



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 October 2012

14429/12

CRS/CRP 33

SUMMARY RECORD

**Subject : 2423rd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 3 and 5 October 2012**

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

doc. 14390/12 OJ/CRP1 33 + ADD 1
14365/12 OJ/CRP2 33

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

The following item is **added** :

(Coreper Part 1, under I)

50. ICAO -12th Air Navigation Conference (ANC/12) (Montréal 19-30 November 2012)

- **ADD 40: Redefinition of ICAO categories for wake turbulence (RECAT)**
 - **European Union coordination of a common position**
14446/12 AVIATION 144 RELEX 880
13834/12 ADD 40 AVIATION 139 RELEX 819

The following item is **withdrawn**:

(Coreper Part 1, under II)

27. Patent

- **Presidency report on the state of play**

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

Commission made a statement on the following item :

50. ICAO -12th Air Navigation Conference (ANC/12) (Montréal 19-30 November 2012)

- **ADD 40: Redefinition of ICAO categories for wake turbulence (RECAT)**
 - **European Union coordination of a common position**
14446/12 AVIATION 144 RELEX 880
13834/12 ADD 40 AVIATION 139 RELEX 819

"The Commission considers that the documents transmitted by the European Union in addition to other parties to the ICAO -12th Air Navigation Conference (ANC/12) in Montréal on 19-30 November 2012 should be prefaced "Presented by the European Commission on behalf of the European Union and its Member States; by the other Members States of the European Civil Aviation Conference and by EUROCONTROL".

The Commission as a matter of compromise is ready to accept the following formulation according to which the document is prefaced "Presented by the European Union and its Member States; by the other Members States of the European Civil Aviation Conference and by EUROCONTROL", as this formulation was applied recently for the ICAO High Level Security Conference with the support of COREPER and ECAC.

The Commission objects to the following formula agreed by the Council "Presented by the Presidency of the European Union on behalf of the European Union and its Member States; and by the other States Members of the European Civil Aviation Conference; and by the Member States of EUROCONTROL". The Commission considers that this formula is contrary to the rules on external representation laid down in the Treaties, according to which the rotating Presidency of the Council of the European Union is not entitled to represent the European Union externally."

Coreper Part 1

II

- 19. Setting of the provisional agenda for the Council meeting (Agriculture and Fisheries) on 22 and 23 October 2012
(For the items in the remit of the Permanent Representative Committee)**

The Committee agreed the provisional agenda for the forthcoming Council meeting (Agriculture and Fisheries) on 22 and 23 October 2012 as set out in 15005/12.

- 20. Setting of the provisional agenda for the Council meeting (Environment) on 25 October 2012**

The Committee approved the provisional agenda as set out in 15007/12.

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

- **Preparation for the informal trilogue**
13535/12 SOC 724 ECOFIN 763 COMPET 541 CADREFIN 386 CODEC 2080

The Committee agreed to give mandate to the Presidency to enter into informal negotiations with the representatives of the European Parliament and the Commission on the basis of the text as set out in the Annex of the above document, subject to the following changes:
regarding draft Amendment 142, it is noted that Article 20a requires further discussion and redrafting, and the reference to indicators in Article 20a(c) is deleted. Regarding draft Amendment 144, it is noted that Article 20c requires clarification and further discussion.

22. Preparation of the Council "Competitiveness" (Internal Market, Industry, Research and Space) on 10 and 11 October 2012

1. Single Market Act I (*Non legislative activity*)

- Debate on state of play

14163/12 COMPET 571 MI 576 SOC 771 ENT 224 CONSOM 110

POLGEN 153 FIN 692

This item was examined together with the "AOB - European Council follow-up (CRP 1 matters)".

The Committee took note :

- of the questions prepared by the Presidency and set out in 14163/12, as a basis for the debate to be held at the Council (Competitiveness) on 11 October 2012;
- of the Presidency non-paper on the "State of play on the key proposals of the Single Market Act I".

The Committee was informed about the follow-up of the European Council on matters falling under its responsibility and underlined the importance of maintaining momentum to reach results as soon as possible on these files.

2. Communication from the Commission : A European Consumer Agenda - Boosting confidence and growth (*Non legislative activity*)

- Adoption of Council Resolution

10420/12 CONSOM 80 MI 374 JUSTCIV 205 ENER 194 ENV 405

DATAPROTECT 64 DENLEG 51 TRANS 178 AVIATION 92

AGRI 350 EF 127 ECOFIN 439 ETS 16

+ REV 1 (sk)

14168/12 CONSOM 112 MI 581 JUSTCIV 290 ENER 389 ENV 728

DATAPROTECT 110 DENLEG 92 TRANS 309 AVIATION 141

AGRI 624 EF 211 ECOFIN 205 ETS 23

The Committee endorsed the Presidency text of the Draft Council Resolution as contained in document 14168/12 and transmitted it to the Council on 11 October 2012 for adoption.

3. Proposal for a Regulation of the European Parliament and of the Council laying down the rules for participation and dissemination in 'Horizon 2020' – The Framework Programme for Research and Innovation (2014-2020) (First reading) (Legislative deliberation)

- Partial general approach

17934/11 RECH 411 COMPET 579 ATO 151 CODEC 2274 AGRI 350 EF 127
ECOFIN 439 ETS 16
14286/12 RECH 355 COMPET 576 ATO 131 CODEC 2241

The outcome of the proceedings of the Committee is set out in document 14295/12.

23. Setting of the provisional agenda for the Council meeting (Transport, Telecommunications and Energy) on 29 October 2012

The Committee agreed on the provisional agenda of the Council as set out in 15126/12.

- 24. (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)**
- (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)**
- Preparation for the informal trilogue**
14291/12 CONSOM 113 MI 582 JUSTCIV 291 CODEC 2245

The Committee gave the Presidency a modified negotiation mandate on the ODR dossier, with a view to the next informal trilogue in order to reach an agreement on both files (which form a package) before the end of this year.

- 25. Proposal for a Regulation of the European Parliament and of the Council on a European Union energy-efficiency labelling programme for office equipment amending Regulation (EC) No 106/2008 on a Community energy-efficiency labelling programme for office equipment (First reading) (Legislative deliberation)**
- Consideration of the European Parliament's amendments**
13889/12 ENER 377 COTRA 33 CODEC 2159

The Committee confirmed that all five draft EP amendments on the draft Regulation were acceptable, with a view to the Presidency communicating this informally to the European Parliament.

26. Proposal for a Regulation of the European Parliament and of the Council on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 714/2009 and 715/2009 (First reading) (Legislative deliberation)

- Preparation for the informal trilogue

14113/12 ENER 384 CADREFIN 401 CODEC 2202

Following an almost full table round, where opposing views were expressed e.g. on the eligibility to funding of projects exempted under the internal energy market legislation, on a more formal coordination between the High Level Steering Groups, on being more ambitious on interconnections or regarding the timeframe for permit granting, the Committee reached agreement on a general mandate for the first informal trilogue on 15 October 2012 on the basis of the 3rd and 4th column of the document 14113/12. Besides the Chair noted suggestions made, which could be taken up with a view to future trilogues, and committed to finding a solution to the concerns linked to the deadline set in Art. 9(1).

28. 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)

- Presidency debriefing on the outcome of the informal trilogue

The Presidency informed about the informal trilogue which took place on 26 September 2012. The Commission indicated that certain difficulties remained, e.g. Art. 7 (3) c of the Council's text. The Committee took note of the oral information provided by the Chair.

Coreper Part 2

II

43. Post Lisbon organisation of EU Summits with groups of third countries

The Committee had an exchange of views on the revised version of the note setting out the state of play of the organisation of EU Summits with groups of third countries and agreed in three principles which will be submitted to the Council for endorsement.

44. Appointment of members of the Court of Justice and the General Court - Work of the Article 255 panel (restricted session)

In a restricted session, the Chair of the Article 255 panel informed the Committee of the work of the Article 255 panel, at the mid-term of its mandate.

45. Preparation of the Council meeting (General Affairs) on 16 October 2012

a) Cohesion Policy Legislative Package

- Elements of a partial general approach (First reading)
14287/12 FSTR 64 FC 42 REGIO 162 SOC 780 AGRISTR 128 PECHE 372
CADREFIN 408 CODEC 2242
+ ADD 1 to 4

The Committee examined the proposal and invited the Council to agree on the basis of the partial general approach on the Cohesion Policy legislative package as set out in document 14287/12 ADD 1 to 4 subject to the principle that 'nothing is agreed until everything is agreed'.

b) Preparation of the European Council of 18 and 19 October 2012

- Draft guidelines for the conclusions
13387/12 CO EUR-PREP 29

The Committee had an exchange of views of the guidelines for the October European Council conclusions.

c) Other items in connection with the Council meeting

Le Comité a 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.

46. Presentation of the agenda of the Council meeting (Justice and Home Affairs) on 25/26 October 2012

The Presidency presented the draft agenda for the JHA Council. FR requested the addition of the Commission's Third Report on the post-visa liberalisation monitoring for the Western Balkan countries.

47. Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment

- Certain issues

14206/12 MIGR 91 SOC 773 CODEC 2225

14038/12 JUR 498 MIGR 89 SOC 766 CODEC 2187

The Committee supported the approach suggested by the Presidency in document 14206/12 and charged JHA Counsellors to finalise the text, which will then be submitted to the Committee with a view to agreeing on a mandate for the Presidency to start informal negotiations with the European Parliament in this matter.

48. Preparation of the Council meeting (Foreign Affairs) on 15 October 2012

- Other items in connection with the Council meeting

The Committee was briefed by EEAS COO David O'Sullivan on the preparations of the Foreign Affairs Council, to be held on 15 October 2012 in Luxembourg.

It will start at 9h30, end after lunch. Start of the development part at 16h30.

Under 'Any other business', IT MFA could raise the issue of the ruling of the Indian Supreme Court with regard to two Italian soldiers, scheduled for 10 October 2012.

During lunch Ministers will discuss the Eastern Partnership. The main focus will be on the aftermath of the elections in Belarus. Other topics: the aftermath of the parliamentary elections in Georgia and elections in Ukraine.

On the eve of the FAC Ministers will have an informal dinner with the Russian MFA Lavrov. The main topics to be discussed are Syria and Iran. MFA Lavrov also expressed a wish for a general discussion on the EU-Russia relations.

49. Preparation of the Council meeting (Economic and Financial Affairs) on 9 October 2012

a) Financial Transaction Tax (FTT)

- State of play

The Presidency indicated that the state of play on this file and the time frame for future work will be discussed at the Council on 9 October 2012.

b) 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

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

- Information from the Presidency

The Presidency indicated that the President of the ECOFIN Council would inform Ministers of the state of play on the file. The Presidency is working with the aim of reaching an agreement by December 2012 at the latest.

c) Follow-up to the informal meeting of ECOFIN Ministers

- Debriefing by the Presidency

The Presidency indicated that Ministers under this item will be informed i.a. of the work on Banking Supervision, currently on-going in the ad hoc Working Party on the Banking Supervisory Mechanism.

d) European Semester 2012

- Exchange of views

14210/12 CO EUR-PREP 34 POLGEN 155 ENV 725 ENER 386 MI 579
RECH 354 COMPET 574 IND 149 ECOFIN 798 SOC 774 EDUC 274
TELECOM 165
14300/12 ECOFIN 808 SOC 781 COMPET 578 EDUC 277 ENV 731 RECH 357
ENER 391 FISC 129

The Committee prepared the ECOFIN discussion based on the Presidency report and a report from the EFC. The Committee modified the EFC note by removing reference to linguistic question, and agreed thereafter forward both documents to ECOFIN Council.

e) Implementation of the Stability and Growth Pact

- Draft Council Decision and draft Council Recommendation

13936/12 ECOFIN 786 UEM 278
14238/12 ECOFIN 804 UEM 284

The Committee endorsed the draft Council Implementing Decision on financial assistance to Portugal and the draft Council Recommendation with a view to bringing an end to the situation of an excessive government deficit in Portugal.

f) International meetings

i) Follow-up to the G20 Finance Deputies meeting in Mexico City on 23-24 September 2012 and preparation of the G20 Finance Ministers and Governors meeting in Mexico City on 4-5 November 2012

- Exchange of views

ii) Preparation of the annual meeting of the IMF and World Bank Group in Tokyo on 12-14 October 2012

= Draft EU Presidency statement to the International Monetary and Financial Committee (IMFC)

The Committee held an exchange of views on the G20 meetings. The Committee approved the draft EU Presidency statement to the IMFC, to be endorsed by the Council.

g) Other items in connection with the Council meeting

The Committee finalised the provisional agenda for this Council meeting and reviewed the state of readiness of the agenda items listed.

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

See above, under item 22.1 (page 12).

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