



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 19 September 2012**

**12654/12**

**CRS/CRP 27**

**SUMMARY RECORD**

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**Subject : 2417th meeting of the PERMANENT REPRESENTATIVES COMMITTEE  
held in Brussels on 18, 19 and 23 July 2012**

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

doc. 12624/12 OJ/CRP1 27

12515/1/12 REV 1 OJ/CRP2 27 + REV 1 COR 1 + CM 4015/12

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

The following items are **added** :

(Coreper Part 2, under I)

**65./discussed under II-63e**

**Draft Council conclusions on Common Security and Defence Policy**

12610/12 COSDP 619 PESC 940 COPS 263

**66. High Representative Report on CSDP**

12616/12 COSDP 620 PESC 944 CSDP/PSDC 450

12635/12 COSDP 626 PESC 948 CSDP/PSDC 453

**67. a) Council implementing Decision implementing Decision 2011/782/CFSP concerning restrictive measures against Syria**

**b) Council implementing Regulation implementing Article 32(1) of Regulation (EU) N° 36/2012 concerning restrictive measures in view of the situation in Syria**

12474/12 PESC 910 RELEX 667 COMEM 260 COARM 185 FIN 576

12611/12 ADD 2 PESC 941 COMEM 251 COARM 182 FIN 543 OC 423  
OC 423 RESTREINT UE

12612/12 ADD 2 PESC 942 RELEX 682 COMEM 252 COARM 183 FIN 544  
OC 424 RESTREINT UE

**68. Case before the Court of Justice of the European Union**

- Case A-1/12

= Request by the Commission for an Opinion pursuant to Article 218(11) TFEU on the compatibility of the Anti-Counterfeiting Trade Agreement (ACTA) with the Treaties

- Authorisation to submit written observations on behalf of the Council  
12658/12 JUR 410 WTO 272 PI 98 UD 213 DROIPEN 105 JUSTCIV 261  
COPEN 175 MI 501

**69. Council Decision amending Decision 2011/782/CFSP concerning restrictive measures against Syria**

12429/12 PESC 897 COMEM 240 COARM 170 FIN 521

11574/12 PESC 784 COMEM 211 COARM 151 FIN 454 OC 324

**70. Restrictive measures against Côte d'Ivoire**

- Letter of reply to be sent to lawyers of a listed person

12504/12 PESC 916 RELEX 695 COAFR 209 COARM 178 FIN 531

71. **Zimbabwe**
- **Draft Council conclusions**  
12585/12 COAFR 223 ACP 134 RELEX 678 PESC 935
72. **Political and Security Committee Decision EUCAP NESTOR/1/2012 concerning the appointment of the Head of the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR)**
- **Authorisation for publication in the Official Journal**  
12701/12 PESC 955 COSDP 634 COAFR 228 EUTRA SOMALIA 40  
EUCAP NESTOR 7 PSC DEC 15  
11961/12 PESC 832 COSDP 552 COAFR 188 EUTRA SOMALIA 33  
EUCAP NESTOR 1 PSC DEC 9
73. **Political and Security Committee Decision EUCAP SAHEL Niger/1/2012 on the appointment of the Head of Mission of the European Union CSDP Mission in Niger (EUCAP SAHEL Niger)**
- **Authorisation for publication in the Official Journal**  
12702/12 PESC 956 COSDP 635 COPS 273 COAFR 229 EUCAP SAHEL 6  
PSC DEC 16  
12130/12 PESC 852 COSDP 569 COPS 239 COAFR 194 EUCAP SAHEL 3  
PSC DEC 10

The following item is **withdrawn** :

(Coreper Part 2, under I)

31. **Decision of the Representatives of the Governments of the Member States of the European Union, meeting within the Permanent Representatives Committee, on entrusting the European Supervisory Authorities with the tasks in relation to the financial assistance for the re-capitalisation of financial institutions**  
12569/12 ECOFIN 705 UEM 266

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

DE, joined by FI, LV, SE, NL, CZ, made a statement on the following item :

**26. Connecting Europe Facility**

- **Organisation of work within the Council in the second semester 2012**

12603/12 FIN 542 CADREFIN 348 POLGEN 135 REGIO 93 ENER 348 TRANS 244  
TELECOM 141 COMPET 506 MI 498 ECO 104 CODEC 1911

"- The main issues to be discussed are financial questions, i.e. the adaption to the new Financial Regulation and the provisions concerning the project bonds initiative. In order to make sure, that these questions can be negotiated by the appropriate experts, temporal overlaps of the time schedules of the Friends of the Presidency Group with the Budget Committee and other working groups with relevance to financial questions have to be avoided.

- Germany acts on the assumption that beyond the adaption to the new Financial Regulation in particular the relationship between the project bond initiative and the Connecting Europe Facility (Art. 14 para. 2) will be part of the ongoing discussion about chapter V (financial instruments)."

SE made a statement on the following item :

**67. a) Council implementing Decision implementing Decision 2011/782/CFSP concerning restrictive measures against Syria**

"It is evident that all measures taken by the EU against a third State must be fully consistent both with international law and the rule of law.

In the context of the new Council Decision before us on measures amending Council Decision 2011/782/CFSP concerning restrictive measures against Syria, Sweden would like to note that under international law ships of all states enjoy the right of innocent passage through the territorial sea of another state as long as it is not prejudicial to the peace, good order or security of the coastal State. Inspection of foreign ships in innocent passage cannot take place without the consent of the flag state. This follows from customary international law and is codified in the United Nations Convention on the Law of the Sea, to which also the EU is a party.

States may also be bound by long-standing international conventions that regulate passage in straits, such as the conventions applicable to the strait between Sweden and Denmark (Oresund), as well as to the strait between Sweden and Finland (the Aland islands).

Sweden would like to underline the importance of Article 17b para.2 that any measure relating to the seizure and disposal of cargo must be done in accordance with their national legislation and consistent with international law.

It is the intention of Sweden to apply the new measures in a manner that is fully consistent with its obligations under international law, including relevant treaty provisions."

# Coreper Part 1

## II

### 8. **Proposal for a Council Regulation adjusting, from 1 July 2011, the rate of contribution to the pension scheme of officials and other servants of the European Union**

- **Information from the Presidency on the state of play**  
17626/11 STAT 49 FIN 979  
+ COR 1  
12525/12 STAT 26 FIN 535

At its 18 July 2012 meeting, the Committee took note of the Commission letter of 27 June 2012 (doc. 12118/12), which was addressed to the President of the Council, inviting the Council to adopt within two months its proposal of 24 November 2011 for a Council Regulation adjusting, from 1 July 2011, the rate of contribution to the pension scheme of officials and other servants of the European Union (doc.17625/11).

It appeared that the qualified majority necessary to adopt the Commission proposal was still not met and therefore, the Committee concluded that the Council should be invited to take note of that letter.

DK made the following statement:

"Denmark is against the proposal. Denmark would note its opposition in principle to the method of adjusting the remuneration and pensions of EU officials, given the high level of salaries in the EU institutions."

- ### 9. (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 state of play**

Following the debriefing by the Presidency on the latest contacts with the European Parliament, the Committee agreed to revert to the files in the autumn.

## Coreper Part 2

### II

- 13. 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)**  
12202/12 ASILE 102 CODEC 1839

The outcome of the Committee work on this item is set out in 12746/2/12 REV 2.

The Commission made the following statement regarding the interpretation of Article 27(3), fourth sub-paragraph:

"The Commission considers that the provision of Article 27(3), fourth sub-paragraph should be interpreted in the sense that the time limits foreseen in Articles 21, 23, 23A and 28 are calculated taking into account the period already lapsed with the detention procedure.

In these cases, the period of one month for submitting a take charge or take back request and the period of six weeks for carrying out the transfer to the responsible Member State shall be deducted from the periods referred to in Articles 21, 23 and 28."

- 14. Proposal for a Decision of the European Parliament and of the Council on the European Year of Citizens (2013) (First reading)**  
- **Approval of the final compromise text with a view to a first reading agreement with the European Parliament**  
12521/12 FREMP 106 POLGEN 134 FIN 534 CULT 102 CODEC 1898

The Committee confirmed agreement on the compromise text and gave a mandate to its Chair to proceed with sending the confirmation letter to the LIBE Chair with a view to reaching first reading agreement with the European Parliament.

**15. Preparation of the Council meeting (General Affairs) on 24 July 2012**

**a) New Multiannual Financial Framework**

In preparation of the General Affairs Council meeting on 24 July 2012, the Presidency informed delegations about its intentions for the Council meeting which will focus in particular on the presentation of the Presidency's work programme, the presentation by the Commission of the technical update of its proposals as well as a brief assessment by the Presidency of the bilateral consultations held in July.

**b) Follow-up to the European Council (28-29 June 2012)**

The Committee took note of the follow-up the Council will give to the orientations set by the EC on 28-29 June 2012, in particular on the EMU process, the European Semester and on the inter-institutional cooperation.

**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 du 24 juillet 2012.

**62. EU-China Summit (Brussels, 20 September 2012)**

**- Orientation debate**

12445/12 COASI 131 ASIE 79 PESC 901 RELEX 660 POLGEN 133  
WTO 260 ECOFIN 695 ENV 606 RESTREINT UE

The Committee discussed the content and organisation of the 15th EU-China Summit planned for 20 September 2012 in Brussels, on the basis of document 12445/12 EU RESTRICTED. The discussion provided input to the further preparations of the Summit agenda and joint communiqué.

The Committee decided to revert to the issue in September.

**63. Preparation of the Council meeting (Foreign Affairs) on 23 July 2012**

**a) Southern Neighbourhood**

**i) Syria**

**- Draft Council conclusions**

12527/12 COMAG 73 PESC 921 COHAFA 91 SY 20

The Committee examined and agreed the draft Council conclusions on Syria as set out in 12527/12 and submitted them to the Council for adoption.

**ii) Libya**

**- Draft Council conclusions**

12579/12 COMEM 254 PESC 934 COHAFA 93 LIBYE 5

The Committee examined the draft Council conclusions on Libya as set out in document 12579/12 and amended paragraphs 1 and 6. The Committee agreed the draft conclusions as set out in 12761/12 and submitted them to the Council for adoption.

**b) Sudan/South Sudan**

**- Draft Council conclusions**

12542/12 COAFR 215 ACP 130 PESC 924 DEVGEN 200 COTER 76  
COMAG 74 COHAFA 92 RELEX 672

The Committee approved the draft Council conclusions and submitted them to the Council for adoption.

**c) Mali/Sahel**

**- Draft Council conclusions**

12583/12 COAFR 222 ACP 135 PESC 937 DEVGEN 202 COTER 78  
COMAG 78 COHAFA 94 RELEX 680

The Committee approved the draft Council conclusions and submitted them to the Council for adoption.

**d) Democratic Republic of Congo**

The item was confirmed as a full point for the Council meeting.



e) **CSDP**

- **Draft Council conclusions**

12610/12 COSDP 619 PESC 940 COPS 263

The Committee examined and agreed the draft Council conclusions on CSDP as set out in 12610/12 and submitted them to the Council for adoption.

f) **China**

The Committee took note of the information received from the EEAS regarding the third EU-China High-level Strategic Dialogue, held in Beijing on 9-10 July 2012. The High Representative of the Union for Foreign Affairs and Security Policy would debrief Ministers on the outcome of the dialogue at the July Foreign Affairs Council.

g) **Energy and Foreign Policy**

The Committee had an exchange of views on Energy and EU foreign policy in preparation of the meeting of the Foreign Affairs Council on 23 July 2012. Delegations generally welcomed the joint EEAS/Commission non-paper (COREU EAS/1020/12) as a good basis for the lunch discussion by the Foreign Affairs Council and underlined the strategic importance of the matter. The Committee noted that it would revert to this issue in the light of the Foreign Affairs Council discussion.

h) **Other items in connection with the Council meeting**

There was no discussion or conclusions under this item.

**64. Inter-institutional co-operation within the framework of the "Compact for Growth and Jobs"**

The Committee took stock of the state of play regarding the scope of cooperation between the institutions as regards the rapid implementation of the measures foreseen in the compact of growth and jobs. The Committee will revert to this item next week.

- **Any other business**
  - = **Comitology procedures (at the request of the AT delegation)**

The Committee discussed comitology procedures in particular the cases where the Commission presents a draft implementing act for several times.

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Presidency informed delegations of the results of the trilogue on the 'Two Pack on Economic governance' and on the follow-up to last week's discussion on the Schengen governance.

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