



Brussels, 4 October 2016
(OR. en)

12732/16

CRS/CRP 31

SUMMARY RECORD

Subject: 2598th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on Wednesday 21 September 2016

I. Adoption of the agenda

12291/16 OJ CRP1 30

12320/16 OJ CRP2 30

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. Preparation of the Council (Environment) on 30 September 2016

1. Setting of the provisional agenda

The Committee agreed on the provisional agenda for the forthcoming Council meeting.

2. Ratification of the Paris Agreement
Draft Council Decision on the conclusion on behalf of the European Union of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (*Non-legislative activity*)
= Preparation for the adoption
12329/16 CLIMA 113 ENV 591 ONU 97 DEVGEN 198 ECOFIN 807
ENER 324 FORETS 43 AGRI 491 MAR 232 AVIATION 183
+ COR 1

The Committee took note of the Presidency's intention concerning the handling of this agenda item, in particular the technical change of the sub-titles to read "Agreement in principle" and "Request for the consent of the European Parliament".

The Committee exchanged views on the text of the draft Decision as tabled by the Presidency and discussed elements to be included in the proposed Council and Commission's joint statement.

3. **Setting** of the provisional **agenda** for the Council meeting (**Employment, Social Policy, Health and Consumer Affairs**) on 13 October 2016

The Committee agreed on the provisional agenda for the forthcoming Council meeting and took note that the debates would be held in public.

4. **Preparation** for the Council meeting **Competitiveness** (**Internal Market, Industry, Research and Space**) on 29 September 2016

- Communication from the Commission: European agenda for the **collaborative economy** (*Non-legislative activity*)
 - = Presentation by the Commission
 - = Policy debate
- 9911/16 COMPET 357 MI 425 IND 130 RECH 224
+ ADD 1
12169/16 COMPET 477 MI 570 IND 190 RECH 263

The Committee took note of the Presidency's intention on how to organise the policy debate on collaborative economy taking into account the Commission's communication on the matter.

5. Proposal for a Regulation of the European Parliament and of the Council setting a framework for **energy efficiency labelling** and repealing Directive 2010/30/EU (**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 15 September 2016.

6. **Preparation** of the 39th **ICAO** Assembly (Montreal, 27 September - 7 October 2016)
European Union coordination of a common position on the **global market-based measure scheme**

= Approval

11957/16 AVIATION 171 RELEX 717 ENV 553

CLIMA 107

EU RESTRICTED

The Committee endorsed the revised detailed EU position to address CO² emissions from international aviation and agreed to forward it to the Council for adoption.

COREPER (PART 2)

14. **Presentation** of the **agenda** of the Council meeting (**Economic and Financial Affairs**) on 11 October 2016

The Committee took note of the main items that the Presidency intends to put on the agenda of this Council session.

15. **Presentation** of the **agenda** of the Council meeting (**Justice and Home Affairs**) on 13/14 October 2016

The Committee took note of the main items that the Presidency intends to put on the agenda of this Council session.

16. **Oral debrief** after the European Parliament plenary on 12-15 September 2016

The Presidency outlined the main outcomes and issues which are directly relevant for the work of the Council.

17. **Follow-up** of the Council (**General Affairs**) on 20 September 2016

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

18. **Multiannual Financial Framework (MFF) 2014-2020 Review/Revision**

= Exchange of views

12280/16 CADREFIN 66 POLGEN 109

The Committee heard a presentation by the Commission and held an exchange of views. The Presidency informed of its intentions for the handling of the relevant proposals within the Council.

IV. Any other business

COREPER (PART 1)

- Any other business
 - **Digital Single Market** - state of play
 - = Information from the Presidency
12207/16 TELECOM 161 COMPET 481 AUDIO 95 DIGIT 99 RECH 268
MI 573 PI 93 IND 192 ECOFIN 799 ENER 322 DATAPROTECT 80
CYBER 100 JUSTCIV233 EJUSTICE 150 CULT 77 EDUC 281

The Committee took note of the Presidency's update on the state of play of various DSM-related actions.

COREPER (PART 2)

- Any other business
 - **Moria/Lesbos**

Greece and the Commission informed the Committee on incidents in the Moria refugees camp, which took place on Monday 19 September 2016.

"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-000351/2016 - Sabine Lösing (GUE/NGL)
Measures to combat terrorist financing
11590/16 PE-QE 274
+ COR 1
 - b) E-003465/2016 - Edward Czesak (ECR)
Public access to documents (Rule 116(7))
11592/16 PE-QE 275
 - c) E-004221/2016 and E-004223/2016 - Joëlle Mélin (ENF)
Council recommendations on France's 2016 national reform programme
Council recommendations on France's 2016 national reform programme
11460/16 PE-QE 266
 - d) E-004280/2016 - Hugues Bayet (S&D)
Cooperation between Member States and Europol on information exchange
11594/16 PE-QE 276
 - e) E-004461/2016 - Nicolas Bay (ENF)
The danger that migrants pose to Europe
11455/16 PE-QE 262
 - f) E-004462/2016 - Nicolas Bay (ENF)
On the pointlessness of a European Security Union
11456/16 PE-QE 263
 - g) E-004483/2016 - Marlene Mizzi (S&D)
Educational and vocational common asylum system and integration of migrants in Europe
11595/16 PE-QE 277
 - h) E-004549/2016 - Hans-Olaf Henkel (ECR)
Reform of the electoral law of the European Union
11469/16 PE-QE 267
 - i) E-004550/2016 - Bernd Lucke (ECR)
Reform of the electoral law of the European Union
11471/16 PE-QE 268
 - j) E-004653/2016 - Barbara Spinelli (GUE/NGL), Sophia in 't Veld (ALDE), Stelios Kouloglou (GUE/NGL), Sofia Sakorafa (GUE/NGL), Stefan Eck (GUE/NGL), Iuliu Winkler (PPE), Izaskun Bilbao Barandica (ALDE), Barbara Lochbihler (Verts/ALE), Josef Weidenholzer (S&D), Bodil Valero (Verts/ALE), Josu Juaristi Abaunz (GUE/NGL), Marisa Matias (GUE/NGL), Hilde Vautmans (ALDE), Ana Gomes (S&D), Marie-Christine Vergiat (GUE/NGL), Jean Lambert (Verts/ALE), Petras Auštrevičius (ALDE), Curzio Maltese (GUE/NGL), Nikolaos Chountis (GUE/NGL), Soraya Post (S&D) and Julie Ward (S&D)
Respect of fundamental rights and the principle of mutual sincere cooperation in agreements relating to asylum and migration policies
11472/16 PE-QE 269

- k) E-004717/2016 - Bernd Kölmel (ECR)
Reform of the electoral law of the European Union
11473/16 PE-QE 270
 - l) E-004738/2016 - Joëlle Mélin (ENF)
Directive on admission of foreign researchers and students
11457/16 PE-QE 264
 - m) E-005109/2016 - Angel Dzhambazki (ECR)
Risk of Turkish becoming an official EU language
11596/16 PE-QE 278
 - n) E-005130/2016 - Marc Joulaud (PPE)
Legislative work of the Council during negotiations with Britain
11807/16 PE-QE 279
8. Judgment of the Court of Justice of 7 September 2016
Case C-113/14 (Federal Republic of Germany v. European Parliament and Council of the European Union) concerning the validity of Article 7 of Regulation (EU) No 1308/2013 and Article 2 of Regulation (EU) No 1370/2013
= Information note for the Permanent Representatives Committee (Part 1)
12284/16 JUR 455 AGRI 489 AGRIFIN 100 AGRIORG 75 CODEC 1277
 9. Advisory Committee on Safety and Health at Work
Appointment of Mr Rafał HRYNYK, alternate member for Poland, in place of Mr Paweł PETTKE, who has resigned
= Adoption
12144/16 SOC 515 EMPL 339
 10. Governing Board of the European Centre for the Development of Vocational Training (CEDEFOP)
Appointment of Mr Sébastien DUPUCH (FR), member in the category of representatives of Employees' organisations
= Adoption
12242/16 EDUC 283 SOC 528
 11. New York declaration of the coalition for an ambitious HFC amendment
= Approval of signature on behalf of the European Union
12196/16 CLIMA 110 ENV 581 MI 572
 12. Draft Council Decision on the position to be adopted on behalf of the European Union within the Administrative Committee for the TIR Convention as regards the proposal to amend the Customs Convention on the international transport of goods under cover of TIR carnets
= Adoption
10232/16 UD 135 CID 2 TRANS 241
8463/16 UD 90 CID 1 TRANS 238
+ ADD 1
+ ADD 2

13. Proposal for a Council Decision establishing the position to be adopted by the Union with regard to the amendments to the Annexes of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and to the Annexed Regulations to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN)

= Adoption

12141/16 TRANS 343

11844/16 TRANS 327

COREPER (PART 2)

19. Draft Council Decision appointing three members of the Court of Auditors
= Adoption
9844/16 INST 251 CMPT 12
12050/16 INST 355 CMPT 16
20. Committee of independent eminent persons under Article 5(2) of Regulation (EC)
No 2004/2003
= Appointment of a member and approval of a letter to the European Parliament
12088/16 PE 87 INST 358
21. Directives for the negotiation of a bilateral Deep and Comprehensive Free Trade Area as part
of the Euro-Mediterranean Association Agreement with Tunisia
= Transmission of documents to the European Parliament
12233/16 TU 12 MED 36 WTO 257 INST 370
22. Submission of the national side of commemorative 2 euro coin by Malta
12066/16 ECOFIN 785 UEM 295
23. 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/2016/001 FI/Microsoft
and
Proposal for transfer of appropriations No DEC 21/2016 within Section III - Commission - of
the general budget for 2016
12092/16 FIN 549 INST 359 PE-L 49
24. 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 Sweden -
EGF/2016/002 SE/Ericsson)
and
Proposal for transfer of appropriations No DEC 22/2016 within Section III - Commission - of
the general budget for 2016
12094/16 FIN 550 INST 360 PE-L 50
25. Proposal for a Regulation of the European Parliament and of the Council amending
Regulation (EU) N° 1303/2013 as regards certain provisions relating to financial management
for certain Member States experiencing or threatened with serious difficulties with respect to
their financial stability (**First reading**)
= Mandate for negotiations with the European Parliament
12174/16 FSTR 56 FC 47 REGIO 70 SOC 518 EMPL 342 BUDGET 24
AGRISTR 45 PECHE 313 CADREFIN 56 CODEC 1251

26. Commission delegated Regulation (EU) .../... of 30.6.2016 supplementing Regulation (EU) No 1286/2014 of the European Parliament and of the Council on key information documents for packaged retail and insurance-based investment products (PRIIPs) by laying down regulatory technical standards with regard to the presentation, content, review and revision of key information documents and the conditions for fulfilling the requirement to provide such documents

= Objection by the European Parliament to a delegated act

12160/1/16 REV 1 EF 271 ECOFIN 791 DELACT 189

12160/16 EF 271 ECOFIN 791 DELACT 189 ADD 1

12160/16 EF 271 ECOFIN 791 DELACT 189 ADD 1 COR 1

10834/16 EF 217 ECOFIN 682 DELACT 138

+ ADD 1

Statement by Germany, the United Kingdom, France, Austria, Croatia, Sweden, Ireland, Slovenia, Lithuania, Cyprus, Romania, Finland, Denmark, Portugal, the Netherlands, Malta, Estonia, Hungary, Greece, Belgium, Bulgaria, Latvia, Czech Republic and Slovakia

"We fully support the EU-wide introduction of a Key Information Document for retail investors which aims to provide retail investors with clear, accurate and comparable information on all the instruments included in the scope of the PRIIPs.

We believe that it is important PRIIPs Regulation is fully applied and it is essential in order to meet the needs of EU citizens for products with which to build up savings and investments, whilst also contributing to efficient capital markets that help fund EU economic growth.

Also in light of the rejection of the PRIIPS RTS by the EP, we call on the Commission to consider postponing only the application date of the PRIIPS Regulation (thus without any change to any other provision of the level 1 Regulation). In our view, the Commission should propose a postponement of the application date by 12 months in order to provide sufficient time to clarify open questions and reach the goals of the PRIIPs Regulation."

Statement by Croatia

"Croatia is concerned that the proposed adjustment of the market risk scale and the proposed divergence from the UCITS scale in the Key Information Document (KID) may have potentially disruptive consequences in terms of retail risk perception and industry sales processes. We are of view that further very careful consideration is needed in this area in particular. Therefore, we cannot support the RTS and the ensuing delegated act in its current form containing these provisions.

In the area of insurance we also have concerns regarding the content of the RTS and the methodology used for calculation, which cannot be addressed through legally non-binding Level III guidelines. It is important to highlight more clearly two important aspects: costs and risks for consumers. Also, we see the need to clarify that insurance-based investment products include insurance coverage for investors and the KID should not be misleading or overly complex for customers, especially with regard to its size.

Furthermore, it is suggested that the costs in relation to the Biometric Risk Premium should be presented as administrative costs linked to the provision of the biometric risk cover. Even if undertakings could separate administrative costs and the biometric risk premium for some types of products, this could nonetheless result in a misleading representation of the product (for example, variable monthly risk premium on sum at risk basis)."

Statement by Italy

"We fully support the EU-wide introduction of a Key Information Document which aims to provide retail investors with clear, accurate and comparable information on all the instruments included in the scope of the PRIIPs Regulation.

Taking into account the rejection of the PRIIPs RTS by the European Parliament and the views expressed by other Member States on the timetable for PRIIPs implementation, we call on the Commission to consider postponing the application date of the PRIIPS Regulation for the period strictly necessary to the co-legislators to approve the modified RTS and without any amendment to the level 1 text, and to the industry to prepare for the implementation of the new standards. In any case the postponement should not exceed one year."

Statement by Hungary

"As stated in the statement by 24 Member States, Hungary fully supports the EU-wide introduction of a Key Information Document for retail investors, and it is necessary to postpone the application date of the Regulation by 12 months in order to provide sufficient time to clarify open questions in the RTS and reach the goals of the PRIIPs Regulation.

We would like to highlight some open questions:

- as regards Multi Options Products, the RTS contradicts the PRIIPS Regulation, as Article 10-14 goes beyond a "generic description of the underlying investment options and state where and how more detailed pre-contractual information documentation ... can be found";
- the biometric risk premium should not be presented in the KID as an investment cost;
- the recommended holding period is not applicable/understandable/usable in case of an assurance product, as they are signed for predetermined periods. Moreover, it raises liability issues if the value of the investments decline/fall before maturity of the contract;
- the revision of the KID should be further clarified in order to avoid additional liability issues;
- the text in several places is unclear, giving ground to various interpretations (e.g. in points 42 and 43 of Annex 2).

We believe that these issues should be tackled in order to reach the goals of the PRIIPs Regulation. Therefore, we call both the Commission and the European Supervisory Authorities to make all efforts in order to fix the issues in the RTS and increase the protection of the consumers in the EU."

Statement by Luxembourg

"Luxembourg supports the EU-wide introduction of a Key Information Document for retail investors which aims to provide retail investors with clear, accurate and comparable information.

Luxembourg however remains concerned about elements of the RTS, including the provisions concerning the calculation of costs. A number of provisions included in the RTS need to be further clarified and aligned to the level 1 text.

In light of the rejection of the RTS by the EP, a postponement of the application date of the PRIIPS Regulation (without changing other provisions of that Regulation) by 12 months needs to be urgently considered in order to provide sufficient time to clarify open issues and to ensure a coordinated entry into force of PRIIPS level 1 and level 2 provisions."

27. Draft Council Implementing Decision implementing Decision 2014/932/CFSP concerning restrictive measures in view of the situation in Yemen
and
Draft Council Implementing Regulation implementing Article 15(3) of Regulation (EU) No 1352/2014 concerning restrictive measures in view of the situation in Yemen
= Adoption of amendments implementing a United Nations update
12067/16 CORLX 345 CFSP/PESC 703 RELEX 728 MOG 99 CONUN 174
FIN 545
12035/16 CORLX 342 CFSP/PESC 697 MOG 97 CONUN 172
FIN 542
12036/16 CORLX 343 CFSP/PESC 698 RELEX 725 MOG 98 CONUN 173
FIN 543
28. Draft Council Decision on the conclusion, on behalf of the Union, of the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Vietnam, of the other part
= Adoption
12130/16 COASI 184 ASIE 76 CFSP/PESC 708
COHOM 113 CONOP 69 COTER 89 JAI 735 WTO 247
AGRI 475 ENER 317 TRANS 342 TELECOM 158 ENV 576
EDUC 276
5432/15 COASI 6 ASIE 4 PESC 56 COHOM 8 CONOP 10 COTER 13
JAI 34 WTO 9 AGRI 28 ENER 16 TRANS 27
TELECOM 16 ENV 22 EDUC 11
29. External Investment Plan and European Fund for Sustainable Development (EIP/EFSD)
= Activation of the Friends of Presidency group and terms of reference
12293/16 DEVGEN 197 ACP 126 RELEX 747 ECOFIN 805
CODEC 1279 CADREFIN 68 ASIM 120 MAMA 178
COEST 222 COAFR 244
30. Draft Council Decision establishing the position to be taken on behalf of the European Union within the Joint Committee set up under the Agreement between the European Union and Georgia on the facilitation of the issuance of visas, with regard to the adoption of common guidelines for the implementation of that Agreement
= Adoption
12055/16 VISA 281 COEST 228
11470/16 VISA 246 COEST 229

31. Draft Council Decision authorising the opening of negotiations on an agreement between the European Union and the Federal Republic of Nigeria on readmission

= Adoption

12003/16 MIGR 155 COAFR 241

11975/16 MIGR 154 COAFR 240

11946/16 MIGR 153 COAFR 238 **EU RESTRICTED**

32. Draft Joint Way Forward on migration issues between Afghanistan and the EU

= Adoption

12191/16 MIGR 159 COEST 219

The above-mentioned item was withdrawn.

33. Draft Council Decision amending Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece

= Adoption

12203/16 ASIM 118

8330/1/16 REV 1 ASIM 60
