

Brussels, 24 February 2017
(OR. en)

6425/17

CRS/CRP 5

SUMMARY RECORD

Subject: 2615th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 8 and 9 February 2017

I. Adoption of the agenda

5951/17 OJ CRP1 5

5974/1/17 REV 1 OJ CRP2 5

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 amending Regulation (EU) No 531/2012 as regards rules for wholesale **roaming** markets
(First reading) (Legislative deliberation)
= Analysis of the final compromise text with a view to agreement
5818/17 TELECOM 23 COMPET 65 MI 85 CONSOM 31 CODEC 133

The Committee endorsed the text of the final compromise.

3. Proposal for a Regulation of the European Parliament and of the Council on ensuring the **cross-border portability** of online content services in the internal market (**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 7 February 2017.

4. Proposal for a Regulation of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a **European Union Aviation Safety Agency**, and repealing Regulation (EC) No 216/2008 of the European Parliament and of the Council (**First reading**) (**Legislative deliberation**)
= Preparation for the trilogue
5821/17 AVIATION 17 CODEC 134 RELEX 71

The Committee agreed on the mandate for the forthcoming trilogue.

5. **Setting** of the provisional **agenda** for the Council meeting (**Environment**) on 28 February 2017

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

6. **Preparation** for the Council meeting (**Education**, Youth, Culture and Sport) on 17 February 2017

1. Draft Council conclusions on investing in Europe's youth with particular regard to the **European Solidarity Corps** (*Non-legislative activity*)
= Adoption
5627/17 JEUN 7 EDUC 16 SOC 42 EMPL 31

The Committee agreed on the text and forwarded it to Council for adoption.

2. Draft conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on inclusion in diversity to achieve a **high quality education for all** (*Non-legislative activity*)
= Adoption
5741/17 EDUC 25 JEUN 12 SOC 54 EMPL 40

The Committee agreed on the text and forwarded it to Council for adoption.

3. The contribution of education and training to social cohesion and the fostering of common European values in the context of the **European Semester 2017** (*Non-legislative activity*)
= Policy debate
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
5740/17 EDUC 24 JEUN 11 SOC 53 EMPL 39

The Committee agreed to forward the discussion paper to Council as a basis for the policy debate.

7. **Setting** of the provisional **agenda** for the Council meeting (Transport, Telecommunications and **Energy**) on 27 February 2017

Following the request by the Spanish delegation, Presidency suggested to change the agenda to include all "Clean energy" legislative proposals under one package to be taken in one exchange of views.

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

8. Proposal for a Regulation of the European Parliament and of the Council concerning measures to safeguard the **security of gas supply** and repealing Regulation (EU) No 994/2010
(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 6 February 2017.

9. **Preparation** for the Council meeting "**Competitiveness**" (**Internal Market, Industry, Research and Space**) on 20 February 2017

- Proposal for a Regulation of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of **consumer protection laws (First reading) (Legislative deliberation)**
= General approach
5869/17 CONSOM 33 MI 88 COMPET 68 TELECOM 25 JUSTCIV 19
DIGIT 14 IND 22 CODEC 142
5870/17 CONSOM 34 MI 89 COMPET 69 TELECOM 26 JUSTCIV 20
DIGIT 15 IND 23 CODEC 143
9565/16 CONSOM 126 MI 393 COMPET 333 TELECOM 102 JUSTCIV 149
DIGIT 57 IND 114 CODEC 763 IA 30
+ ADD 1

The Committee took note of the Presidency's intention to forward this item to the Competitiveness Council for a general approach.

COREPER (PART 2)

28. **Preparation** of the Council meeting (**Economic and Financial Affairs**) on 21 February 2017
– Other items in connection with the Council meeting

The Presidency provided further information with regard to the Council meeting.

26. **Follow-up** to the Council meeting (**Foreign Affairs**) on 6 February 2017

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

27. **Follow-up** to the Council meeting (**General Affairs**) on 7 February 2017

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

53. Debriefing of the **Malta Summit**

The Committee took note of the main results of the informal meeting of EU Heads of State or Government in Malta on 3 February 2017 and its follow-up.

29. **Migration**: external dimension
= Implementation

The Committee held a discussion on the implementation of the Malta Declaration on the external aspects of migration: addressing the Central Mediterranean route, adopted on 3 February 2017.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

The German delegation raised the issue of services provided during Coreper meetings.

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

10. Replies to written questions put to the Council by Members of the European Parliament
= Adoption by silence procedure
- a) E-007749/2016 and E-007751/2016 - Beatrix von Storch (EFDD)
CETA
CETA
5360/17 PE-QE 22
 - b) E-007945/2016 - Marie-Christine Arnautu (ENF)
Return of Jihadists to Europe
5219/17 PE-QE 12
 - c) E-007948/2016 - Marie-Christine Arnautu (ENF)
Council position on warring parties in Syria
5229/17 PE-QE 13
 - d) E-008273/2016 - João Pimenta Lopes (GUE/NGL)
On the common position and embargo on Cuba
5315/17 PE-QE 16
 - e) E-008328/2016 - João Pimenta Lopes (GUE/NGL)
Earthquakes in Italy and urgent rapid response and prevention measures
5795/17 PE-QE 36
 - f) E-008539/2016 - Frédérique Ries (ALDE)
Setbacks in the EU's progress towards achieving its 2030 and 2050 climate targets
5317/17 PE-QE 17
 - g) E-008541/2016 - Ruža Tomašić (ECR)
New headquarters for the European Banking Authority and the European Medicines Agency
5239/17 PE-QE 15
11. Governing Board of the European Agency for Safety and Health at Work
Council Decision appointing two members for the Czech Republic and Portugal
= Adoption
5400/1/17 SOC 23 EMPL 18 REV 1
5399/17 SOC 22 EMPL 17
12. Governing Board of the European Foundation for the Improvement of Living and Working Conditions
Council Decision appointing an alternate member for Portugal
= Adoption
5491/17 SOC 33 EMPL 25
5490/17 SOC 32 EMPL 24

13. Governing Board of the European Foundation for the Improvement of Living and Working Conditions
Appointment of Ms Minna ETU-SEPPÄLÄ, member for Finland, in place of Ms Jenni RUOKONEN, who has resigned
= Adoption
5476/17 SOC 29 EMPL 21

14. Governing Board of the European Foundation for the Improvement of Living and Working Conditions
Appointment of Mr Mika KÄRKKÄINEN, alternate member for Finland, in place of Ms Minna ETU-SEPPÄLÄ, who has resigned
= Adoption
5477/17 SOC 30 EMPL 22

15. Governing Board of the European Foundation for the Improvement of Living and Working Conditions
Appointment of Mr Régis BAC, member for France, in place of Mr Yves STRUILLOU, who has resigned
= Adoption
5514/17 SOC 34 EMPL 26

16. Advisory Committee on Freedom of Movement for Workers
Appointment of Ms Petra NÉTRYOVÁ, alternate member for Slovakia, in place of Mr Jaroslav KOVÁČ, who has resigned
= Adoption
5560/17 SOC 37 EMPL 27

17. Governing Board of the European Centre for the Development of Vocational Training (CEDEFOP)
Appointment of Ms Maria TODOROVA (BG), member in the category of Government representatives
= Adoption
5688/17 EDUC 22 SOC 48

18. Governing Board of the European Centre for the Development of Vocational Training (CEDEFOP)
Appointment of Ms Mirja HANNULA (FI), member in the category of Employers' representatives
= Adoption
5829/17 EDUC 28 SOC 59

19. Commission Regulation (EU) .../... of XXX amending and correcting Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food
= Decision not to oppose adoption
5506/17 DENLEG 5 AGRI 28 SAN 35
5397/17 DENLEG 4 AGRI 24 SAN 31
+ ADD 1

20. Amended proposal for a Council Decision on the conclusion of the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part
= Request for the consent of the European Parliament
13448/1/16 REV 1 AVIATION 214 USA 58 RELEX 861
13419/16 AVIATION 211 USA 57 RELEX 857
21. Amended proposal for a Council Decision on the conclusion, on behalf of the Union, of the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part
= Request for the consent of the European Parliament
5140/17 AVIATION 4 RELEX 14 MA 1
15653/16 AVIATION 253 RELEX 1082 MA 3
22. Amended proposal for a Council Decision on the conclusion, on behalf of the Union, of the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo* on the establishment of a European Common Aviation Area (ECAA)
= Request for the consent of the European Parliament
5141/17 AVIATION 5 RELEX 15
15654/16 AVIATION 254 RELEX 1083
23. Council conclusions on the Commission Notice on certain Articles of Directive 98/44/EC of the European Parliament and of the Council on the legal protection of biotechnological inventions
= Adoption
5808/17 PI 10 AGRI 52 SEMENCES 5 COMPET 63
24. Recommendation for a Council Decision to authorise the Commission to open negotiations, on behalf of the European Union, for the renewal of the protocol to the Fisheries Partnership Agreement with the Republic of Guinea-Bissau
= Adoption
5717/17 PECHE 35
+ ADD 1
5716/17 PECHE 34
25. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 258/2014 establishing a Union programme to support specific activities in the field of financial reporting and auditing (**EFrag**) for the period of 2014-2020 (**First reading**) (**Legislative deliberation**)
= Mandate for negotiations with the European Parliament
5720/17 DRS 5 ECOFIN 48 EF 13 SURE 1 CODEC 113

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

COREPER (PART 2)

30. Case before the General Court of the European Union
Case T-633/16 (Bilde v. Parlement) and Case T-634/16 (Montel v. Parlement)
= Information note for the Permanent Representatives Committee (Part 2)
5863/17 JUR 54 INST 47 FIN 60
31. Case brought before the Court of Justice of the European Union
Reference for a preliminary ruling in Case C-643/16, American Express (Referring court:
High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court) -
United Kingdom)
5881/17 JUR 57 EF 17 ECOFIN 63 CONSOM 35 CODEC 147
32. Judgment of the Court of 21 December 2016 in joined Cases C-203/15 and C-698/15
(Tele2 and Watson)
 - Requests for a preliminary ruling concerning the interpretation of Article 15(1) of the
e-privacy Directive (2002/58/EC)
 - Compatibility with EU law of national legislations on general data retention for the
purpose of fighting crime5884/17 JUR 58 JAI 83 DAPIX 36 TELECOM 28 COPEN 27 CYBER 14
DROIPEN 12
33. Draft Council Decision appointing two members and two alternate members, proposed by the
Slovak Republic, of the Committee of the Regions
= Adoption
5631/17 CDR 12
5630/17 CDR 11
34. 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 Bank of Greece
= Adoption
5770/17 UEM 17
5189/17 UEM 7
35. Draft Council Implementing Decision authorising France to conclude an agreement with the
Swiss Confederation concerning Basel-Mulhouse Airport that includes provisions derogating
from Article 5 of Directive 2006/112/EC
= Adoption
5838/17 FISC 30 ECOFIN 60
5472/17 FISC 22 ECOFIN 29
+ COR 1 (hr)

36. Draft Council Implementing Decision amending Implementing Decision 2013/677/EU authorising Luxembourg to introduce a special measure derogating from Article 285 of Directive 2006/112/EC on the common system of value added tax
 = Adoption
 5837/17 FISC 29 ECOFIN 59
 5470/17 FISC 21 ECOFIN 28
 + COR 1 (da)

37. Commission Delegated Regulation (EU) No .../... of 20.12.2016 amending Regulation (EU) No 648/2012 of the European Parliament and of the Council as regards the extension of the transitional periods related to pension scheme arrangements
 = Intention not to raise objections to a delegated act
 5772/17 EF 15 ECOFIN 54 DELACT 19
 15761/16 EF 395 ECOFIN 1202 DELACT 261

38. Commission Delegated Regulation (EU) .../... of 20.1.2017 correcting Delegated Regulation (EU) 2016/2251 of 4 October 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards for risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty
 = Intention not to raise objections to a delegated act
 5773/17 EF 16 ECOFIN 55 DELACT 17
 5511/17 EF 9 ECOFIN 33 DELACT 15

39. Proposal for a Decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund (application from the Netherlands EGF/2016/005 NL/Drenthe Overijssel Retail)
 and
 Proposal for transfer of appropriations No DEC 01/2017 within Section III - Commission - of the general budget for 2017
 5792/17 FIN 54 INST 45 PE-L 2

40. Draft Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Greece on the application of the Schengen acquis in the field of the common visa policy
 = Adoption
 5759/17 SCH-EVAL 37 VISA 33 COMIX 72
 5758/17 SCH-EVAL 36 VISA 32 COMIX 71

41. Draft Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Greece on the application of the Schengen acquis in the field of management of the external border
 = Adoption
 5761/17 SCH-EVAL 39 FRONT 40 COMIX 74
 5760/17 SCH-EVAL 38 FRONT 39 COMIX 73

42. Draft Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Greece on the application of the Schengen acquis in the field of the Schengen Information System
= Adoption
5777/17 SCH-EVAL 41 SIRIS 20 COMIX 77
5764/17 SCH-EVAL 40 SIRIS 19 COMIX 76 **EU RESTRICTED**
43. Draft Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Italy on the application of the Schengen acquis in the field of data protection
= Adoption
5779/17 SCH-EVAL 43 COMIX 79
5778/17 SCH-EVAL 42 COMIX 78
44. Draft Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Italy on the application of the Schengen acquis in the field of management of the external border
5783/17 SCH-EVAL 45 FRONT 43 COMIX 81
5781/17 SCH-EVAL 44 FRONT 42 COMIX 80
45. Draft Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Italy on the application of the Schengen acquis in the field of return
= Adoption
5854/17 SCH-EVAL 50 MIGR 16 COMIX 87
5721/17 SCH-EVAL 30 MIGR 12 COMIX 65
46. Draft Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of the common visa policy
= Adoption
5786/17 SCH-EVAL 47 VISA 36 COMIX 83
5785/17 SCH-EVAL 46 VISA 35 COMIX 82

47. Draft Council Decision on the signing, on behalf of the Union, and provisional application of the Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part
= Decision to use the written procedure for the adoption
5889/17 COASI 18 ASIE 3 RELEX 81 CFSP/PESC 82 COHOM 15
CONOP 10 COTER 5 DEVGEN 17 WTO 22 COMER 16 JAI 84
CODRO 2 ECOFIN 64 PROCIV 6 ENV 94 EDUC 33 TRANS 42
ENER 31 AGRI 56
12965/16 COASI 203 ASIE 81 RELEX 818 CFSP/PESC 791 COHOM 124
CONOP 82 COTER 100 COARM 177 DEVGEN 218 WTO 280
COMER 105 JAI 806 CODRO 5 ECOFIN 875 PROCIV 66 ENV 638
EDUC 317 TRANS 377 ENER 350 AGRI 538
12966/16 COASI 204 ASIE 82 RELEX 819 CFSP/PESC 792 COHOM 125
CONOP 83 COTER 101 COARM 178 DEVGEN 219 WTO 281
COMER 106 JAI 807 CODRO 6 ECOFIN 876 PROCIV 67 ENV 639
EDUC 318 TRANS 378 ENER 351 AGRI 539
+ COR 1 (de)

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 authorises the provisional application of the Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, 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, in accordance with the Constitutional principles and rules."

48. Draft Council Decision extending the mandate of the European Union Special Representative for Human Rights
= Adoption
5828/17 CORLX 41 CFSP/PESC 72 COHOM 13 CSC 31
5447/17 CORLX 21 CFSP/PESC 38 COHOM 3 CSC 15
49. Draft Council Decision extending the mandate of the European Union Special Representative for the South Caucasus and the crisis in Georgia
= Adoption
5835/17 CORLX 42 CFSP/PESC 73 COEST 27 CSC 32
5453/17 CORLX 22 CFSP/PESC 39 COEST 18 CSC 18
+ COR 1 (sk)
50. Draft Council Decision extending the mandate of the European Union Special Representative for the Horn of Africa
= Adoption
5836/17 CORLX 43 CFSP/PESC 74 COAFR 36 CSC 33
5456/17 CORLX 24 CFSP/PESC 41 COAFR 15 CSC 20

The above-mentioned item was withdrawn.

51. Draft Council Decision extending the mandate of the European Union Special Representative for the Sahel
= Adoption
5846/17 CORLX 48 CFSP/PESC 79 COAFR 37 CSC 34
5458/17 CORLX 26 CFSP/PESC 43 COAFR 16 CSC 22
52. Draft Council Decision amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea
and
Draft Council Regulation amending Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea
- Transposition of UNSCR 2321(2016)
= Adoption
5765/17 CORLX 40 CFSP/PESC 68 RELEX 66 COASI 17 COARM 22
CONUN 15 FIN 51
15568/16 CORLX 489 CFSP/PESC 1019 COASI 236 COARM 226
CONUN 224 FIN 870
15572/16 CORLX 491 CFSP/PESC 1021 RELEX 1075 COASI 238 COARM 228
CONUN 226 FIN 872
+ COR 1 (de)
54. Commission Delegated Regulation (EU) .../...of 14.12.2016 amending Annex I to Regulation (EU) No 510/2011 of the European Parliament and of the Council in order to take into account the evolution of the mass of new light commercial vehicles registered in 2013, 2014 and 2015
= Decision to use the written procedure to extend the deadline for objection
6113/17 CLIMA 30 ENV 115 ENT 32 DELACT 27
6102/17 CLIMA 29 ENV 114 ENT 31 DELACT 26
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