Council conclusions**
8856/12 COAFR 106 ACP 51 PESC 484 DEVGEN 93 COTER 30
COMAG 31 COHAFA 45 RELEX 343

The following items are **withdrawn** :

(Coreper Part 1, under I)

12. 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)

- **Approval of the final compromise text**
8402/12 ENV 259 IND 72 PROCIV 51 CODEC 888

(Coreper Part 2, under I)

46. Syria

- b) Council implementing Regulation implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**
8732/12 PESC 469 RELEX 330 COMEM 134 COARM 102 FIN 261 OC 186
+ ADD 1 RESTREINT UE

47. Council Decision amending Decision 2010/232/CFSP concerning restrictive measures against Burma/Myanmar

- 8735/12 PESC 472 COASI 50 FIN 264 COARM 105
8734/12 PESC 471 COASI 49 FIN 263 COARM 104 OC 187

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

2. **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 Committee took note of the results of the second informal trilogue with the European Parliament on the above-mentioned Directive, held in Brussels on 11 April 2012. After the next tripartite technical meetings on 23 April 2012, the Presidency will seek for a revised mandate from the Committee for the third informal trilogue. The date of this last trilogue has still to be confirmed.

3. **Proposal for a Regulation (EU) [.../....] of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**
 - **Analysis of the final compromise text with a view to agreement**
15717/10 MAR 111 CODEC 1210
8655/12 MAR 43 CODEC 956

The Presidency informed the Committee about the successful result of the final informal trilogue with the European Parliament. The Committee approved the final compromise text, which is contained in document 8655/12, and authorised the Presidency to inform the European Parliament accordingly.

4. **Preparation for the Council meeting (Agriculture and Fisheries) on 26 and 27 April 2012**
- **Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy (First reading) (Legislative deliberation)**
 - (a) **Regionalisation**
 - (b) **Transferable fishing concessions**
 - **Orientation debate**
12514/11 PECHE 187 CODEC 1166
8442/12 PECHE 107 CODEC 895

The Committee prepared the item. The item is retained on the Council agenda.

- 5. Proposal for a Regulation of the European Parliament and of the Council on food intended for infants and young children and on food for special medical purposes (First reading) (Legislative deliberation)**
- **Preparation for the informal trilogue**
8288/12 DENLEG 34 AGRI 193 SAN 63 CODEC 860

The Committee decided to exclude Articles 8 and 17 from the text proposed in the annex to document 8288/12. It was further decided to replace the transition period referred to in Articles 18 and 19 with "X", and to discuss its length with the European Parliament.

Taking into account those changes, the Committee gave a mandate to the Presidency to negotiate with the European Parliament by qualified majority, DE/IT opposing it.

The first informal trilogue was scheduled for 24 April 2012.

- 14. Setting of the provisional agenda for the Council meeting (Education, Youth, Culture and Sport) on 10 and 11 May 2012**

The Committee agreed to the provisional agenda for the forthcoming Council meeting (Education, Youth, Culture and Sport) as set out in 9405/12.

- 15. Proposal for a Directive of the European Parliament and of the Council on energy efficiency and repealing Directives 2004/8/EC and 2006/32/EC (First reading) (Legislative deliberation)**
- **Presidency debriefing on the outcome of the informal trilogue**
 - **Preparation for the informal trilogue**

First, the Chair debriefed the Committee on the outcome of the first informal trilogue on 11 April 2012, stressing its exploratory nature. He presented to the European Parliament side the 11 principles underlying the Council's preliminary position and stressed the Council commitment to reaching agreement by end of June on an ambitious and flexible framework. The rapporteur outlined the main points of interest to the EP (binding national targets, pre-financing of measures, role of private buildings, leading role of public sector, 1.5 % for Art. 6, step up consumer role, set-aside under the ETS) and criticised certain elements of the Council position, e.g. reduced scope of Art. 4, wide exemptions under Art. 6 or statistical transfers. Next trilogue is foreseen on 24 April 2012.

Referring to a non-paper tabled by the Commission on what would be achieved in terms of energy efficiency by the current text of the Council the Chair recalled that the Council objective is for the EED to make a significant contribution to the 20% target while the Commission and the EP consider that the EED should bridge the full gap.

In order to prepare this next trilogue the Presidency submitted to the Committee document 8712/12 comprising a series of additional elements concerning Art. 7, 8, 11, 12, 13, 14 and 15 as well as suggestions based on EP proposed Art. 8a and 13a. Following some redrafting the Committee could agree to a mandate based on the fourth column of document 8712/12.

16. 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**
8266/12 ENER 116 CODEC 854

In order to prepare for the 2nd informal trilogue scheduled on 23 April 2012 the Committee could agree with the mandate set out in the fourth column of document 8266/12 subject to the amendment of Art. 5(1).

17. Proposal for a Directive of the European Parliament and of the Council on certain permitted uses of orphan works (First reading) (Legislative deliberation)

- **Preparation for the informal trilogue**
8282/12 PI 36 AUDIO 31 CULT 46 CODEC 859

On the basis of the texts contained in 8282/12, 8800/12 and 8829/12, the Committee agreed on the compromise proposals to be presented on behalf of the Council at the informal trilogue meeting, scheduled for 24 April 2012.

18. Proposal for a Regulation of the European Parliament and of the Council on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (First reading) (Legislative deliberation)

- **Presidency debriefing on the outcome of the informal trilogue**
- **Preparation for an informal trilogue**
8683/12 COMPET 202 MI 243 CODEC 965

The Committee mandates the Presidency to continue negotiations with representatives of the European Parliament and the European Commission on the basis of the text set out in the Presidency working document and including the changes decided by the Committee.

19. Proposal for a Directive of the European Parliament and of the Council establishing a single European railway area (Recast) (First reading) (Legislative deliberation)

- **Preparation of the informal trilogue**
8354/12 TRANS 110 CODEC 881

The Committee discussed the compromise package proposed by the Presidency, as in document 8354/12, with a view to preparing the first informal trilogue on 23 April 2012.

Coreper Part 2

II

20. Preparation of the Council meeting(Justice and Home Affairs) on 26/27 April 2012

a) **Proposal for a Regulation of the European Parliament and of the Council on the marketing and use of explosives precursors (First reading)**

- **Orientation debate/Certain issues**

8716/12 COMPET 203 CHIMIE 31 ENFOPOL 100 ENV 278 MI 245 ENT 91
UD 106 CODEC 976

The Committee held an exchange of views based on the draft Presidency compromise set out in 8716/12 in order to prepare an orientation debate in the Council (Justice and Home Affairs) on 26 April 2012.

b) **Proposal for a Directive of the Council and the European Parliament on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (First reading)**

- **General approach**

8448/1/12 REV 1 GENVAL 17 AVIATION 60 DATAPROTECT 40
CODEC 897

The outcome of the discussion is set out in 8448/2/12 REV 2. The Chair indicated the file would be submitted to the Council with a view to reaching a general approach in preparation of the negotiations with the European Parliament.

c) **EU Action on Migratory Pressures - A Strategic Response**

8714/12 MIGR 39 FRONT 56 COSI 19 COMIX 237

The outcome of the discussion on this item can be found in 8714/1/12 REV 1.

d) **Draft Council conclusions on the Global Approach to Migration and Mobility**

- **Exchange of views on the Council conclusions to be adopted by GAC**

8361/12 ASIM 36 RELEX 295 DEVGEN 77

The Committee confirmed its agreement on the text of the draft Council conclusions and agreed to its inclusion on the agenda of the JHA Council to be held on 26-27 April 2012.

- e) **Re-admission agreements**
8715/12 JAI 251 ASIM 38 RESTREINT UE

The outcome of the discussion on this item can be found in 8715/1/12 REV 1 RESTREINT UE and 9460/12 RESTREINT UE.

- f) **Proposal for a Directive of the European Parliament and of the Council on criminal sanctions for insider dealing and market manipulation (MAD) (First reading)**

- **Partial general approach**
8647/12 DROIPEN 43 EF 89 ECOFIN 318 CODEC 954

The Committee discussed the partial general approach concerning Articles 5-12 of the draft Directive in preparation for the JHA Council of 26-27 April 2012. The Presidency took note of delegations' comments to the draft and concluded that the text would be submitted to the Council to endorse the partial general approach subject to possible future developments in the negotiations.

The delegation of Portugal submitted the following declaration:

" While agreeing to the proposed partial approach of the Council on this dossier, Portugal recalls its initial position in favour of the approximation of the levels of sanctions. Portugal therefore expects that the subject can be revisited during the discussions on the remaining articles of the draft Directive and the negotiations with the European Parliament. Portugal also reserves its right to come back to the articles that are object of this partial approach within the context of the forthcoming discussion on Articles 1 to 4."

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

- **Orientation debate/Certain issues**
8702/12 JUSTCIV 139 COPEN 83 CODEC 973

The outcome of the discussions is set out in 8913/12.

- h) **Accession of the European Union to the European Convention on Human Rights**
- **Exchange of views/Certain issues**

The Committee took note of the outcome of discussions in the Working Party on fundamental rights, citizens' rights and free movement of persons (FREMP) on the draft agreement for the accession of the Union to the European Convention on Human Rights, to be submitted to the attention of Ministers at the JHA Council of 26-27 April 2012.

i) Other items in connection with the Council meeting

Greece requested the possibility to report at the Council under AOB on the implementation of the Greek Action Plan on Asylum Reform and Migration Management.

21. Schengen relatedness of some of the JHA financial instruments

7338/2/12 REV 2 JAI 145 JAIEX 11 CADREFIN 127 ENFOPOL 59 ASIM 25 PROCIV 31

The Committee adopted document 7338/2/12 REV 2 with specific provisions on Schengen-relatedness for the four JHA financial instruments for Home Affairs. The Associated countries had expressed before their satisfaction with this practical solution.

The Irish delegation made the following declaration for the minutes:

"Ireland does not regard the draft Horizontal Regulation as a development of the Schengen acquis but can accept that it will support the application of the draft Regulation establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa on the understanding that this does not affect Ireland's entitlement to participate fully in the adoption and application of the Horizontal Regulation under Protocol 21 to the Treaties (as reflected in recital 36 to the draft Regulation and in respect of which Ireland on 14 March 2012 issued a notification to the Council under Article 3 of the Protocol)."

The UK delegation made the following declaration for the minutes:

"The UK does not regard the draft Horizontal Regulation as a development of the Schengen acquis but can accept that it will support the application of the draft Regulation establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa. In addition to the proposed Recital reflecting this situation, we will wish to retain the Recital reflecting the UK's participation in this measure against the application of Protocol 21 to the Treaties".

22. Preparation of the Council meeting (General Affairs) on 24 April 2012

a) New Multiannual Financial Framework (2014/2020)

- Section of the Negotiating Box relating to Heading 2 (Sustainable growth : natural resources)
8641/12 CADREFIN 187 POLGEN 58

The Committee had an exchange of views on the sections of the negotiating box relating to Heading 2 (sustainable growth : natural resources).

b) Cohesion Policy legislative package

- Elements of a partial general approach
8207/1/12 REV 1 FSTR 26 FC 17 REGO 39 SOC 240 AGRISTR 40 PECHE 103
CADREFIN 165 CODEC 831
+ ADD1 REV 1 to ADD 6 REV 1
8207/12 ADD7

The Committee:

- examined the outstanding issues of the partial general approach on the Cohesion Policy legislative package and invited the Council to agree on the partial general approach as set out in ADD 1 REV 2 to ADD 6 REV 2 of document 8207/2/12 REV 2 ;
- underlined that any agreement on a partial general approach is subject to the principle that "nothing is agreed until everything is agreed" and invited the Council to also enter this principle into its minutes ;
- suggested to the Council to enter into its minutes the statements set out in ADD 7 REV 1 of document 8207/1/12 REV 1.

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.

53. Preparation of the Council meeting (Foreign Affairs) on 23 April 2012

a) Burma/Myanmar

- Draft Council conclusions
8726/12 COASI 47 ASIE 29 PESC 465 COHOM 79 COPS 117

Following agreement in PSC on 18 April 2012, the Committee agreed to submit the draft Council conclusions to the Council for adoption.

b) Afghanistan

The Committee exchanged views on the Ministers' discussion on Afghanistan post-2014 at the Chicago NATO Summit as well as at the Istanbul process (regional cooperation) conference in Kabul on 14 June 2012 and the Tokyo conference (development) on 8 July 2012. The aim of the April FAC debate was to provide guidance and a roadmap for comprehensive Council conclusions to be adopted by the May FAC.

c) Mali

- **Draft Council conclusions**

8768/12 COAFR 101 ACP 50 PESC 477 DEVGEN 90 COTER 29 COMAG 29
COHAFA 42 RELEX 334

Following agreement in PSC on 23 April 2012, the Committee submitted the draft Council conclusions to the Council for adoption.

d) Syria

- **Draft Council conclusions**

8817/12 COMAG 30 PESC 481 COHAFA 43 SY 11

The Committee agreed the draft Council conclusions on Syria and submitted them to the Council for adoption as set out in document 8817/12.

e) MEPP

The Executive Secretary General of the EEAS informed of the intention of the High Representative to conduct the exchange of views on the MEPP during lunch.

f) Iran

The Executive Secretary General of the EEAS informed of the intention of the High Representative to conduct the exchange of views on Iran during lunch.

The Chair informed the Committee of the statement to be included in the minutes of the Council of 23 April 2012 regarding the review of measures on import, purchase or transport of Iranian crude oil and petroleum products.

g) Other items in connection with the Council meeting

There was no discussion or conclusions under this point.

h) Guinea Bissau

- **Draft Council conclusions**
8857/12 COAFR 107 ACP 52 PESC 485 RELEX 344

Following agreement in PSC on 20 April 2012, the Committee submitted the draft Council conclusions to the Council for adoption.

i) Sudan and South Sudan

- **Draft Council conclusions**
8856/1/12 REV 1 COAFR 106 ACP 51 PESC 484 DEVGEN 93 COTER 30
COMAG 31 COHAFA 45 RELEX 343

Following agreement in PSC on 23 April 2012, the Committee submitted the draft Council conclusions to the Council for adoption.

54. Council Decision related to Partnership and Cooperation Agreements - new arrangements
7004/12 JUR 197 PESC 249 RELEX 183

The Committee agreed that the adoption of the Council Decisions of the PCAs with Mongolia, Vietnam and the Philippines on the basis of the arrangement set out in 7004/12, including the text to be included in the accompanying I/A item notes, should go ahead. Delegations stated that it did not set a precedent for the signature of future PCAs.

55. Preparation of the EU-Russia Summit

- **Orientation debate**
8029/12 COEST 100 PESC 389 POLGEN 50 RESTREINT UE

The Committee had an exchange of views on preparations for the EU-Russia Summit (to be held in Russia in early June) 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. 8029/12 RESTREINT UE).

Delegations expressed broad support for the Summit orientation note and the approach proposed. It was noted that a further Committee discussion would take place before a general policy debate on Russia in the Council (Foreign Affairs) in May.

- 56. Proposal for a Regulation of the European Parliament and of the Council introducing emergency autonomous trade preferences for Pakistan (First reading)**
- **Preparation of the informal trilogue**
8743/12 WTO 141 COMER 81 ASIE 31 UD 108 CODEC 978

The outcome of the discussions is set out in 9258/12.

57. Preparation of the Council meeting (Economic and Financial Affairs) on 2 May 2012

- a) **Revised capital requirements rules (CRD IV)**
 - i) **Proposal for a Regulation of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms (First reading)**
 - ii) **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 (First reading)**
 - **General approach**
8467/12 EF 84 ECOFIN 311 CODEC 904
8468/12 EF 85 ECOFIN 312 CODEC 905
8710/1/12 REV 1 EF 91 ECOFIN 322 CODEC 974

The Committee examined the above mentioned proposals with a view to submission to the Council on 2 May 2012 with the aim of reaching a general approach. The Chairman informed delegations that the Presidency would, in the coming days, elaborate a revised compromise proposal which would be submitted to the Committee on 25 April 2012 before being presented to the Council.

b) Other items in connection with the Council meeting

The Committee reviewed the state of readiness of the agenda items listed.

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

The Commission informed the Committee on the latest developments within ICAO, the outcome of some bilateral contacts it had with third countries, as well as on the latest state of play with regard to the implementation of the Directive. The Committee took note of the information provided by the Commission.

- **European Council follow-up (Coreper 1 matters) including SMA stock-taking**
 - **Information from the Presidency**

Presidency introduced its non-paper which covers Single Market priority acts and related priority legislation, hoping for delegations input with a view to Coreper II discussion of 18 April 2012 and more generally delegations' support so that deadlines set by the EC can be met. The Commission supported Presidency approach and emphasised that meeting deadlines should not be at the expense of substance objectives. This applies notably to standardisation, accounting, energy efficiency, public procurement and professional qualifications. Delegations supported Presidency and also raised other individual files of importance.
