

Brussels, 26 February 2018

6562/18  
CRS CRP 6

**SUMMARY RECORD**  
PERMANENT REPRESENTATIVES COMMITTEE  
14 February 2018

**I. Adoption of the agenda**

6075/18 OJ CRP1 6  
6091/1/18 REV 1 OJ CRP2 6

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)**

**Environment**

2. Meeting of the Council (Environment) on 5 March 2018: Agenda

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

**Health**

3. Regulation amending Regulation (EC) No 726/2004 to adapt it to the Animal Medicines Package  
*Preparation for the trilogue* 5923/18 + ADD 1

The Committee agreed on a revised mandate for the forthcoming trilogue.

**Agriculture**

4. Regulation on veterinary medicinal products  
*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 31 January 2018.

## **Telecommunications**

5. Directive on the European Electronic Communications Code  
(recast)

*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 1 February 2018.

## **Employment and Social Policy**

6. Revision of Directive 96/71 on posting of workers  
*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 2018.

## **Energy**

7. Directive on energy efficiency 5907/18  
*Preparation for the trilogue*

The Committee agreed on a revised mandate for the forthcoming trilogue.

8. Directive on renewable energy (recast) 5905/18  
*Preparation for the trilogue*

The Committee agreed on a revised mandate for the forthcoming trilogue.

9. Regulation on governance of the Energy Union 5683/18  
*Preparation for the trilogue*

The Committee agreed on a revised mandate for the forthcoming trilogue.

## **COREPER (PART 2)**

### **Justice and Home Affairs**

26. Eurodac Regulation 6016/18  
*Mandate for negotiations with the European Parliament*  
The Committee agreed to extend the mandate for negotiations with the European Parliament.
27. Resettlement Framework Regulation 6028/18  
*Mandate for negotiations with the European Parliament*  
The Committee agreed to extend the mandate for negotiations with the European Parliament.
28. Meeting of the Council (Justice and Home Affairs) on  
8-9 March 2018: Agenda  
The Presidency presented the main points on the agenda.

### **General Affairs**

29. Meeting of the Council (General Affairs) on 27 February 2018:  
Preparation  
Other items in connection with the Council meeting  
No new items were raised under this heading.

### **Economic and Financial Affairs**

30. Meeting of the Council (Economic and Financial Affairs) on  
20 February 2018: Preparation
- a) Sustainable Finance: Recommendations by the HL Expert  
Group 5882/18  
*Exchange of views* 6019/18  
The Committee prepared this item for the Council.
- b) Council recommendation on the discharge to be given to  
the Commission in respect of the budget for 2016 5940/18 + ADD 1  
*Adoption*  
The Committee prepared this item for the Council.
- c) Council conclusions on the budget guidelines for 2019 5939/18  
*Adoption*  
The Committee prepared this item for the Council.
- d) Other items in connection with the Council meeting  
The Presidency provided further information regarding the Council.

## **General Affairs**

31. Relations with the EP (February 2018)  
*Debriefing*

The Committee took note of the information provided.

## **IV. Any other business**

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

None.

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

MFF and institutional issues

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

---

**"I" items approved****COREPER (PART 1)****Institutional Affairs****Written questions**

- |     |  |         |
|-----|--|---------|
| 10. | Replies to questions for written answer submitted to the Council by Members of the European Parliament<br><i>Adoption by silence procedure</i>   | 5971/18 |
| a)  | E-006492/2017, E-006494/2017 and E-006496/2017 - Tania González Peñas (GUE/NGL)<br>Council Recommendation: employment and inequality<br>Council recommendation: temporary work and labour fraud<br>Council Recommendation: education | 5270/18 |
| b)  | E-007121/2017 - Maria Arena (S&D)<br>Application of Annex I and II to Council Decision 2010/788/CFSP   | 5327/18 |
| c)  | P-007408/2017 - Max Andersson (Verts/ALE)<br>Vested and conflicting interests in climate policy  | 5512/18 |

**Appointments**

- |     |  |                    |
|-----|--|--------------------|
| 11. | Appointment of the Chairperson of the Board of Appeal of the Community Plant Variety Office<br><i>Adoption</i> | 5967/18<br>5514/18 |
|-----|--|--------------------|

**12. Minutes of Council meetings***Approval*

- |    |                     |  |
|----|---------------------|--|
| a) | ENV 13.10.2017      | 13204/1/17 REV 1<br>+ REV 1 COR 1<br>+ ADD 1 REV 1<br>+ ADD 1 REV 1<br>COR 2 REV 1 |
| b) | EPSCO 23.10.2017    | 13569/1/17 REV 1   |
| c) | AGRIFISH 06.11.2017 | 13984/17<br>+ ADD 1  |

d)	EYCS 20-21.11.2017	14592/17 + COR 1 + COR 2 + ADD 1 + ADD 1 COR 1
e)	COMPET 30.11-01.12.2017	15273/17 + COR 1 + ADD 1 + ADD 1 COR 1
f)	TTE 04-05.12.2017	15356/17 + ADD 1

### **Delegated or Implementing Acts**

#### **Agriculture**

- |     |  |   |
|-----|--|---|
| 13. | Commission Regulation (EU) .../... of XXX amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for abamectin, beer, fluopyram, fluxapyroxad, maleic hydrazide, mustard seeds powder and tefluthrin in or on certain products<br><i>Decision not to oppose adoption</i> | 5723/18 + COR 1<br>5189/18 + ADD 1<br>+ ADD 2 |
| 14. | Commission Regulation (EU) .../... of XXX amending Annex II to Regulation (EC) No 1107/2009 by setting out scientific criteria for the determination of endocrine disrupting properties<br><i>Decision not to oppose adoption</i>  | 5830/18<br>5365/18 + ADD 1                    |

#### **Joint statement by the Netherlands, Latvia, Portugal and the Czech Republic**

"On 12 and 13 December 2017 SCoPAFF 'PPP voted in favour of the European Commission proposal for scientific criteria to identify endocrine disrupting (ED) active substances under the Regulation (EC) 1107/2009 for plant protection products.

Overall the Netherlands, Latvia, Portugal and the Czech Republic support these new criteria as they follow current scientific knowledge and are therefore an improvement to the current ad-interim criteria that are described (and to be followed by the authorities during the evaluation process) in Annex II of 1107/2009. All active substances that are qualified as ED for humans and non-target organisms are no longer to be approved or further evaluated.

However the Netherlands, Latvia and the Czech Republic abstained from voting because they strongly feel that the last version of the text of Annex II paragraph 3.6.5 is too generic: in this last version the possibility to have - for very distinct groups of organisms - a targeted endocrine mode of action has been removed. Portugal voted in favour, but nevertheless shares the underlying principles of the present statement)

By doing so an important group of possibly sustainable actives does no longer have a possibility to be placed on the market, due to their intrinsic properties.

The Netherlands, Latvia, Portugal and the Czech Republic therefore propose to replace as soon as possible in Annex II paragraph 3.6.5 and 3.8.2 of the 1107/2009 “negligible exposure” by “negligible risk” and thus align these paragraphs with the Biocide Regulation (EC) 528/2012. That is to change the text as follows:

*Without prejudice to Article 4(1), active substances referred to in Annex II paragraph 3.6.5 (human tox) and 3.8.2 (eco-tox) of this Article may be approved if it is shown that at least the following condition of the active substance is met:*

*(...) it is not considered to have endocrine disruption properties that may cause adverse effect in humans / on non-target organisms, unless the risk to humans / to non-target organisms from exposure to that active substance, safener or synergist in a plant protection product, under realistic worst case conditions of use, is negligible (...)*

The Netherlands, Latvia and Portugal call upon the Commission to take this alignment as soon as possible into account when a review/ redrafting of the text is in order."

#### Joint statement by Denmark and Sweden

"At the meetings of the Standing Committee on Plants, Animals, Food and Feed, 4th of July 2017 and 10 December 2017, Sweden voted against the proposals. As stated in the joint statement by Sweden and Denmark of 4 July 2017, we regret that the Commission has not listened to the major concern, voiced by Denmark, Sweden and others, that the criteria proposed requires an unprecedented high level of evidence to identify endocrine disruptors compared to other problematic substances, such as CMR-substances and do not properly reflect today's scientific knowledge on endocrine disruptors. The effect of the high level of evidence required is that the ban will not cover substances for which there are substantial data pointing towards endocrine disrupting properties. This is contrary to the actual wording of the Regulation and the clear intent of the legislators'. In total, the criteria fail to meet the level of protection foreseen by the co-legislators."

- |     |   |                                       |
|-----|---|---------------------------------------|
| 15. | Commission Regulation (EU) .../... of XXX correcting<br>Commission Regulation (EU) No 546/2011 implementing<br>Regulation (EC) No 1107/2009 of the European Parliament and<br>of the Council as regards uniform principles for evaluation and<br>authorisation of plant protection products<br><i>Decision not to oppose adoption</i>   | 5909/18<br>5449/18                    |
| 16. | Commission Regulation (EU) .../... of XXX amending Annexes<br>II and III to Regulation (EC) No 396/2005 of the European<br>Parliament and of the Council as regards maximum residue<br>levels for acibenzolar-S-methyl, benzovindiflupyr, bifenthrin,<br>bixafen, chlorantraniliprole, deltamethrin, flonicamid, fluazifop-<br>P, isofetamid, metrafenone, pendimethalin and teflubenzuron in<br>or on certain products<br><i>Decision not to oppose adoption</i> | 5925/18<br>5515/18 + ADD 1<br>+ ADD 2 |

## Health

17. Commission Regulation (EU) .../... of XXX amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of polyglycerol polyricinoleate (E 476) in emulsified sauces  
*Decision not to oppose adoption* 5606/18  
5369/18 + ADD 1
18. Commission Regulation (EU) .../... of XXX amending the Annex to Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards specifications for Polyvinyl alcohol-polyethylene glycol graft-co-polymer (E 1209)  
*Decision not to oppose adoption* 5595/18  
5210/18 + ADD 1
19. Commission Regulation (EU) .../.. amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of Thaumatin (E 957) as a flavour enhancer in certain food categories  
*Decision not to oppose adoption* 5597/18  
5186/18 + ADD 1
20. Commission Regulation (EU) .../... of XXX correcting certain language versions of Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives  
*Decision not to oppose adoption* 5600/18  
5374/18
21. Commission Regulation (EU) .../... of XXX amending and correcting Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards certain flavouring substances  
*Decision not to oppose adoption* 5605/18  
5372/18 + ADD 1

## Transport

22. Commission delegated Regulation (EU) .../... of 9.1.2018 supplementing Directive 2014/90/EU of the European Parliament and of the Council as regards the identification of specific items of marine equipment which can benefit from electronic tagging  
*Delegated act - Intention not to raise objections* 5970/18  
5437/18 + ADD 1

## EU positions for international negotiations

23. Decision on Western Balkans Transport Community Treaty  
*Adoption* 5806/18  
5438/18



## Fisheries

24. Decision on Fisheries Partnership Agreement with the Kingdom of Morocco: opening negotiations  
*Adoption* 5759/18 +  
ADD 1 REV 1  
5760/18 + ADD 1

### Joint statement by Denmark, Germany and the Netherlands

"Denmark, Germany and the Netherlands emphasize the importance of EU's contribution towards resource conservation and environmental sustainability through fishing only on surplus resources and preventing the overfishing of stocks within the sustainable fisheries partnership agreements. Generally, we believe that fisheries within fisheries agreements provide for improvement of sustainable fisheries.

Denmark, Germany and the Netherlands underline that the Union must promote the respect of human rights and democratic principles when entering into bilateral agreements. This is clearly stated in the negotiating mandate to the Commission and must be clear from the protocol.

We stress the importance of complying with EU law, of which international law may be considered an integral part, when negotiating a new protocol between EU and the Kingdom of Morocco.

Denmark, Germany and the Netherlands note the progress made during the current fisheries protocol to document the distribution of the financial support for the fishing sector, in particular in the regions of Western Sahara, and encourages furthering this work.

A future fisheries protocol between EU and the Kingdom of Morocco should respect the forthcoming judgement of the European Court of Justice in Case C-266/16 concerning the current fisheries agreement between EU and Morocco and its application to Western Sahara. Denmark, Germany and the Netherlands expect the Council to be consulted appropriately should the basis for the negotiating directives change in light of the judgement from the Court of Justice.

On this basis, Denmark, Germany and the Netherlands support the Council Decision to authorise the Commission to open negotiations on behalf of the European Union on a new protocol with the Kingdom of Morocco."

### Statement by Sweden

"As Western Sahara is not part of the territory of Morocco, international law requires that the exploitation of fisheries resources is carried out for the benefit of the people of Western Sahara and in accordance with their interest and wishes. The proposed directives for the negotiations of a new protocol do not safeguard the protocol's conformity with international law. In line with Sweden's previous actions with regards to the agreement, Sweden can therefore not endorse the mandate and will vote against it."

25. Regulation on South Pacific Regional Fisheries Management Organisation (SPRFMO)  
*Mandate for negotiations with the European Parliament* 5831/18  
5682/18 + ADD 1

## **COREPER (PART 2)**

### **Institutional Affairs**

#### **Appointments**

- |     |   |                                     |
|-----|---|-------------------------------------|
| 32. | Convening of a Conference of the Representatives of the Governments of the Member States - Appointment of Judges and Advocates-General to the Court of Justice of the EU<br><i>Approval</i> | 5612/18                             |
| 33. | <b>Minutes of Council meetings</b><br><i>Approval</i>   |                                     |
| a)  | ECOFIN 07.11.2017   | 14056/17 + ADD 1                    |
| b)  | FAC/Trade 10.11.2017  | 14194/17 + ADD 1                    |
| c)  | FAC 13.11.2017  | 14277/17 + ADD 1                    |
| d)  | GAC 15.11.2017  | 14439/17 + ADD 1                    |
| e)  | ECOFIN/Budget 17.11.2017  | 14546/17                            |
| f)  | ECOFIN 05.12.2017   | 15565/17 + ADD 1                    |
| g)  | JHA 7-8.12.2017   | 15575/17 + COR 1<br>+ COR 3 + ADD 1 |
| h)  | FAC/Trade 10.12.2017  | 15658/17                            |
| i)  | FAC 11.12.2017  | 15693/17 + ADD 1                    |
| j)  | GAC 12.12.2017  | 15701/17 + ADD 1                    |

### **Economic and Financial Affairs**

- |     |   |         |
|-----|---|---------|
| 34. | New Greek Commemorative Coins   | 5722/18 |
| 35. | Insurance Distribution Directive (IDD) Quick fix<br><i>Confirmation of the final compromise text with a view to agreement</i> | 5965/18 |
| 36. | Investment Firms Directive<br><i>Decision to consult an institution or body</i>   | 5972/18 |
| 37. | European Court of Auditors' Special Report No 23/2017<br><i>Designation of a Working Party</i>                                | 5644/18 |
| 38. | European Court of Auditors' Special Report No 2/2018<br><i>Designation of a Working Party</i>                                 | 5648/18 |

39.	European Court of Auditors' Special Report No 3/2018 <i>Designation of a Working Party</i>	5960/18
40.	Council recommendations on the discharge to be given to the bodies set up under the TFEU and the Euratom Treaty in respect of the budget for 2016 <i>Adoption</i>	5941/18 + ADD 1
41.	Council recommendations on the discharge to be given to the executive agencies in respect of the budget for 2016 <i>Adoption</i>	5942/18 + ADD 1
42.	Council recommendations on the discharge to be given to the joint undertakings in respect of the budget for 2016 <i>Adoption</i>	5943/18 + ADD 1
43.	Mobilisation European Globalisation Adjustment Fund (EGF/2017 007 SE/Ericsson) Transfer No DEC 01/2018 (Section III - Commission) <i>Approval</i>	5784/18
44.	Mobilisation European Globalisation Adjustment Fund (EGF/2017 006 ES/Galicia apparel) Transfer No DEC 02/2018 (Section III - Commission) <i>Approval</i>	5783/18
<b><u>General Affairs</u></b>		
45.	EP Resolutions and decisions (February 2018)	6012/18
<b><u>Justice and Home Affairs</u></b>		
46.	Union Civil Protection Mechanism Decision <i>Decision to consult an institution or body</i>	5894/18
<b><u>Foreign Affairs</u></b>		
47.	Council Decision appointing CEUMC <i>Adoption</i>	5911/18 5811/18
48.	Council Decision on the EU position in the EU-Moldova Association Committee in Trade configuration concerning the update of some Annexes to the Association Agreement <i>Adoption</i>	5879/18 5362/18
49.	EP requests for the transmission of the negotiating directives for the new comprehensive agreement with Azerbaijan <i>Adoption</i>	6037/18

50.	(poss.) Council conclusions on EU priorities in UN human rights fora in 2018 <i>Adoption</i>	6022/18
	The above-mentioned item was withdrawn.	
51.	Al Qaida restrictive measures: Decision and Implementing Regulation <i>Adoption</i>	6014/18 6032/18 5955/18 5961/18
52.	Democratic People's Republic of Korea restrictive measures - Transposition of UNSCR 2397 (2017) - Decision, Regulation and implementing Regulation <i>Adoption</i>	6038/18 5191/18 5209/18 5875/18
53.	Zimbabwe restrictive measures - review <i>Adoption</i>	6086/18 5493/18 5494/18

### **Delegated or Implementing Acts**

#### **Economic and Financial Affairs**

54.	Commission Delegated Regulation (EU) .../... of 20.12.2017 amending Delegated Regulation (EU) 2017/2358 and Delegated Regulation (EU) 2017/2359 as regards their dates of application <i>Delegated act - Intention not to raise objections</i>	5874/18 15963/17
-----	---	---------------------