



Brussels, 4 March 2016
(OR. en)

6529/16

CRS/CRP 6

SUMMARY RECORD

Subject: 2574th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 17 and 19 February 2016

I. Adoption of the provisional agenda 6116/16 OJ/CRP1 6

The Committee adopted the provisional 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)

13. Setting of the provisional agenda for the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 7 March 2016

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

The Committee took note that the debate of non-legislative items will be held in public.

14. Preparation for the Council meeting (Environment) on 4 March 2016

1. Circular Economy Strategy - Waste package (**First reading**) (*Legislative deliberation*)
 - a) Proposal for a Directive of the European Parliament and of the Council amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment
 - b) Proposal for a Directive of the European Parliament and of the Council amending Council Directive 1999/31/EC on the landfill of waste
 - c) Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste
 - d) Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste
 - Policy debate

The Committee agreed to the deletion of this agenda item.

2. Circular Economy Strategy (*Non-legislative activity*)
Communication from the Commission on Closing the loop - An EU action plan for the Circular Economy
 - Policy debate
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure)
6011/16 ENV 61 COMPET 50 AGRI 59 TRANS 39 MI 74 IND 30 CONSOM 28
ECOFIN 89 ENER 21 RECH 17 SAN 47 ENT 27 CODEC 152

The Committee agreed to focus the policy debate on the action plan for the Circular Economy and to forward the Presidency's background note with questions to steer the debate to Council.

3. The European Semester / Annual Growth Survey 2016 and the contribution of the environment and climate to growth and jobs (*Non-legislative activity*)
 - Exchange of views
5997/16 ENV 58 ECOFIN 84 SOC 60 EMPL 37 COMPET 45 POLGEN 11
ENER 18 FISC 18 CONSOM 26 STATIS 3

The Committee forwarded the discussion paper to the Council as a basis for the exchange of views.

4. Endocrine disruptors (*Non-legislative activity*)
 - Adoption of a Council statement
5987/16 ENV 57 JUR 66 SAN 45 INST 44

The Committee agreed on the text of the draft Council statement.

5. Follow-up to CoP 21 (Climate change) (*Non-legislative activity*)
 - Policy debate
6006/16 CLIMA 10 ENV 59 ONU 13 DEVGEN 18 ECOFIN 87 ENER 19
FORETS 6 AGRI 57 MAR 42 AVIATION 22 COMPET 47

The Committee agreed to hold a public policy debate to assess the results of CoP 21, in particular in view of the 2030 climate and energy framework, and to prepare the next steps.

15. Preparation for the Council meeting "Competitiveness" (Internal Market, Industry, Research and Space) on 29 February 2016

1. Competitiveness "check-up" - State of play of the real economy (*Non-legislative activity*)
 - Presentation by the Commission
 - Exchange of views

The Committee agreed to hold an exchange of views.

2. Draft Council conclusions on Single Market Strategy for services and goods (*Non-legislative activity*)
 - Policy debate
 - Adoption
5965/16 MI 69 COMPET 41 CONSOM 25 PI 14 IND 26 ECOFIN 79 MAP 7
TELECOM 17

The Committee forwarded the draft conclusions to the Council as a basis for the policy debate and adoption.

3. European Semester: Implementation of country specific and other recommendations to tackle barriers to growth and investment in the services sector (*Non-legislative activity*)
 - Presentation by the Presidency
6009/16 COMPET 49 MI 73 IND 29

The Committee took note of the Presidency's intentions on handling this item. Council is invited to address the questions formulated in the abovementioned document.

4. Mainstreaming competitiveness: The circular economy package (*Non-legislative activity*)
 - Policy debate
6008/1/16 ENV 60 COMPET 48 AGRI 58 TRANS 38 MI 72 IND 28
CONSOM 27 ECOFIN 88 ENER 20 RECH 16 SAN 46 REV 1

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

5. Steel industry: Follow up to the extraordinary Competitiveness Council of 9 November 2015 and the Conference on Energy-Intensive Industries of 15 February 2016 (*Non-legislative activity*)
- Presentation by the Commission and the Presidency
 - Exchange of views
- 5998/1/16 IND 27 COMPET 46 COMER 9 REV 1

The Committee agreed to hold an exchange of views on the basis of the issues identified in the abovementioned document.

16. Fourth Railway Package (market pillar) (**First reading**) (**Legislative deliberation**)
- a) Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/34/EU establishing a single European railway area, as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure
 - b) Proposal for a 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
 - c) Proposal for a 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
- Preparation for the trilogue
- 5908/16 TRANS 34 CODEC 136
+ ADD 1-3

The Committee discussed and agreed the mandate for the trilogue.

17. Setting of the provisional agenda of the Council meeting (Agriculture and Fisheries) on 14 March 2016

**(For the items in the remit of the
Permanent Representatives Committee)**

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

18. Proposal for a Regulation of the European Parliament and of the Council on medical devices, and amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 (**First reading**) (**Legislative deliberation**)
- and
- Proposal for a Regulation of the European Parliament and of the Council on in vitro diagnostic medical devices (**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 17 February 2016.

19. Proposal for a Council Decision on the position to be adopted, on behalf of the European Union, in the Port State Control Committee of the Paris Memorandum of Understanding on Port State Control
- Preparation for adoption
 - 5570/16 MAR 17 TRANS 23
 - + ADD 1
 - 15518/15 MAR 181 TRANS 421
 - + ADD 1
 - + ADD 2

The Committee discussed and agreed the text of the draft Council Decision. Latvia entered a statement for the minutes of the Council adopting this Decision.

Statement by Germany

"Germany approves the Council Decision, because it agrees with the contents of all envisaged amendments and the competence of the Union regarding the contents of the decision is given in accordance with the rules of Directive 2009/16/EC.

However, Germany is of the opinion that the Paris Memorandum of Understanding on Port State Control – PMoU – is not an international agreement as defined by Title V of the TFEU (Article 216 et seq. TFEU). The PMoU is an administrative agreement and should not be classified as international law, but below it The provisions of Title V of the TFEU are, therefore, not applicable; nor are those of Article 218(9). For this reason, Germany holds the legal opinion that the procedure in accordance with Article 218(9) TFEU cannot be applied to establish the positions to be adopted by the Member States in the Port State Control Committee."

Statement by the Commission

"With respect to Annex 2 the Commission confirms that it will act within the limits of the powers conferred on it by the Treaties, and in conformity with the procedures, conditions and objectives set out in them. The institutions must exercise their powers with due regard for the powers of the other institutions."

IV. Any other business

COREPER (PART 1)

- a) Proposed Joint Declaration between the Ministry of Communications of the Federative Republic of Brazil and the European Commission DG Connect on strategic cooperation in the area of the next generation of global communications networks (5G)

The Committee took note of the concerns of the United Kingdom and other delegations. It was agreed to forward a letter from the Presidency addressed to DG Connect and the Secretariat General of the Commission outlining the Council's position.

- b) Seminar on SMEs in the Digital Single Market on 23 February 2016 organised by Ireland, Sweden and Estonia

The Committee was informed of the abovementioned seminar.

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

2. Replies to written questions put to the Council by Members of the European Parliament
 - a) E-014570/2015 - Stanislav Polčák (PPE)
Differing approaches to refugees from individual Member States
5376/16 PE-QE 23
 - b) E-014924/2015 - Elisa Ferreira (S&D)
Common bridge financing - Single Resolution Mechanism
5427/16 PE-QE 26
 - c) E-015101/2015 - Lidia Senra Rodríguez (GUE/NGL)
Investment pledged in farming
5405/16 PE-QE 25
 - d) E-000094/2016 - Takis Hadjigeorgiou (GUE/NGL)
Brexit vs Grexit
5499/16 PE-QE 28
3. Case before the Court of Justice of the European Union
Case C-53/16 P (Beul v European Parliament and Council of the European Union)
– Information note for the Permanent Representatives Committee (Part 1)
5905/16 JUR 61 DRS 4
4. Draft minutes of the following Council meetings
 - e) 3418th meeting of the Council of the European Union (Agriculture and Fisheries), held in Luxembourg on 22 October 2015
13602/15 PV/CONS 55 AGRI 558 PECHE 408
+ ADD 1
 - f) 3419th meeting of the Council of the European Union (Environment), held in Luxembourg on 26 October 2015
13603/15 PV/CONS 56 ENV 666 CLIMA 122
+ COR 1
+ ADD 1
 - g) 3423rd meeting of the Council of the European Union (Competitiveness (Internal Market, Industry, Research and Space), held in Brussels on 9 November 2015
13898/15 PV/CONS 59 COMPET 502 RECH 270 ESPACE 30 IND 176
 - h) 3425th meeting of the Council of the European Union (Agriculture and Fisheries), held in Brussels on 16 and 17 November 2015
14154/15 PV/CONS 62 AGRI 603 PECHE 432
+ ADD 1
 - i) 3428 meeting of the Council of the European Union (Education, Youth, Culture and Sport), held in Brussels on 23 and 24 November 2015
14454/1/15 PV/CONS 66 EDUC 312 JEUN 114 CULT 87 AUDIO 33
SPORT 69 REV 1
+ REV 1 COR 1 (sv)
+ ADD 1

- j) 3429th meeting of the Council of the European Union (Transport, Telecommunications and Energy), held in Brussels on 26 November 2015
14759/15 PV/CONS 67 TRANS 395 TELECOM 226 ENER 412
+ ADD 1

5. Advisory Committee on Safety and Health at Work
Draft Council Decision appointing the members and alternate members of the Advisory Committee on Safety and Health at Work
– Adoption
5263/16 SOC 19 EMPL 17
5262/16 SOC 18 EMPL 16
6. Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control, in so far as the provisions of the Protocol which do not fall under Title V of Part III of the Treaty on the Functioning of the European Union are concerned
– Request for the consent of the European Parliament
5337/16 UD 7 SAN 19 COPEN 11 DROIPEN 10
14384/15 UD 222 SAN 387 COPEN 320 DROIPEN 151
15044/13 UD 268 SAN 400 COPEN 164 DROIPEN 126
+ REV 2 (de)
+ REV 4 (cs, el, hr, lt, pl, ro, sk)
+ REV 5 (bg, sl)
7. Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control, in so far as the provisions of the Protocol which fall under Title V of Part III of the Treaty on the Functioning of the European Union are concerned
– Request for the consent of the European Parliament
5338/16 UD 8 SAN 20 COPEN 12 DROIPEN 11
14387/15 UD 223 SAN 388 COPEN 321 DROIPEN 152
15044/13 UD 268 SAN 400 COPEN 164 DROIPEN 126
+ REV 2 (de)
+ REV 4 (cs, el, hr, lt, pl, ro, sk)
+ REV 5 (bg, sl)

Statement by the United Kingdom for items 6 and 7

“The United Kingdom welcomes the adoption of the two Council Decisions concerning the Framework Convention on Tobacco Control Protocol and looks forward to timely ratification of the instrument. In particular, the UK supports the approach adopted by the Council and European Commission in this case concerning the application of Protocol (No. 21) to the Treaties. The United Kingdom considers that the Union does not enjoy exclusive external competence in relation to any of the Justice & Home Affairs provisions of the Tobacco Control Protocol.”

8. Commission Decision on the signature on behalf of the European Union of a Memorandum of Understanding between the European Union and the European Bank for Reconstruction and Development to reinforce cooperation in the field of energy, strengthening climate action
 - Establishment of the EU position
5928/16 ENER 16 CLIMA 9 ATO 8 RELEX 99
 9. Draft Council conclusions on Special Report No 16/2015 from the European Court of Auditors entitled "Improving the security of energy supply by developing the internal energy market: more efforts needed"
 - Adoption
6026/16 ENER 23
 10. Proposal for a Regulation of the European Parliament and of the Council on a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and the Mediterranean repealing Regulation (EC) No 302/2009 **(First reading) (Legislative deliberation)**
 - Endorsement of the mandate for the informal trilogue
5900/16 PECHE 36 CODEC 135
8341/15 PECHE 143 CODEC 605
+ ADD 1
 11. Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high level of network and information security across the Union **(First reading) (Legislative deliberation)**
 - Political agreement
5894/16 TELECOM 14 DATAPROTECT 10 CYBER 10 MI 65 CSC 24
CODEC 134
5942/16 TELECOM 16 DATAPROTECT 11 CYBER 11 MI 68 CSC 28
CODEC 139
 12. Draft Decision of the European Parliament and of the Council on establishing a European Platform to enhance cooperation in tackling undeclared work **(First reading) (Legislative deliberation)**
 - Adoption of the legislative act
5967/16 CODEC 142 SOC 59 JAI 85 MIGR 19 ECOFIN 80 COMPET 42
PE-CONS 64/15 SOC 692 JAI 923 MIGR 66 ECOFIN 933 COMPET 548
CODEC 1436
REV 1 (pt)
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