

Brussels, 12 March 2018  
(OR. en)

7017/18  
CRS CRP 7

**SUMMARY RECORD**  
**PERMANENT REPRESENTATIVES COMMITTEE**  
**21, 23 and 26 February 2018**

**I. Adoption of the agenda**

6288/1/18 REV 1 OJ CRP2 7 + CM 1742/18  
6272/18 OJ CRP1 7 + COR 1

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)**

**WEDNESDAY 21 FEBRUARY 2018**

**Justice and Home Affairs**

2. Meeting of the Council (Justice and Home Affairs) on  
8-9 March 2018: Preparation

- a) Migration: state of play<sup>1</sup> 6283/18  
*Exchange of views*

The Committee prepared this item for the Council.

- b) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council. The Commission requested the addition of an item under AOB on hate speech and illegal content online.

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<sup>1</sup> Exceptionally, in the presence of the Schengen Associated States

## **Foreign Affairs**

### 3. Meeting of the Council (Foreign Affairs) on 26 February 2018: Preparation

#### a) Current Affairs

The Committee prepared this item for the Council.

#### b) Republic of Moldova

*Exchange of views*

Council conclusions

6126/18

*Adoption*

The Committee prepared this item for the Council and approved the Council conclusions which it submitted to the Council for adoption.

#### c) MEPP

*Exchange of views*

The Committee prepared this item for the Council.

#### d) Venezuela

*Exchange of views*

The Committee prepared this item for the Council.

#### e) Other items in connection with the Council meeting

The EEAS provided further information regarding the Council.

## **Economic and Financial Affairs**

### 7. Meeting of the Council (Economic and Financial Affairs) on 20 February 2018: Follow-up

The above-mentioned item was withdrawn.

### 8. Meeting of the Council (Economic and Financial Affairs) on 13 Mars 2018: Agenda

The Presidency presented the main points on the agenda. Requests were made for the addition of points on the state of play of the Capital Markets Union and the EU list of non-cooperating jurisdictions on tax purposes.

## **General Affairs**

### 4. Meeting of the Council (General Affairs) on 27 February 2018: Preparation

#### a) Presentation of the priorities of the Bulgarian Presidency

The Committee prepared this item for the Council.

- b) Annotated draft agenda for the European Council on 22-23 March 2018 6184/18  
*Exchange of views*

The Committee took note of the annotated draft agenda of the European Council on 22-23 March 2018.

- c) Rule of Law in Poland / Article 7(1) TEU Reasoned Proposal 16007/17  
*Presentation by the Commission*

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.

5. European political parties and European political foundations 6177/18 + ADD1  
*Mandate for negotiations with the European Parliament*

The Committee agreed on a mandate for negotiations with the European Parliament.

6. IIA Better Law Making - Para 40  
*State of play*

This item was discussed in a restricted session.

## **COREPER (PART 1)**

### **Internal Market and Industry**

36. Regulation on CabSat  
*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 20 February 2018.

### **Telecommunications**

37. Directive on the European Electronic Communications Code (recast) 6092/1/18 REV 1  
*Preparation for the trilogue*

The Committee agreed on a mandate for the forthcoming trilogue.

### **Environment**

38. Directives on Waste package 5916/18  
*Analysis of the final compromise text with a view to agreement* 5912/18  
5913/18  
5914/1/18 REV 1  
5915/18 + COR 1

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

#### **Statements by Germany**

**"Regarding the obligation to provide the ECHA with information about articles (ninth indent of Article 9(1) and Article 9(1a) of the Waste Framework Directive)**

The provision inserted in the ninth indent of Article 9(1) and in Article 9(1a) during the final phase of the trilogue negotiations which provides that articles which contain substances of very high concern within the meaning of the REACH Regulation are to be included in a database at the ECHA raises a number of detailed questions that need to be clarified so that Member States can draw up regulations which are in keeping with the goals of the provision. For example, clarification is required as to how to identify the articles concerned in such a way that they can be entered into a central database in an easily retrievable form. Additionally, common provisions need to be drawn up to deal with the issue of multiple submissions of data for one and the same article which are to be expected in large numbers as a result of extending the obligations to all suppliers along the supply chain.

Germany considers it regrettable that this provision, which will demand a considerable effort from all parties, was included in the draft without the appropriate preparation in terms of content or the appropriate impact assessment required for such a complex issue. Germany is only able to agree in view of the overall compromise achieved in the trilogue procedure. Germany requests the Commission, in consultation with the ECHA as the body responsible for maintaining the database, to specify the precise details necessary to enable the ECHA and Member States to implement the provision in an appropriate manner while limiting the workload to the necessary minimum. Should the Commission be of the opinion that this requires supplementary amendments to Union law, the Commission is requested to submit corresponding draft provisions."

#### "Separate collection

1. Article 10(2) of the current Waste Framework Directive (WFD) stipulates that, to comply with the recovery requirement under Article 10(1), waste must be collected separately 'if technically, environmentally and economically practicable'. The amendment to Article 10(2) agreed on in the trilogue has removed this proviso and replaced it in the new Article 10(3) with a special derogation clause under which Member States may allow derogations from the separate collection requirement subject to certain conditions. This amendment to Article 10 of the Waste Framework Directive not only impacts direct obligations on producers and holders, it also affects Member States' obligation to ensure separate collection of certain wastes, achieve recycling quotas (Article 11 WFD) and collect bio-waste separately (Article 22 WFD).  
Germany supports the objective pursued by the WFD of achieving a sustainable circular economy at both EU and national level. All those concerned should participate in efforts to achieve a circular economy; the circular economy therefore requires a sound legal basis. Germany would like to point out that, irrespective of the derogation clause in Article 10(3) of the WFD, both the Treaty on the Functioning of the European Union and German constitutional law stipulate that legally binding obligations such as, in particular, separate collection obligations may only be imposed on waste producers and holders if they are proportionate i.e. suitable, necessary and appropriate with a view to improving recycling.
2. The same applies to the new ban on the incineration of separately collected waste pursuant to Article 10(3a) (new) of the WFD and the ban on landfilling separately collected waste under the new point (f) of Article 5(3) of the Landfill Directive. These bans may only be imposed on waste producers and holders if they are proportionate. Furthermore, Article 13 of the WFD requires the management of such waste to be carried out without endangering human health and without harming the environment."

39. Meeting of the Council (Environment) on 5 March 2018:  
Preparation

1. Greening the European Semester 6142/18  
*Exchange of views*

The Committee prepared this item for the Council.

2. Communications on delivering on the Circular Economy 6155/18  
Action Plan 5477/18 + ADD 1  
a) European Strategy for Plastics in a Circular 5478/18  
Economy 5479/18  
b) Monitoring framework for the Circular Economy  
c) Implementation of the Circular Economy package:  
options to address the interface between chemical,  
product and waste legislation  
*Exchange of views*

The Committee prepared this item for the Council.

40. Regulation on monitoring and reporting of CO2 emissions for 6164/18  
heavy duty vehicles  
*Preparation for the trilogue*

The Committee agreed on a mandate for the forthcoming trilogue.

**Competitiveness**

41. Meeting of the Council (Competitiveness (Internal Market,  
Industry, Research and Space)) on 12 March 2018: Agenda

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

**Internal Market and Industry**

42. Directive on the notification procedure  
*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 20 February 2018.

43. Directive on a proportionality test before adoption of new  
regulation of professions  
*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 20 February 2018.

## **Health**

44. Regulation amending Regulation (EC) No 726/2004 to adapt it to the Veterinary Medicines Package  
*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 21 February 2018.

## **Employment and Social Policy**

45. Meeting of the Council (Employment, Social Policy, Health and Consumer Affairs) on 15 March 2018: Agenda

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

## **IV. Any other business**

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

Informal meeting of the 27 heads of state or government on 23 February 2018 - Institutional issues debrief

This item was held in a restricted session.

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

Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area (HELCOM) (Ministerial meeting, Brussels, 6 March 2018)  
*State of play*

The Committee took note of the Presidency's information regarding possible coordination on the spot and of the Commission's explanation of the procedures to be followed at the Ministerial meeting.

**"I" items approved****COREPER (PART 2)****WEDNESDAY 21 FEBRUARY 2018****Institutional Affairs****Appointments**

- |    |  |         |
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| 9. | Appointment of a member to the Committee of the Regions (ES) | 6065/18 |
|    | <i>Adoption</i>  | 6064/18 |

**Transparency**

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|-----|--|---------|
| 10. | Public access to documents               | 5418/18 |
|     | Confirmatory application No 03/c/01/2018 |         |
|     | <i>Adoption</i>                          |         |

**Economic and Financial Affairs**

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|-----|--|------------------|
| 11. | EIB Guarantee Fund   | 6067/18          |
|     | <i>Adoption of the legislative act</i>   | PE-CONS 66/17    |
| 12. | EIB External Lending Mandate   | 6068/18          |
|     | <i>Adoption of the legislative act</i>   | PE-CONS 65/17    |
| 13. | Outcome of proceedings on the Commission's report on the evaluation of the application of Regulation (EU, EURATOM) No 883/2013 | 6004/18          |
|     | <i>Endorsement</i>   |                  |
| 14. | MFA Georgia  | 6197/18          |
|     | <i>Confirmation of the final compromise text with a view to agreement</i>  | 12753/1/17 REV 1 |

**General Affairs**

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| 15. | Strategic Report 2017 | 5483/18 |
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**Justice and Home Affairs**

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| 16. | Non-binding delineation Criteria between delegated and implementing acts | 6156/18 |
|     | <i>Endorsement</i>   |         |

The above-mentioned item was withdrawn.

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| 17. | Conclusions on Best Practices regarding the On-line Publication of Court Decisions | 5306/18 |
|     | <i>Adoption</i>  |         |



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| 18. | UNIDROIT - Council Decision authorising negotiations on the conclusion of the "MAC Protocol"<br><i>Adoption</i> | 5985/1/18 REV 1<br>5109/18<br>6287/18 <b>R-UE</b> |
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Statement by the United Kingdom

"The United Kingdom supports the Council Decision authorising the opening of negotiations on the conclusion of a Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Agricultural, Construction and Mining Equipment (MAC Protocol).

However the United Kingdom considers that the Council Decision, being a measure proposed pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, is subject to Protocol (No. 21) to the Treaties on the position of the United Kingdom and Ireland in Respect of the Area of Freedom, Security and Justice. Therefore, the United Kingdom does not consider that it is automatically bound, as suggested by Recital (7), to participate in the Council Decision simply on account of its participation in Regulation 1215/2012, Regulation 2015/848 and Regulation 593/2008.

Accordingly, the United Kingdom has notified the President of the Council that it wishes to take part in the adoption and application of this Decision, in accordance with Article 3 of Protocol No. 21 to the Treaties."

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| 19. | Council Decision on the EU position regarding the adoption of the common guidelines Joint Committee EU-Azerbaijan visa facilitation agreement (VFA)<br><i>Adoption</i> | 5996/18<br>5659/18 |
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**Foreign Affairs**

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| 20. | Council conclusions on Cambodia<br><i>Adoption</i>   | 5993/18  |
| 21. | Council conclusions on Myanmar/Burma<br><i>Adoption</i>  | 6119/18  |
| 22. | Council conclusions on the Maldives<br><i>Adoption</i>   | 6121/18  |
| 23. | EU position for the first meeting of the EU-Cuba Joint Council (Brussels, 27 February 2018)<br><i>Approval</i> | 6171/18  |
| 24. | African Peace Facility - Amendment No 2 to the 2017-2018 Action Programme<br><i>Approval</i>                   | 6168/18  |
| 25. | Council conclusions on Climate Diplomacy<br><i>Adoption</i>  | 6094/18  |
| 26. | Common Military List of EU<br><i>Approval</i>  | 5828/1/18 REV 1<br>+ REV COR 1<br>5551/1/18 REV1 |

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| 28. | Support for think tanks in the area of non-proliferation and disarmament - Decision<br><i>Adoption</i>  | 6296/18<br>14391/17           |
| 29. | Organisation for the Prohibition of Chemical Weapons (OPCW) - implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction - Decision<br><i>Adoption</i>                          | 6297/18<br>5896/18            |
| 30. | Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) - support for the activities of the Preparatory Commission - Decision<br><i>Adoption</i>   | 6298/18<br>5613/18            |
| 31. | Syria restrictive measures - new listings - Implementing Decision and Regulation<br><i>Adoption</i>   | 6166/18<br>6129/18<br>6132/18 |
| 32. | Restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine - review - Decision and Implementing Regulation<br><i>Adoption</i> | 6299/18<br>5995/18<br>6042/18 |

**Other items**

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| 33. | CSC(IA) 14/03/2018<br><i>Approval</i> | 6021/18 <b>R-UE</b> |
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**Foreign Affairs**

27. Council conclusions on EU priorities in UN human rights fora in 2018 6022/18  
*Adoption*

Statement by Hungary

"The adoption of the Programme of Action of the International Conference on Population and Development (ICPD) and the Beijing Platform for Action of the Fourth World Conference on Women marked a remarkable consensus. They placed the enjoyment of human rights at the heart of development and important gains in the fields of health, gender equality and education have been achieved since their adoption. These fields are at the core of the 2030 Agenda for Sustainable Development incorporating as founding principles the universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination.

Hungary remains dedicated to its human rights commitments, including the protection and promotion of women's rights and gender equality. Hungary is deeply committed to the implementation of the ICPD Programme of Action and Beijing Platform for Action as well as the 2030 Agenda, serving also as basic references in the fields of sexual and reproductive health and reproductive rights. Hungary notes, that the term of "sexual and reproductive health and rights (SRHR)" and related issues, like "sexual rights", "comprehensive sexuality education", "modern methods of contraception", "emergency contraception", are lacking consensual definition at international level, including within the European Union. These issues are interpreted and promoted by Hungary in the context of the 2030 Agenda, the ICPD Programme of Action and the Beijing Declaration and Platform for Action and in line with its national legislation."

Statement by Poland

"The government of Poland strongly supports the EU Priorities in UN Human Rights Fora in 2018 insofar as they are consistent with Polish national law and binding to Poland International treaties. In particular we commend the Council for the strong, renewed commitment to the protection of the rights of the child, including in the context of armed conflict, children living in poverty, and the elimination of all forms of violence. We also affirm that in accordance with the UN Convention of the Rights of the Child, that every child needs special safeguards and care, including appropriate legal protection, before as well as after birth and that every child has the inherent right to life (CRC Article 6.1).

Poland draws the EU attention that the human rights should be respected in relation to all human being. One of the most vulnerable group are Christians especially in The Near and Far East and in Africa. The EU should support actions that defend Christians whose human rights are violated, in particular in the areas of armed conflicts or other situations.

Poland strongly supports all EU commitments to fight against terrorism in all its forms as well as all efforts to achieve equality between girls and boys, and women and men and the promotion of women's empowerment, and the advancement of women's rights in accordance with the Beijing Platform for Action and the Programme of Action of the ICPD.

Poland supports the implementation of the outcomes of the review conferences of ICPD and Beijing that were negotiated by all UN Member States and adopted by the UN General Assembly while asserting Poland's sovereign right not to be subject to regional or other outcome documents of ICPD or Beijing review conferences that Poland has not had the opportunity to negotiate or approve.

Poland remains committed in advancing the basic and maternal health of women and girls, consistent with our national laws, noting that as per the UDHR (UDNR 25.2) motherhood is entitled to special care and assistance. Poland reserves that the sexuality education programs that compromise the health and innocence of children and term “sexual and reproductive health and rights” should be applied in according with Polish law. Moreover, Poland will promote motherhood, fatherhood and parenting as an essential and natural values.

Poland supports human rights in education and initiatives, insofar as they advance universally agreed upon human rights that are consistent with Polish law and binding to Poland International treaties, reaffirming the prior rights of parents guide the education of their children as per article 26.3 of the Universal Declaration of Human Rights.

Finally, Poland commends and supports the Council in condemning violence, genocide, crimes against humanity and war crimes, and enthusiastically supports the Council's commitment to protect and to advance the fundamental right to freedom of religion or belief."

## **COREPER (PART 1)**

### **Delegated or Implementing Acts**

#### **Agriculture**

46. Commission Regulation (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlorpyrifos, chlorpyrifos-methyl and triclopyr in or on certain products  
5992/18  
5539/18 + ADD 1-2  
*Decision not to oppose adoption*

#### **Internal Market and Industry**

47. Commission Directive (EU) .../... of XXX amending, for the purpose of adaptation to technical and scientific developments, point 13 of part III of Annex II to Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys, as regards chromium VI  
6159/18  
5139/18  
*Decision not to oppose adoption*

### **Other items**

#### **General Affairs**

48. (poss.) Impact assessment - Guidance for Working Party Chairs  
6269/18  
*Endorsement* 6270/18

The above-mentioned item was withdrawn.

### **EU positions for international negotiations**

49. 213th session of the ICAO Council  
(Montreal, 26 February - 16 March 2018)  
6161/18 + ADD 1  
European Union coordination of a common position  
*Adoption*

#### **Statement by Germany**

"It is the understanding of Germany that EU Member States may express their position individually in the reply to the ICAO State Letter relating to CORSIA. In doing so they are free to make statements on issues not covered by the EU position.

In this context Germany will of course abide by the principle of sincere cooperation laid down in Article 4(3) TEU."

50. Decision on the Union position at the OTIF Revision Committee  
(Berne, 27 February - 1 March 2018)  
6242/18  
6046/18 + ADD 1  
*Adoption* + ADD 1 COR 1

## **Space**

51. International Space Exploration Forum (Tokyo, 3 March 2018) 6206/18  
Statement by the European Union  
*Endorsement*

## **Environment**

52. Ministerial Declaration on Helsinki Convention on the 6250/1/18 REV 1  
Protection of the Marine Environment of the Baltic Sea Area  
(HELCOM) (Ministerial meeting, Brussels, 6 March 2018)  
*Approval on behalf of the European Union*

## **Research**

53. Decision on renewal of the Agreement on the scientific and 5959/18  
technological cooperation between the European Community 11040/17  
and Brazil  
*Adoption*

## **Agriculture**

54. Directive on control of Newcastle disease 6165/18  
*Mandate for negotiations with the European Parliament*

## **Environment**

55. Directive on the ETS revision 6053/1/18 REV 1  
*Adoption of the legislative act* + REV 1 ADD 1  
PE-CONS 63/17

### **Statement by Croatia**

"The Republic of Croatia supports the goals and objectives of the Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments, since we deem that this Proposal is of crucial importance for the EU climate policy, as well as for the successful implementation of the Paris Agreement.

However, the Republic of Croatia believes that the current text of the Directive 2003/87/EC, as well as the current Proposal for a Directive amending Directive 2003/87/EC, places Croatia into unequal position when it comes to the total quantity of allowances to be auctioned by each Member State, hence the requested changes during negotiations phase.

The Republic of Croatia still considers it necessary to amend Article 10, paragraph 2, subparagraph 2 of the Directive 2003/87/EC, since the existing provision does not cover the calculation of Croatian part of the auctioning rights. The said provision stipulates which verified emissions should be used by the Member states which did not participate in the Community scheme in 2005. In this regard, the Republic of Croatia has put forward a proposal to delete the words "*under the Community scheme*" in Article 10, paragraph 2, subparagraph 2 of the Directive 2003/87/EC.

We recall that the European Commission in 2013 developed auctioning rights calculation for the Republic of Croatia, without taking into account all the parameters agreed during the accession negotiations of the Republic of Croatia to the European Union. The European Commission has used the total amount of greenhouse gas emissions from the trading system for the Republic of Croatia to be allocated for the total amount of EU emissions, and not the 2007 verified emissions, as agreed during the negotiations. Hence, it should be noted that the total amount for the Republic of Croatia is lower and leads to lower auctioning rights for the Republic of Croatia. Also, this total amount is lower for all the other member states, however, for all of them, their auctioning rights were calculated using verified emissions either from 2005 or 2007 or the average for the period 2005 -2007, which ever was more favourable to them.

The above mentioned amendment was therefore proposed in order to avoid possible different interpretations regarding the application of the provisions of the Directive 2003/87/EC on the Republic of Croatia and accordingly, ensure consistent and uniform application of Article 10, paragraph 2, point (a) of the Directive in all Member States, including the Republic of Croatia. Since the mentioned amendment was not included in the final compromise text, the Republic of Croatia will abstain when it comes to the adoption of this legislative proposal."

### **Internal Market and Industry**

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| 56. | Regulation on Rail Transport Statistics (recast)<br><i>Approval of the Commission proposal text</i> | 6158/18   |
| 57. | Regulation on geo-blocking<br><i>Adoption of the legislative act</i>                                | 6054/18 + ADD 1<br>+ ADD 2 REV 1<br>PE-CONS 64/17 |

### **Statement by Germany**

"In the German Federal Government's view, it should go without saying that any review of the scope will always be accompanied by a comprehensive impact assessment - particularly since the European Commission, in its statement, agrees to a review with regard to audiovisual services. We request that the following statement be entered in these minutes relating to Article 9, 'Review clause':

'Any review of the scope of this Regulation in accordance with Article 9 must be preceded by a detailed impact study by the European Commission.'"

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