



**COUNCIL OF
THE EUROPEAN UNION**

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11351/12

CRS/CRP 22

SUMMARY RECORD

**Subject : 2412th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 13 and 14 June 2012**

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II

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

doc. 11193/12 OJ/CRP1 22

11165/1/12 REV 1 OJ/CRP2 22

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

The following item is **withdrawn** :

(Coreper Part 2, under II)

- 38. (poss.) 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 approved the "I" items as set out in the summary. Details are contained in the document quoted under item 1.

A unilateral statement is made by SI on the following item :

15. Council Regulation amending Regulation (EC) N° 975/98 on denominations and technical specifications of euro coins intended for circulation

10511/1/12 REV 1 ECOFIN 448 UEM 113

8942/12 ECOFIN 338 UEM 75 OC 261

+ COR 1

"While supporting the objectives of the proposed Regulation, the principle of retroactive application to euro coins already in circulation stemming from Article 1j is not acceptable to the Republic of Slovenia despite a relatively long transitional period.

Given that the designs of the Slovenian euro coins are not in accordance with the first paragraph of Article 1e which stipulates that the national side of circulation coins shall bear a circle of 12 stars that shall fully surround the national design, including the year mark and the indication of the issuing Member State's name, the Republic of Slovenia would be obliged to change all denominations of Slovenian euro coins. The Republic of Slovenia does not agree with the interference on the designs which will be valid at the entry into force of the Regulation and believes that the existing designs should remain in force while the new rules should only apply to the newly issued euro coins.

Therefore, Slovenia votes against the proposed Regulation and will continue to closely follow the issue."

Coreper Part 2

II

2. Follow-up to the Council meeting (Justice and Home Affairs) on 7/8 June 2012

The Presidency reported on the results of the Council, including the reaction of the European Parliament to the decisions reached on the Schengen governance legislative proposals.

3. Proposal for a Directive establishing minimum standards on the rights, support and protection of victims of crime (First reading)

- Preparation of the fifth trilogue with the European Parliament and the Commission

10861/1/12 REV 1 DROIPEN 73 JUSTCIV 219 ENFOPOL 165
DATAPROTECT 70 SOC 493 FREMP 87 CODEC 1546

The Committee had an exchange of views on the basis of documents 10861/1/12 REV 1, DS 1423/12, 1426/12, 1429/12 and 1433/12. It was concluded that following this discussion and the consequent changes to the text, the Presidency had a clear mandate for the fifth trilogue.

4. Preparation of the Council meeting (Economic and Financial Affairs) on 22 June 2012

a) Energy Taxation Directive

- Orientation debate

10951/12 FISC 80 ENER 242 ENV 467

Following an exchange of views, the Chair concluded that document 10951/12 will be forwarded to the Council (ECOFIN), which will serve as basis for an orientation debate.

b) Financial Transaction Tax

- Orientation debate

10922/12 FISC 79 ECOFIN 518

As regards Financial Transaction Tax, the Committee agreed that the forthcoming Council (ECOFIN) will hold an orientation debate on the basis of the Presidency note (doc. 10922/12).

c) Other items in connection with the Council meeting

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

5. Preparation of the Council meeting (General Affairs) on 26 June 2012

a) Cohesion policy legislative package (First reading)

- Elements of a partial general approach

11027/12 FSTR 53 FC 32 REGIO 85 SOC 538 AGRISTR 83 PECHE 212

CADREFIN 297 CODEC 1583

+ ADD 1 to ADD 4

The Committee had an extensive exchange of views on the blocs on thematic concentration, financial instruments, net revenue generating operations and public private partnerships and the performance framework, as set out in ADD 1 to 4 to document 11027/12. It reverted with a new Presidency compromise proposal concerning the blocs on thematic concentration, net revenue generating operations and the performance framework. Taking into account delegations comments, the Presidency will submit the four thematic blocs to the Council with a view to reaching a partial general approach on them.

Declarations are made by LT, LV and PL delegations:

"Declaration by Lithuania and Latvia

Declaration on Article 32(7) CPR (combining of financial instruments with grants within the context of double financing and cumulation)

"Latvia and Lithuania understands that Article 32(7) provides for the opportunity to combine financial instruments with grants and other financial instruments considering that the combination of support may cover the same expenditure item provided that the sum of all forms of support combined does not exceed the total amount of the expenditure item concerned, the sum being calculated as state aid equivalent, and provided that support combined may cover the same eligible costs (expenditures) within the limits of applicable EU state aid rules. Grants shall not be used for re-payment of loan interests.

When support provided through financial instruments is repaid or expires, there is no double financing with grant support or other financial instruments."

"Declarations by Poland

1. Declaration on performance reserve, framework, and review

Poland strongly supports the performance framework, review as well as the performance reserve which now - by the decision of the Presidency - is being negotiated within the Friends of Presidency for Multiannual Financial Framework 2014-2020. Poland believes that the performance reserve is an integral part of implementation of cohesion policy and is a positive incentive for Member States to effectively and efficiently implement the funds of the Common Strategic Framework and thus is in the position that all elements of the performance mechanism shall be discussed together. Therefore, Poland proposes to remain the possibility to come back to the discussion on the performance framework after the decision of the General Affairs Council on the obligatory performance reserve is taken and when discussing indicators during the Cypriot Presidency.

From the beginning of negotiations of cohesion policy legislative package, Poland has been calling for more result-oriented cohesion policy and regular open political debate on the progress on the implementation of the strategic objectives. Having that in mind, Poland with difficulty accepts the fact that proposal on the performance framework has been weakened as majority of Member States do not notice the value added of this mechanism. However, Poland is going to keep its strong favorable position on performance framework and reserve, and therefore, believes that performance reserve will remain obligatory and other Member States which support better spending would take more open approach towards this mechanism at the further steps of the negotiations.

2. Declaration on financial instruments

Poland remains sceptical about the financial instruments to be implemented at the EU level and thus underlines that they shall not be treated with priority and the Member States are entirely free to select at which level (EU, national, regional) they want to set up the financial instrument.

Moreover, Poland reiterates the necessity to return to the issue of financial instruments in urban and rural context when discussing territorial instruments block.

3. Declaration on Annex XXX to Art. 54 (definition of flat-rates for net-revenue generating projects)

Poland welcomes the initiative of real simplification of the procedures concerning revenue-generating projects. However, Poland considers that the discussion on the Annex XXX may need to be re-opened at the later stage of negotiations taking into account the results of negotiations on the issue of VAT eligibility."

b) Preparation of the European Council on 28-29 June 2012

- **Draft guidelines for the conclusions (*restricted session*)**
9421/12 CO EUR-PREP 14

The Committee had a discussion, with a view to the forthcoming meeting of the EC on 28 and 29 June 2012 on the basis of draft guidelines provided by the PEC. The exchange focus on the main topics of the agenda, notably the promotion of growth, the Single Market Act, the European Semester, the Multiannual Financial Framework.

c) 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.

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

- **Partial general approach**
10961/12 CADREFIN 294 DEVGEN 159 ACP 90 RELEX 510 COASI 95
ASIE 62 COMAG 45 COHOM 132 COEST 187 COWEB 81
ELARG 51 ATO 92 GROENLAND 2 CODEC 1572 PE 249 FIN 406

At the meeting of 13 June 2012 the Polish delegation lifted its reservation on the statement on the European Endowment for Democracy, and asked that this statement be included in the Council minutes. This request was accepted by all, with the exception of the French and Portuguese delegations.

The Committee also held an in-depth discussion on the main outstanding issues in the European Neighbourhood Instrument (ENI - Article 4(2) and Article 7(2), 7(3) and 7(6)) and the Development Cooperation Instrument (DCI - Article 5(2) and Annex II).

The Committee agreed to the suggested new wording of Article 3(9) of the DCI. The Presidency also tabled a compromise proposal for ENI which was further discussed at the meeting of 14 June 2012, but discussions were inconclusive.

Although the Spanish and Italian delegations maintained a reservation on Articles 3(3) and 8(3) of the Instrument for Stability, the Committee found sufficient support for the text of the instrument at its meeting of 13 June 2012.

32. 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 (First reading)

- **Preparation of the fourth informal trilogue**
10991/12 ASILE 95 CODEC 1580

The Committee, on the basis of the suggestions contained in the above document and taking into account the mandate endorsed on 21 March 2012, provided further guidance to the Presidency in view of the fourth trilogue on the recast of the above Regulation.

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

- **Preparation of the fourth informal trilogue**
10979/12 ASILE 94 CODEC 1578

The Committee, on the basis of the suggestions contained in the above document and taking into account the mandate endorsed on 21 March 2012, provided further guidance to the Presidency in view of the fourth trilogue on the recast of the Reception Conditions Directive.

34. Recommendation for a Council Decision authorising the opening of negotiations on an arrangement between the European Union, on the one part, and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein, on the other part, on the modalities of the participation by those States in the European Agency for the operational management of large-scale information systems in the area of freedom, security and justice

- **Agreement on the text**
11249/12 SIRIS 46 VISA 124 EURODAC 5 SCHENGEN 47 AELE 43 EEE 73
RESTREINT UE

The Committee agreed the revised draft Council Decision as set out in 11249/12.

The Commission indicated it would make declarations regarding granting voting rights to the Associated Countries and on the issue of the substantive legal basis of the recommendation.

35. Preparation of the Council meeting (Foreign Affairs) on 25 June 2012

- Other items in connection with the Council meeting

The Committee took note of information provided by SG of the EEAS, Mr Vimont, setting out the provisional timetable and agenda items for the FAC meeting on 25 June 2012.

First, the Council will discuss the Southern Neighbourhood with a focus on Syria and with the aim of adopting conclusions. The Council may also discuss Egypt in light of developments on the ground and available time.

On Pakistan the High Representative will provide feedback on her recent visit and the strategic dialogue. The EEAS took note of UK/SE/DE proposal to adopt conclusions on Pakistan.

The topic of Bosnia and Herzegovina will be discussed in light of the outcome of the May PIC meeting and also of the current domestic political difficulties, with conclusions foreseen. The Council will have a comprehensive discussion on Human rights, with the objective of adopting the strategic framework document, the related action plan, and the EUSR mandate. The EEAS expects the selection process of the EUSR to come to a conclusion before the Council meeting. Iran will be discussed at a restricted (Ministers only) luncheon session, with special focus on the follow-up to the Moscow talks and on other issues related to the application of the sanctions regime. Further, the EEAS expects the Council to adopt conclusions on the European Neighbourhood Policy, on Central Asia, and possibly on the Arms Trade Treaty.

The Council meeting will be followed by the EU - Gulf Cooperation Council meeting and dinner.

The EU - Moldova Cooperation Council meeting will take place on 26 June 2012.

The Committee took note of the Commission intention to raise the Belarus visa facilitation regime as an 'AOB'. It also took note that the issue of attacks against Christians in Nigeria, raised by IT, could be addressed under the human rights topic.

The EEAS took note of FR proposals to adopt conclusions on Yemen and to address the situation in Mali.

36. Preparation for the EU-Mexico Summit (Los Cabos, Mexico, 17 June 2012)
9237/12 AMLAT 19 PESC 512 RELEX 482

The Committee was informed, on the basis of document 9237/12, of the state of play of preparations for this Summit.

The EEAS indicated the objectives pursued by the EU:

- 1) prepare the G20 discussions on the financial crisis with a view to avoiding misperceptions of the European stance;
- 2) consolidate the dialogue EU-Mexico on Bilateral issues and on Global Challenges (trade, environment, climate change) with a view to reaching common positions; and
- 3) improve bilateral relations through better implementation of the existing instruments (Global agreement: to be completed?-open question, Joint Executive Plan: to be further implemented).

It was furthermore sought to enhance the cooperation with Mexico, a Strategic Partner, in the field of foreign affairs.

The Commission focussed on three areas:

- 1) trade, where the existing FTA should be developed further and protectionism in Latin America should be rebutted;
- 2) environment, where Mexico was a close ally, promoting the concept of Green Growth; and
- 3) climate change, where Mexico was a very close ally with whom progress should be aimed at.

No delegation intervened.

37. 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**

After an exchange of views based on drafting suggestions for a global compromise put forward by the Commission, the Committee agreed to renew the Presidency's mandate to continue negotiations with the European Parliament.

Coreper Part 1

II

56. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 726/2004 as regards pharmacovigilance (First reading) (Legislative deliberation)

and

Proposal for a Directive of the European Parliament and of the Council amending Directive 2001/83/EC as regards pharmacovigilance (First reading) (Legislative deliberation)

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

11097/12 PHARM 50 MI 420 SAN 152 ECO 83 ENT 148 CODEC 1611

The Committee mandated the Presidency to continue the negotiations with the aim of reaching an agreement at first reading on the basis of the text set out in the Annexes to document 11097/12, thereby allowing the necessary flexibility as regards Article 23 of the proposed Regulation.

57. Preparation for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 21 and 22 June 2012

1. Proposal for a Decision of the European Parliament and of the Council on serious cross-border threats to health (First reading) (*Legislative deliberation*)

- **Orientation debate**

10770/12 SAN 140 PHARM 44 PROCIV 87CODEC 1531

The Committee took note of the questions proposed by the Presidency for the above orientation debate.

The Commission recalled that its proposal was the result of several requests for a comprehensive solution to cross-border threats to health in the EU made by Council and expressed its reservation on the text of Presidency compromise proposal reflecting the work carried so far in the Annex to the note.

Two delegations intervened to state that the Presidency text in the Annex to the note did not represent an agreed text and that additional work will be needed also on issues not covered by the questions proposed by the Presidency.

2. **Europe 2020 strategy: Contribution to the European Council (28-29 June 2012) - European Semester**
- **Policy debate**
 - (i) **Draft Council Recommendations on the National Reform Programmes 2012 to each Member State (and draft explanatory note)**
 - **Approval (Article 148 TFEU)**
 - (ii) **Examination of the National Reform Programmes (2012) and the implementation of the 2011 Country-Specific Recommendations**
 - **Endorsement of the joint opinion of the Employment Committee and of the Social Protection Committee**
10886/12 SOC 499 ECOFIN 514 EDUC 159
 - (iii) **Employment Performance Monitor**
 - **Endorsement of the Monitor of the Employment Committee**
10884/12 SOC 497 ECOFIN 512 EDUC 157
 - (iv) **Employment Package**
 - **Policy debate**
10885/12 SOC 498 ECOFIN 513 EDUC 158

The Committee agreed to:

- discuss the substance of item (i) at its next session, in order to allow for the Committee work to be fully and duly taken into account;
- submit the joint EMCO/SPC Opinion on the examination of National Reform Programmes (contained in doc. 10886/12) to the Council with a view to its endorsement;
- submit the Employment Performance Monitor (contained in doc. 10884/12) to the Council with a view to its endorsement;
- recommend that the Council hold a policy debate on the basis of the Presidency Note (distributed later as doc. 10885/12).

3. **Legislative initiatives for Posting of Workers (*Legislative deliberation*)**
- (a) **Proposal for a Directive of the European Parliament and of the Council on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (First reading)**
8040/12 SOC 224 MI 193 COMPET 168
 - (b) **Proposal for a Council Regulation on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services**
8042/12 SOC 226 MI 194 COMPET 169
 - **Progress report**
10571/12 SOC 460 MI 387 COMPET 356 CODEC 1477

The Committee agreed to forward the Progress Report contained in document 10571/12 + COR 1 to the Council for information.

4. **Proposal for a Directive of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (XXth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (First reading) (*Legislative deliberation*)**
- **Progress report**
11951/11 SOC 598 CODEC 1075
10690/12 SOC 471 CODEC 1516

Following few comments by the Member States, the Committee agreed to forward the Progress Report contained in document 10690/1/12 REV 1 to the Council for information.

58. (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**

The Presidency debriefed the Committee on the outcome of the second informal trilogue, held in Strasbourg on 12 June 2012.

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

- Adoption

10680/12 AGRILEG 77 MI 400 DENLEG 53 SAN 135 CONSOM 88 RECH 208

On the basis of document 10680/12, the Committee endorsed a proposed list appointing 7 members of the European Food Safety Authority Management Board.

As a result, a Council Decision (doc. 10429/12) will be proposed for adoption at the forthcoming "Agriculture and Fisheries" Council on 18.06.2012, accompanied by a Declaration reminding the Commission to ensure full compliance with the requirements of Article 25(1) of Regulation EC No 178/2002 when drawing up lists for future appointments to the Board.

The Committee took note of the Commission's strong commitment vis-à-vis this Council's Declaration. The Commission confirmed that a call is currently under preparation and will have a special focus on candidates which have a background in organisations representing consumer and other interests.

60. 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

- Analysis of the final compromise text with a view to agreement

11190/12 ENER 281 ENV 510 TRANS 204 ECOFIN 566 RECH 254 CODEC 1635

The Committee could endorse the provisional agreement reached at the 6th informal trialogue on 13 June 2012 as reflected in document 11190/12, noting the opposition of ES/FI/PT, and could agree that the decision confirming this agreement to the European Parliament through a letter from the Chairman of the Committee would be taken as a 'I' item at a coming meeting of the Committee, once the text of the agreement will have been consolidated.

- 61. 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 fourth and final informal trilogue on the railway recast, held in Strasbourg on 13 June 2012.

- Any other business**
- **European Council follow-up (Coreper 1 matters)**
 - **Information from the Presidency**

The Presidency informed the Committee on the state of play on the key proposals of the growth agenda - Single Market Act and other proposals in the field of energy and telecommunications. The Chair referred also to the first EC follow-up discussion which took place at the Committee's meeting on 17 April 2012.

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