



Brussels, 27 July 2017  
(OR. en, fr)

11397/17

CRS/CRP 26

## SUMMARY RECORD

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Subject: 2636th meeting of the PERMANENT REPRESENTATIVES COMMITTEE  
held in Brussels on 11, 12 and 17 July 2017

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### I. Adoption of the agenda

11136/17 OJ CRP1 26

11168/1/17 REV 1 OJ CRP2 26 COMIX 518 + CM 3663/17

The Committee adopted the agenda.

### II. Approval of the "I" items

The Committee approved the "I" items as set out in the Annex.

### III. Discussion items

#### COREPER (PART 1)

2. Proposal for a Council Decision on the position to be adopted, on behalf of the European Union, at the sixth session of the Meeting of the Parties to the **Aarhus Convention** regarding compliance case ACCC/C/2008/32

= Preparation for the adoption

10961/17 ENV 664 JUR 331 DEVGEN 159 RELEX 608 ONU 92

The Committee agreed by unanimity on a slightly amended version of the Presidency compromise text for the draft Council Decision.

3. **Preparation** for the Council meeting (**Agriculture and Fisheries**) on 17 and 18 July 2017
- Communication from the Commission on the state of play of the Common Fisheries Policy and consultation on the fishing opportunities for 2018 (*Non-legislative activity*)
    - = Presentation by the Commission
      - 10945/17 PECHE 278
      - 10742/17 PECHE 273
      - + ADD 1

The Committee prepared the annual exchange of views on the Communication from the Commission.

4. Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC to enhance cost-effective **emission reductions** and low-carbon investments (**First reading**) (**Legislative deliberation**)
- = Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 10 July 2017.

5. Proposal for a Directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to **carcinogens** or mutagens at work (**First reading**) (**Legislative deliberation**)
- = Analysis of the final compromise text with a view to agreement
    - 10803/17 SOC 517 EMPL 393 SAN 274 IA 122 CODEC 1164
    - + ADD 1

The Committee approved the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

#### Statement by France

"La France souhaite rappeler son inquiétude face au niveau de risque individuel extrêmement élevé susceptible d'être constaté pour le chrome VI (supérieur à 10 cancers pour 1 000 travailleurs exposés) avec les valeurs limites d'exposition professionnelle (VLEP) et les périodes transitoires fixées par le présent texte. Ces mêmes raisons l'ont amenée à prendre dès 2010 des mesures nationales plus protectrices pour ses travailleurs vis-à-vis de tous les composés du chrome VI avec une VLEP contraignante de 1 µg/m<sup>3</sup>.

La France rappelle, d'autre part, que ces valeurs limites ne sont pas cohérentes avec les dispositions européennes du règlement REACH qui protègent davantage les travailleurs vis-à-vis de l'exposition à certains composés du chrome VI, et que l'articulation de ce règlement avec les directives en santé et sécurité au travail doit être favorisée.

Enfin, il est regrettable que l'ambition sanitaire affichée jusqu'à présent dans le projet de directive ne se traduise pas par l'inclusion des agents toxiques pour la reproduction, reportée à 2019, alors qu'ils sont couverts par un même dispositif réglementaire en France depuis 2001, et sont également gérés en totale cohérence depuis l'origine dans tous les textes réglementaires européens (règlements CLP, REACH, dispositifs relatifs aux produits phytopharmaceutiques, biocides, cosmétiques, etc.)."

### Statement by the Commission

"The Commission recalls that preparatory work for a new value on Chromium VI is well advanced and a lower value of 0.005 mg/m<sup>3</sup> is acceptable from a scientific point of view as well as for the tripartite Advisory Committee.

If Member States accept the value proposed by the European Parliament, including the transition period and the derogation for welding or plasma cutting processes or similar work processes that generate fume, the Commission will not pursue with a further revision of the exposure limit value on Chromium VI in its upcoming proposal for the CMD 3<sup>rd</sup> batch. The transition period, as proposed by the European Parliament, could offer legal certainty for business for a longer period ahead."

6. Proposal for an interinstitutional Proclamation on the **European Pillar of Social Rights**

= State of play and guidance for future work

11002/17 SOC 528 EMPL 404 EDUC 313 SAN 285 ECOFIN 624

The Committee took note of the positions expressed on the proclamation, took note of the request for a written opinion from the CLS, took note that clarifications will be introduced in the preamble keeping in mind that changes to the text should be minimal and agreed to the timeline on the Council side for the future process for reaching an agreement on the Proclamation.

**20. Entry/Exit System (EES)**

- a) Proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) No 1077/2011 **(First reading)**
- b) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 2016/399 as regards the use of the Entry/Exit System **(First reading)**
- = Confirmation of the final compromise text  
11037/17 FRONT 313 VISA 261 CODEC 1216 COMIX 502
  - + ADD 1
  - + ADD 1 COR 1
  - + ADD 2
  - + ADD 2 COR 1

The Committee confirmed the outcome of the Mixed Committee, reached agreement on the final compromise text and agreed to include a statement by the Council and the Commission with regard to the direct access of asylum authorities concerning the data of third-country nationals stored in the EES in the minutes of the Council upon the adoption of the EES Regulation.

**Joint Statement by Belgium and the Czech Republic**

"Belgium and the Czech Republic have always supported the overarching goal to continue to work on the development of the EU's integrated border management strategy, including a better use of the modern technologies to improve management of border controls. The establishment of the Entry-Exit System will contribute to improve the efficiency of border control, by facilitating the border crossings of the majority of travelers while at the same time, the border security will be enhanced.

We therefore welcome the agreement on the Proposal for a Regulation establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) N° 767/2008 and Regulation (EU) N° 1077/2011.

The Entry-Exit System will also provide for a single automated calculator that indicates the maximum authorized duration of stay in the Member States that operate the EES. This will change significantly the way in which the calculation of authorized stay has been conducted until now. Current provisions of the Schengen *acquis* that are relevant to the calculation of the authorized stay give other indications on the way the authorized stay should be calculated.

In order to have a coherent approach on the calculation of the authorized stay, Belgium and the Czech Republic would like to call on the European Commission to examine all related provisions of the Schengen *acquis* and to propose amendments where necessary. In that way, a coherent and clear legal framework can be ensured from the moment the Entry-Exit System will enter into operation."

## Statement by Croatia

"The Republic of Croatia supports the aim of this Regulation since it should contribute to reinforcing and preserving of a favourable security situation in the entire territory of the European Union, the prerequisite for which is, inter alia, better and more operational control of external borders.

This aim should be considered as the highest interest of European Union citizens and the Republic of Croatia finds it unacceptable not to apply this Regulation from the very beginning of its operational application at the external borders of the European Union, thus unnecessarily and without any grounds diminishing its effect. It should be emphasised that by entry into force of the current Proposal for a Regulation the existing provision of Article 6(1) of the Schengen Borders Code (SBC) and the existing provisions of the Accession Treaty of the Republic of Croatia as an integral part of the *acquis communautaire* would be temporarily suspended. The Republic of Croatia would like to point out that, in the very title of the Proposal for a Regulation, the European Commission has foreseen the implementation of the Regulation precisely at the external borders of the Union and thereby the equal treatment of all Member States.

Failure to equally apply the Regulation to full Schengen members and those that are about to become full members, including the Republic of Croatia, would make the aim of this Regulation become secondary, and apart from threatening the internal security of the European Union and the efficient fight against terrorism and serious crime, a negative message would be sent to the European public.

From the operational aspect, failure to equally apply this Regulation would mean inability to register the duration of stay of third country nationals on short-term stay in the EU due to the lack of access to the VIS through the EES, and thus the inability to verify the validity of a Schengen visa. Since the Republic of Croatia recognises this visa as equal to Croatian visas, it could allow entry into its state territory to a holder of a non-valid visa travelling to a Schengen country, all due to the lack of access to the VIS through the EES, which opens an issue of a Member State responsible for covering the costs of return of those persons.

Furthermore, non-application of this Regulation in the Republic of Croatia would mean inability to access other operational data on persons who frequently cross the external border of the European Union and the Schengen border, including potential terrorists and other persons suspicious in terms of security.

Such uneven application could redirect the movement of persons who pose threat to internal security of the European Union across those borders at which this system would not be applied. As regards the Republic of Croatia, this would mean redirection to about 1350 km of the external border of the European Union, having also in mind third countries where a trend of increased intolerance, radicalism and violent extremism is present, also incited by the phenomenon of foreign terrorist fighters returning from war zones to their home countries, which also increases the risk of terrorism for the Republic of Croatia.

Moreover, the uneven application of this Regulation would also have serious implications on the flow of cross-border traffic since in addition to systematic checks that have been introduced more time would be required for manual instead of automated processing of travel documents, thus threatening the appropriate security profiling of passengers by border guards.

Taking into consideration all the above said, being a Member State with a long external border, the Republic of Croatia is extremely interested in finding a way to apply this Regulation at all external borders of the European Union from the very beginning of its adoption, thus optimising the very aim of the Regulation."

#### Statement by Slovakia

"Schengen Borders Code provides an important legal framework for the border guard officials performing their duties at the external borders. With the view of introducing new information system such as Entry/Exit, the new legislation has to provide the basis for the measures to be taken in situations that are currently known, or can be anticipated.

The current version of the article 12 of the Schengen Borders Code provides such measures for situations, when a third country national enters the Schengen area, but does not have a stamp in his/her travel document. We are aware of such situations in the field, and they may occur also in the future, but unfortunately the new proposal does not cover such situations.

With the aim to avoid any gap and to ensure uniform implementation of the new legal instruments, the Slovak Republic would like to call on the European Commission to examine how to deal with such situations at the operational level."

#### Statement by Slovenia

"The Republic of Slovenia supports the efforts of the European Union and Member States to step up the control of the Union's external borders, including the establishment of an entry/exit system, which is compliant with the requests made by the European Council as well as several EU strategic documents.

The goal of the system, which is to improve control over who is staying in the territory of the Member States, was adopted as early as 2008, during the Slovenian presidency, when Member States' ministers first proposed to the Commission the setting-up of such a system.

The Republic of Slovenia therefore regrets that the proposal for a Regulation does not fully follow this objective, but re-establishes a distinction between the EU's external borders and internal borders for which decisions on the abolition of controls have not yet been adopted. This distinction is not only in legal terms but will have consequences in practice as the system will have a disproportionate impact on the traffic flow at border crossing points at land borders, including at the borders between some EU Member States. It is the opinion of the Republic of Slovenia that the solutions provided for in the Regulation, taking into account the development of technical equipment for the implementation of border control, do not provide optimal conditions for the work of border control authorities.

Given the experience with the implementation of the systematic control over persons enjoying the right of free movement in the EU in accordance with the Schengen Borders Code, this distinction will have a negative impact on the perception of the concept of free movement of persons in the EU.

According to the assessment of the Republic of Slovenia, the weakness of the new system is also the way in which short stay is to be calculated, as it does not allow for consistent implementation of short stay in EU Member States. This can also cause practical difficulties in the implementation of the Regulation."

21. **Migration - Situation on the Central Mediterranean route<sup>1</sup>**

= Exchange of views

The Committee had an exchange of views on the current situation and agreed to revert to this item at its next session.

22. **Preparation of the Council meeting (Foreign Affairs) on 17 July 2017**

- EU Global Strategy

- Libya

= (poss.) Draft Council conclusions

11152/17 MAMA 142 CFSP/PESC 669 RELEX 640 LIBYE 5

- DPRK

- Other items in connection with the Council meeting

The EEAS informed the Committee on the handling of the agenda items and provided information on the lunch topic and the items which will be raised under "any other business".

23. **Draft budget of the European Union for the financial year 2018**

= Council position

10939/1/17 REV 1 FIN 447 INST 299 PE-L 32

10939/17 ADD 1 to 5

The Committee reached agreement on the Council position.

Join Statement by France and Luxembourg

"La France et le Luxembourg rappellent que, par l'adoption de la décision d'Edimbourg du 12 décembre 1992, les gouvernements des Etats membres ont affirmé que le siège du Parlement européen, fixé à Strasbourg, constitue le lieu où l'institution se réunit à titre principal en périodes de sessions plénières ordinaires. Les dispositions de la décision d'Edimbourg figurent aujourd'hui dans les protocoles sur les sièges des institutions annexés aux TUE et TFUE (protocole n° 6) et au traité CEEA (protocole n° 3). Ces dispositions contraignantes imposent notamment que la session budgétaire se tienne à Strasbourg.

Dans un recours en annulation formé en février dernier (affaire C-73/17), le gouvernement français, soutenu par le gouvernement luxembourgeois, estime que le Parlement européen a méconnu, de façon tout à fait manifeste, la règle selon laquelle il doit exercer ses pouvoirs budgétaires à Strasbourg, en adoptant définitivement le budget pour l'exercice 2017 lors de la séance plénière additionnelle qui s'est tenue à Bruxelles les 30 novembre et 1er décembre 2016. Pour des raisons évidentes de sécurité juridique et de continuité du service public européen, le gouvernement français a toutefois demandé à la Cour le maintien dans le temps des effets du budget. La procédure dans cette affaire est en cours.

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<sup>1</sup> Exceptionally, in the presence of the Schengen Associated States.

Au vu des expériences passées et des calendriers des périodes de sessions plénières ordinaires du Parlement européen pour les années 2017 et 2018, la France et le Luxembourg soulignent le risque que, lors de la procédure budgétaire pour les exercices 2018 et 2019, le Parlement européen n'exerce pas à Strasbourg l'ensemble des pouvoirs budgétaires qui lui incombent en vertu de l'article 314 TFUE.

La France et le Luxembourg se montreront vigilants quant au respect des traités."

24. **Follow-up** to the Council meeting (**Economic and Financial Affairs**) on 11 July 2017

The Committee took note of the main outcomes of the Council meeting.

25. **Relations with the European Parliament** after the European Parliament session on 3-6 July 2017 in Strasbourg

The Presidency informed the Commission of the outcomes of the plenary session.

26. Preparation of the **EU-Ukraine Summit** (12-13 July, Kyiv)  
= State of play

The Committee was informed by the Commission and the EEAS on the state of play in preparations of the summit and expected outcomes.

27. **EU-Japan Summit** (Brussels, 6 July 2017)  
= Debriefing

The EEAS and the Commission briefed the Committee on the above-mentioned Summit.

28. **AU-EU Summit** (Abidjan, Côte d'Ivoire, 29/30 November 2017)  
= Orientation debate  
10938/17 COAFR 199 MAMA 125 DEVGEN 162 CFSP/PESC 625 MIGR 125  
RELEX 620 ACP 77 CLIMA 209 ECOFIN 628

The Committee held a first discussion on the basis of an orientation note.

29. **Debriefing of the G20 Summit**

The Commission outlined the main outcomes of the G20 Summit.



## **Monday 17 July 2017**

### **22. Preparation of the Council meeting (Foreign Affairs) on 17 July 2017**

- Libya
  - = Draft Council conclusions  
11152/17 MAMA 142 CFSP/PESC 669 RELEX 640 LIBYE 5

The Committee confirmed agreement on the draft Council conclusions and agreed to forward them to the Council for adoption.

- DPRK (**restricted session**)
  - = Draft Council conclusions  
11242/17 COASI 93 ASIE 24 RELEX 655 CFSP/PESC 682 CONOP 61

The Committee confirmed agreement on the draft Council conclusions and agreed to forward them to the Council for adoption.

### **IV. Any other business**

#### **COREPER (PART 1)**

None.

#### **COREPER (PART 2)**

None.

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**"I" items approved****COREPER (PART 1)**

7. Replies to written questions put to the Council by Members of the European Parliament  
= Adoption by silence procedure
  - a) E-001875/2017 - Marie-Christine Arnautu (ENF)  
Measures to curb migratory flows in the Mediterranean  
11001/17 PE-QE 160
  - b) E-002728/2017, E-002730/2017 and E-002732/2017 - Beatrix von Storch (EFDD)  
Evolution of smugglers' tactics on the Central Mediterranean Route  
Smuggling and SAR operations in harmony  
Smuggling and SAR operations in harmony  
10439/17 PE-QE 143
  - c) E-003264/2017 - Patricija Šulin (PPE) and Monica Macovei (ECR)  
Maximum limits on consumption of intoxicating substances for drivers of motor vehicles  
10445/17 PE-QE 145
  - d) E-003280/2017 - Charles Tannock (ECR) and Charles Goerens (ALDE)  
Intelligence sharing arrangements with Cape Verde  
10447/17 PE-QE 146
8. Governing Board of the European Agency for Safety and Health at Work  
Appointment of Ms Lena SØBY, member for Denmark, in place of  
Mr Henrik BACH MORTENSEN, who has resigned  
= Adoption  
10842/17 SOC 518 EMPL 394
9. Governing Board of the European Agency for Safety and Health at Work  
Appointment of Mr Jens SKOVGAARD LAURITSEN, alternate member for Denmark, in  
place of Ms Lena SØBY, who has resigned  
= Adoption  
10843/17 SOC 519 EMPL 395
10. Governing Board of the European Agency for Safety and Health at Work  
Appointment of Ms Marta J. GLOWACKA, alternate member for Austria, in place of  
Ms Julia SCHITTER, who has resigned  
= Adoption  
10965/17 SOC 527 EMPL 403
11. Commission delegated Regulation (EU) .../... of 23.6.2017 amending delegated Regulation  
(EU) 2015/242 laying down detailed rules on the functioning of the Advisory Councils under  
the Common Fisheries Policy  
= Intention not to raise objections to a delegated act  
10925/17 PECHE 277  
10688/17 PECHE 271 DELACT 110

12. Commission delegated Decision (EU) .../... of 8.6.2017 supplementing Directive (EU) 2016/797 of the European Parliament and of the Council with regard to specific objectives for the drafting, adoption and review of technical specifications for interoperability (Text with EEA relevance)
- = Intention not to raise objection to the delegated act  
11020/17 TRANS 312 DELACT 124  
10205/17 TRANS 267 DELACT 100

Statement by Germany

"Germany approves the final adoption of the above-mentioned draft. Nonetheless, we expect that the Commission will include our linguistic amendments – already sent to the Commission via email – in the final German version. Without these amendments the German version would be in contradiction to the English versions of the draft. In particular the following paragraphs are concerned:

(17) Die Notifizierung von Konformitätsbewertungsstellen stellt für die Mitgliedstaaten und die Kommission eine erhebliche Verwaltungslast dar. Um die Effizienz zu erhöhen und Verzögerungen zu verringern, sollte ein vereinfachtes Verfahren für zusätzliche Notifizierungen vorgeschlagen werden, wenn nur eingeschränkte oder keine zusätzlichen Kompetenzen von einer Konformitätsbewertungsstelle verlangt werden, die bereits aufgrund der eine vorherigen vorausgehende Fassung einer TSI bereits gemeldet notifiziert wurde. Um Unsicherheiten zu vermeiden, sollte in jeder TSI festgelegt werden, ob ein vollständiges Notifizierungsverfahren erforderlich ist oder eine Notifizierung automatisch auf eine überarbeitete TSI übertragen oder ein vereinfachtes Verfahren angewendet werden ~~können~~ kann und unter welchen Bedingungen.

(19) Bei der Prüfung möglicher Lösungen für sicherheitsrelevante Probleme sollten alle möglichen Ursachen für diese Probleme berücksichtigt werden, darunter so weit wie möglich auch all jene in Verbindung mit Vorfällen im Bereich der öffentlichen Sicherheit, Sicherheitsvorfällen, beispielsweise die Sicherheit der Fahrgäste nach einer Explosion.

*Artikel 3*

(k) mögliche Lösungen zu sicherheitsrelevanten Belangen unter Berücksichtigung aller potenziellen Ursachen für diese Belange zu prüfen, einschließlich unter anderem so weit wie möglich in Verbindung mit Vorfällen im Bereich der öffentlichen Sicherheit Sicherheitsvorfällen, ohne dabei die Sicherheit oder Interoperabilität zu beeinträchtigen."

13. Commission delegated Regulation (EU) .../... of 31.5.2017 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide multimodal travel information services (Text with EEA relevance)
- = Intention not to raise objection to the delegated act  
11019/17 TRANS 311 DELACT 123  
10118/17 TRANS 260 DELACT 99  
+ ADD 1

14. Commission delegated Regulation (EU) .../... amending Regulation (EU) No 540/2014 of the European Parliament and of the Council as regards the Acoustic Vehicle Alerting System requirements for vehicle EU-type approval  
= Intention not to raise objection to the delegated act  
11072/17 ENT 169 ENV 673 MI 552 DELACT 127  
10784/17 ENT 164 ENV 655 MI 527 DELACT 116  
+ ADD 1
15. Draft Council Decision on the acceptance of the Amendment to the 1999 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-level Ozone  
= Adoption  
11024/17 ENV 668 ENER 318 IND 183 TRANS 313 ENT 167 SAN 286  
+ ADD 1  
7524/17 ENV 278 ENER 117 IND 69 TRANS 119 ENT 74 SAN 114  
+ COR 1  
+ ADD 1  
+ ADD 1 COR 1  
+ ADD 1 REV 1 (sk)  
+ ADD 1 REV 1 COR 1 (sk)  
+ ADD 1 REV 1 COR 1 REV 1 (sk)  
+ ADD 1 REV 1 COR 2 (sk)
16. Draft Council Decision on the conclusion, on behalf of the European Union, of the Kigali Amendment to the Montreal Protocol on substances that deplete the ozone layer  
= Adoption  
10997/17 CLIMA 207 ENV 667 MI 546 DEVGEN 160 ONU 95  
7725/17 CLIMA 73 ENV 294 MI 278 DEVGEN 48 ONU 47  
+ COR 1 (sk)  
+ ADD 1  
+ ADD 1 REV 1 (hr, sk)  
+ ADD 2  
+ ADD 2 REV 1 (hr)
17. Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and New Zealand on cooperation and mutual administrative assistance in customs matters  
= Request for the consent of the European Parliament  
10916/17 UD 173  
7712/16 UD 79  
7682/16 UD 77 (en, el, fi, ga, it)  
+ REV 1 (bg, cs, da, de, es, et, fr, hr, hu, lv, mt, nl, pl, pt, ro, sk, sl, sv)  
+ REV 2 (lt)

18. Draft Directive of the European Parliament and of the Council on certain permitted uses of certain works and other subject-matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society **(First reading) (Legislative deliberation)**  
= Adoption of the legislative act  
10942/17 CODEC 1201 PI 91  
PE-CONS 23/17 PI 66 CODEC 855
19. Draft Regulation of the European Parliament and of the Council on the cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject-matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled **(First reading) (Legislative deliberation)**  
= Adoption of the legislative act  
10943/17 CODEC 1202 PI 92  
PE-CONS 24/17 PI 67 CODEC 856

## **COREPER (PART 2)**

### **Wednesday 12 July 2017**

30. Case before the Court of Justice of the European Union  
Case C-207/17 (Rotho Blaas Srl v. Agenzia delle Dogane e dei Monopoli)  
10908/17 JUR 328 CORLX 316 COMER 82  
+ COR 1
31. Case before the Court of Justice of the European Union  
Case C-236/17 P (Canadian Solar Emea GmbH and Others v. Council of the European Union and European Commission)  
10967/17 JUR 332 CORLX 327 COMER 83
32. Case before the Court of Justice of the European Union  
Case C-237/17 P (Canadian Solar Emea GmbH and Others v. Council of the European Union and European Commission)  
10970/17 JUR 333 CORLX 328 COMER 84
33. Case before the Court of Justice of the European Union  
Case C-313/17 P (George Haswani v. Council of the European Union and European Commission)  
11010/17 JUR 334 CORLX 331 MOG 55 CONOP 55 CFSP/PESC 633
34. Case before the Court of Justice of the European Union  
Case C-225/17 P (Islamic Republic of Iran Shipping Lines (IRISL) and Others v. Council of the European Union)  
11066/17 JUR 337 CORLX 340 CFSP/PESC 649 CONOP 57
35. Case before the Court of Justice of the European Union  
Case C-248/17 P (Bank Tejarat v. Council of the European Union)  
11068/17 JUR 338 CORLX 341 CFSP/PESC 650 CONOP 58
36. Case before the General Court of the European Union  
Case T-216/17 (Mohamed Marouen Ben Ali Ben Mohamed Mabrouk v. Council)  
10907/17 JUR 327 CORLX 315 CFSP/PESC 614 CONOP 54
37. Case before the General Court of the European Union  
Case T-290/17 (Edward Stavytskyi v. Council)  
10903/17 JUR 326 CORLX 314 CFSP/PESC 613 COEST 165
38. Case before the General Court of the European Union  
Case T-258/17 (Sergej Arbuzov v. Council of the European Union)  
11070/17 JUR 339 RELEX 626 CFSP/PESC 651 COEST 179
39. Case before the General Court of the European Union  
Case T-358/17 (Mohamed Hosni Elsayed Mubarak v. Council)  
11111/17 JUR 344 CORLX 345 MAMA 135 CFSP/PESC 658
40. Resolutions and Decisions adopted by the European Parliament at its part-sessions in Strasbourg from 12 to 15 June 2017 and from 3 to 6 July 2017  
9597/17 PE-RE 6

41. Proposal for transfer of appropriations No DEC 12/2017 within Section III - Commission - of the general budget for 2017  
10793/17 FIN 426 INST 281 PE-L 27
42. Proposal for a Decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund following an application from Finland (EGF/2017/002 FI/Microsoft 2)  
and  
Proposal for transfer of appropriations No DEC 13/2017 within Section III - Commission - of the general budget for 2017  
10789/17 FIN 425 INST 280 PE-L 26
43. Proposal for transfer of appropriations No DEC 14/2017 within Section III - Commission - of the general budget for 2017  
10794/17 FIN 427 INST 282 PE-L 28
44. Proposal for transfer of appropriations No DEC 15/2017 within Section III - Commission - of the general budget for 2017  
10795/17 FIN 428 INST 283 PE-L 29
45. Proposal for transfer of appropriations No DEC 16/2017 within Section III - Commission - of the general budget for 2017  
10796/17 FIN 429 INST 284 PE-L 30
46. Proposal for transfer of appropriations No DEC 17/2017 within Section III - Commission - of the general budget for 2017  
10797/17 FIN 430 INST 285 PE-L 31
47. Proposal for a Decision of the European Parliament and of the Council on the mobilisation of the European Union Solidarity Fund to provide assistance to Italy  
10978/17 FIN 452
48. Draft amending budget No 3 to the general budget for 2017: Increasing the budgetary resources of the Youth Employment Initiative (YEI) to pursue the reduction of youth unemployment across the European Union and updating the staff establishment plans of the decentralised agency ACER and the joint undertaking SESAR 2  
10975/1/17 REV 1 FIN 450 PE-L 33

Joint Statement by Austria, Germany and Sweden

"Austria, Germany and Sweden regret that the reclassification of the Executive Director of the joint undertaking SESAR2 to AD15 has been submitted in draft amending budget No 3/2017 in connection with a project of utmost political priority. They recall that the classification of Executive Directors is in principle AD 14. However, in order to make the necessary resources available to the Youth Employment Initiative without delay, Austria, Germany and Sweden accept draft amending budget No 3/2017 as proposed by the Commission."

49. Draft amending budget No 4 to the general budget for 2017 accompanying the proposal to mobilise the European Union Solidarity Fund to provide assistance to Italy  
10976/17 FIN 451 PE-L 34

50. Submission for approval of a new draft design of the Estonian 2 euro commemorative coin  
10868/17 ECOFIN 604 UEM 224
51. Submission for approval of a new draft design of the Latvian 2 euro commemorative coin  
10869/17 ECOFIN 605 UEM 225
52. Submission for approval of a new draft design of the Finnish 2 euro commemorative coin  
10870/17 ECOFIN 606 UEM 226
53. Submission for approval of a new draft design of the Lithuanian 2 euro commemorative coin  
10887/17 ECOFIN 609 UEM 227
54. Commission Delegated Regulation (EU) .../... of 8.6.2017 amending Delegated Regulation (EU) 2015/35 concerning the calculation of regulatory capital requirements for certain categories of assets held by insurance and reinsurance undertakings (infrastructure corporates)  
= Intention not to raise objections to a delegated act  
10096/1/17 REV 1 EF 122 ECOFIN 517 SURE 19 DELACT 107  
10226/17 EF 124 ECOFIN 530 SURE 20 DELACT 101

Joint statement by Hungary, Ireland, Poland and Italy

"As regards the amendment of the Delegated Regulation (EU) 2015/35 concerning infrastructure corporates, we would like to point out that there are technical mistakes in the text of the draft Regulation that needs to be corrected. We signalled these technical mistakes during the silence procedure and we call for the necessary amendments to be made as soon as possible, but before the draft Regulation is published in the Official Journal of the EU.

Article 1 paragraph (4) letter (a) and letter (c) of the draft Regulation modify Article 168 paragraph (1) and paragraph (4) respectively of the Delegated Regulation (EU) 2015/35. However letter (a) includes a wording error, while there is a technical mistake as regards the formula included in letter (c).

Article 1 paragraph (4) letter (a) of the draft Regulation should read as follows:

"1. The equity risk sub-module referred to in point (b) of the second subparagraph of Article 105(5) of Directive 2009/138/EC shall include a risk sub-module for type 1 equities, a risk sub-module for type 2 equities, a risk sub-~~risk~~ module for qualifying infrastructure equities and a risk sub-~~risk~~ module for qualifying infrastructure corporate equities."

Article 1 paragraph (4) letter (c) of the draft Regulation should read as follows:

„4. The capital requirement for equity risk shall be equal to the following:

$$SCR_{equity} = \sqrt{SCR_{equ1}^2 + 2 \cdot 0,75 \cdot SCR_{equ1} \cdot (SCR_{equ2} + SCR_{quinf} + SCR_{quinf c}) + (SCR_{equ2} + SCR_{quinf} + SCR_{quinf c})^2}$$

where:

- (a)  $SCR_{equ1}$  denotes the capital requirement for type 1 equities;
- (b)  $SCR_{equ2}$  denotes the capital requirement for type 2 equities;
- (c)  $SCR_{quinf}$  denotes the capital requirement for qualifying infrastructure equities;
- (d)  $SCR_{quinf c}$  denotes the capital requirement for qualifying infrastructure corporate equities." "

55. Commission Delegated Regulation (EU) .../... of 12.6.2017 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council as regards the exemption of



certain third countries central banks in their performance of monetary, foreign exchange and financial stability policies from pre- and post-trade transparency requirements

= Intention not to raise objections to a delegated act  
10822/17 EF 147 ECOFIN 598 DELACT 117  
10273/17 EF 126 ECOFIN 537 DELACT 103  
+ ADD 1

56. Commission Delegated Regulation (EU) No .../.. of 23.6.2017 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards for the cooperation and exchange of information between competent authorities relating to the exercise of the right of establishment and the freedom to provide services of payment institutions

= Intention not to raise objections to a delegated act  
10936/17 EF 151 ECOFIN 618 DELACT 121  
10731/17 EF 139 ECOFIN 585 DELACT 113  
+ ADD 1

57. Commission Delegated Regulation (EU) .../... of 29.6.2017 amending Commission Delegated Regulation (EU) No 151/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council

= Intention not to raise objections to a delegated act  
10941/17 EF 152 ECOFIN 619 DELACT 122  
10906/17 EF 150 ECOFIN 613 DELACT 120

58. Draft Decision of the European Parliament and of the Council providing macro-financial assistance to the Republic of Moldova (**First reading**)

= Adoption of the legislative act  
10981/17 CODEC 1210 ECOFIN 622 RELEX 611 COEST 173 NIS 16  
+ ADD 1  
PE-CONS 27/17 ECOFIN 518 RELEX 509 COEST 130 NIS 10 CODEC 1007

59. Draft Regulation of the European Parliament and of the Council on the introduction of temporary autonomous trade measures for Ukraine supplementing the trade concessions available under the Association Agreement (**First reading**)

= Adoption of the legislative act  
10982/17 CODEC 1211 WTO 155 COEST 174 NIS 17  
+ ADD 1  
PE-CONS 33/17 WTO 136 COEST 145 NIS 12 CODEC 1086

60. Relations with Ukraine

Draft Council Decision on the position to be taken on behalf of the European Union within the Sanitary and Phytosanitary Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part

= Adoption  
10733/17 COEST 155 PHYTOSAN 13 VETER 49 WTO 148  
+ COR 1  
10304/17 COEST 140 PHYTOSAN 10 VETER 46 WTO 134

61. Relations with the Republic of Moldova  
Draft Council Decision on the EU position in the EU-Republic of Moldova Association Council as regards the amendment of Annex XXVI of the Association Agreement  
= Adoption  
10874/17 COEST 162 ENFOCUSTOM 166 WTO 150 UD 178  
10547/17 COEST 147 WTO 151 ENFOCUSTOM 167
63. Relations with Kosovo\*  
Draft Council Decision on the conclusion of the Framework Agreement between the European Union and Kosovo\* on the general principles for the participation of Kosovo in Union programmes  
= Adoption  
10787/17 COWEB 84  
13391/16 COWEB 114  
+ COR 1 (fi)  
13393/16 COWEB 115
64. Commission Delegated Regulation (EU) .../... of 2.6.2017 amending Council Regulation (EC) No 1215/2009 as regards trade concessions granted to Kosovo\* following the entry into force of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part  
= Intention not to raise objection to a delegated act  
11065/17 WTO 159 COWEB 90 AGRI 377 UD 176 TDC 2 DELACT 126  
10049/17 WTO 131 COWEB 70 AGRI 313 UD 147 TDC 1 DELACT 95  
+ ADD 1
65. Draft Council Decision on the signing, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union  
= Adoption  
and  
Proposal for a Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union  
= Request for the consent of the European Parliament  
11063/17 WTO 158 AGRI 378 UD 177 COASI 88  
10669/17 WTO 144 AGRI 356 UD 167 COASI 78  
10670/17 WTO 145 AGRI 357 UD 168 COASI 79  
10672/17 WTO 146 AGRI 358 UD 169 COASI 80

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\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244(1999) and the ICJ Opinion on the Kosovo declaration of independence.

66. Draft Council conclusions on addressing the risk of famine  
11134/17 COHAFA 55 DEVGEN 165 ALIM 11 ONU 97 FAO 24 COAFR 210  
MAMA 140 MOG 59 COEST 181 COASI 89 COLAC 57  
PROCIV 61 RELEX 636
  
67. Draft Council conclusions on Pakistan  
= Adoption  
11047/17 COASI 87 ASIE 20 CFSP/PESC 643 CSDP/PSDC 403 POLGEN 107  
RELEX 622 DEVGEN 163 COHOM 81 JAI 672 MIGR 127  
COHAFA 53
  
68. Amendment No 1 to the 2017-2018 Action Programme of the African Peace Facility  
10983/17 ACP 78 FIN 453 RELEX 612 COAFR 201 CFSP/PESC 630 ONU 94
  
69. Draft EU priorities at the United Nations and the 72nd United Nations General Assembly  
(September 2017 - September 2018)  
11015/17 ONU 96 CONUN 169 COHOM 80 CFSP/PESC 637 COPS 236  
CSDP/PSDC 401 CONOP 56 COTER 67 DEVGEN 161 CLIMA 208  
COHAFA 52 GENDER 22 CYBER 109 COAFR 204 MAMA 128  
COASI 86 COEST 177 COTRA 12 COLAC 55 MIGR 124  
CODUN 32
  
70. Crisis Management Concept for a future civilian CSDP mission in support of Security Sector  
Reform in Iraq  
= Approval  
11096/17 COPS 240 CIVCOM 130 CFSP/PESC 657 CSDP/PSDC 413  
RELEX 633 MOG 58  
10449/17 COPS 206 CSDP/PSDC 347 CFSP/PESC 553 CIVCOM 108 MOG 50  
10924/17 COPS 233 CIVCOM 124 CFSP/PESC 621 CSDP/PSDC 396  
RELEX 603 JAI 661
  
71. Relations with Lebanon  
Adoption of the European Union's position for the Association Council's 8th meeting  
(Brussels, 18 July 2017)  
11073/17 RL 5
  
72. CFSP Report – Our priorities in 2017  
10650/17 CFSP/PESC 583 COPS 219  
10649/17 CFSP/PESC 582 COPS 218  
+ COR 1
  
73. Political and Security Committee Decision extending the mandate of the Head of the  
European Union Border Assistance Mission for the Rafah Crossing Point (EUBAM Rafah)  
(EU BAM Rafah/1/2017)  
= Authorisation for publication in the Official Journal  
11027/17 COPS 237 CFSP/PESC 642 CIVCOM 126 CSDP/PSDC 402  
RELEX 619 JAI 669 PSC DEC 25 MOG 56 EUBAM RAFAH 12  
10325/17 COPS 199 CFSP/PESC 534 CIVCOM 99 CSDP/PSDC 332  
RELEX 534 JAI 603 PSC DEC 18 MOG 47 EUBAM RAFAH 7

74. (poss.) Political and Security Committee Decision on the appointment of the Head of Mission of the European Union CSDP mission in Mali (EUCAP Sahel Mali) (EUCAP Sahel Mali/1/2017)  
 = Authorisation for publication in the Official Journal  
 11126/17 CFSP/PESC 662 CSDP/PSDC 416 COAFR 208 CSC 173  
 EUCAP MALI 27 PSC DEC 29  
 10706/17 CFSP/PESC 589 CSDP/PSDC 370 COAFR 188 CSC 149  
 EUCAP MALI 26 PSC DEC 22
- The above-mentioned item was withdrawn.
75. Draft Council Decision in support of OSCE activities to reduce the risk of illicit trafficking and excessive accumulation of small arms and light weapons and conventional ammunition in the former Yugoslav Republic of Macedonia and Georgia  
 = Adoption  
 10973/17 CORLX 329 CFSP/PESC 629 CODUN 31 COARM 185  
 COEST 172 COASI 85 COWEB 87  
 10753/17 CORLX 303 CFSP/PESC 595 CODUN 28 COARM 178  
 COEST 157 COASI 82 COWEB 77
76. Draft Council Decision amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo  
 and  
 Draft Council Regulation amending Council Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo  
 = Adoption  
 11003/17 CORLX 330 CFSP/PESC 632 RELEX 614 COAFR 202  
 CONUN 168 COARM 186 FIN 455  
 10836/17 CORLX 308 CFSP/PESC 602 COAFR 191 CONUN 160  
 COARM 181 FIN 435  
 10841/17 CORLX 310 CFSP/PESC 604 RELEX 587 COAFR 193  
 CONUN 162 COARM 184 FIN 437
77. Draft Council Decision updating and amending the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision (CFSP) 2017/154  
 and  
 Draft Council Implementing Regulation implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) 2017/150  
 = Adoption  
 11022/17 CORLX 336 COMET 13 COTER 68 CFSP/PESC 640 FIN 461  
 + ADD 1  
 10927/17 CORLX 323 COMET 11 COTER 63 CFSP/PESC 622 FIN 444  
 10928/17 CORLX 324 COMET 12 COTER 64 CFSP/PESC 623 RELEX 604  
 FIN 445

78. Draft Council Implementing Decision implementing Decision 2013/255/CFSP concerning restrictive measures against Syria  
and  
Draft Council Implementing Regulation implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria  
= New designations  
11074/17 CORLX 342 CFSP/PESC 652 RELEX 627 COARM 191  
MAMA 132 FIN 465  
11014/17 CORLX 333 CFSP/PESC 636 COARM 188 MAMA 127  
FIN 458  
11017/17 CORLX 335 CFSP/PESC 639 RELEX 617 COARM 190  
MAMA 130 FIN 460
79. Council Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya  
and  
Council Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya  
= Review of EU autonomous measures  
11149/17 CORLX 351 CFSP/PESC 668 RELEX 638 MAMA 141 COARM 196  
CONUN 179 FIN 470
80. Draft Council Decision amending and extending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya)  
= Adoption  
11130/17 CORLX 349 CSDP/PSDC 417 CFSP/PESC 664 COAFR 209 CSC 174  
EUBAM LIBYA 29  
11050/17 CORLX 339 CSDP/PSDC 406 CFSP/PESC 646 COAFR 206 CSC 166  
EUBAM LIBYA 27

#### Statement by the Commission

"In light of the rules of the Treaties, a CFSP decision cannot be used as a means to confer power on the Council to enact a derogation from the procurement rules defined in the Financial Regulation given that such power is attributed to the Commission. Moreover, any derogation from the rules on participation in the procurement procedures of the mission cannot be of generic and unlimited nature and must be duly justified in each specific case.

The Commission considers that the derogating provisions on procurement in the CFSP Decision can only be interpreted as a purely enabling clause. The Commission continues to exercise its competences in the implementation of the budget of the mission as stemming from the Treaties and in accordance with the rules and procedures of the Financial Regulation."

**Monday 17 July 2017**

62. Relations with the Republic of Moldova

Draft Council Decision on the position to be taken on behalf of the European Union within the Association Council established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, with regard to the adoption of the EU-Republic of Moldova Association Agenda

= Adoption

11125/17 COEST 180

9913/17 COEST 120

10057/17 COEST 129

81. Commission Decision on the ASEAN-EU Plan for Action (2018-2022)

= Endorsement by the Council

11265/17 COASI 95 ASIE 26 CFSP/PESC 686 RELEX 657 DEVGEN 173

CONOP 63 COHOM 85 WTO 166 AGRI 402 RECH 261 ENV 687

CULT 93 MIGR 132 COTER 73 TRANS 324 ENER 331

POLMAR 26 JAI 693

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