



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 November 2012

15315/12

CRS/CRP 36

SUMMARY RECORD

**Subject : 2426th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 24 and 26 October 2012**

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

doc. 15326/12 OJ/CRP1 36

15276/2/12 REV 2 OJ/CRP2 36 COMIX 591

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

The following item is **added** :

(Coreper Part 2, under I)

41. Belarus

15330/12 PESC 1302 RELEX 961 COEST 360 FIN 819

- **Council implementing Regulation implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus**

15147/12 PESC 1270 RELEX 947 COEST 354 FIN 776 OC 575

- **Council Regulation amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus**

15151/12 PESC 1272 RELEX 948 COEST 355 FIN 777 OC 576

The following items are **withdrawn**:

(Coreper Part 2, under I)

15. Agreement between the European Union and New Zealand amending the Agreement on mutual recognition in relation to conformity assessment between the European Community and New Zealand

- **Adoption of the conclusion of the Agreement**

14762/3/12 REV 3 NZ 6 ARM 8 MI 614

12126/10 NZ 4 ARM 12 MI 244

16. Agreement between the European Union and Australia amending the Agreement on mutual recognition in relation to conformity assessment, certificates and markings between the European Community and Australia

- **Adoption of the conclusion of the Agreement**

14780/3/12 REV 3 AUS 3 ARM 9 MI 617

12124/10 AUS 12 ARM 11 MI 243

(Coreper Part 1, under I)

59. (poss.) Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and repealing Council Regulation (EC) No 1288/2009 (First reading) (Legislative deliberation)

- **Approval of the final compromise text**

15193/12 PECHE 408 CODEC 2434

(Coreper Part 1, under II)

- 66. (a) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1760/2000 as regards electronic identification of bovine animals and deleting the provisions on voluntary beef labelling (First reading) (Legislative deliberation)**
- (b) Proposal for a Directive of the European Parliament and of the Council amending Council Directive 64/432/EEC as regards computer databases which are part of the surveillance networks in the Member States (First reading) (Legislative deliberation)**
- Preparation for the informal trilogue**
15059/12 AGRILEG 146 VETER 67 CODEC 2402
+ ADD 1 COR 1

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

AT and DK made statements on the following item :

18. Set up of the EU-level framework required by article 33.2 of the United Nations Convention on the Rights of Persons with Disabilities
15089/12 COHOM 234 CONUN 143 SOC 843 FREMP 126

"Austria takes note of the framework put in place by the EU for the implementation of the UN Convention on the rights of persons with disabilities (ICPRD), as provided for under article 33.2 of the Convention. While the mechanism described in the annex of document 15089/12 is raising concerns with regard to its strict compliance with the legal requirements for a full and effective independent monitoring of the implementation of the Convention, Austria welcomes the proposal that a review of the framework and/or its working methods may be initiated whenever judged necessary. Austria considers that such a review could take place after one year."

"Denmark supports the adoption of the proposed EU-level framework as required by article 33.2 of the United Nations Convention on the Rights of Persons with Disabilities. While recognizing that efforts have been made to establish an independent monitoring mechanism, Denmark nevertheless considers that the proposed solution is not ideal in terms of meeting the requirements of the Convention. In this regard, Denmark notes with satisfaction that a review of the framework and/or its working methods may be initiated whenever judged necessary. Denmark considers that the functioning of the framework should be carefully monitored and, if necessary, further developed in light of the experiences gathered."

Coreper Part 2

II

29. Preparation of the Council meeting (Justice and Home Affairs) on 25/26 October 2012

a) Draft Council conclusions on the protection of soft targets from terrorist activities 14591/12 ENFOPOL 316

The Committee agreed to submit the abovementioned draft Council conclusions to the Council on 25/26 October 2012 for adoption as a B-item.

b) Other items in connection with the Council meeting

The Chair informed the Committee that the Council would be invited to approve the implementation report on the Council conclusions on enhancing the links between internal and external aspects of counter-terrorism (doc. 14819/1/12 REV 1), that Ministers will be informed about the state of play on criminal sanctions for insider dealing and market manipulation (MAD), on the freezing and confiscation of proceeds of crime in the European Union, on the protection of individuals with regard to the processing of personal data and on the free flow of such data, the final report on the 5th round of mutual evaluations on financial crime and financial investigations and on the state of the drug problem in Europe. The Commission will also present the proposal on the protection of the financial interests of the European Union by criminal law.

Presidency will also give information on current legislative proposals (European Investigation Order, Right of Access to lawyer and Brussels I, the Multiannual Financial framework programs on Justice and on Rights, Equality and Citizenship and the Council Decision establishing a Multiannual Framework for the European Union Agency for Fundamental Rights for 2013-2017).

The Commission indicated that it would like to include an AOB item on the implementation of mutual recognition instruments.

- 30. Proposal for a Regulation of the European Parliament and of the Council establishing the European Border Surveillance System (EUROSUR) (First reading)**
- **Mandate for negotiations with the European Parliament**
15085/12 FRONT 145 CODEC 2409 COMIX 586

The Committee discussed the proposal and agreed that initial contacts could start with the European Parliament while at the same time JHA Counsellors will revert to Art. 12 to reach an agreement on its content.

- 31. Second trilogue on the external financing instruments under Heading 4 of the Multiannual Financial Framework 2014-2020**
- **Debriefing/Information point**

The Committee took note of the debriefing provided by the Presidency on the informal trilogues with the European Parliament.

- 32. Follow-up to the Council meeting (General Affairs) on 16 October 2012**

The focus of this month's GAC was the preparation of the October European Council. The draft conclusions were examined during the plenary session and in addition, Ministers had a video conference lunch with President Van Rompuy, focusing essentially on the EMU.

The Council also agreed on a partial general approach on a number of blocs of the Cohesion Policy legislative package.

It took note of the draft annotated agenda for the Special European Council scheduled in November, as well as of the Presidency's report on the implementation of the EC conclusions.

Under AOB, the Presidency informed partners on the outcome of the Informal Ministerial Conference on the Integrated Maritime Policy, which took place in Limassol on 7 and 8 October 2012.

33. Presentation of the agenda of the Council meeting (General Affairs) on 20 November 2012

The Committee took note of the information provided by the Presidency on the agenda of the forthcoming Council meeting. The agenda will include the follow-up to the October European Council, the preparations of the November European Council, the presentation of the Commission's 2013 Working Programme, the presentation of the draft annotated agenda of the December European Council, the legislative package on Cohesion and possibly the statute of ECJ.

34. Follow-up to the European Council on 18/19 October 2012

The Committee took note of the main issues discussed at the European Council on 18/19 October 2012, notably the implementation of Compact of Growth and Jobs and the Foreign Affairs part (China, Syria, Iran and Mali), as well as the discussion on the Banking Union which took place over dinner.

35. Presentation of the agenda of the Council meeting (Economic and Financial Affairs) on 13 November 2012

The Committee agreed the provisional agenda for this Council meeting.

36. Oral debrief on the state of play on the Single Supervisory Mechanism (SSM)

The Chair of the AHWP Mr Phanopoulos reported on the state of play. He briefly outlined the key outstanding issues and challenges ahead, and announced the Presidency's intention to submit for the November ECOFIN Council a report in order to allow the Ministers to consider some key issues more in detail.

The Committee took note of the state of play concerning the BSM and of the fact that it would return to this file on 7 November 2012 in the run-up to the 13 November 2012 ECOFIN Council meeting.

37. New Multiannual Financial Framework

The Committee discussed the Presidency's non-paper on the revenue side of the budget.

38. Follow-up to the Council meeting (Foreign Affairs) on 15 October 2012

The Committee was briefed on the follow-up to the Foreign Affairs Council of 15 October 2012 by the EEAS Executive Secretary General, Mr. Pierre Vimont. Vimont briefed the Committee on the lunch with Russian Foreign Minister Lavrov in preparation of the upcoming Russia-EU summit in December. Furthermore, Vimont referred to two main focuses of discussions on Mali (security and progress of internal political process). In relation to Syria, FAC expressed support to Lakhdar Brahimi's efforts and expressed concern at the prospect of worsening of humanitarian situation with arrival of winter. In this context, the EU is continuing with a coordinated response through ECHO, DEVCO and IfS. Vimont stressed the importance of the Task-Force meeting on Egypt planned for 14 November 2012, as a follow-up to EU-LAS in Cairo the day before.

39. Presentation of the agenda of the Council meeting (Foreign Affairs) on 19 November 2012

The Defence session will precede the Foreign Affairs session. The Defence session will be followed by a lunch attended by Defence and Foreign ministers. Items planned for the defence session: EDA Steering Board, preparation of European Council on Defence next year, Operations and intervention by Commissioner Barnier. The FAC session is expected to discuss Southern Neighbourhood (Syria and Egypt), MEPP, Ukraine, Cuba and DRC.

40. ASEM 9 Summit

- **State of play of preparations**
15074/12 ASIE 95 COASI 172 PESC 1258 POLGEN 168

The Committee discussed the state of preparations for the 9th ASEM Summit (Vientiane, 5-6 November) on the basis of the information provided by the EEAS (doc. 15074/12).

Coreper Part 1

II

62. Proposal for a Regulation of the European Parliament and of the Council concerning the European Network and Information Security Agency (ENISA) (First reading) (Legislative deliberation)

- Presidency debriefing on the outcome of the informal trilogue

The Presidency reported on the outcome of the 1st trilogue of 23 October in Strasbourg, noting EP requests on the international role of ENISA, the establishment of an Executive Board, the EP role regarding the nomination of the Chair of the Board and the Executive Director and issues related to the seat of ENISA. He announced that it would request an updated mandate from the Committee on 14 November 2012 in view of the 2nd trilogue on 20 November 2012.

63. (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)

- Presidency debriefing on the outcome of the informal trilogue

The Presidency informed delegations that the debriefing on the outcome of the trilogues of 9 and 17 October 2012 had already been done in the Mertens group.

64. Proposal for a Regulation of the European Parliament and of the Council on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change (First reading) (Legislative deliberation)

- Presidency debriefing on the outcome of the informal trilogue

The Committee was debriefed by the Presidency on the outcome of the first informal trilogue held on 24 October 2012. The Committee was informed that the meeting took place in a constructive spirit and helped to clarify the positions of the two institutions on the key issues, i.e., the low-carbon development strategies, emissions from maritime transport, financing issues and delegated acts.

Other important issues identified were: reporting on adaptation actions, policies and measures, the coverage of gases, renewables and energy efficiency and inventory reviews. Finally, the Presidency informed the Committee that the second informal trilogue would take place on 8 November 2012, preceded by a technical meeting on 6 November 2012. The Committee will discuss the mandate for the second informal trilogue meeting on 31 October 2012.

65. Proposal for a Directive of the European Parliament and of the Council on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings (Accounting Directive) (First reading) (Legislative deliberation)
- **Preparation for the informal trilogue**
15042/12 DRS 117 COMPET 630 ECOFIN 847 CODEC 2401

On the basis of document 15042/12, the Committee discussed the main outstanding issues as regards Chapter 9 of the draft Accounting Directive in view of the first informal trilogue with the European Parliament, scheduled for 7 November 2012.

The Chair summed up the discussions as follows:

1. There is a clear opposition to the European Parliament's amendment to broaden the scope;
2. Delegations have divergent views on the issue whether disclosure should be only at country or also at project level, but there is an indication into the direction of accepting project-level disclosure under the condition that a workable project definition can be agreed;
3. The majority of delegations showed flexibility on the materiality thresholds, but indicated that the exact threshold needs to be negotiated as the figure proposed by the European Parliament appears to be too low for several delegations;
4. The criminal law exemption should be maintained as in the General approach;
5. The review clause should also be maintained as in the General approach;
The equivalence clause is welcomed positively, but needs redrafting and consideration as regards the choice of delegated acts.

The Chair indicated that the Presidency will negotiate at the first informal trilogue on the basis of the General approach and the above mentioned indications as regards the main outstanding issues in Chapter 9 and emphasised that these issues are to be considered as part of a package subject to agreement on the whole proposal.

- 67. Proposal for a Council Regulation concerning the use of lactic acid to reduce microbiological surface contamination on bovine carcasses (Non-legislative activity)**
- **Preparation for adoption**
14571/12 AGRI 646 VETER 65 SAN 217 DENLEG 97
15020/1/12 AGRILEG 145 VETER 66 SAN 239 DENLEG 100 OC 567 REV 1

The results of the Committee's work are to be found in document 15641/12.

- 68. 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**
15184/12 ENER 416 CADREFIN 429 CODEC 2429

The Committee could agree to a mandate for the 2nd trilogue foreseen on 7 November 2012 on the basis of document 15184/12 while noting the importance attached to keeping the collaborative scheme, that regarding Art. 13(2a) additional explanations would be sought from the European Parliament and the Commission will assess the possible administrative impact of these provisions and that on Art. 14a the Presidency will continue to explore with the EP the pros and cons of this provision.

- **Any other business**
 - = **Admission of Camp Ashraf residents to the EU**

FR raised the issue of the admission of Camp Ashraf residents to the EU. The Presidency stated it would consider how best to follow up this issue in consultation with the Commission, EEAS and CTC.
