



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 4 June 2012

9930/12

CRS/CRP 18

SUMMARY RECORD

**Subject : 2408th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 16 May 2012**

SUMMARY

Page

1. Adoption of the provisional agenda and items "I" 7

Coreper Part 1

I

2. Replies to written questions put to the Council by Members of the European Parliament
- (a) n° E-001777/2012 put by David Campbell Bannerman
"Syria - military intervention"
 - (b) n° E-002120/2012 put by Daniel Cohn-Bendit
"Troika-leaked version of the Troika Debt sustainability analysis (DSA)"
 - (c) n° E-002153/2012 put by Ryszard Antoni Legutko
"Inclusion of the River Oder in the list of priority projects within the TEN-T Core Network (Baltic - Adriatic Corridor, Annex 1 CEF)"
 - (d) n° P-002953/2012 put by Paul Murphy
"Irish referendum and access to the European Stability Mechanism"
 - (e) n° E-003020/2012 put by Ivo Belet
"Maastricht coffee shops and the Horizontal Drugs Group"
3. Case before the Court of Justice of the European Union
Case C-101/12, Herbert SCHAIBLE Referral to the Court of Justice for a preliminary ruling by the "Verwaltungsgericht Stuttgart"(Germany)
4. Draft Council conclusions on the participation of the European Union in the Universal Postal Union (UPU)
5. Proposal for a Regulation of the European Parliament and of the Council on certain measures in relation to countries allowing non-sustainable fishing for the purpose of the conservation of fish stocks (First reading) (Legislative deliberation)

II

6.	Decision to appoint 7 members of the Management Board of the European Food Safety Authority	8
7.	Preparation of the Council meeting "Competitiveness" (Internal market, Industry, Research and Space) on 30 and 31 May 2012	
1.	(a) Proposal for a Directive of the European Parliament and of the Council on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (First reading) (<i>Legislative deliberation</i>)	9
	(b) Proposal for a Regulation of the European Parliament and of the Council on online dispute resolution for consumer disputes (Regulation on consumer ODR) (First reading) (<i>Legislative deliberation</i>)	9
2.	Digital Single Market and Governance of the Single Market (<i>Non-legislative activity</i>)	9
3.	Proposal for a Directive of the European Parliament and of the Council on Public Procurement (First reading) (<i>Legislative deliberation</i>)	9
4.	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) (<i>Legislative deliberation</i>)	10
5.	Proposal for a Regulation of the European Parliament and of the Council establishing a Programme for the Competitiveness of Enterprises and Small and Medium-sized Enterprises (COSME) (2014-2020) (First reading) (<i>Legislative deliberation</i>)	10
8.	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) (<i>Legislative deliberation</i>)	
-	Presidency debriefing on the outcome of the informal trilogue	10
-	Preparation for the informal trilogue	10

9.	Preparation of the Council meeting (<u>Transport, Telecommunications and Energy</u>) on 7 and 8 June 2012	
1.	Setting of the provisional agenda	11
2.	Proposal for a Regulation of the European Parliament and of the Council on the implementation and exploitation of European satellite navigation systems (First reading) (<i>Legislative deliberation</i>)	11
10.	Proposal for a Directive of the European Parliament and of the Council establishing a single European railway area (Recast) (Second reading) (Legislative deliberation)	11
11.	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	11
-	(poss.) Analysis of the compromise text with a view to agreement	11

Coreper Part 2

I

12. Case before the General Court of the European Union
= Case T-88/12, Charron Inox and Almet against the Council of the European Union
13. Case before the General Court of the European Union
- Case T-181/12 (Dr. Naser Bateni against the Council of the European Union)
14. Case before the Court of Justice of the European Union
- Case C-168/12 P (R) Samir Hassan against the Council of the European Union
15. Proposal for transfer of appropriations No DEC07/2012 within Section III - Commission - of the general budget for 2012
16. Proposal for transfer of appropriations No DEC08/2012 within Section III - Commission - of the general budget for 2012
17. Special Report No 3/2012 : Structural Funds : Did the Commission successfully deal with deficiencies identified in the Member States' management and control systems
18. Restrictive measures against Syria
- Letter of reply to a person subject to the restrictive measures provided for in Council Decision 2011/782/CFSP and in Council Regulation (EU) No 36/2012
19. Relations with Russia
- Key Outstanding Issues for the EU in its relations with Russia
20. ASEAN : launch of bilateral FTA-negotiations with Vietnam

II

21.	Follow-up of the Council meeting (Economic and Financial Affairs) on 15 May 2012	12
22.	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)	12
23.	Proposal for a Regulation of the European Parliament and of the Council on the European system of national and regional accounts in the European Union (ESA 2010) (First Reading)	13
24.	Presentation of the agenda for the Council meeting (Justice and Home Affairs) on 7/8 June 2012	13
25.	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)	13
26.	Readmission agreement	13
27.	Proposal for a Directive amending Directive 93/109/EC of 6 December 1993 on the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals	14
28.	Relations with the European Parliament (May 2012)	14
29.	Follow-up of the Council meeting (Foreign Affairs/Development) on 14 May 2012	14
30.	Preparation of the Council meeting (Foreign Affairs/Trade) on 31 May 2012 - Other items in connection with the Council meeting	15
31.	Preparation of the Council meeting (General Affairs) on 29 May 2012 a) Multiannual Financial Framework (2014-2020) - Section of the Negotiating Box relating to Headings 1 (cohesion and CEF) and 2 and to provisions relating to the funds under the Common Strategic Framework - Section of the Negotiating Box relating to the revenue side b) Other items in connection with the Council meeting	16

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

doc. 9919/12 OJ/CRP1 18

9825/12 OJ/CRP2 18

The above-mentioned agendas are approved.

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

Regarding item 5, IE stated that it could not support the mandate for this negotiation as it had difficulties accepting the scope. Ireland stated that it should be possible to move closer to the position of the European Parliament on the issue of scope.

Coreper Part 1

II

6. Decision to appoint 7 members of the Management Board of the European Food Safety Authority

- Preparation for adoption

9736/12 AGRILEG 68 MI 320 DENLEG 43 SAN 104 CONSOM 70 RECH 136

The item was briefly introduced by the Presidency who explained the proposed procedure (doc. 9736/12). Despite a number of complicating factors he invited delegations to share the Presidency's pragmatic approach so as to allow EFSA to function normally without delay. Regarding the recent resignation of the Chair, he suggested that the Commission launches a separate call to replace her.

The Commission supported the Presidency proposal and emphasized that the list of 14 candidates had been drafted following the criteria already used in the past. They also pointed out that launching a new procedure would be extremely time consuming.

A number of Member States feared for EFSA's credibility and voiced several concerns. However, with a view to ensure a fully functioning management board, a large majority was ready to support the Presidency pragmatic proposal.

The Presidency therefore concluded that he would launch a written procedure to ask each Member State to cast its vote on 7 candidates out of the 14 present in the list. The list so created will then be submitted to Council for final adoption by qualified majority before the deadline of 30 June 2012. In addition, a declaration by the Council could be adopted reminding the Commission to ensure that the future 2014 list of candidates contains a sufficient number of candidates having a background in organisations representing consumers and other interests.

7. **Preparation of the Council meeting "Competitiveness" (Internal market, Industry, Research and Space) on 30 and 31 May 2012**

1. (a) **Proposal for a Directive of the European Parliament and of the Council on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (First reading) (*Legislative deliberation*)**

- **General approach**

17795/11 CONSOM 196 MI 616 JUSTCIV 339 CODEC 2242

9697/12 CONSOM 68 MI 317 JUSTCIV 170 CODEC 1246

(b) **Proposal for a Regulation of the European Parliament and of the Council on online dispute resolution for consumer disputes (Regulation on consumer ODR) (First reading) (*Legislative deliberation*)**

- **General approach**

17815/11 CONSOM 197 MI 617 JUSTCIV 340 CODEC 2243

9697/12 CONSOM 68 MI 317 JUSTCIV 170 CODEC 1246

The Presidency took note of the comments made by delegations, pointing out that it would not amend the compromise beyond a mere fine-tuning since it had been deemed to be balanced.

The Presidency confirmed its intention to submit the compromise to the Competitiveness Council of 30 and 31 May 2012 for adoption as a general approach.

2. **Digital Single Market and Governance of the Single Market (*Non-legislative activity*)**

- **Adoption of Council conclusions**

9643/12 COMPET 250 MI 306

The Committee has examined document 9643/12, resolved two of the outstanding issues and asked delegations to reflect on the two remaining outstanding issues in order to present to the Council (Competitiveness) on 30 and 31 May 2012 an agreed text of the Council conclusions.

3. **Proposal for a Directive of the European Parliament and of the Council on Public Procurement (First reading) (*Legislative deliberation*)**

- **Progress report**

- **Orientation debate**

18966/11 MAP 10 MI 686

9696/12 MAP 43 MI 316 CODEC 1245

The Committee took note of the progress report and the questions set out in 9696/12 in view of the orientation debate to be held at the Competitiveness Council on 30 and 31 May 2012.

4. 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*)

- Orientation debate

18899/11 ETS 22 MI 679 COMPET 629 EDUC 297 CODEC 2507
9673/12 ETS 14 MI 311 COMPET 252 EDUC 103 CODEC 1230

The Committee took note of the questions prepared by the Presidency and set out in 9673/12, as a basis for the orientation debate to be held at the Competitiveness Council on 30 and 31 May 2012.

5. Proposal for a Regulation of the European Parliament and of the Council establishing a Programme for the Competitiveness of Enterprises and Small and Medium-sized Enterprises (COSME) (2014-2020) (First reading) (*Legislative deliberation*)

- Partial general approach

17489/11 COMPET 553 IND 152 MI 605
9635/12 COMPET 248 IND 82 MI 304 CODEC 1217

The outcome of the proceedings of the meeting of the Committee is set out in 9636/12.

8. 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*)

- Presidency debriefing on the outcome of the informal trilogue

- Preparation for the informal trilogue

9728/12 COMPET 256 IND 86 MI 319 RECH 135 ENT 123 TELECOM 89
CODEC 1257

The Presidency has debriefed the Committee on the state-of-play regarding the trilogue meetings on this dossier.

The Committee has given further guidance to the Presidency with regard to the open issues in the text of the proposal in order to facilitate a compromise with the European Parliament and the Commission at the forthcoming trilogue meeting on 22 May 2012.

9. Preparation of the Council meeting (Transport, Telecommunications and Energy) on 7 and 8 June 2012

1. Setting of the provisional agenda

The Committee agreed on the provisional agenda for the next TTE Council meeting.

2. Proposal for a Regulation of the European Parliament and of the Council on the implementation and exploitation of European satellite navigation systems (First reading) (*Legislative deliberation*)

- Partial general approach

17844/11 TRANS 338 MAR 154 AVIATION 254 CAB 54 CODEC 2250

ESPACE 80 FIN 1021

+ REV 1 (en, fr, de)

9701/12 TRANS 141 MAR 59 AVIATION 84 CAB 13 CODEC 1249

ESPACE 21 FIN 326 CSC 29

+ COR 1

The Committee examined the text of the draft partial general approach and agreed to submit a slightly modified version to the TTE Council meeting on 7 and 8 June 2012 for adoption.

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

- Presidency debriefing on the outcome of the informal trilogue

The Presidency informed the Committee on the results of the second informal trilogue on the railway recast, held in Brussels on 14 May 2012.

11. 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

- (poss.) Analysis of the compromise text with a view to agreement

The Committee was informed by the Presidency on the outcome of the last informal trilogue on 15 May 2012 and the elements of the provisional agreement reached with the European Parliament on the proposed Directive. Several delegations entered reservations on the proposed compromise texts. The Presidency invited all delegations to communicate their final position under a silence procedure. The final compromise text would be submitted for approval by the Committee at a later stage.

The Committee took also note of the intention of the Commission and some delegations to table various statements at the time of the adoption of the text.

Coreper Part 2

II

21. Follow-up of the Council meeting (Economic and Financial Affairs) on 15 May 2012

The Committee took note of the proceedings of this Council meeting.

The ECOFIN Council was preceded by the Annual EIB Governors meeting.

During the breakfast, Ministers were debriefed from the Eurogroup the day before and had an exchange of views about the economic situation. The President of the EFC informed Ministers about the latest state of discussions on IMF governance reforms.

The lunch took the form of a Ministerial dialogue between the Economic and Finance Ministers of the EU and the Acceding and Candidate countries.

At the ECOFIN itself, the Council reached a general approach on the revised capital requirements rules (CRD IV). The Council adopted conclusions on the 2012 Ageing Report and on Fast start climate finance.

22. 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)

- Preparation for the next informal trilogue

9855/12 ECOFIN 400 COMPET 264 TRANS 147 RECH 140 ENER 164 ENV 352
TELECOM 92 ECO 61 CODEC 1287

9857/12 ECOFIN 402 COMPET 265 TRANS 148 RECH 141 ENER 166
ENV 354 TELECOM 93 ECO 62 CODEC 1288

The Committee took note of the debriefing by the Presidency of the last trilogue and discussed the Presidency mandate for the next trilogue.

23. Proposal for a Regulation of the European Parliament and of the Council on the European system of national and regional accounts in the European Union (ESA 2010) (First reading)

- Preparation for the informal trilogue

9747/12 STATIS 40 ECOFIN 395 UEM 108 CODEC 1260

9086/12 STATIS 28 ECOFIN 348 UEM 77 CODEC 1060

+ ADD 1 to 26

The Committee agreed on a mandate for the Presidency to conduct negotiations with the European Parliament with a view to reaching an agreement at first reading.

24. Presentation of the agenda for the Council meeting (Justice and Home Affairs) on 7/8 June 2012

The Presidency presented the draft agenda for the Council meeting (Justice and Home Affairs) on 7 and 8 June 2012. The Commission proposed to add the follow-up to the visa related aspects of recent Council Conclusions on Belarus as an AOB non-legislative item.

25. 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 for the first informal trilogue

9831/12 ASILE 80 CODEC 1278

The Committee examined the Presidency compromise text contained in 9831/12. The outcome of this examination is reflected in 10079/12.

26. Readmission agreement

- Draft Council conclusions

9845/12 JAI 327 ASIM 53 RESTREINT UE

Following a first exchange of views, it was concluded that the Committee would return to this issue at a future meeting.

- 27. Proposal for a Directive amending Directive 93/109/EC of 6 December 1993 on the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals**
- **Agreement on the text and decision to re-consult the European Parliament**
9353/12 FREMP 67 JAI 297 PE 182 INST 307

The Committee discussed the outstanding issues concerning the draft Directive. Some delegations maintain a general scrutiny reservation on the text, while two delegations indicated that they are at present not in a position to accept the compromise text. The Presidency took note of these indications. The Committee will revert to the matter at one of its future meetings.

- 28. Relations with the European Parliament (May 2012)**
9554/12 PE 189 INST 318 POLGEN 75 CODEC 1186

Le Comité a eu un échange de vues sur les relations entre le Conseil et le Parlement européen sur base d'une note fournie par le Secrétariat Général du Conseil (doc. 9554/12).

- 29. Follow-up of the Council meeting (Foreign Affairs/Development) on 14 May 2012**

The Committee received a debrief on the FAC/Development meeting on Monday 14 May 2012 by the EEAS SG Pierre Vimont.

Afghanistan: the Council conclusions will be useful in view of the Chicago summit but also for the Kabul and Tokyo conferences; delegations called to improve coordination and urged the Afghan Government to fulfil its commitments, including on legal immigration (Commission is also looking at these issues closely).

MEPP: need to follow closely the evolution of the new Israeli Government; Gaza should not be forgotten, there have been recent improvements as exports from Gaza are now allowed.

Syria: important to continue outreach towards Russia (and also China), also keeping in mind the 6-point plan by Kofi Annan, the EEAS will continue outreach to the different communities; several delegations called for increasing the number of observers (now 300); however the context of a very dangerous situation on the ground has to be taken into account.

Libya: EEAS is working with the government on the preparation of the elections, including with a tailor-made electoral observation mission; discussions are on-going on how to work together more effectively (this will also be determined with the new government); the HR stressed the need for EU coordination.

Mexico: the summit will be important but discussions also focused on Argentina.

Discussions over lunch (report though COREU) focused on Ukraine and Russia. On Ukraine: need to follow closely the situation on the ground and the outcome of the elections; Russia will be discussed in depth at a later stage.

In relation to organization, it was noted that Council conclusions agreed by Working Groups, PSC and the Committee should not be re-opened unless this is justified by major internal events.

Two Ministers wished to report, under AOB, about their visit to Bosnia: appeal by the HR to do such debriefs at the level of CRP or alternatively to address her a note in writing.

Development Minister regretted about the late hour of their meeting: the HR is ready to consider alternative solutions but it is difficult to foresee a meeting on a Tuesday (day of the GAC) or in alternative interrupt the FAC for a longer time - legally there are no obstacles to resume the FAC on Wednesday (this is however the day when the Collège meets).

European Football Championship: Pierre Vimont called upon delegations to avoid declarations at this stage, the situation will be re-examined closer to the start of the event.

30. Preparation of the Council meeting (Foreign Affairs/Trade) on 31 May 2012

- Other items in connection with the Council meeting

The Presidency informed the Committee that the provisional agenda of the FAC (Trade) on 31 May 2012 would be distributed by CM later in the same day. The Committee would continue its discussion on the preparations of Foreign Affairs/Trade Council meeting on 31 May 2012, at its meeting on Monday 21 May 2012.

31. Preparation of the Council meeting (General Affairs) on 29 May 2012

a) Multiannual Financial Framework (2014-2020)

- **Section of the Negotiating Box relating to Headings 1 (cohesion and CEF) and 2 and to provisions relating to the funds under the Common Strategic Framework**
9772/12 CADREFIN 243 POLGEN 82
- **Section of the Negotiating Box relating to the revenue side**
9773/12 CADREFIN 244 POLGEN 83

The Committee held a discussion on the sections of the Negotiating Box relating to Headings 1 (cohesion and CEF) and 2 and to provisions relating to the funds under the Common Strategic Framework as well as on the section relating to the revenue side.

The Committee next week will be presented with the full version of the Negotiating Box in preparation of the discussion at the General Affairs Council on 29 May 2012.

b) Other items in connection with the Council meeting

Le Comité fait le point de l'état de préparation des autres points figurant à l'ordre du jour provisoire de la session du Conseil Affaires générales.

=====