



Brussels, 20 January 2017
(OR. en)

15787/16

CRS/CRP 44

SUMMARY RECORD

Subject: 2610th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
(Part 2) held in Brussels on 20 December 2016

I. Adoption of the agenda

15648/16 OJ CRP2 42 COMIX 843

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 2)

2. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of **visas** when crossing the external borders and those nationals are exempt from that requirement (Georgia) **(First reading)**

- = Presidency debriefing on the outcome of the trilogue
 - = Confirmation of the final compromise text with a view to agreement
- 15612/16 VISA 409 CODEC 1907 COEST 338 COMIX 838

The Presidency debriefed delegations on the trilogue held the week before and the Committee approved the agreement reached with the European Parliament.

3. **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**)
= Confirmation of the final compromise text with a view to agreement
14974/16 JAI 1014 GENVAL 124 MI 753 COMPET 619 COMIX 787
CODEC 1759

The Committee approved the agreement reached with the European Parliament. The Polish delegation raised concerns over the transposition deadlines.

Statement by the Czech Republic

"The Czech Republic has welcomed that a revision of the Council Directive 91/477/EEC on control of the acquisition and possession of weapons has been initiated to enable the European Union and the Member States to better respond to current security threats, in particular the terrorism. The Czech Republic participated in the negotiations in active and constructive manner and appreciates that some concerns have been solved, such as the definition of essential components or the relationship between the Directive and the C.I.P. Convention. Nevertheless, the Czech Republic considers certain key elements of the proposal to be inappropriate in substance and legally unclear and sometimes disproportionate. While the Directive should set strict but practicable rules for the acquisition and possession of firearms, the proposal mostly introduces inefficient prohibitions instead. Moreover, technical and practical aspects of the hurriedly proposed measures were not assessed sufficiently. The Czech Republic especially regrets the unclear, unnecessary, overbroad and injudicious prohibitions of some semi-automatic firearms. Acquisition and possession thereof should be strictly regulated, even though recent terrorist attacks did not involve such legally owned firearms; their owners are in fact under strict supervision of competent authorities already. However, a far-reaching ban may cause transfer of significant portion of firearms that are held legally now into illegal ownership or even black market and thus increase their availability to terrorists and criminals. The Czech Republic considers the implementation period to be unreasonably short, since several laws must be amended significantly. Moreover, the Member State legislator will have to accommodate national rules pursuant to implementing and delegated acts during even shorter time. Finally, the Czech Republic is concerned that, in the last stages of negotiations, the Member States were not sufficiently and in time informed about final changes to the text and, consequently, could not properly evaluate their impact. Due to these and other reasons, the Czech Republic cannot endorse the draft Directive."

Statement by the Commission

"The European Commission is satisfied that the co-legislators have reached an agreement on the revised firearm directive. These new rules will substantially reduce the likelihood of dangerous but legally held weapons falling into the hands of criminals and terrorists.

At the same time, the Commission regrets that some parts of the original proposal were not supported by the Parliament and the Council – in particular concerning semi-automatic firearms where the Commission had proposed a greater level of ambition with a complete ban of the most dangerous semi-automatic firearms, including all semi-automatic firearms of the AK47 or AR15 families. The Commission also regrets that the magazine size was not limited to 10 rounds for all semi-automatic firearms.

The Commission also stresses the importance of the proper implementation of the strict security rules relating to collectors."

Statement by the Commission

"The Commission recognises the importance of a well-functioning standard for deactivation, which contributes to improved levels of safety and gives authorities reassurance that deactivated weapons are properly and effectively deactivated.

The Commission will, therefore, accelerate the work on the revision of the deactivation criteria conducted by national experts in the Committee established under Directive 477/91/EEC in order to allow the Commission to adopt, by the end of May 2017, in accordance with the committee procedure established by directive 91/477/EEC, subject to a positive opinion by national experts, a Commission implementing Regulation amending Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable. The Commission calls on Member States to fully support the acceleration of this work."

4. Reform of the Common European Asylum System

- **EASO**: Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010

(First reading)

= Partial general approach

15576/16 ASILE 97 CODEC 1900 CSC 375

The Committee supported the agreement with a view to reaching a partial general approach.

5. **Follow-up** to the Council (**Justice and Home Affairs**) on 8/9 December 2016

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

6. **Follow-up** to the Council (**Foreign Affairs**) on 12 December 2016

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

7. **Presentation of the agenda** of the Council (**Foreign Affairs**) on 16 January 2017

The EEAS indicated that the provisional agenda would be circulated by the end of the week.

8. **Presentation of the agenda** of the Council (**Economic and Financial Affairs**) on 27 January 2017

The incoming Presidency presented the agenda.

9. **Relations with the European Parliament** after the European Parliament session on 12-15 December 2016

The Presidency outlined the main outcomes of the 12-15 December 2016 plenary.

10. **Follow-up** to the Council (**General Affairs**) on 13 December 2016

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

11. **Follow-up to European Council** on 15 December 2016

The Committee took note of the follow-up the Council will give to the orientations set by the EC on 15 December 2016.

IV. Any other business

COREPER (PART 2)

- Denmark-Europol arrangements

Denmark informed the Committee on the envisaged cooperation agreement between Europol and Denmark.

- Switzerland

The Commission and the Council Legal Service provided a preliminary assessment of the recent Swiss legislation relating to the Mass Immigration Initiative.

"I" items approved**COREPER (PART 2)**

12. Case before the EU General Court
 - Case T-442/16 Šroubárna Ždánice a.s. v. Council
15621/16 JUR 609 COMER 137
13. Case before the Court of Justice of the European Union
 - Case C-600/16 P, National Iranian Tanker Company v. Council of the European Union
15622/16 JUR 610 CORLX 498 CFSP/PESC 1030 CONOP 104
14. Resolutions, decisions and opinions adopted by the European Parliament at its part-sessions in Brussels from 30 November to 1 December 2016 and in Strasbourg from 12 to 15 December 2016
14581/16 PE-RE 9
15. Decision of the European Ombudsman on Own-initiative inquiry OI/8/2015/FOR concerning transparency of trilogues
15107/16 CODEC 1796 INST 507 JUR 585 OMBUDS 15 PE 115
16. Special Report No 29/2016 "Single Supervisory Mechanism - Good start but further improvements needed"
 - = Designation of Working Party
15259/16 FIN 857 EF 379 ECOFIN 1161
17. Draft Council conclusions on Special Report No 24/2016 by the European Court of Auditors "More efforts needed to raise awareness of and enforce compliance with State aid rules in cohesion policy"
 - = Adoption
15505/16 FSTR 86 FC 84 REGIO 108 FIN 878
18. Proposal for a Regulation of the European Parliament and the Council amending Regulation (EU) No 99/2013 of the European Parliament and of the Council on the European statistical programme 2013-17, by extending it to 2018-2020 (**First reading**)
 - = General approach
15081/16 ECOFIN 1147 STATIS 102 CODEC 1784 IA 122
15080/16 ECOFIN 1146 STATIS 101 CODEC 1783 IA 121

19. Proposal for a Regulation of the European Parliament and of the Council on the prospectus to be published when securities are offered to the public or admitted to trading **(First reading)**
= Confirmation of the final compromise text with a view to agreement
15574/16 EF 388 ECOFIN 1187 CODEC 1898
+ ADD 1

Statement by Cyprus

"Cyprus appreciates the Presidency's efforts to reach a political agreement and agrees with the general purpose aimed to be achieved by this proposal.

Although the threshold in Article 3(2) has been reduced to eight million Euros (€8.000.000), it is still quite high and ineffective for the case of smaller Member States. The discretion of Member States to set their own national thresholds below eight million Euros (€8.000.000) has a mitigating effect, but could potentially lead to fragmentation and divergences in the EU market for prospectuses.

Furthermore, there is the introduction of the EU Growth Prospectus, a simplified prospectus, which according to the final political agreement will be available to non-SMEs of considerable size and complexity and offers up to twenty million (€20.000.000). Cyprus supports the overall objective of making it easier for companies to enter and raise capital on capital markets; however we consider that this may lead to even more fragmentation, in the choice of trading venues by the companies which will be entitled to use the EU Growth Prospectus."

20. Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and amending Directive 2009/101/EC **(First reading)**
= Negotiating mandate
15615/16 EF 390 ECOFIN 1192 DROIPEN 217 CRIMORG 184
COTER 136 CODEC 1908 IA 141 FISC 237
+ ADD 1
15605/16 EF 389 ECOFIN 1191 DROIPEN 216 CRIMORG 183
COTER 135 CODEC 1905 IA 140 FISC 236

Statement by Austria

"Austria is strongly concerned that the current text does not enhance transparency on beneficial ownership necessary to avoid the abuse of trusts for the purpose of money laundering and terrorist financing. There is a clear need to establish mandatory central and public beneficial owner registries for trusts in the Member State by whose laws trusts are governed (Art. 31 of Directive 2015/849). Unfortunately, the current text is just a mere reflection of the status quo and does not go beyond what is already in place in the EU. Therefore, Austria calls for further improvements of the text within the up-coming negotiations with the European Parliament."

Statement by Poland

"As it currently stands, the proposal for a Directive does not fully achieve the objectives pursued by criminal proceedings. The central register of bank accounts, as referred to in the proposed new Article 32a and in respect of which a data storage time limit of five years plus an additional five years is currently being introduced, could, if Poland's proposal is taken into account, allow data to be stored indefinitely. The introduction of an indefinite period for the storage of data arises from the need to ensure that the law enforcement authorities achieve the aforementioned objectives, inter alia in the case of the offence of money laundering, which comes under a 15-year statute of limitations under Polish law. Consequently, this could result in essential data being removed from the national register when the offence being prosecuted has not fallen under the statute of limitations. The national laws of the other Member States provide for a similar period of limitation. The above problem will therefore affect the activities of the law enforcement authorities, which will be unable to carry out their tasks even though, under national law, a particular offence has not yet fallen under the statute of limitations."

Statement by Slovenia

"The Republic of Slovenia fully supports the objectives of the proposed Directive and efforts to reach a compromise within Council that is both effective and workable ahead of further discussions with the European Parliament.

However, the Republic of Slovenia does not approve the proposal for amendment of the 4th AMLD stipulated in the text proposed to the Coreper with regard to the Politically Exposed Persons. In line with the Ecofin political commitment from February 12, 2016 Slovenia already transposed the 4th AMLD into national legislation. Proposed changes to AMLD IV with regard to Politically Exposed Persons backtrack political decisions which were taken in the 4th AMLD. There was intense discussion on this issue already in the context of the 4th AMLD, and a regime that was decided then was found compatible with the FATF standards and the EU Treaty. Loosening this regime by making parts of it optional for Member States would lead to greater discretionary judgements by the obliged entities and would be a step back from the high-level of anti-money laundering and terrorist financing standards already agreed in the 4th AMLD. In our view the proposed amendment should be carefully re-examined in the context of the trilogue with the European Parliament."

Joint Statement by France and Italy

"While supporting the agreement reached by the Slovak Presidency, France and Italy regret the introduction of new transposition deadlines in articles 1(24) and 3 of the draft directive amending Directive (EU)/2015/849. These deadlines are excessively long: while a reasonable period of time needs to be defined, 36 months after the publication of the amending directive to grant access to the information on beneficial owners recorded in the central registers for both companies and trusts would mean a large decline compared to current Directive (EU)/2015/849, notably for the companies registers. It would also send a negative signal of the Council's will to speedily reinforce EU defence mechanisms against money laundering and terrorism financing, and to address the lack of transparency on beneficial ownership schemes that can facilitate money-laundering, corruption and tax evasion as illustrated by the Panama papers scandal. France and Italy consider that this issue should be addressed during the trilogues with the European Parliament and will continue to work constructively towards achieving such an outcome."

21. Proposal for a Council Resolution on a Model Agreement for setting up a Joint Investigation Team
15316/16 COPEN 376 CRIMORG 180 EUROJUST 163 ENFOPOL 480
EJN 86 GENVAL 141 ENFOCUSTOM 232
22. Restrictive measures (Sanctions)
= Update of the EU Best Practices for the effective implementation of restrictive measures
15530/16 CORLX 487 CFSP/PESC 1016 RELEX 1067 COARM 224
FIN 868 CONUN 222 COTER 133
23. 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)**
= Confirmation of the final compromise text with a view to agreement
15608/16 COMER 135 WTO 369 COLAC 106 CODEC 1906
24. Draft Council Decision on the Union position to be adopted in the Sanitary and Phytosanitary Sub-Committee, the Trade and Sustainable Development Sub-Committee, the Customs Sub-Committee, and in the Geographical Indications Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, in relation to the adoption of the Rules of Procedure of the Sanitary and Phytosanitary Sub-Committee, the Trade and Sustainable Development Sub-Committee, the Customs Sub-Committee, and the Geographical Indications Sub-Committee
= Adoption
15581/16 COEST 334 PHYTOSAN 45 VETER 135 WTO 367 UD 275
ENFOCUSTOM 239
14372/16 COEST 299 PHYTOSAN 36 VETER 123 WTO 324 UD 235
ENFOCUSTOM 188
25. Political and Security Committee Decision extending the mandate of the Head of Mission of the European Union Monitoring Mission in Georgia (EUMM Georgia) (EUMM GEORGIA/1/2016)
= Authorisation for publication in the Official Journal
15598/16 COPS 387 CFSP/PESC 1027 CIVCOM 244 RELEX 1079
CSDP/PSDC 715 COEST 336 JAI 1093 COHOM 163 EUMM
GEORGIA 10 PSC DEC 58
15088/16 COPS 353 CFSP/PESC 983 CIVCOM 234 RELEX 1010
CSDP/PSDC 687 COEST 319 JAI 1027 COHOM 156 EUMM
GEORGIA 9 PSC DEC 54

26. Political and Security Committee Decision extending the mandate of the Head of Mission of the European Union CSDP mission in Mali (EUCAP Sahel Mali) (EUCAP Sahel Mali/2/2016)
- = Authorisation for publication in the Official Journal
15185/16 CFSP/PESC 998 CSDP/PSDC 693 COAFR 313 CSC 359
EUCAP MALI 31 PSC DEC 56
14616/16 CFSP/PESC 942 CSDP/PSDC 662 COAFR 291 CSC 343
EUCAP MALI 27 PSC DEC 48
27. Draft Council Decision amending Decision 2014/219/CFSP on the European Union CSDP Mission in Mali (EUCAP Sahel Mali)
- = Extension of the mandate until 14 January 2019 and financial reference amount covering the period from 15 January 2017 to 14 January 2018
15284/16 CORLX 483 CSDP/PSDC 700 CFSP/PESC 1005 COAFR 315
RELEX 1043 CONUN 219 CSC 365 EUCAP MALI 32
15053/16 CORLX 473 CSDP/PSDC 683 CFSP/PESC 978 COAFR 309
RELEX 1004 CONUN 214 CSC 355 EUCAP MALI 29
28. Administrative Arrangement between the European Space Agency and the European Union Satellite Centre (SATCEN) concerning the establishment of their cooperation
- = Council approval
15582/16 CORLX 492 COEST 335 CSDP/PSDC 713 POLARM 10
IND 270 RECH 350 ECO 82
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