



Brussels, 16 January 2017  
(OR. en)

15661/16

CRS/CRP 41

## SUMMARY RECORD

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Subject: 2607th meeting of the PERMANENT REPRESENTATIVES COMMITTEE  
held in Brussels on 30 November and 1 December 2016

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### I. Adoption of the agenda

14923/16 OJ CRP1 39  
14966/1/16 REV 1 OJ CRP2 39 COMIX 786

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. **Setting** of the provisional **agenda** for the Council meeting (**Environment**) on  
19 December 2016

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

3. Proposal for a Regulation of the European Parliament and of the Council on **mercury**, and  
repealing Regulation (EC) No 1102/2008 (**First reading**) (**Legislative deliberation**)

= Preparation for the trilogue

14588/16 ENV 721 COMER 121 MI 733 ONU 128 SAN 394 IND 246  
CODEC 1691

The Committee agreed the mandate for the forthcoming trilogue.

4. **Preparation** for the Council meeting (**Employment, Social Policy, Health** and Consumer Affairs ) on 8 December 2016

1. a) Proposal for a Regulation of the European Parliament and of the Council establishing the European Foundation for the improvement of living and working conditions (**Eurofound**), and repealing Council Regulation (EEC) No 1365/75 (**First reading**) (*Legislative deliberation*)
  - b) Proposal for a Regulation of the European Parliament and of the Council establishing the European Agency for Safety and Health at Work (**EU-OSHA**), and repealing Council Regulation (EC) 2062/94 (**First reading**) (*Legislative deliberation*)
  - c) Proposal for a Regulation of the European Parliament and of the Council establishing a European Centre for the Development of Vocational Training (**CEDEFOP**) and repealing Regulation (EEC) No 337/75 (**First reading**) (*Legislative deliberation*)
- = General approach  
14559/16 SOC 721 EMPL 489 EDUC 385 CODEC 1684  
+ ADD 1–3  
11530/16 SOC 477 EMPL 311 CODEC 1111  
11531/16 SOC 478 EMPL 312 CODEC 1112  
11532/16 SOC 479 EMPL 313 EDUC 260 CODEC 1113

The Committee approved the text of the general approach and agreed to forward it to Council.

2. Proposal for a Directive of the European Parliament and of the Council amending Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the **posting of workers** in the framework of the provision of services (**First reading**) (*Legislative deliberation*)
- = Progress report  
14368/16 SOC 705 EMPL 484 MI 710 COMPET 582 CODEC 1647  
JUSTCIV 296  
6987/16 SOC 144 EMPL 97 MI 142 COMPET 118 JUSTCIV 125 CODEC 279  
+ COR 1

The Committee took note of the Presidency's intention concerning the handling of this agenda point and agreed to submit the progress report to Council.

3. Draft Council conclusions on the implementation of the **Youth Guarantee** and the **Youth Employment Initiative** (*Non-legislative activity*)
- = Adoption  
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency]  
14334/16 SOC 696 EMPL 476 ECOFIN 1030 EDUC 369 JEUN 99

The Committee agreed on the text of the draft Council conclusions and agreed to submit them to Council with a view to their adoption.

4. **European Semester 2017** (*Non-legislative activity*)
  - = Exchange of views  
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency]  
14363/16 SOC 701 EMPL 480 ECOFIN 1035 EDUC 373
  - a) Annual Growth Survey (**AGS**), Alert Mechanism report (**AMR**), draft Joint Employment Report (**JER**) and draft Recommendation on the economic policy of the euro area
    - = Presentation by the Commission  
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency]  
14357/16 ECOFIN 1032 UEM 361 SOC 698 EMPL 478 COMPET 580  
ENV 708 EDUC 371 RECH 311 ENER 382 JAI 937  
14359/16 UEM 363 ECOFIN 1034 SOC 700  
14364/16 SOC 702 EMPL 481 ECOFIN 1036 EDUC 374
  - b) Contribution on the **employment and social aspects** of the draft Recommendation on the economic policy of the **euro area**
    - = Approval  
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency]  
14366/16 SOC 703 EMPL 482 ECOFIN 1037 EDUC 375  
14358/16 ECOFIN 1033 UEM 362 SOC 699 EMPL 479 COMPET 581  
ENV 709 EDUC 372 RECH 312 ENER 383 JAI 938  
EUROGROUP 22
  - c) **Social Partners' involvement** at national level in the European Semester
    - = Presentation by the EMCO Chair  
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency]  
14367/16 SOC 704 EMPL 483 ECOFIN 1038 EDUC 376

The Committee took note of the Presidency's intention concerning the handling of this agenda item and agreed to submit a slightly amended contribution on the employment and social aspects of the draft Recommendation on the economic policy of the euro area to Council for approval.

5. **European Semester: Annual Growth Survey 2017 – Public Health-related part** (*Non-legislative activity*)
  - = Exchange of views  
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency]  
14688/16 SAN 398 SOC 731

The Committee took note of the Presidency's intention concerning the handling of this agenda item.

5. 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  
14356/16 PECHE 427 CODEC 1643  
+ COR 1

The Committee agreed the mandate for the forthcoming trilogue.

6. Proposal for a Directive of the European Parliament and of the Council on the recognition of **professional qualifications in inland navigation** and repealing Council Directive 96/50/EC and Council Directive 91/672/EEC **(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 29 November 2016.

7. Proposal for a Decision of the European Parliament and of the Council on establishing an information exchange mechanism with regard to **intergovernmental agreements** and non-binding instruments between Member States and third countries in the field of energy and repealing Decision No 994/2012/EU **(First reading) (Legislative deliberation)**  
= Preparation for the trilogue  
13444/2/16 ENER 357 CODEC 1472 IA 91 REV 2

The Committee agreed the mandate for the forthcoming trilogue.

## **COREPER (PART 2)**

**Wednesday 30 November 2016**

### **12. Preparation of the Council meeting (Justice and Home Affairs) on 8-9 December 2016**

- a) **EPPO:** Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office
  - = General approach
  - 14686/16 EPPO 31 EUROJUST 155 CATS 93 FIN 810 COPEN 349 GAF 73
  - CSC 346

The Committee was informed about the state of play and the issues that were still open. It agreed to revert to the file at its next meeting.

- b) **PIF:** Proposal for a Directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law  
**(First reading)**
  - = Progress report
  - 14679/16 DROIPEN 189 JAI 975 GAF 72 FIN 809 CADREFIN 111 FISC 199
  - CODEC 1702

The Committee discussed progress on the file ahead of the European Parliament trilogue that same day and agreed to revert to the file at its next meeting.

- c) **Criminal justice in cyberspace**
  - i) e-evidence: Implementation of the Council conclusions on improving criminal justice in cyberspace
    - = Progress report by the Commission
  - ii) Encryption: Challenges for criminal justice in relation to the use of Encryption - future steps
    - = Progress report by the Presidency
    - 14711/16 CYBER 137 JAI 976 ENFOPOL 429 GENVAL 122 COSI 192
    - COPEN 352

The Committee was informed by the Commission that its report on e-evidence would be available in time for the Committee's meeting the following week. The Presidency presented its progress report on encryption and will present it to Council for political endorsement.

13. **Counter-Terrorism Directive:** Proposal for a Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism (**First reading**)  
= Confirmation of the final compromise text with a view to agreement  
14728/16 JAI 977 DROIPEN 190 COPEN 353 CODEC 1711

The Committee agreed on the final compromise text proposed by the Presidency.

14. **Reform of the electoral law** of the European Union  
= Exchange of views

The Committee had an extensive exchange of views on the main outstanding issues and provided guidance for further work.

15. **Preparation** of the Council meeting (**Economic and Financial Affairs**) on 6 December 2016

a) **Investment Plan for Europe**

- i) EFSI – Regulation amending Regulation (EU) 2015/1017 on the European Fund for Strategic Investments, the European Investment Advisory Hub and the European Investment Project Portal (**First reading**)

= General approach

14664/16 ECOFIN 1083 CODEC 1699 POLGEN 144 COMPET 606 RECH 325  
ENER 393 TRANS 442 ENV 726 EDUC 389 SOC 728 EMPL 495

EF 347 AGRI 622 TELECOM 246 UEM 390 JAI 970 IA 115

14010/16 ECOFIN 1003 CODEC 1582 POLGEN 132 COMPET 561 RECH 305

ENER 371 TRANS 410 ENV 693 EDUC 352 SOC 668 EMPL 457

EF 331 AGRI 589 TELECOM 216 UEM 355 JAI 901

14667/1/16 REV 1 ECOFIN 1084 CODEC 1700 POLGEN 145 COMPET 607

RECH 326 ENER 394 TRANS 443 ENV 727 EDUC 390 SOC 729

EMPL 496 EF 348 AGRI 623 TELECOM 247 UEM 391 JAI 971

- ii) (poss.) Tackling bottlenecks to investment identified under the **Third Pillar of the Investment Plan**

= Draft Council conclusions

14791/16 ECOFIN 1102 CODEC 1721 POLGEN 150 COMPET 612 RECH 330

ENER 399 TRANS 457 ENV 736 EDUC 397 SOC 740 EMPL 498

EF 356 AGRI 631 TELECOM 255 UEM 396 JAI 990

The Committee confirmed agreement on the Presidency compromise text on EFSI and agreed to submit it to the Council in view of reaching a general approach. It also agreed to submit the draft conclusions regarding the third pillar of the investment plan to the Council for adoption.

b) (poss.) **Anti-Tax-Avoidance Directive 2**

- Proposal for a Council Directive amending Directive (EU) 2016/1164 as regards hybrid mismatches with third countries (ATAD 2)

= General approach

14787/16 FISC 205 ECOFIN 1101

14819/16 FISC 206 ECOFIN 1110

The Committee had an exchange of views and confirmed the scope of open issues to be addressed.

- c) (poss.) Enhanced cooperation in the area of **financial transaction tax**
  - Proposal for a Council Directive implementing enhanced cooperation in the area of financial transaction tax
  - = State of play
  - 13608/16 FISC 164 ECOFIN 948

The Committee took note of the information provided by the Presidency on the state of play.

d) **European Semester 2017**

- Annual Growth Survey 2017, Alert Mechanism Report 2017 and draft Recommendation on the economic policy of the euro area
- = Presentation by the Commission
- = Exchange of views
- 14357/16 ECOFIN 1032 UEM 361 SOC 698 EMPL 478 COMPET 580 ENV 708  
EDUC 371 RECH 311 ENER 382 JAI 937
- 14359/16 UEM 363 ECOFIN 1034 SOC 700
- 14358/16 ECOFIN 1033 UEM 362 SOC 699 EMPL 479 COMPET 581 ENV 709  
EDUC 372 RECH 312 ENER 383 JAI 938 EUROGROUP 22
- 14808/16 ECOFIN 1105 UEM 397 SOC 741 EMPL 499 COMPET 613 ENV 738  
EDUC 398 RECH 331 ENER 400 JAI 996 EUROGROUP 42
- 14630/16 ECOFIN 1062 UEM 369 SOC 727 EMPL 494 COMPET 603 ENV 725  
EDUC 388 RECH 324 ENER 392 JAI 966 EUROGROUP 23
- + ADD 1

The Committee took note of a presentation by the Commission of the documents related to the European Semester 2017: the Annual Growth Survey, the Alert Mechanism Report, and a Recommendation for a Council Recommendation on the economic policy of the euro area.

e) **Fight against the Financing of Terrorism**

- = Presentation by the Commission

The Committee took note of a presentation by the Commission on the implementation of the Action Plan and on a large package of proposals on counter-terrorism that would be issued before the end of the year.

- f) (poss.) Report on **Strategic Issues in the Area of Customs** by the High Level Group of Customs Directors General
- = Presentation by the Presidency

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

g) (poss.) Improving the Predictability and Transparency of the **Stability and Growth Pact**

- = Endorsement
- 14813/16 ECOFIN 1106 UEM 398
- 14814/16 ECOFIN 1107 UEM 399

The Committee agreed to submit the item to Council for endorsement.

- h) Other items in connection with the Council meeting

The Presidency provided further information with regard to the agenda and handling of the items.

12. **Preparation** of the Council meeting (**Justice and Home Affairs**) on 8-9 December 2016

- d) **Migration**  
= Implementation

The Presidency informed the Committee on how it intended to procedurally organise the discussion under this item and announced that it would inform the Committee in more detail at the next meeting.

- e) **Fight against terrorism** and organised crime
  - i) Cooperation between law enforcement agencies and electronic communication service providers  
= Joint letter by France and Germany  
14001/16 JAI 899 COSI 180 DAPIX 197 ENFOPOL 397 COPEN 320  
CYBER 125 FREMP 176 TELECOM 215
  - ii) Foreign terrorist fighters returnees  
= Policy options  
14799/16 JAI 994 CT 8 CFSP/PESC 952 COSI 195 COPS 347 ENFOPOL 432  
COTER 123 SIRIS 162 FRONT 454 CATS 94

The Committee took note of information provided by the Presidency on the handling of the item at the Council.

16. **Weapons**: Proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons  
(**First reading**)

- = Preparation for the trilogue  
14838/16 JAI 997 GENVAL 123 MI 746 COMPET 615 COMIX 775  
CODEC 1736

The Committee confirmed the outcome of the Mixed Committee.



12. **Preparation of the Council meeting (Justice and Home Affairs) on 8-9 December 2016**

f) **Reform of the Common European Asylum System and Resettlement**

- i) **Dublin:** Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) **(First reading)**
- ii) **Reception conditions:** Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) **(First reading)**
- iii) **Qualification:** Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents **(First reading)**
- iv) **Procedure:** Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU **(First reading)**
- v) **Resettlement Framework:** Proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council **(First reading)**  
= Progress report  
14708/16 ASILE 80 ASIM 157 RELEX 972 CODEC 1704
- vi) **Eurodac:** Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) **(First reading)**  
= Partial general approach/Progress report  
14710/16 ASILE 81 EURODAC 21 ENFOPOL 428 CODEC 1705

The Presidency provided information on the two progress reports and concluded it would revert back to the file at the Committee's next meeting.

g) **Other items in connection with the Council meeting**

The Presidency provided further information with regard to the handling of the agenda and lunch items.

17. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1920/2006 as regards information exchange, early warning system and risk assessment procedure on **new psychoactive substances** and Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, as regards the **definition of drug (First reading)**

= Preparation for a general approach

14809/16 CORDROGUE 73 DROIPEN 193 CODEC 1726

14810/16 CORDROGUE 74 DROIPEN 194 CODEC 1727

14811/16 CORDROGUE 75 DROIPEN 195 CODEC 1728

The Committee agreed to submit the text to Council in view of a general approach.

18. **Follow-up** to the Council meeting (**Foreign Affairs/Development**) on 28 November 2016

The Committee took note of the proceedings of this Council meeting.

19. Proposal for a Regulation of the European Parliament and of the Council on the European Fund for Sustainable Development (**EFSD**) and establishing the EFSD Guarantee and the EFSD Guarantee Fund (**First reading**)

= General approach

14804/16 DEVGEN 263 ACP 171 RELEX 987 ECOFIN 1104 CODEC 1725

CADREFIN 115 ASIM 159 MAMA 238 COEST 311 COAFR 301

The Committee had a discussion on the compromise proposals, but could not find agreement on the entire text.

20. **Preparation of the Council meeting (General Affairs) on 13 December 2016**

a) **Preparation of the European Council on 15-16 December 2016**

= Draft guidelines for the conclusions  
13936/16 CO EUR-PREP 43

The Committee examined the draft guidelines for the conclusions of the upcoming European Council meeting on 15 December 2016.

b) **Enlargement and Stabilisation and Association Process**

= Draft Council conclusions  
14837/16 ELARG 115 COWEB 141

The Committee had an exchange of views on the text and agreed to revert to it at its next meeting, on the basis of a revised draft prepared by the Presidency.

c) **Other items in connection with the Council meeting**

The Presidency provided further information with regard to the handling of the agenda.

21. **Debrief of the EU-Ukraine Summit (Brussels, 24 November 2016)**

The Committee took note of information provided by the EEAS and the Commission on the main discussion items.

22. **Relations with the European Parliament** after the European Parliament sessions of 30 November and 1 December 2016 in Brussels and of 21-24 November 2016 in Strasbourg

The Committee was briefed by the Presidency on the European Parliament plenary meetings.

62. **Draft Council conclusions on the Implementation of the Joint Declaration by the President of the European Council, the President of the European Commission and the Secretary General of the North Atlantic Treaty Organization**

The Committee agreed to task the Political and Security Committee to finalise the text of the conclusions in view of adoption as an "A" item at the ECOFIN Council on 6 December 2016.

19. **Proposal for a Regulation of the European Parliament and of the Council on the European Fund for Sustainable Development (EFSD) and establishing the EFSD Guarantee and the EFSD Guarantee Fund (First reading)**

= General approach  
14804/16 DEVGEN 263 ACP 171 RELEX 987 ECOFIN 1104 CODEC 1725  
CADREFIN 115 ASIM 159 MAMA 238 COEST 311 COAFR 301

The Committee agreed the final compromise proposal presented by the Presidency and will submit it as an "A" item to the General Affairs Council on 13 December 2016.

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

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

None.

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

- Internal border controls

Germany informed the Committee about the high number of arrivals and voiced its security concerns.

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

8. Replies to written questions put to the Council by Members of the European Parliament  
= Adoption by silence procedure
- a) E-006111/2016 - Jean-Luc Schaffhauser (ENF)  
Seat of the European Parliament  
14111/16 PE-QE 355
- b) E-006874/2016 - Bernd Lucke (ECR) and Joachim Starbatty (ECR)  
Results of the EBA stress tests  
14112/16 PE-QE 356
- c) E-007636/2016 - Csaba Molnár (S&D)  
Informal summit in Bratislava  
14108/16 PE-QE 354
9. Eurocontrol's 46th Provisional Council (PC) meeting (Brussels, 1 and 2 December 2016)  
= European Union coordination of a common position  
14872/16 AVIATION 239 RELEX 994

The above-mentioned item was withdrawn.

10. Commission Regulation (EU) .../... of XXX refusing to authorise a health claim made on foods and referring to the reduction of disease risk  
= Decision not to oppose adoption  
14703/16 DENLEG 84 AGRI 624 SAN 399  
13869/16 DENLEG 77 AGRI 581 SAN 371  
+ ADD 1
11. Draft Council conclusions on the Eurostat study on long-term budgetary implications of EU pension costs  
= Adoption  
14834/16 STAT 15 FIN 823

## **COREPER (PART 2)**

23. Case before the General Court of the European Union  
Case T-466/16 (NRW. Bank v. Single Resolution Board (SRB))
  - Council intervention before the General Court in support of the Single Resolution Board (SRB)
    - = Information note for Permanent Representatives Committee (Part 2)  
14818/16 JUR 574 EF 358 ECOFIN 1109 CODEC 1732
24. Case before the General Court of the European Union  
Case T-643/16 Gamaa Islamyia Egypte v. Council  
14844/16 JUR 577 CORLX 461 CFSP/PESC 956 MAMA 239
25. Council decision amending the Council's Rules of Procedure
  - Update of the table of the population of the Member States for the period from 1 January 2017 to 31 December 2017  
14831/16 JUR 575 INST 493  
14730/16 JUR 570 INST 489
26. Resolutions, Decisions and Opinions adopted by the European Parliament at its part-session in Strasbourg from 21 - 24 November 2016  
14267/16 PE-RE 8
27. Interinstitutional agreement on the Transparency Register
  - = Approval of a letter  
14223/16 API 112 INST 469 POLGEN 137 AG 18
28. Recommendation to the Council concerning the use of cryptographic products to protect electronic links owned by Belgium in the context of EU-led operations  
14670/16 CSCI 80 CSC 345 **EU RESTRICTED**
29. 2017 EU security assessment visit programme  
14551/16 CSC 333
30. Draft Council Opinion on the economic partnership programme presented by Portugal
  - = Adoption  
14721/16 ECOFIN 1087 UEM 392  
14729/16 ECOFIN 1089 UEM 393
31. Draft Council Decision of ...amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Banca d'Italia
  - = Adoption  
14609/16 UEM 366  
12962/16 UEM 307
32. Draft Council Decision of ...amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Central Bank of Ireland  
14610/1/16 REV 1 UEM 367  
14550/16 UEM 365

33. Draft Council Implementing Decision authorising the Netherlands to apply a reduced rate of taxation to electricity supplied to charging stations for electric vehicles
  - = Adoption
    - 14123/16 FISC 185 ENER 374 ECOFIN 1009
    - 14122/16 FISC 184 ENER 373 ECOFIN 1008
34. ECOFIN Report to the European Council on tax issues
  - = Endorsement
    - 14379/1/16 REV 1 FISC 193 ECOFIN 1039
35. Draft Council Directive amending Directive 2011/16/EU as regards access to anti-money-laundering information by tax authorities
  - = Adoption
    - 14425/16 FISC 196 ECOFIN 1047
    - 13885/16 FISC 181 ECOFIN 984
    - + COR 1
36. Draft Council conclusions on the Commission Report to the Council on the evaluation of Directive 92/83/EEC
  - = Endorsement
    - 14722/16 FISC 200 ECOFIN 1088
37. Code of Conduct (Business Taxation)
  - Report to the Council
    - = Endorsement
  - Draft Council conclusions
    - = Adoption
      - 14751/16 FISC 203 ECOFIN 1093
      - 14750/16 FISC 202 ECOFIN 1092
38. Commission Communication on Building a fair, competitive and stable corporate tax system for the EU
  - Draft Council conclusions
    - = Adoption
      - 14752/16 FISC 204 ECOFIN 1094
39. Proposal for transfer of appropriations No DEC 34/2016 within Section III - Commission - of the general budget for 2016
  - 14754/16 FIN 819 INST 491 PE-L 69
40. Proposal for transfer of appropriations No DEC 35/2016 within Section III - Commission - of the general budget for 2016
  - 14755/16 FIN 820 INST 492 PE-L 70
41. High Level Working Party of Customs Directors General
  - = Establishment of the Working Party and Endorsement of its Terms of Reference
    - 14649/16 UD 246 ENFOCUSTOM 196

42. Draft Council Decision on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Kingdom of Norway on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020  
 = Adoption  
 and  
 Proposal for a Council Decision on the conclusion on behalf of the Union of the Agreement between the European Union and the Kingdom of Norway on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020  
 = Request for the consent of the European Parliament  
     14741/16 JAI 979 FRONT 451 VISA 374 CADREFIN 113 N 64  
     13710/16 VISA 336 FRONT 404 COMIX 696  
     13711/16 VISA 337 FRONT 405 COMIX 697  
     13712/16 VISA 338 FRONT 406 COMIX 698
43. e-Justice  
 – Roadmap on e-Codex  
     = Adoption  
         14465/16 EJUSTICE 184 COPEN 345 JUSTCIV 298 JURINFO 49
44. e-Justice  
 – Report from the Working Party on e-Law (e-Justice) to Coreper/Council  
     = Adoption  
         14498/1/16 REV 1 EJUSTICE 185 JUSTCIV 301 DAPIX 202 FREMP 186  
         TELECOM 236 MI 720 JURINFO 50 INF 198
45. Draft Council conclusions on the European Judicial Network in civil and commercial matters  
 = Adoption  
     14411/16 JUSTCIV 297 EJUSTICE 183
46. Proposal for a Council Decision establishing a Multiannual Framework for the European Union Agency for Fundamental Rights for 2018-2022  
 = Request for the consent of the European Parliament  
     14647/16 FREMP 192 JAI 967 COHOM 146  
         + ADD 1  
         + ADD 2  
     14423/16 FREMP 184 JAI 946 COHOM 143 DROIPEN 184 SOC 707 ASIM 151  
     MIGR 193

Joint Statement by Austria, Belgium, Finland, Germany, Portugal, Slovenia, Sweden, Lithuania, Czechia, Italy and Ireland

"Austria, Belgium, Finland, Germany, Portugal, Slovenia, Sweden, Lithuania, Czechia, Italy and Ireland regret that the areas of police cooperation and judicial cooperation in criminal matters could not be included in the Multiannual Framework of the Fundamental Rights Agency, despite the fact that these areas are particularly fundamental rights-sensitive and should, therefore, be part of the regular activities of the Agency. Furthermore, it should be recalled that the Agency is already active in these areas upon request in accordance with Article 5 (3) of Council Regulation (EC) No 168/2007.



Austria, Belgium, Finland, Germany, Portugal, Slovenia, Sweden, Lithuania, Czechia, Italy and Ireland reiterate their support for the inclusion of police cooperation and judicial cooperation in criminal matters in the Agency's areas of activities and will revert to this issue in the context of proposals for amendment of Council Regulation (EC) No 168/2007. We invite the Commission to submit a proposal to this effect following the independent external evaluation to be carried out in 2017."

#### Statement by the Commission

"The Commission regrets the lack of agreement on the inclusion of the proposed new thematic areas of police cooperation and judicial cooperation in criminal matters in the EU Agency for Fundamental Rights' Multiannual Framework for 2018-2022.

The Commission recalls that following the entry into force of the Treaty of Lisbon, police cooperation and judicial cooperation in criminal matters have become part of Union law and are therefore covered by the scope of the tasks of the Agency, as all areas falling within the competences of the Union, under Article 3(1) of Council Regulation (EC) n°168/2007.

If these thematic areas are not included in the Council Decision establishing a Multiannual Framework for the Agency for 2018-2022, the Agency will continue to carry out its tasks in these areas upon request from the European Parliament, the Council or the Commission, under Article 5(3) of Council Regulation (EC) n°168/2007."

47. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 19/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, and amending Regulation (EU) No 20/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other **(First reading)**  
= Mandate for negotiations with the European Parliament  
14816/16 COMER 122 WTO 334 COLAC 100 CODEC 1731

#### Joint Statement by Spain, Portugal and France

"Spain, Portugal and France thank the Presidency for its proposal to improve the Commission's proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 19/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, and amending Regulation (EU) No 20/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other.

However the above-mentioned Member States would like to make the following statement:

The current compromise is not entirely satisfactory since it doesn't present any substantial improvement of the mechanism, and because as we wish either to extend the stabilisation mechanism beyond December 31st 2019, or to endorse the European Parliament's wording in the Joint Declaration or envisage, alternatively, to secure compensations for Banana producers in the EU's outermost regions ;

EU banana producers should be able to carry on their activity under sustainable economic conditions."

48. Draft Council Decision on the signing, on behalf of the European Union, and provisional application of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part  
 = Adoption  
 and  
 Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other  
 = Request for the consent of the European Parliament  
 and  
 Draft Council Decision repealing Common Position 697/96 on Cuba  
 = Adoption  
     14330/16 COLAC 98 RELEX 940  
     12501/16 COLAC 74 CFSP/PESC 751  
     12502/16 COLAC 75 CFSP/PESC 752  
     12504/16 COLAC 76 CFSP/PESC 753  
     12509/16 COLAC 79 RELEX 786 CFSP/PESC 756

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 Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, 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."

49. Draft Council Decision on the position to be adopted on behalf of the European Union within the CARIFORUM-EU Trade and Development Committee of the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, with regard to the establishment of a Special Committee on Agriculture and Fisheries  
 = Adoption  
     10985/16 ACP 103 WTO 199 COLAC 51 RELEX 604 AGRI 396 PECHE 266  
     10962/16 ACP 102 WTO 189 COLAC 50 RELEX 601 AGRI 394 PECHE 265
50. Strategic Partnership Agreement (SPA) between Canada, of the one part, and the European Union and its Member States, of the other part  
 – Decision on conclusion  
     = Request for the consent of the European Parliament  
         14764/16 COTRA 28 CDN 34  
         14765/16 COTRA 29 CDN 35

51. CDE – Centre for the Development of Enterprise
  - Draft Decision of the ACP-EU Committee of Ambassadors giving a discharge to the Director of the Centre for the Development of Enterprise (CDE) in respect of the implementation of the budgets of the Centre for the financial years 2011 and 2012  
14825/16 ACP 172 FIN 822 PTOM 40
52. Relations with Georgia
  - Draft Council Decision on the position to be adopted, 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 Georgia, of the other, as regards the modification of Annex XI B to that Agreement
    - = Adoption  
14829/16 COEST 314 PHYTOSAN 39 VETER 129 WTO 335  
13577/16 COEST 268 PHYTOSAN 30 VETER 101 WTO 302
53. Relations with the Republic of Moldova
  - Draft Council Decision on the position to be taken 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 part, as regards the establishment of a list of arbitrators
    - = Adoption  
14830/16 COEST 315 WTO 336  
13579/16 COEST 269 WTO 303  
+ REV 1 (fr)
54. Enlargement
  - Accession negotiations with Montenegro
    - = Chapter 19: Social policy and employment  
14870/16 ELARG 116
55. (poss.) Enlargement
  - Accession negotiations with Serbia
    - = Outcome of screening on Chapter 27: Environment and climate change  
14871/16 ELARG 117

The above-mentioned item was withdrawn.

56. Fight against the financing of terrorism
  - = Establishment of a Council Working Party on restrictive measures to combat terrorism (COMET)  
14612/1/16 REV 1 CORLX 456 RELEX 965 FIN 801 COTER 120  
CFSP/PESC 941 COMET 1

57. Draft Council Decision amending Decision 2010/452/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia  
 = Adoption  
     14567/16 CORLX 455 CSDP/PSDC 660 CFSP/PESC 939 CIVCOM 226  
     COEST 304 EUMM GEORGIA 8 CSC 336  
     13557/16 CORLX 417 CSDP/PSDC 602 CFSP/PESC 851 CIVCOM 199  
     COEST 267 EUMM GEORGIA 6 CSC 308
58. Draft Council Decision amending Decision 2012/389/CFSP on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP Nestor)  
 = Renaming of the mission to EUCAP Somalia, amendment of the mandate and its extension  
     14627/16 CORLX 457 CFSP/PESC 943 COAFR 292 CSDP/PSDC 663  
     EUCAP NESTOR 11 CSC 344 EUCAP SOMALIA 2  
     14427/16 CORLX 446 CFSP/PESC 927 COAFR 284 CSDP/PSDC 655  
     EUCAP NESTOR 10 CSC 330 EUCAP SOMALIA 1
59. Draft Council Decision in support of SEESAC disarmament and arms control activities in South-East Europe in the framework of the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition  
 = Adoption  
     14817/16 CORLX 460 CODUN 23 COARM 210 CFSP/PESC 954 COEST 313  
     14319/16 CORLX 444 CODUN 22 COARM 202 CFSP/PESC 920 COEST 297
60. Draft Council Decision 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 amending Decision 2016/1136/CFSP  
 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 amending Implementing Regulation (EU) No 2016/1127  
 = Adoption  
     14848/16 CORLX 462 COTER 125 CFSP/PESC 957 RELEX 992 FIN 824  
     + COR 1  
     + ADD 1  
     14534/16 CORLX 452 COTER 115 CFSP/PESC 935 RELEX 958 FIN 798  
     14537/16 CORLX 454 COTER 117 CFSP/PESC 937 RELEX 960 FIN 800
61. Draft Council Decision amending and extending Decision 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces  
 = Adoption  
     14862/16 CORLX 463 CSDP/PSDC 674 CFSP/PESC 959 COAFR 302  
     EUTM SOMALIA 20 RELEX 993 CONUN 209 CSC 349  
     13846/16 CORLX 430 CSDP/PSDC 620 CFSP/PESC 876 COAFR 278  
     EUTM SOMALIA 17 RELEX 903 CONUN 194 CSC 315