



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 22 June 2012**

**10841/12**

**CRS/CRP 21**

**SUMMARY RECORD**

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**Subject : 2411th meeting of the PERMANENT REPRESENTATIVES COMMITTEE  
held in Brussels on 5 and 6 June 2012**

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37. Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/138/EC on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) as regards the dates of its transposition and application and the date of repeal of certain Directives (First reading)
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1. **Adoption of the provisional agenda and "I" items**  
doc. 10724/1/12 REV 1 OJ/CRP1 21 + REV 1 AMD 1  
10859/12 OJ/CRP2 21 COMIX 361

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

The following item is **added** :

(Coreper Part 1, under II)

5. **Preparation for the Council meeting (Environment) on 11 June 2012**
  2. **Roadmap for transition to a competitive low-carbon economy up to 2050**  
*(Non-legislative activity)*
    - **Report from the Presidency on the state of play**
    - **(poss.) Adoption of Council conclusions**

The following items are **withdrawn** :

(Coreper Part 1, under I)

20. **Draft Joint Statement on efforts to combat illegal, unreported and unregulated (IUU) fishing**
  - **Endorsement**  
10464/12 PECHE 195

(Coreper Part 2, under I)

36. **Council Regulation amending Regulation (EC) No 975/98 on denominations and technical specifications of euro coins intended for circulation**  
10511/12 ECOFIN 448 UEM 113  
8942/12 ECOFIN 338 UEM 75 OC 261  
+ COR 1

The following CRP1 agenda item is **transferred** from Part II to Part I :

5. **Preparation for the Council meeting (Environment) on 11 June 2012**
  1. **Proposal for a Regulation of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory (First reading) (Legislative deliberation)**
    - **Progress report**  
10883/12 ENV 461 AGRILEG 82 AGRI 384 MI 406 DENLEG 59  
CODEC 1553

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

Statements are made by SE and CZ on the following item :

**37. Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/138/EC on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) as regards the dates of its transposition and application and the date of repeal of certain Directives (First reading)**

**- General approach**

10653/12 EF 131 ECOFIN 483 SURE 4 CODEC 1510

+ ADD 1

10230/12 EF 123 ECOFIN 431 SURE 3 CODEC 1395

Statement by Sweden

"Sweden strongly supports the reform of the solvency and risk management regimes of insurance companies brought about by Directive 2009/138 on the taking up and pursuit of the business of Insurance and Reinsurance (Solvency II). The Directive should be implemented and applied as soon as reasonably possible. Regrettably, the adoption of the amendments to Solvency II included in the proposed Directive amending Directives 2003/71 and 2009/138 in respect of the powers of the European Insurance and Occupational Pensions Authority and European Securities and Markets Authority (Omnibus II) has been postponed. From our perspective, it is not possible to separate the transposition of the Solvency II Directive from the transposition of the amending Directive (Omnibus II) since the latter contains extensive changes to the substance of Solvency II.

Omnibus II cannot be expected to be adopted until the autumn of 2012. At that point, the Swedish government is constitutionally required to put proposed amendments to national law, aiming to implement Omnibus II, to a public consultation. Further, the proposed legislation must be reviewed from a constitutional and legal perspective by the Council on Legislation. Naturally, the reading in parliament then follows. That reading will take 2-3 months to complete. Regrettably, Sweden will, given the aforesaid, most likely not be able to comply with article 309 (1) of Directive 2009/138, as amended by the proposal. Swedish national legislation transposing Directive 2009/138, as amended by Omnibus II, cannot be adopted until the end of 2013 at the earliest."

## Statement by the Czech Republic

"The Czech Republic strongly supports the introduction the new risk based solvency regime pursuant to the Directive 2009/138 on the taking up and pursuit of the business of Insurance and Reinsurance (Solvency II). We believe it should be implemented and applied as soon as possible, but under circumstances that are reasonable for all respective stakeholders.

As the adoption of the proposal of the Directive amending Directives 2003/71 and 2009/138 in respect of the powers of the European Insurance and Occupational Pensions Authority and European Securities and Markets Authority (Omnibus II) has been delayed, we understand the urgent need to postpone the transposition and application of the Solvency II Directive. Only for these reasons we support the proposed Quick Fix Directive so as to avoid a state of legal vacuum after 1 November 2012.

However, in general, we have strong concerns whether the setting of the transposition and application dates is realistic. In our opinion, a period of six months, delimited by the dates 30 June 2013 and 1 January 2014, is not sufficient for preparation of all stakeholders to a new regime, especially not for approval procedures. It is far not certain whether the level 2 and level 3 measures will be adopted and published by 30 June 2013. A national legislation transposing the Solvency II Directive might not be in conformity with the level 2 and level 3 measures as their content will not be fixed in sufficient advance. Moreover, all stakeholders will have to prepare for the new regime according to legislation which will not yet be in force.

For these circumstances, which create a legal uncertainty, the Czech Republic will propose, within the Omnibus II Directive negotiations, postponement of application of the Solvency II Directive to 1 January 2015."

Statements are made by LU and FI on the following item :

**48. Proposal for a Regulation of the European Parliament and of the Council applying a scheme of generalised tariff preferences (First reading)**

- **Approval of the final compromise text**  
10714/12 SPC 20 WTO 210 CODEC 1522  
10052/11 SPC 9 WTO 205 CODEC 796

Statement by Luxembourg

"Le Luxembourg rappelle que bien que l'objectif de la réforme du schéma de préférences tarifaires généralisées soit de venir en aide aux pays qui en ont le plus besoin, le pilier principal de la proposition actuelle ne rend pas entièrement justice à ce principe. Le Luxembourg regrette l'exclusion de tous les pays à revenu intermédiaire car elle ne prend pas suffisamment en compte l'hétérogénéité de cette catégorie de pays.

Parce qu'il reconnaît l'importance d'adopter le schéma de préférences tarifaires généralisées de la façon la plus large, le Luxembourg se rallie cependant à l'accord sur cet instrument."

Statement by Finland

"Finland declares that its position to the proposed amendments to the Regulation of the European Parliament and of the Council applying a scheme of generalised tariff preferences, and especially Article 9.1b thereof, shall be without prejudice to Finland's position regarding the law on reservations to treaties and the legal effect of invalid reservations."

# Coreper Part 1

## II

2. (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)**
  - **Presidency debriefing on the outcome of the informal trilogue**
  - **Preparation for the informal trilogue**  
10826/12 EF 133 ECOFIN 495 COMPET 369 CODEC 1541

The Committee took note of the Presidency's debriefing of the first informal trilogue, which took place the 4 June 2012, and prepared the second one, scheduled for 12 June 2012.

3. **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**
  - **Analysis of the final compromise text with a view to agreement**  
10634/12 COMPET 363 IND 101 MI 395 RECH 206 ENT 139 TELECOM 117  
CODEC 1501

The Presidency debriefed the Committee on the outcome of the final trilogue meeting on this dossier.

The Committee approved the text of document 10634/12 and agrees that a letter is sent to the European Parliament with a view to reaching an agreement at first reading (Procedural decision according to Art. 19 (7) (k) of the Council's Rules of Procedure).

4. **Proposal for a Directive of the European Parliament and of the Council establishing a single European railway area (Recast) (Second reading) (Legislative deliberation)**
  - **Preparation for the informal trilogue**  
10568/12 TRANS 184 CODEC 1474

The Committee discussed the compromise package proposed by the Presidency, as in document 10568/12, with a view to preparing the fourth informal trilogue on 13 June 2012.

5. **Preparation for the Council meeting (Environment) on 11 June 2012**
  2. **Roadmap for transition to a competitive low-carbon economy up to 2050 (Non-legislative activity)**
    - **Report from the Presidency on the state of play**
    - **(poss.) Adoption of Council conclusions**

Following an update from the DE delegation on its bilateral contacts with Poland on this issue, the Committee agreed to remove the possible adoption of Council conclusions from the agenda of the Environment Council on 11 June 2012.

3. **Biological Diversity and Biosafety**
  - (a) **Preparation of the 11th meeting of the Conference of the Parties (COP 11) to the Convention on Biological Diversity (CBD) (Hyderabad, India, 8 to 19 October 2012) (Non-legislative activity)**
  - (b) **Preparation of the 6th meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP/MOP 6) (Hyderabad, India, 1 to 5 October 2012) (Non-legislative activity)**
    - **Adoption of Council conclusions**  
10292/12 ENV 396 AGRI 342 DEVGEN 147 PI 60 FORETS 39 PECHE 184  
RECH 167 ONU 67 CADREFIN 266

Based on a compromise text submitted by the Presidency (doc. 10292/12), the Committee examined the outstanding issues concerning a set of draft Council conclusions for the abovementioned international meetings. While the text was largely agreeable to delegations, few of them maintained reservations.

The Chair concluded that an amended version of the draft conclusions will be presented to the Council (Environment) on 11 June 2012 with a view to their adoption.

The Chair announced that the Committee will be invited to discuss membership to the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) still in June 2012.

6. **Proposal for a Regulation (EU) No .../... of the European Parliament and of the Council on the approval of agricultural or forestry vehicles (First reading) (Legislative deliberation)**
  - **Preparation for the informal trilogue**  
10390/12 MI 371 CODEC 1435 ENT 136 ENV 402 AGRI 347
  
7. **Proposal for a Regulation (EU) No .../... of the European Parliament and of the Council on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (First reading) (Legislative deliberation)**
  - **Preparation for the informal trilogue**  
10391/12 ENT 137 ENV 403 CODEC 1436

The President in its opening remarks said that items 6 and 7 will be taken together as these two proposals have about 60% in common. Both dossiers have been under examination in the Technical Harmonisation (Motor Vehicles) Working Party for two years and that now it is time to start negotiations with the European Parliament as they have voted their amendments and gave a mandate to their Rapporteur in view of a possible first-reading agreement. All delegations but one gave the Presidency a mandate to start negotiations with the European Parliament in view of a first-reading agreement which is considered desirable by all. Member States will be informed of the negotiations through the Working Party on Technical Harmonisation (Motor Vehicles) which will also continue in parallel to finalise the Council text.

8. **Preparation for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 21 and 22 June 2012**
  1. **Proposal for a Regulation of the European Parliament and of the Council on the European Globalisation Adjustment Fund (2014-2020) (First reading) (Legislative deliberation)**
    - **Progress report**  
15440/11 SOC 867 ECOFIN 678 FSTR 56 COMPET 440 CODEC 1672  
10490/12 SOC 428 ECOFIN 446 FSTR 48 COMPET 324 AGRI 353  
CODEC 1465

The Committee agreed to submit the Progress report (doc. 10490/12) to the Council (EPSCO) for information.

**2. Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (First reading) (*Legislative deliberation*)**

**- Progress report**

11531/08 SOC 411 JAI 368 MI 246

8724/12 SOC 278 JAI 252 MI 246 FREMP 59

The Committee agreed to submit the Progress report (doc. 8724/12) to the Council (EPSCO) for information.

**3. Responding to Demographic Challenges through enhanced participation in the labour market and society by all (*Non-legislative activity*)**

**- Adoption of Council conclusions**

10489/1/12 SOC 427 REV 1

The Committee approved the draft Council conclusions as set out in 10489/2/12 REV 2 and agreed to submit them to the Council (EPSCO) for adoption.

**4. Gender equality and the environment: enhanced decision-making, qualifications and competitiveness in the field of climate change mitigation policy in the EU (*Non-legislative activity*)**

**- Adoption of Council conclusions**

8876/12 SOC 215 ENV 225 EDUC 71 RECH 92

+ ADD 1

The Committee confirmed the agreement on the draft Council conclusions as set out in 8876/12 and agreed to submit them to the Council (EPSCO) for adoption.

**5. Proposal for a Regulation of the European Parliament and of the Council on the European Union Programme for Social Change and Innovation (First reading) (*Legislative deliberation*)**

**- Partial general approach**

15451/11 SOC 869 ECOFIN 679 COMPET 441 CADREFIN 98 CODEC 1673

+ REV 1 (pt)

10211/12 SOC 394 ECOFIN 428 COMPET 302 CADREFIN 264 CODEC 1388

While some delegations maintained their scrutiny reservations, other maintained them for the time being. BE asked for aligning the text of Article 4(1)(c) with Recital 8.

The Committee confirmed the agreement on the draft proposal and agreed to submit the text as set out in 10211/1/12 REV 1 to the Council (EPSCO) on 21 June 2012.



**6. Pensions adequacy: Report from the Social Protection Committee (*Non-legislative activity*)**

- **Endorsement of the main messages**  
10488/12 SOC 426 ECOFIN 445  
+ ADD 1  
+ ADD 2

The Committee agreed to submit the main messages, as set out in 10488/12, to the Council (EPSCO) for endorsement.

**7. Proposal for a Regulation of the European Parliament and of the Council on establishing a Health for Growth Programme, the third multi-annual programme of EU action in the field of health for the period 2014-2020 (First reading) (*Legislative deliberation*)**

- **Partial general approach**  
10589/12 SAN 131 PHARM 41 MI 391 CADREFIN 273 CODEC 1487

The Committee addressed the outstanding issue of co-financing (Article 7.3(c)). The higher rates of co-financing for Member States having a GNI per inhabitant lower than 90% of the Union's average were objected by UK/DE/FR/FI/SE. ES and NL maintained their reserves on this issue. The Presidency will reflect how to proceed at the Council.

While maintaining its reservation on the entire compromise proposal the Commission highlighted as the main problematic points the change of title, change of prioritisation, introducing of a no-opinion clause and the introduction of drug related actions.

**28. Preparation for the Council meeting (Agriculture and Fisheries) on 12 June 2012**

- 1. Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy (First reading) (*Legislative deliberation*)**
  - **General approach**  
12514/11 PECHE 187 CODEC 1166  
9171/3/12 PECHE 135 CODEC 1086 REV 3  
10274/12 PECHE 179 CODEC 1405

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

**2. 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*)**

**- General approach**

12516/11 PECHE 188 CODEC 1167

8557/5/12 PECHE 111 CODEC 930 REV 5

10278/12 PECHE 181 CODEC 1408

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

**3. Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation (EC) No 861/2006 and Council Regulation No XXX/2011 on integrated maritime policy] (First reading) (*Legislative deliberation*)**

**- Progress report**

17870/11 PECHE 368 CADREFIN 162 CODEC 2255

10276/12 PECHE 180 CADREFIN 265 CODEC 1407

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

**29. 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 took note of the oral report of the Presidency about the complete agreement achieved with the European Parliament, in first reading, on the basis of the mandate received from the Committee on 1 June 2012, at the informal trilogue on 6 June 2012. The consolidated text will be submitted as an "I" item to the Committee at one of its next meetings.

**30. 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)**

**(This item will be dealt with in restricted session)**

- **Presidency debriefing on the outcome of the informal trilogue**
- **Preparation for the informal trilogue**

10725/12 ENER 236 ENV 450 TRANS 189 ECOFIN 489 RECH 210 CODEC 1524

The Chair first debriefed the Committee on the 5th trilogue on 5 June 2012 where a provisional understanding could be reached notably on Articles 8a, 9, 13, 13a, 14, 15, 19a and 21a and the European Parliament side was able to prioritise its requests, the most important being more ambition on Art. 6, for which the EP suggested three options, then Art. 3a, 10 and 19, in relation with the impact of the EED on the ETS. The Chair then tested the mandate for the final trilogue on 13 June 2012, as outlined in document 10725/12 and including the three options suggested by the EP. The discussion showed that there was no margin of manoeuvre left regarding Art. 6 while Art. 3a could be considered as long as deep renovation would only have to be undertaken if cost-effective: on that basis and with minor adjustments to Art. 3a, 4, 5, 7 and 8A and B the mandate was adopted, without the support of DE/ES/FI/PT.

## Coreper Part 2

### II

#### **54. Identification and implementation of measures which would contribute to the successful enlargement of the Schengen area to include Romania and Bulgaria**

10652/12 SCH-EVAL 78 FRONT 87 COMIX 345

The outcome of the discussion on this item can be found in 10932/12.

#### **55. Presentation of the agenda for the Council meeting (Foreign Affairs) on 25 June 2012**

EEAS ESG Pierre Vimont informed the Committee of the draft agenda of the FAC on 25 June 2012 (09h30) in Luxembourg.

Southern Neighbourhood: the main focus will be on Syria, in particular on the Houla massacre, talks with Russia and the developments in the UN (Annan Plan). In the context of lessons learnt in EU coordination, the HR will raise the issue of expelling Syrian ambassadors in a number of Member States. Ministers may also discuss Egypt, following the second round of presidential elections. Libya will be discussed in July.

In view of developments on the ground, Council conclusions on Syria and possibly Egypt may be prepared.

Pakistan: Ministers will discuss relations with Pakistan following the HR's visit of the country on 5-6 June 2012 and the start of the strategic dialogue. Council conclusions may not be necessary, as the engagement plan already has been in place.

BIH: Ministers will discuss the future of BIH in the light of positive movements towards European perspective (reconfiguration of the OHR will also be tackled), with the aim to adopt short Council conclusions to welcome the positive steps and to call for necessary constitutional reform.

Human Rights package: FAC will aim at adopting the Human Rights package (EU Strategic Framework, Action Plan and mandate for the new EUSR on Human Rights).

During lunch, Ministers will have an informal exchange of views on Iran, following talks in Baghdad on 23 May 2012 and Moscow on 18-19 June 2012.

The Committee was also informed of the Ministerial meeting with the Gulf Cooperation Council which will take after the FAC at 17h00 and will finish with a dinner starting at 20h00. Delegations were requested to provide information on the participation of their Ministers.

**56. European Union Special Representatives' salary level**  
10816/12 PESC 675 FIN 402 RELEX 504

The Committee agreed to invite the Foreign Affairs Counsellors Working Party to review the EUSR Guidelines, in particular regarding the salary level of EUSRs, by the end of 2012.

**57. Follow-up to the Council meeting (Foreign Affairs/Trade) on 31 May 2012**

The Committee addressed the follow-up to the Council meeting (Foreign Affairs/Trade) on 31 May 2012.

**58. Presentation of the agenda for the Council meeting (General Affairs) on 26 June 2012**

Le Comité prend acte de la liste des points susceptibles de figurer à l'ordre du jour provisoire de la session du Conseil susvisée.

**59. Presentation of the agenda for the Council meeting (Economic and Financial Affairs) on 22 June 2012**

The Committee agreed the provisional agenda for this Council meeting.

The Committee agreed on a linguistic exception: according to the Council's Rules of Procedure, Article 14, they will discuss the European Semester based on documents in English and the language(s) of the Member State in question only.

**60. Relations with the European Parliament (June 2012)**  
10584/12 PE 232 INST 373 POLGEN 98 CODEC 1482

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. 10584/12).

**61. Preparation of the Council meeting (Justice and Home Affairs) on 7/8 June 2012**

**- Other items in connection with the Council meeting**

The Presidency referred to the revised draft Council agenda which had been circulated.

BE signalled that it might circulate a note on the issue of the Schengen governance package.

The Chair announced an Antici note containing the intentions of the Presidency on all items relating to the Council and foreseen timing for them.

**62. 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**

10647/12 ASILE 90 CODEC 1509

The Committee agreed certain adaptations to the Council Position for the purpose of trilogues on the forthcoming recast of the Asylum Procedures Directive as endorsed on 30 May 2012. The adapted Council Position, with the remaining comments of delegations set out in footnotes, is reflected in document 10957/12.

**63. Proposal for a Regulation of the European Parliament and of the Council on the financial rules applicable to the annual budget of the Union (First reading)**

**- Presidency debriefing on the outcome of the trilogue on 1 June 2012**

**- Revised mandate for the next trilogue**

10803/12 FIN 400 CODEC 1535

After an exchange of views with the Commission, the Committee agreed to renew the Presidency's mandate to continue negotiations with the European Parliament on the basis of the text as recorded in document 10803/12 + COR 1.

**64. Proposals for financing instruments for external action under the Multiannual Financial Framework (2014-2020) (First reading)**

**- Partial general approach**

10434/12 CADREFIN 270 DEVGEN 149 ACP 83 RELEX 475 COASI 87 ASIE 57  
COMEM 185 COWEB 74 ELARG 48 CODEC 1450 PE 230 ATO 81  
+ ADD 1 to ADD 9

The outcome of the proceedings of the Committee is set out in 10841/12 ADD 1 LIMITE.