



Brussels, 3 November 2016  
(OR. en)

13466/16

CRS/CRP 34

## SUMMARY RECORD

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Subject: 2601st meeting of the PERMANENT REPRESENTATIVES COMMITTEE  
held in Brussels on 12 October 2016 and in Luxembourg on  
17 October 2016

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### I. Adoption of the agenda

13078/16 OJ CRP1 33

13120/1/16 REV 1 OJ CRP2 33 + CM 4341/16 + CM 4399/16

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 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 11 October 2016.

3. Draft Council Decision on the position to be adopted, on behalf of the European Union, in the Group of Experts on the European agreement concerning the work of crews of vehicles engaged in international road transport (**AETR**) of the United Nations Economic Commission for Europe  
= Preparation for the adoption  
12405/16 TRANS 354  
12380/16 TRANS 352

The Committee endorsed the amended compromise.

4. Proposal for a Regulation of the European Parliament and of the Council concerning the establishment of a Union framework for the **collection, management and use of data in the fisheries sector** and support for scientific advice regarding the Common Fisheries Policy (recast) (**First reading**) (**Legislative deliberation**)  
= Preparation for the trilogue  
13065/16 PECHE 362 CODEC 1413

The Committee agreed the mandate for the forthcoming trilogue.

## **COREPER (PART 2)**

### **Wednesday 12 October 2016**

#### **24. Preparation of the Council meeting (Foreign Affairs) on 17 October 2016**

- a) EU Global Strategy  
= Draft Council conclusions
- b) Migration
- c) Tunisia  
= Draft Council conclusions  
13048/16 MAMA 198 CFSP/PESC 798 RELEX 823 TU 14
- d) Other items in connection with the Council meeting

The EEAS presented the state of play and intentions for handling of the main items on the agenda. Issues raised under any other business will include the Democratic Republic of Congo, the MH-17 flight and Bosnia-Herzegovina.

#### **25. Brussels Conference on **Afghanistan** (5 October 2016)** = Debriefing

The EEAS and the Commission briefed the Committee on the outcomes of the Brussels Conference on Afghanistan.

26. **Preparation of the Council meeting (Foreign Affairs/Trade) on 18 October 2016**

- a) **Comprehensive Economic and Trade Agreement (CETA)** between Canada, of the one part, and the European Union and its Member States, of the other part
- **Decision on signature**  
= Adoption
  - **Decision on provisional application**  
= Adoption
  - **Decision on conclusion**  
= Request for the consent of the European Parliament  
12853/16 WTO 273 SERVICES 23 FDI 19 CDN 18  
+ COR 1  
12865/16 WTO 275 SERVICES 24 FDI 20 CDN 19  
10972/16 WTO 194 SERVICES 19 FDI 15 CDN 11  
+ COR 1 (sl)  
10973/16 WTO 195 SERVICES 20 FDI 16 CDN 12  
+ ADD 1 to ADD 15  
+ ADD 3 COR 1 (sl)  
10974/16 WTO 196 SERVICES 21 FDI 17 CDN 13  
+ COR (lt)  
10975/16 WTO 197 SERVICES 22 FDI 18 CDN 14  
+ COR 1 (sl)

The Committee took note of reservations and statements on this item and agreed to revert to the issue at the continuation of its session on 17 October. The following statements were made at this time.

Statements by the Commission

"Commission Declaration in respect of the protection of Geographical Indications:

1. The Commission will, throughout ongoing or future negotiations on geographical indications, maintain close contact with each interested Member State through the available consultative structures and will welcome ad hoc requests for further consultations.
2. The Commission is committed to achieving the best possible level of protection of Union registered geographical indications under ongoing or future negotiations of trade agreements in light of the market situation in each trading partner and the interests of the Member States.
3. The Commission takes note of Greece's concerns as to the results regarding the protection of certain geographical indications under the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part, in particular in respect of the Protected Designation of Origin Feta. The Commission recognises that the results achieved regarding the terms covered under CETA Article 20.21, including FETA, provide a level of protection that does not create a precedent for ongoing or future negotiations.

4. The Commission confirms its intention, in view of the CETA agreement, to ensure strict implementation of the protection of geographical indications foreseen in this Agreement, inter alia, of its provisions on administrative enforcement, and regarding entities entitled to use exceptions under Article 20.21.
5. The Commission commits to make full use of the mechanisms of the CETA Committee on Geographical Indications established under Article 26.2 of the Agreement so as to ensure that Canadian consumers are adequately informed about the intrinsic quality and characteristics of the products covered under CETA Article 20.21.
6. The Commission commits within five years at the latest to use the appropriate mechanisms provided within the CETA Agreement, with the aim to achieve for all EU geographical indications listed in Annex 20-A of the Agreement, including Feta, the same level of protection.
7. In view of the possibilities offered under Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries, the Commission will continue offering Member States as well as geographical indication producers and exporters, especially the most vulnerable among them, support to promote geographical indications."

Commission Declaration in respect of the protection of the precautionary principle in CETA:

"The Commission confirms that CETA preserves the ability of the European Union and its Member States to apply their fundamental principles governing regulatory activities. For the European Union, those principles include those established in the Treaty of the European Union and the Treaty on the Functioning of the European Union and include, in particular, the precautionary principle as mentioned in Article 191 and reflected in Articles 168(1), 169(1) and (2) of the Treaty on the Functioning of the European Union.

Consequently the Commission confirms that nothing in CETA prevents the application of the precautionary principle in the European Union as set out in the Treaty on the Functioning of the European Union."

Commission Declaration in respect of the content of the legal bases:

"The Commission notes that the Council has added Articles 43(2), 153(2) and 192(1) TFEU to the substantive legal bases proposed by the Commission for the "Council decision on signature of the Comprehensive Economic and Trade Agreement between Canada of the one part, and the European Union and its Member States, of the other part". The Commission considers that this amendment is unwarranted because all the matters concerned fall entirely within the scope of Article 207 TFEU."

### Statement by Greece

"Greece notes that the results achieved under the negotiations for a Comprehensive Economic and Trade Agreement (CETA) between the European Union and its Member States, of one part and Canada, of the other part, on the protection of "Feta", a Greek cheese entitled to special protection under the EU legislation on Protected Designation of Origin (PDO) products, provide only a minimum level of protection and, as such, do not constitute a precedent for future EU Trade Agreements with third countries.

Greece considers that PDO "Feta", as one of the major EU geographical indications, should be given the same level of protection as EU GIs of similar importance. Moreover, Greece considers that the protection of PDO "Feta" as well as of other Geographical Indications substantially contribute to the promotion of regional development, growth and employment within the European Union. The results achieved on the specific protection of PDO "Feta" under the CETA Agreement completely disregard the above target and thus do not ensure its full protection within the Canadian market.

In this framework, Greece takes fully note of the European Commission's commitment: a) to achieve the best possible level of protection of all EU registered geographical indications (GIs), including PDO "Feta", under ongoing or future negotiations of Trade Agreements with third countries, taking sufficiently into account the above target and b) to take all measures necessary to protect the PDO "Feta" not only within the EU, but also in third-countries' markets, notably as regards the use of unfair practices which lead to consumer misinformation.

In this respect, Greece welcomes the European Commission's statement regarding (1) the European Commission's commitment to maintain close contact with the interested Member States throughout ongoing or future negotiations on GIs, (2) its commitment to achieve the best possible level of protection for GIs under ongoing or future negotiations with third countries, (3) its intention to ensure, in cooperation with all competent Canadian authorities, the strict implementation of the protection foreseen under the CETA Agreement, namely the establishment of the proper internal Canadian administrative enforcement mechanisms and procedures in order to adjust the Canadian internal market to CETA provisions, as well as the registration of the Canadian entities entitled to use exceptions under Art 20.21. (4) its commitment to make full use of the mechanisms of the CETA Committee on Geographical Indications so as to ensure that Canadian consumers are adequately informed about the intrinsic quality and characteristics of the products covered under CETA Agreement Art 20.21., (5) its commitment, within five (5) years from the entry into force of the CETA Agreement, to use the appropriate mechanisms, with a view to achieving for all EU GIs therein, including PDO "Feta", the same level of protection, (6) support Greece in its efforts to promote GIs by exploiting the possibilities offered under Regulation (EU) No 1144/2014. Greece intends to follow up on the above points and considers them as part of the good faith in the implementation of the CETA Agreement.

In presenting this statement, Greece has taken fully into consideration the strategic political and economic dimension of the CETA Agreement."

#### Statement by Ireland

"Should the implementation of the Agreement by the European Union necessitate a recourse to measures pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, the provisions of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the functioning of the European Union, will be fully respected."

#### Statement by Portugal

"Bearing in mind the compliance with the principle of competence sharing between the European Union and its Member States, as has been defined by the Treaties, the Decisions of the Council authorizing the conclusion, signature and provisional application of Comprehensive Economic and Trade Agreement between Canada, of the one part, and the European Union and its Member States, of the other part, shall not affect the autonomy of Portugal's decisions regarding issues within its national competence, whose decision to be bound by the Agreement, pursuant to the Constitutional principles and rules, depends on the conclusion of the internal ratification procedures and the entry into force of the agreement in the international legal system."

#### Statement by United Kingdom

"The United Kingdom welcomes the signature of the Comprehensive Economic and Trade Agreement between Canada of the one part, and the European Union and its Member States, of the other part.

However, the United Kingdom considers that the Agreement contains provisions related to the temporary presence of natural persons for business and readmissions which are pursuant to Title V of Part III of the Treaty on the Functioning of the Union. The United Kingdom recalls that, in accordance with Article 2 of Protocol (No. 21) to the Treaties on the position of the United Kingdom and Ireland in Respect of the Area of Freedom, Security and Justice, no provision of any international agreement concluded by the Union pursuant to that Title shall be binding upon or applicable in the United Kingdom unless, in accordance with Article 3 of the Protocol, it notifies its intention that it wishes to take part in the adoption and application of a proposed measure.

As a result, in accordance with Article 3 of Protocol (No. 21), the United Kingdom notified the President of the Council that, to the extent that the Decisions relate to the temporary presence of natural persons for business, it intends to take part in the Council Decisions."

#### b) Other items in connection with the Council meeting

No new items were raised under this heading.

#### 27. **Preparation of the EU-Canada Summit** (Brussels, 27 October 2016)

= **State of play**

13094/16 CDN 20 COTRA 22 CFSP/PESC 804 RELEX 826 POLGEN 119  
WTO 285

The EEAS and the Commission presented to the Committee the state of play of preparations.

28. **Preparation of the Council meeting (Justice and Home Affairs) on 13/14 October 2016**

- a) **EPPO**: Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office
  - = Policy debate/Partial general approach  
12809/2/16 REV 2 EPPO 28 EUROJUST 122 CATS 73 FIN 620 COPEN 280  
GAF 59 CSC 272

The Committee exchanged views on the basis of the latest Presidency compromise, which would be presented to the Council with the aim to reach a broad conceptual support.

- b) **PIF**: Proposal for a Directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interest by means of criminal law  
**(First reading)**
  - = Policy debate/Progress report  
12686/1/16 REV 1 DROIPEN 147 JAI 785 GAF 55 FIN 603 CADREFIN 74  
CODEC 1336

The Committee prepared the discussion of the ministers on this item. The Presidency summarised the outcome of related discussions in the Economic and Financial Affairs Council.

- c) Other items in connection with the Council meeting

No new items were raised under this heading.

29. **Preparation of the Council meeting (General Affairs) on 18 October 2016**

- a) **Mid-term review of the Multiannual Financial Framework**
  - = State of play  
12933/16 CADREFIN 83 POLGEN 116 FIN 625  
13008/16 CADREFIN 85 POLGEN 118 FIN 629

The Committee exchanged views on the basis of the questions in the Presidency report. A revised report and questionnaire will be prepared for the discussion at the Council.

- b) **Preparation of the European Council on 20-21 October 2016**
  - = Draft conclusions  
11225/16 CO EUR-PREP 33

The Committee exchanged views on the draft conclusions. A revised text will be submitted for ministers.



- c) **IIA – Implementation**  
= Information from the Presidency

The Presidency informed the Committee that it will update orally at the Council on the various strands of work related to the implementation of the Interinstitutional Agreement on Better Law-making.

- d) Other items in connection with the Council meeting

No new items were raised under this heading.

30. **Relations with the European Parliament** after the European Parliament session on 3-6 October 2016 in Strasbourg  
= Information from the Presidency

The Presidency informed the Committee on the most relevant outcomes of the plenary session.

31. **Follow-up** to the Council meeting (**Economic and Financial Affairs**) on 11 October 2016

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

32. **Presentation** of the **agenda** of the Council meeting (**Economic and Financial Affairs**) on 8 November 2016

The Committee took note of the main items on the agenda of the Council.

33. **Relations with Switzerland** (*restricted session*)

The Committee took note of the state of play in relations with Switzerland.

49. Draft Council Decision on the signing, on behalf of the European Union, and provisional application of the **Strategic Partnership Agreement** between the European Union and its Member States, of the one part, and **Canada**, of the other part

= Adoption  
12756/16 COTRA 21 CDN 17  
5367/16 COTRA 2 CDN 2  
5368/2/16 REV 2 COTRA 3 CDN 3  
+ REV 2 COR 1 (pt)  
+ REV 2 COR 2 (fi)  
+ REV 2 COR 3

**(Transferred from Part I)**

The Committee took note of outstanding reserves and statements on this item.

Statement by United Kingdom:

"The United Kingdom welcomes the signature of the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Canada of the other part.

However, the United Kingdom considers that the Agreement contains provisions which are pursuant to Title V of Part III of the Treaty on the Functioning of the Union. The United Kingdom recalls that, in accordance with Article 2 of Protocol (No. 21) to the Treaties on the position of the United Kingdom and Ireland in Respect of the Area of Freedom, Security and Justice, no provision of any international agreement concluded by the Union pursuant to that Title shall be binding upon or applicable in the United Kingdom unless, in accordance with Article 3 of the Protocol, it notifies its intention that it wishes to take part in the adoption and application of a proposed measure."

#### Statement by Ireland

"Should the implementation of the Agreement by the European Union necessitate a recourse to measures pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, the provisions of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the functioning of the European Union, will be fully respected."

#### Statement by Portugal

"On the basis of the respect of the competences allocated between the European Union and its Member States, as defined by the Treaties, the Decision of the Council that authorizes the provisional application, by the EU, of the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Canada, of the other part, shall not affect the autonomy of decision of Portugal on the issues of its national competence, whose decision to be bound by the Agreement depends on the conclusion of the internal ratification procedures and on the entry into force of the agreement in the international legal system, in accordance with the Constitutional principles and rules."

### **Monday 17 October 2016**

#### **24. (continuation) Preparation of the Council meeting (Foreign Affairs) on 17 October 2016**

- a) **Global Strategy on the European Union's Foreign and Security Policy**
  - = Draft Council conclusions
  - 13200/16 CFSP/PESC 812 CSDP/PSDC 570

The Committee agreed on the text of the draft conclusions and submitted them to the Council for adoption.

- c) **Tunisia**
  - = Draft Council conclusions
  - 13048/16 MAMA 198 CFSP/PESC 798 RELEX 823 TU 14

The Committee agreed on the text of the draft conclusions and submitted them to the Council for adoption.

- e) **Syria**  
= Draft Council conclusions  
13191/16 MAMA 201 CFSP/PESC 809 RELEX 831 SY 5

The Committee exchanged views on the text of the draft conclusions and submitted it to the ministers for further discussion.

26. **(continuation) Preparation of the Council meeting (Foreign Affairs/Trade) on 18 October 2016**

- a) **Comprehensive Economic and Trade Agreement (CETA)** between Canada, of the one part, and the European Union and its Member States, of the other part
- **Decision on signature**  
= Adoption
  - **Decision on provisional application**  
= Adoption
  - **Decision on conclusion**  
= Request for the consent of the European Parliament  
**13239/16 WTO 288 SERVICES 25 FDI 21 CDN 21**  
**12865/1/16 REV 1** WTO 275 SERVICES 24 FDI 20 CDN 19  
10972/16 WTO 194 SERVICES 19 FDI 15 CDN 11  
+ COR 1 (sl)  
10973/16 WTO 195 SERVICES 20 FDI 16 CDN 12  
+ ADD 1 to ADD 15  
+ ADD 3 COR 1 (sl)  
+ **ADD 8 COR 1 (es)**  
10974/16 WTO 196 SERVICES 21 FDI 17 CDN 13  
+ COR 1 (lt)  
+ **COR 2 (fi)**  
10975/16 WTO 197 SERVICES 22 FDI 18 CDN 14  
+ COR 1 (sl)

The Committee took note of delegations' positions ahead of the Council meeting. The following additional statement was made at this time.

"Commission Statement in respect of water:

The Commission reaffirms that nothing in CETA will interfere with the right of any Member State to decide autonomously how to use and protect its water sources. Article 1.9 in CETA reaffirms that nothing in the Agreement obliges the European Union to permit the commercial use of water for any purpose. CETA would only apply in this sector if the European Union or its Member State autonomously decided to allow the commercial use of water.

Even if a Member State of the European Union does decide to allow a commercial use of water, CETA fully safeguards the possibility for a Member State to reverse its decisions in this regard, as well as the right to regulate the commercial use of water for public policy purposes."

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

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

- Any other business
  - **Results of the 39th ICAO Assembly** (Montreal, 27 September - 7 October 2016)
    - = Information from the Commission
    - 13019/16 AVIATION 199 RELEX 822 ENV 646 CLIM 137

The Committee took note of the information provided by the Commission.

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

None.

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

5. Replies to written questions put to the Council by Members of the European Parliament  
= Adoption by silence procedure
- a) E-002595/2016 - Theodoros Zagorakis (PPE)  
New food scandal  
12980/16 PE-QE 324
  - b) E-004962/2016 - Curzio Maltese (GUE/NGL)  
Fires in Sicily  
12179/16 PE-QE 297
  - c) E-005139/2016 - Edouard Ferrand (ENF)  
Euro 2016: Security measures  
12294/16 PE-QE 303
  - d) E-005168/2016 - Marian-Jean Marinescu (PPE)  
Space Surveillance and Tracking  
12167/16 PE-QE 293
  - e) E-005302/2016 - Kateřina Konečná (GUE/NGL)  
Lack of health care for people with disabilities in Serbia  
12180/16 PE-QE 298
  - f) E-005453/2016 - Hilde Vautmans (ALDE)  
Use of armed drones  
12303/16 PE-QE 304
  - g) E-005497/2016 - William (The Earl of) Dartmouth (EFDD)  
Access to the EU single market  
12182/16 PE-QE 300
  - h) E-005736/2016 - Dubravka Šuica (PPE)  
Next steps to eliminate discrimination against five Member States in US visa arrangements  
12168/16 PE-QE 294
  - i) E-005771/2016 - Jean-François Jalkh (ENF)  
EU budget and the refugee crisis  
12170/16 PE-QE 295
  - j) E-005819/2016 - Siôn Simon (S&D)  
Opportunities for young UK nationals at the Council of the European Union  
12172/16 PE-QE 296

6. Draft minutes of the following Council meeting  
= Approval
  - 3479th meeting of the Council of the European Union (Agriculture and Fisheries), held in Luxembourg on 27 and 28 June 2016  
10720/16 PV/CONS 39 AGRI 376 PECHE 247
    - + COR 1 (bg, cs, es, pl, pt, sl)
    - + COR 2
    - + ADD 1
    - + ADD 1 COR 1
7. Governing Board of the European Agency for Safety and Health at Work  
Draft Council Decision appointing the members and alternate members  
= Adoption
  - 11936/1/16 SOC 498 EMPL 324 REV 1
  - 11935/16 SOC 497 EMPL 323
8. Advisory Committee on Safety and Health at Work  
Appointment of Mr Arnaud PUJAL, alternate member for France, in place of Mr Olivier MEUNIER, who has resigned  
= Adoption
  - 12313/16 SOC 532 EMPL 350
9. Advisory Committee on Safety and Health at Work  
Appointment of Mr Patrick MADDALONE, member for France, in place of Ms Bénédicte LEGRAND-JUNG, who has resigned  
= Adoption
  - 12314/16 SOC 533 EMPL 351
10. Advisory Committee on Safety and Health at Work  
Appointment of Ms Vladka KOMEL, alternate member for Slovenia, in place of Mr Etbin TRATNIK, who has resigned  
= Adoption
  - 12319/1/16 SOC 534 EMPL 352 REV 1
11. Advisory Committee on Safety and Health at Work  
Appointment of Ms Eva PÕLDIS, alternate member for Estonia, in place of Ms Kristel PLANGI, who has resigned  
= Adoption
  - 12586/16 SOC 562 EMPL 372
12. Advisory Committee on Safety and Health at Work  
Appointment of Mr Brian ZAHRA, alternate member for Malta, in place of Mr Andrew Agius MUSCAT, who has resigned  
= Adoption
  - 12906/16 SOC 597 EMPL 398

13. Advisory Committee on Safety and Health at Work  
Appointment of Mr Lawrence MIZZI, member for Malta, in place of Mr John SCICLUNA, who has resigned  
= Adoption  
12907/16 SOC 598 EMPL 399
14. Advisory Committee on Freedom of Movement for Workers  
Appointment of Ms Barbara DALLINGER, alternate member for Austria, in place of Ms Stefanie RIEDER, who has resigned  
= Adoption  
12958/1/16 SOC 602 EMPL 403 REV 1
15. Draft Joint Statement on Shared Vision and Goals for the Future of Europe in Space by the European Union and the European Space Agency  
= Authorisation to the Commission to sign  
12808/1/16 ESPACE 46 RECH 283 COMPET 515 TRANS 368  
TELECOM 184 REV 1
16. Declaration on cooperation on environment and climate change in the Eastern Partnership  
= Approval on behalf of the European Union  
12786/16 ENV 628 CLIMA 130 COEST 245
17. Commission delegated Regulation (EU) .../... of 12.9.2016 establishing detailed technical requirements and test procedures for the EC type-approval of motor vehicles with respect to their 112-based eCall in-vehicles systems, of 112-based eCall in-vehicle separate technical units and components and supplementing and amending Regulation (EU) 2015/758 of the European Parliament and of the Council with regard to the applicable standards  
= Intention not to raise objections to a delegated act  
12831/16 ENT 176 MI 613 DELACT 204  
12133/16 ENT 166 MI 566 DELACT 188  
+ ADD 1
18. Council Directive amending, for the purpose of adapting to technical progress, Annex II to Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys, as regards lead  
= Decision not to oppose adoption  
12981/16 MI 622 ENT 180 CONSOM 235 SAN 348 ECO 61  
12153/16 MI 568 ENT 167 CONSOM 211 SAN 321 ECO 53

19. Draft Council Decision on the position to be adopted on behalf of the European Union at the International Maritime Organization during the 70th session of the Marine Environment Protection Committee and the 97th session of the Maritime Safety Committee on the adoption of amendments to MARPOL Annex VI, SOLAS Regulations II-1, SOLAS Regulations III/1.4, III/30 and III/37, SOLAS Regulations II-2/1 and II-2/10, SOLAS Regulation II-1/3-12, the STCW Convention and Code, the Fire Systems Safety Code and the 2011 Enhanced Survey Programme Code
- = Adoption
- 12245/16 MAR 228 OMI 60 ENV 586
- 12241/16 MAR 227 OMI 59 ENV 585

Statement by the Commission

"In so far as the relevant amendments to SOLAS Regulations II-1/1, II-1/2, II-1/3, II-1/4, II-1/5, II-1/6, II-1/7, II-1/8-1, II-1/9, II-1/10, II-1/12, II-1/13, 15 – 17, 19, 21, 22 and 35, SOLAS Regulations II-2/1 and II-2/10 and Chapter 13 of the FSS Code are concerned, their adoption at the IMO affects existing Union legislation. Therefore, these amendments fall within the exclusive external competence of the Union. Consequently, the Union position established in respect of those amendments cannot be limited in scope and must therefore be understood as covering them in their entirety, without prejudice to Article 2(2) TFEU."

20. Draft Regulation of the European Parliament and of the Council establishing specific conditions for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Regulation (EC) No 2347/2002 **(First reading) (Legislative deliberation)**
- = Adoption of the Council's position at first reading and of the statement of the Council's reasons
- 12857/16 CODEC 1376 PECHE 351
- + ADD 1
- 11625/16 PECHE 292 CODEC 1139
- + ADD 1

Statement by Spain

"The proposal for access to deep-sea species is of great interest to the Kingdom of Spain, which has followed it particularly closely in recent years and is strongly committed to it, to the point that it will accept compromises for the sake of reaching a balanced agreement that will satisfy all parties, such as limiting fishing activity with bottom trawls below 800 metres in European Union waters and an own system of sanctions or of data collection, as well as an authorisation regime that will lead to a disproportionate administrative workload.

Spain has been flexible, even accepting, as indicated, redundant management systems, but a situation has been arrived at as regards observer coverage which Spain cannot agree with, since the impact which this compromise would involve will cause problems in terms of security, economic costs and the operability of the fleet, since it envisages 20% observer coverage for targeted fishing, which is not covered by the mandate the Council gave to the Presidency, which was for 15%.



The Kingdom of Spain's commitment to protection of vulnerable marine ecosystems is beyond question. Spain has been working for years on mapping sea beds in order inter alia to achieve better and greater protection of ecosystems and the environment. The human and material investment made has been enormous, but has always been seen as an investment in sustainability. However, this compromise has disproportionate costs, does not comply with the principle of proportionality and its added value is not clear.

For all these reasons, the Kingdom of Spain is voting against this proposal."

21. Draft Regulation of the European Parliament and of the Council repealing Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings **(First reading) (Legislative deliberation)**
  - = Adoption of the Council's position at first reading and of the statement of the Council's reasons
    - 12858/16 CODEC 1377 TRANS 373
    - 11197/16 TRANS 296 CODEC 1056
    - + ADD 1
    - + ADD 1 COR 1
22. Draft Regulation of the European Parliament and of the Council amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail **(First reading) (Legislative deliberation)**
  - = Adoption of the Council's position at first reading and of the statement of the Council's reasons
    - 12859/16 CODEC 1378 TRANS 374
    - + ADD 1
    - 11198/16 TRANS 297 CODEC 1057
    - + ADD 1
    - + ADD 1 COR 1

#### Statement by Germany

"Germany welcomes the agreement reached on the proposal for an amendment to Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road. Regarding the social provisions contained in the aforementioned Regulation (see recitals 16 and 17 of Regulation (EC) No 1370/2007 and Article 4(5) and (6) in the current version and in the version amended by the proposal including the new recital), Germany believes that in the future, after the Regulation has been amended, Member States will – as has been the case so far under existing law – be at liberty to adopt more extensive rules under national law to flesh out the European standards. This also explicitly comprises the right to make more binding rules in national law than in the Regulation governing the transfer of staff in the event of a change of operator. Germany believes that its legal opinion is vindicated by remarks made by the European Commission and the Presidency (for instance, at the 2581st meeting of Coreper, Part 1, on 13 April 2016)."

23. Draft Directive of the European Parliament and of the Council amending Directive 2012/34/EU of the European Parliament and of the Council as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure **(First reading) (Legislative deliberation)**
- = Adoption of the Council's position at first reading and of the statement of the Council's reasons
- 12860/16 CODEC 1379 TRANS 375  
+ ADD 1  
11199/16 TRANS 298 CODEC 1058  
+ ADD 1  
+ ADD 1 COR 1

Statement by Germany

"The Federal Republic of Germany endorses the compromises on the political pillar of the Fourth Railway Package, which continue to make it possible for integrated systems to exist, while at the same time providing for strong and effective regulation and transparency of financial flows.

The Federal Republic of Germany deems it important to note that Article 7d lays down the conditions for controlling financial transfers for - for example - dividend payments and loans and that recital 17 does not introduce any additional rules.

The Federal Republic of Germany continues to interpret Article 7d and recital 18 in the sense that it is possible for infrastructure managers to pay income and dividends directly or via another legal entity within the undertaking to the owner. The term 'owner of the company', to which revenue may be transferred, under Article 7d, is to be understood as including not only the State as the direct owner of the infrastructure company, but also the State as the ultimate owner."

## **COREPER (PART 2)**

### **Wednesday 12 October 2016**

34. Case before the Court of Justice of the European Union  
Case C-423/16 P (HX against Council of the European Union)  
12919/16 JUR 498 RELEX 812 CFSP/PESC 781
35. Case before the EU General Court  
Case T-408/16, HX v. Council of the European Union  
12927/16 JUR 501 RELEX 813 CFSP/PESC 784
36. Case before the General Court  
Case T-461/16, Khaled Kaddour/Council  
12779/16 JUR 491 CFSP/PESC 777 CORLX 383 MOG 110
37. Judgment of the Court of Justice of 22 September 2016 concerning Joint Cases C-14/15 and C-116/15  
Annulment of four Council Implementing Decisions of 2014, so-called "Prüm", on the launch of automated exchange of information (registration of vehicles and finger prints) concerning Malta, Cyprus, Estonia and Latvia (2014/731/EU, 2014/743/EU, 2014/744/EU and 2014/911/EU)  
13071/16 JUR 514 JAI 816 DAPIX 165 CRIMORG 120 ENFOPOL 333  
ENFOCUSTOM 152
38. Draft Council Decision appointing two members and an alternate member, proposed by the Italian Republic, of the Committee of the Regions  
= Adoption  
12598/16 CDR 103  
12597/16 CDR 102
39. Resolutions, Decisions and Opinions adopted by the European Parliament at its part-sessions in Strasbourg from 12-15 September and 3-6 October 2016  
12524/16 PE-RE 6
40. Proposal for transfer of appropriations No DEC 25/2016 within Section III - Commission - of the general budget for 2016  
12804/16 FIN 617 INST 391 PE-L 54
41. Proposal for transfer of appropriations No DEC 26/2016 within Section III - Commission - of the general budget for 2016  
12805/16 FIN 618 INST 392 PE-L 55
42. Proposal for transfer of appropriations No DEC 27/2016 within Section III - Commission - of the general budget for 2016  
12806/16 FIN 619 INST 393 PE-L 56
43. Amendments of the European Parliament to the Council's position on the draft budget for 2017  
12983/1/16 FIN 627 INST 402 PE-L 57

44. Commission Delegated Regulation (EU) .../... of 23.9.2016 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards specifying conditions for data waiver permissions
  - = Intention not to raise objections to a delegated act
    - 12977/16 EF 295 ECOFIN 877 DELACT 210
    - 12836/16 EF 293 ECOFIN 867 DELACT 205
45. Draft Council Conclusions on Improvements to the current VAT rules for cross-border transactions
  - = Adoption
    - 12764/16 FISC 145 ECOFIN 861
46. Draft Directive of the European Parliament and of the Council on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings **(First reading)**
  - = Adoption of the legislative act
    - 12835/16 CODEC 1371 DROIPEN 149 COPEN 282
    - + ADD 1
    - PE-CONS 33/16 DROIPEN 124 COPEN 232 CODEC 1009
47. Draft Council Implementing Decision approving the conclusion by the European Police Office (Europol) of the Agreement on Strategic Cooperation between the Ministry of Public Security of the People's Republic of China and Europol
  - = Adoption
    - 12968/16 ENFOPOL 325 JAIEX 84 COASI 205
    - 8364/1/16 REV 1 ENFOPOL 121 JAIEX 36 COASI 67
48. Eurojust's plan for commencing negotiations with a view to entering into a cooperation agreement with Albania
  - 12900/16 JAIEX 83 COWEB 101 EUROJUST 126 COPEN 287
50. Draft Council Decision establishing the position to be taken on behalf of the European Union within the General Council of the World Trade Organization on the United States' request for a WTO waiver to permit the US to provide preferential treatment to eligible products originating in Nepal
  - = Adoption
    - 12559/16 WTO 264 COASI 199 USA 54
    - 12560/16 WTO 265 COASI 200 USA 55
51. Draft Council Decision on the conclusion of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part, amending the Agreement in order to extend the provisions of the Agreement to bilateral trade in textiles, taking account of the expiry of the bilateral textiles Agreement
  - = Approval of the Croatian language version
    - 12758/16 WTO 270 STIS 6 COEST 244 NIS 4
    - 16384/10 WTO 377 STIS 17 COEST 354 NIS 132 (hr)
    - 16388/10 WTO 379 STIS 19 COEST 356 NIS 135 (hr)

52. Draft Council Decision on the position to be adopted on behalf of the European Union within the Association Committee in Trade configuration 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  
12709/1/16 REV 1 COEST 239 WTO 268  
12031/16 COEST 214 WTO 245
  
53. Draft Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China 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  
12849/16 WTO 272 AGRI 526 UD 201 CHINE 8  
15561/15 WTO 298 AGRI 698 UD 266 CHINE 35  
15562/15 WTO 299 AGRI 699 UD 267 CHINE 36
  
54. Draft Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Eastern Republic of Uruguay 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  
12854/16 WTO 274 AGRI 527 UD 202 COLAC 82  
6870/16 WTO 54 AGRI 118 UD 51 COLAC 14  
6871/16 WTO 55 AGRI 119 UD 52 COLAC 15
  
55. EU-CELAC Foreign Ministers' meeting (Santo Domingo, 25/26 October 2016)  
13095/16 COLAC 88 CFSP/PESC 805
  
56. Relations with Iraq - Adoption of the provisional agenda of the second meeting of the EU-Iraq Cooperation Council (Brussels, 18 October 2016)  
12937/16 MOG 111 IRAQ 1
  
58. CFSP Report – Our priorities in 2016  
12975/16 CFSP/PESC 793 COPS 297
  
59. Draft reply to the letter from the Swiss Federal Council to the Presidency of the Council of the European Union  
13034/16 AELE 76 ELARG 96 CH 9
  
60. Council Decision 2014/512/CFSP of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine  
and  
Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine  
= Draft letter of reply  
13032/16 CORLX 390 CFSP/PESC 797 COEST 251 FIN 632

61. Enlargement  
- Accession negotiations with Montenegro  
= Fulfilment of opening benchmarks on Chapter 1: Free movement of goods  
13025/16 ELARG 94
62. High Representative's Report on the Twenty-Fourth Operation ALTHEA Six-Monthly Review  
13024/16 CSDP/PSDC 561 CFSP/PESC 795 BIH 11
63. Draft Council Conclusions on Bosnia and Herzegovina  
13053/16 CSDP/PSDC 562 CFSP/PESC 801 POLMIL 107 COWEB 106 BIH 12

**Monday 17 October 2016**

57. Democratic Republic of the Congo  
= Draft Council conclusions  
12938/16 COAFR 257 CFSP/PESC 786 RELEX 814 COHOM 122

This item was transferred from Wednesday's meeting on 12 October.

64. Council Decision on the adoption of the EU-Jordan Partnership Priorities and Compact  
13199/16 RHJ 24 MAMA 205 MED 49  
12431/16 MAMA 182 MED 40 CFSP/PESC 726 RHJ 22
65. Council Decision on the adoption of the EU-Lebanon Partnership Priorities and Compact  
13198/16 RL 14 MAMA 204 MED 48  
12433/16 MAMA 184 MED 42 CFSP/PESC 728 RL 12
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