



Brussels, 2 June 2017  
(OR. en)

9428/17

CRS/CRP 17

## SUMMARY RECORD

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Subject: 2627th meeting of the PERMANENT REPRESENTATIVES COMMITTEE  
held in Brussels on 10, 12 and 15 May 2017

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### I. Adoption of the agenda

8839/17 OJ CRP1 17 + ADD 1 + ADD 2  
8886/1/17 REV 1 OJ CRP2 17 COMIX 322 + CM 2768/17

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)

### Wednesday 10 May 2017

#### 2. **Preparation** for the Council meeting (**Education, Youth, Culture and Sport**) on 22 and 23 May 2017

1. Draft Council conclusions on the role of youth work in supporting young people's development of **essential life skills** that facilitate their successful transition to adulthood, active citizenship and working life (*Non-legislative activity*)

= Adoption  
8033/17 JEUN 46 EDUC 140 SPORT 23 EMPL 190 SOC 250

The Committee agreed on the text of the draft Council conclusions and agreed to submit them to Council for adoption.

2. Draft Council conclusions on **strategic perspectives** for European cooperation in the youth field post 2018 (*Non-legislative activity*)  
= Adoption  
8035/17 JEUN 48

The Committee agreed on the text of the draft Council conclusions and agreed to submit them to Council for adoption.

3. Draft Council Resolution on the **Structured Dialogue** and the future development of the dialogue with young people in the context of policies for European cooperation in the youth field post 2018 (*Non-legislative activity*)  
= Adoption  
8034/17 JEUN 47 EDUC 141 8 SOC 251 EMPL 191

The Committee agreed on the text of the draft Council Resolution and agreed to submit it to Council for adoption.

4. **Building Europe's future** - listening to and supporting young people (*Non-legislative activity*)  
= Policy debate  
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])  
8036/17 JEUN 49

The Committee took note of the Presidency's intentions and agreed to forward the background note with questions to Council in view of the policy debate.

5. Proposal for a Decision of the European Parliament and of the Council on a common framework for the provision of better services for skills and qualifications (**Europass**) and repealing Decision No 2241/2004/EC (**First reading**) (*Legislative deliberation*)  
= Progress report  
8252/17 EDUC 146 SOC 271 EMPL 202 MI 332 ECOFIN 279 DIGIT 93  
JEUN 51 SPORT 26 CODEC 605

The Committee agreed to submit the progress report to Council.

6. Proposal for a Council Recommendation on the **European Qualifications Framework** for lifelong learning and repealing the Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning (*Non-legislative activity*)  
= Adoption  
8406/17 EDUC 150 SOC 279 EMPL 207 MI 343 ECOFIN 291

The Committee agreed on the text of the draft Council Recommendation and agreed to submit it to Council with a view to its adoption. UK maintained a reservation.

7. Giving learners a voice: how to improve and modernise our systems to provide **high quality education** for all (*Non-legislative activity*)  
= Policy debate  
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])  
8407/17 EDUC 151 JEUN 54 SOC 280 EMPL 208

The Committee took note of the Presidency's intentions and agreed to forward the background note to Council in view of the policy debate.

8. Draft conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on **sport as a platform for social inclusion** through volunteering (*Non-legislative activity*)  
= Adoption  
8232/17 SPORT 25 EDUC 144 JEUN 50 SOC 267 EMPL 200 CULT 36

The Committee agreed on the text of the draft conclusions and agreed to submit them to Council for adoption.

9. Draft Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the **European Union Work Plan for Sport** (1 July 2017 – 31 December 2020) (*Non-legislative activity*)  
= Adoption  
8474/17 SPORT 28

The Committee exchanged views on the text of the draft Resolution and agreed to submit it to Council with a view to its adoption. IT maintained its reservation on the title and DK also maintained its reservation.

10. **Sports media** and its role in strengthening social inclusion (*Non-legislative activity*)  
= Policy debate  
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])  
8668/1/17 REV 1 SPORT 29

The Committee took note of the Presidency's intentions and agreed to forward the background note with questions to Council in view of the policy debate.

11. Draft Council conclusions on an EU strategic approach to **international cultural relations** (*Non-legislative activity*)  
= Adoption  
7935/17 CULT 34 RELEX 290 DEVGEN 54 COMPET 236 ENFOCUSTOM 92  
EDUC 131 COHOM 46

The Committee agreed on the text of the draft conclusions and agreed to submit them to Council for adoption.

12. Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of **audiovisual media services** in view of changing market realities (**First reading**) (*Legislative deliberation*)  
= General approach  
8572/17 AUDIO 50 DIGIT 105 CONSOM 159 TELECOM 93 CODEC 664

The Committee discussed the Presidency's amended compromise text and took note of the Presidency's intention to submit the file to the Council with a view to a general approach.

#### Statement by Germany

"We welcome the efforts undertaken by the Council Presidency so far and support the Presidency in its goal to agree on a General Approach before the Council of Ministers meeting takes place on 23 May 2017.

Ensuring that there is a real European Single Market for audio-visual media services must continue to be the goal of the AVMSD. We therefore support the inclusion of social networks in the scope of application of the Directive in cases where audio-visual content constitutes a considerable share of the service. However, the Directive needs to provide a definition of these requirements that is as clear as possible and that ensures as much legal certainty as possible. Only then will it be possible to avoid different levels of regulation when it comes to transposing the Directive into national legislation. This would be an obstacle to achieving the goal of creating a European Single Market.

Within the context of the trilogue, two approaches must therefore be further examined and, if possible, included in the Directive: a quantitative approach and an economic/functional approach. According to the quantitative approach, video-sharing platforms should be covered by the Directive if a certain share x / the majority of their content is audio-visual. According to the economic/functional approach, video-sharing platforms should be covered by the Directive if audio-visual content is of special significance to the operator of the platform (e.g. if such content is relevant in terms of sales or if algorithms are used).

A combination of both criteria ensures that there is a clearly defined scope of application of the Directive also for social networks."

3. Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) No 283/2014 as regards the promotion of **internet connectivity** in local communities (**First reading**) (**Legislative deliberation**)  
= Preparation for the trilogue  
8669/17 TELECOM 96 FC 37 CODEC 691

The Committee agreed the mandate for the forthcoming trilogue.

4. Proposal for a Directive of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to **carcinogens** or mutagens at work **(First reading) (Legislative deliberation)**  
= Presidency debriefing on the outcome of the trilogue  
= Preparation for the trilogue  
8766/17 SOC 303 EMPL 228 SAN 175 IA 70 CODEC 717

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 4 May 2017 and also agreed the mandate for the forthcoming trilogue.

5. **Preparation** for the Council meeting "**Competitiveness**" (Internal Market, Industry, Research and Space) on 29 and 30 May 2017

1. **Setting** of the provisional **agenda**

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

3. Proposal for a Directive of the European Parliament and of the Council on a **proportionality test** before adoption of new regulation of professions **(First reading) (Legislative deliberation)**  
= General approach  
8710/17 COMPET 281 MI 364 ETS 32 DIGIT 110 SOC 298 EMPL 224  
CONSOM 167 CODEC 700  
8713/17 COMPET 282 MI 365 ETS 33 DIGIT 111 SOC 300 EMPL 225  
CONSOM 168 CODEC 701  
5281/1/17 COMPET 22 MI 32 ETS 3 DIGIT 6 SOC 16 EMPL 12 CONSOM 11  
CODEC 36 IA 7 REV 1

The Committee discussed the text of the general approach and agreed to forward it to Council. DK maintained its parliamentary reservation.

6. 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)**  
= Analysis of the final compromise text with a view to agreement  
8734/17 ENER 152 CODEC 707

The Committee approved the final compromise text and agreed that the customary letter be sent to the European Parliament.

5. **(continuation) Preparation** for the Council meeting "**Competitiveness**" (Internal Market, Industry, Research and Space) on 29 and 30 May 2017
2. Proposal for a Regulation of the European Parliament and the Council on the **approval and market surveillance** of motor vehicles and their trailers **(First reading)**  
*(Legislative deliberation)*
  - = General approach
    - 8647/17 ENT 110 MI 362 CODEC 685
    - 8646/17 ENT 109 MI 361 CODEC 684
    - 5712/16 ENT 20 MI 45 CODEC 103
      - + ADD 1
      - + ADD 1 REV 1
      - + REV 1 ADD 1 (sl)
      - + REV 1 (sl)

The Committee discussed the text of the general approach and agreed to forward it to Council.

**11. Internal border control**

Proposal for a Council Implementing Decision setting out a Recommendation for prolonging temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk

= Approval of the draft text of the recommendation  
8749/17 SCH-EVAL 131 FRONT 189 COMIX 310

The Committee confirmed the outcome of the Mixed Committee and agreed to forward the draft Decision to the Council (Foreign Affairs/Trade) for adoption.

Statement by Greece

"Greece regrets that the adoption of the Commission's proposal for Council Implementing Decision setting out a recommendation for prolonging temporary internal border control in exceptional circumstances, for a temporary period of six months, is based, among others, on the assumption that, there is serious threat to public policy and internal security in the States concerned by - deficiencies in external border control in Greece and the subsequent secondary movements of irregular migrants entering via Greece and who move to other Schengen States [recital (2) of the proposed Recommendation].

Greece underlines that there is no concrete evidence for secondary movements from its territory to other EU Member States that may pose a serious threat to public policy and internal security in the States concerned.

Since the November 2015 unannounced Schengen evaluation, all border controls and patrols at all BCPs of Greece have been further tightened. Among others, in the framework of the National Operation 'SARISA', Greece has taken all necessary measures in close cooperation with FRONTEX to prevent and deter any attempt of absconding from the mainland to the north, including to the former Yugoslav Republic of Macedonia. The situation is constantly monitored and assessed as sustainable.

Additionally, Greece has implemented fully, timely and effectively in the framework of its action plan all the recommendations that have been set by the Commission<sup>1</sup> and the Council<sup>2</sup> after the 2015 unannounced evaluation on-site visit. For this reason the Commission announced during the last Schengen Matters "Schengen Evaluation" W.P. (8.3.2017) no further reporting is necessary and that long term actions will be monitored under 2016 evaluation procedure. No comment or objection was raised by any Member State during the above meeting.

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<sup>1</sup> Commission implementing decision of 24.2.2016 setting out a recommendation on specific measures to be taken by the Hellenic Republic following the evaluation report of 2 February 2016.

<sup>2</sup> Council implementing Decision setting out a Recommendation on addressing the serious deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of management of the external borders, 12 February, 2016 (5809/16 SCH-EVAL 17 FRONT 51 COMIX 81).

In light of the above, Greece recalls that Article 29 of the SBC may be triggered as a last resort and only when the conditions of article 21(3) are met and the Commission finds that the overall functioning of the Schengen area is put at risk as a result of persistent serious deficiencies, relating to external border control.

Moreover, regarding the so far implementation of internal borders control in the Schengen States concerned, Greece considers that there is no evidence provided that prolongation of internal borders control is justified based on the serious threats identified to public order or internal security.

Greece considers that the recommendation for the prolongation of the internal borders control within the Schengen area cannot be based on article 29 of the SBC, in terms of legal justification and proportionality.

In the light of the above, Greece cannot agree to the proposal for this Council Implementing Decision."

#### Statement by Hungary

"Hungary is of the view that the proposal on the Council Implementing Decision setting out a Recommendation for prolonging temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk is envisaging measures in relation to the practically closed Western Balkan route.

The proposal of the Commission is not justified by any data that would justify any temporary control at the Austrian-Hungarian border as secondary illegal migratory movements from Hungary to Austria are at lower level than before the migration crisis.

The Commission also acknowledges that the migratory pressure at the internal borders of the 5 countries concerned is continuously decreasing, Hungary is of the view that the maintenance of border control to be proposed for six months is not objectively justified.

In addition to that the maintenance of temporary border control at the internal border between Hungary and Austria creates unnecessary difficulties and causes high economic burden and costs for EU citizens and economic operators in the region.

The prolongation of internal border controls cannot be justified either with the argument that the European Border Guard has not reached its full potential yet. The European Border Guard does not replace, but only complements the responsibility of the Member States and the Hungarian and Austrian statistics proves that the protection of external borders by Hungary is effective and contributes significantly to the security of the Schengen area by preventing secondary flows of irregular migrants.

The prolongation of internal border controls at certain internal border sections cannot be deemed as either temporary or exceptional or proportionate measure and will lead to the disintegration of the Schengen area. In Hungary's view, the proposal is neither legitimate nor legally justified. Furthermore, it only hampers the free movement of persons and the functioning of the internal market within the Schengen area.

Therefore, Hungary opposes the adoption of the proposal."



## Statement by Slovenia

"The Republic of Slovenia strongly opposes the Commission's proposal for prolongation of controls on the internal land border between the Republic of Slovenia and the Republic of Austria.

The prolongation of controls on the Austrian-Slovenian border is unfounded. Official statistical data of illegal border crossings at the aforementioned internal border do not justify such controls. In 2016, Austrian law enforcement authorities returned 76 foreign nationals who illegally entered Austrian territory from Slovenia and only 12 so far in 2017 (3 of them Slovenian citizens).

The controls on the Austrian-Slovenian border are hindering the free movement of persons which results in constant traffic congestions, economic loss and negative impact on cooperation in the border regions. Besides, reintroduction of internal border controls on the border with Austria has not revealed any substantial security risks. In addition, obligatory systematic checks of all passengers on the external borders, which Slovenia is implementing thoroughly, are another important factor reducing the need for controls on internal borders.

Furthermore, the Republic of Slovenia insists on the transparency of the process of preparing this proposal in line with the last Council Implementing Decision from February 2017<sup>1</sup>. Namely, the competent working group of the Council, despite repetitive appeals from several Member States, has not yet had the opportunity to review and discuss all the relevant aspects of this measure, including the security risk assessments, which are the basis for justification of controls on internal borders.

On the other hand, the Republic of Slovenia welcomes the Commission's recommendation to make more effective use of alternative measures as they achieve similar effects in a less intrusive way, which makes it very clear that border controls should only be carried out as a measure of last resort.

Slovenia takes note of the announcement of the Commission that this is the last proposal for the prolongation of the controls at certain internal borders and invites the Commission to update its plan of returning back to Schengen<sup>2</sup>."

### **17. New European Consensus on Development**

8785/17 DEVGEN 77 ACP 33 RELEX 369

The Committee examined the text agreed with the other institutions at the trilateral meeting on 9 May 2017. The Presidency concluded that one Member State had issues with a part of the text and that further work was therefore necessary to reach an agreement.

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<sup>1</sup> Council Implementing Decision (EU) 2017/246 of 7 February 2017 setting out a recommendation for prolonging temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk (OJ L 36, 11.2.2017).

<sup>2</sup> Communication from the Commission to the European Parliament, the European Council and the Council, "Back to Schengen – A Roadmap", COM(2016) 120 final of 4 March 2016.

15. **Preparation of the Council meeting (Foreign Affairs) on 15 May 2017**

- a) Implementation of the EUGS in the area of security and defence
- b) Horn of Africa
- c) Africa - EU relations
- d) Eastern Partnership
- e) Other items in connection with the Council meeting

The EEAS informed the Committee on the handling of the agenda items and provided information on the breakfast and lunch topics.

16. **Preparation of the Council meeting (Foreign Affairs/Defence) on 18 May 2017**

- a) EU Global Strategy implementation in the area of security and defence
- b) EU-NATO cooperation
- c) Other items in connection with the Council meeting

The EEAS informed the Committee on the handling of the agenda items and provided information on the lunch topic.

13. **Data protection by Union institutions and bodies**

Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (**First reading**)

= Preparation for a general approach

8431/17 DATAPROTECT 78 JAI 365 DAPIX 155 FREMP 51 DIGIT 100  
CODEC 631 RELEX 336

The Committee endorsed the compromise text and agreed to submit it to the Council (Justice and Home Affairs) on 8/9 June 2017 with a view to reaching a general approach.

Statement by Germany

"1. The Federal Republic of Germany recalls that pursuant to Article 24 (1), sub-paragraph 2 and Article 31 (1), sub-paragraph 1 of the Treaty on the European Union, the adoption of legislative acts is excluded when it comes to Common Foreign and Security Policy, including Common Security and Defense Policy.

2. With this in mind, the Federal Republic of Germany thinks that authorizations of the Treaty on the Functioning of the European Union to adopt legislative acts at Union level do not suffice to establish special requirements for operational activities in the field of Common Foreign and Security Policy, including Common Security and Defense Policy.

3. Applying Article 16 of the Treaty on the Functioning of the European Union and the regulation to be adopted on its basis on data protection with regard to Union institutions, bodies, offices and agencies also to certain operational activities of Union institutions, bodies, offices and agencies in the field of Common Foreign and Security Policy, including Common Security and Defense Policy, is not covered by Articles 24 and 31 of the Treaty on the European Union."

12. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1920/2006 as regards information exchange, early warning system and risk assessment procedure on **new psychoactive substances** and Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, as regards the **definition of drug (First reading)**

= Preparation for the final trilogue

8657/17 CORDROGUE 51 DROIPEN 49 CODEC 687 JAI 379 SAN 169

8661/17 CORDROGUE 52 DROIPEN 50 CODEC 688 JAI 380 SAN 170

8662/17 CORDROGUE 53 DROIPEN 51 CODEC 689 JAI 381 SAN 171

The Committee provided a revised mandate to the Presidency to conclude negotiations with the European Parliament.

14. **Preparation** of the Council meeting (**Justice and Home Affairs**) on 18 May 2017

- a) Effective application of the principles of responsibility and solidarity

= State of play

The Presidency informed the Committee on the handling of the item.

- b) Other items in connection with the Council meeting

The Presidency provided further information with regard to the handling of the agenda and the lunch and dinner.

19. **Preparation** of the Council meeting (**Economic and Financial Affairs**) on 23 May 2017

– Other items in connection with the Council meeting

The Presidency provided further information with regard to the agenda and handling of the items.

20. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 1303/2013 as regards specific measures to provide additional assistance to Member States affected by **natural disasters (First reading)**

= Preparation for trilogue

8804/17 FSTR 37 FC 38 REGIO 53 SOC 306 EMPL 231 BUDGET 15

AGRISTR 40 PECHE 185 CADREFIN 51 CODEC 721

The Committee could not agree on a revised mandate for negotiations with the European Parliament.

18. **Preparation** of the Council meeting (**General Affairs**) on 16 May 2017

- a) Preparation of the European Council on 22-23 June 2017
  - = Annotated Draft Agenda
  - 8790/17 CO EUR-PREP 20

The Committee took note of the Annotated Draft Agenda for the June European Council.

- b) European Council follow-up

The Presidency informed the Committee on the handling of this item.

- c) Information by the Commission on its follow up to the White Paper on the Future of the EU

The Committee was informed on the handling of the item.

- d) Other items in connection with the Council meeting

The Presidency provided further information with regard to the requested AOB items.

- 21. (poss.) Draft Council Decision determining the planning and conduct arrangements for EU non-executive military CSDP missions and amending Council Decisions 2010/96/CFSP, 2013/34/CFSP and (CFSP) 2016/610
  - 8436/17 CORLX 204 CFSP/PESC 349 RELEX 337 CONUN 92 EUTM RCA 5
  - EUTM SOMALIA 6 EUTM MALI 3 CSC 83

The above-mentioned item was withdrawn.

## **Monday 15 May 2017**

### **15. Preparation of the Council meeting (Foreign Affairs) on 15 May 2017**

- a) Implementation of the EUGS in the area of security and defence
  - Draft Council conclusions
  - = Exchange of views
  - 8699/17 CFSP/PESC 378 CSDP/PSDC 222 COPS 145 POLMIL 44
  - CIVCOM 67

The Committee was informed on the handling of the item.

### **16. Preparation of the Council meeting (Foreign Affairs/Defence) on 18 May 2017**

- a) EU Global Strategy implementation in the area of security and defence
  - Draft Council conclusions
  - = Adoption
  - 8699/17 CFSP/PESC 378 CSDP/PSDC 222 COPS 145 POLMIL 44
  - CIVCOM 67

The Committee agreed on the text of the draft conclusions and submitted them to the Council for adoption.

## **IV. Any other business**

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

None.

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

- "Our Ocean" conference in Malta on 5/6 October 2017

The Commission and the EEAS informed the Committee about the upcoming conference.

- EU-Kazakhstan: rules of procedure

The Commission noted its disagreement with the use of Article 31 TEU as a legal basis on the Council decision on the EU-Kazakhstan Enhanced Partnership and Cooperation Agreement adopted on 3 March 2017. The Commission indicated it would take the issue to the European Court of Justice.

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

7. Commission delegated Regulation (EU) .../... of 18.4.2017 amending Commission Delegated Regulation (EU) 2015/98 on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, under the International Convention for the Conservation of the Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries  
 = Intention not to raise objections to a delegated act  
 8587/17 PECHE 171  
 8343/17 PECHE 155 DELACT 73
  
8. Proposal for a Regulation of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Convention Area of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 **(First reading) (Legislative deliberation)**  
 = Mandate for negotiations with the European Parliament  
 8673/17 PECHE 180 CODEC 693  
 8539/17 PECHE 168 CODEC 658
  
9. Draft Decision of the European Parliament and of the Council on a European Year of Cultural Heritage (2018) **(First reading) (Legislative deliberation)**  
 = Adoption of the legislative act  
 8679/17 CODEC 694 CULT 45 EDUC 160 RECH 118 RELEX 358  
 + ADD 1  
 PE-CONS 10/17 CULT 20 EDUC 89 RECH 79 RELEX 167 CODEC 259
  
10. Draft Regulation of the European Parliament and of the Council defining characteristics for fishing vessels (recast) **(First reading) (Legislative deliberation)**  
 = Adoption of the legislative act  
 8681/17 CODEC 695 PECHE 181  
 PE-CONS 11/17 PECHE 71 CODEC 261
  
55. Draft Council Decision on the opening of negotiations with the United States of America to modify the scope of the Memorandum of Cooperation on civil aviation research and development to cover all phases of air traffic management modernisation and global interoperability  
 = Adoption  
 8609/17 AVIATION 55 USA 29  
 8261/17 ADD 1 REV 1 AVIATION 51 USA 27  
 8615/17 AVIATION 56 USA 28 RELEX 857

**EU RESTRICTED**

## **COREPER (PART 2)**

### **Wednesday 10 May 2017**

22. Draft minutes of the following Council meetings  
= Approval
- a) 3517th meeting of the Council of the European Union (General Affairs), held in Brussels on 7 February 2017  
6029/1/17 REV 1 PV CONS 5  
+ REV 1 COR 1 (cs)  
+ ADD 1
  - b) 3525th meeting of the Council of the European Union (Foreign Affairs), held in Brussels on 6 March 2017  
7071/17 PV CONS 13 RELEX 214  
+ COR 1  
+ COR 2
  - c) 3526th meeting of the Council of the European Union (General Affairs), held in Brussels on 7 March 2017  
7077/17 PV CONS 14  
+ ADD 1  
+ ADD 1 COR 1 (cs)
  - d) 3527th meeting of the Council of the European Union (Economic and Financial Affairs), held in Brussels on 21 March 2017  
7519/17 PV CONS 15 ECOFIN 224  
+ COR 1 (de)  
+ COR 2  
+ ADD 1  
+ ADD 1 COR 1 (de)  
+ ADD 1 COR 2
  - e) 3528th meeting of the Council of the European Union (Justice and Home Affairs), held in Brussels on 27 and 28 March 2017  
7687/17 PV CONS 16 JAI 283 COMIX 224  
+ COR 1 (fi)  
+ COR 2 (lv)  
+ COR 3  
+ ADD 1  
+ ADD 1 COR 1(fi)  
+ ADD 1 COR 2 (lv)
  - f) Conference of the Representatives of the Governments of the Member States, held in Brussels on 29 March 2016  
7767/17 PV/RGEM 1
23. Case before the General Court of the European Union  
Case T-139/17, Roger Kibelisa against the Council of the European Union  
8080/17 JUR 187 CORLX 206 CFSP/PESC 359 COAFR 110

24. Case before the General Court of the European Union  
Case T-140/17, Ilunga Kampete against the Council of the European Union  
8560/17 JUR 209 CORLX 207 CFSP/PESC 360 COAFR 111
25. Case before the General Court of the European Union  
Case T-141/17, Gabriel Amisi Kumba against the Council of the European Union  
8565/17 JUR 210 CORLX 208 CFSP/PESC 361 COAFR 112
26. Case before the General Court of the European Union  
Case T-142/17, Delphin Kaimbi against the Council of the European Union  
8567/17 JUR 211 CORLX 209 CFSP/PESC 363 COAFR 113
27. Case before the General Court of the European Union  
Case T-143/17, Ferdinand Ilunga Luyoyo against the Council of the European Union  
8568/17 JUR 212 CORLX 210 CFSP/PESC 364 COAFR 114
28. Case before the General Court of the European Union  
Case T-144/17, John Numbi against the Council of the European Union  
8571/17 JUR 214 CORLX 211 CFSP/PESC 365 COAFR 115
29. Case before the General Court of the European Union  
Case T-145/17, Célestin Kanyama against the Council of the European Union  
8573/17 JUR 215 CORLX 212 CFSP/PESC 366 COAFR 116
30. Reply to the letter of the President of the European Parliament on non-binding criteria for the application of Articles 290 and 291 TFEU  
= Approval of a letter  
8827/17 JUR 225 INST 192
31. Draft Council Decision appointing a member of the Court of Auditors  
= Adoption  
8415/17 INST 174 CMPT 7  
8324/17 INST 169 CMPT 5
32. Follow-up to the IIA on Better Law-Making  
– Impact assessment within the Council  
= Triggering procedure  
8680/17 POLGEN 57 IA 68 INST 185 COMPET 279
33. Ad hoc release of classified documents to the Court of Auditors  
8671/17 CSC 86
34. European Court of Auditors' Special Report No 30/2016: The effectiveness of EU support to priority sectors in Honduras  
= Designation of Working Party  
8780/17 FIN 280 COLAC 37
35. Submission for approval of a new draft design of the Austrian 2 euro commemorative coin  
8524/17 ECOFIN 310 UEM 104



36. Draft Regulation of the European Parliament and of the Council on money market funds **(First reading)**  
 = Adoption of the legislative act  
     8714/17 CODEC 702 EF 87 ECOFIN 323  
     PE-CONS 59/16 EF 386 ECOFIN 1184 CODEC 1891
37. Draft 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 on a regulated market, and repealing Directive 2003/71/EC **(First reading)**  
 = Adoption of the legislative act  
     8715/1/17 REV 1 CODEC 703 EF 88 ECOFIN 324  
     + REV 1 ADD 1  
     PE-CONS 63/16 EF 393 ECOFIN 1199 CODEC 1928

Statement by the United Kingdom

"The United Kingdom wishes to record its support for the Draft 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 on a regulated market, and repealing Directive 2003/71/EC.

The United Kingdom considers that Article 33(1) of the Prospectus Regulation contains obligations relating to cross border (intra-EU) co-operation in relation to the prevention, detection and investigation of criminal offences which fall within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union. Therefore, in relation to that provision, Article 3(1) of 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 applies."

38. Draft Directive of the European Parliament and of the Council relating to certain aspects of company law (codification) **(First reading)**  
 = Adoption of the legislative act  
     8716/17 CODEC 704 CODIF 14 DRS 24 ETS 34 MI 366  
     PE-CONS 57/16 CODIF 43 DRS 51 ETS 50 MI 791 CODEC 1864

The above-mentioned item was withdrawn.

39. Draft Council Decision on the position to be adopted, on behalf of the European Union, in the International Grains Council with respect to the extension of the Grains Trade Convention, 1995  
 = Adoption  
     8300/17 AGRI 203 PROBA 9  
     8299/17 AGRI 202 PROBA 8
40. Draft Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of France (Pas-de-Calais) on the application of the Schengen acquis in the field of return  
 = Adoption  
     8818/17 SCH-EVAL 136 MIGR 64 COMIX 321  
     8817/17 SCH-EVAL 135 MIGR 63 COMIX 320

41. Draft Council conclusions on the EU Citizenship Report 2017  
 = Adoption  
 8028/1/17 REV 1 FREMP 43 JAI 319 COHOM 47 CATS 27 CULT 35  
 EDUC 139 EMCO 3 SOC 249 COSI 73 VISA 132 SCHENGEN 11  
 COMPET 245 COCON 7 COPEN 101 EJUSTICE 34 FRONT 160  
 GENVAL 39 INF 70 DAPIX 128 SAN 142 ANTIDISCRIM 16  
 DROIPEN 41 TELECOM 81 TRANS 140 JEUN 45 JUSTCIV 77
  
42. Request for transmission of documents to the European Parliament: Council Decisions and directives for the negotiation of new Agreements with Armenia and Azerbaijan  
 8819/1/17 REV 1 COEST 95 WTO 106 INST 191 PE-L 18
  
43. Draft Council Decision on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms  
 (Budget Line 33.02.03.01 Company Law)  
 = Adoption  
 7807/17 AELE 35 EEE 14 N 16 ISL 11 FL 13 MI 290 BUDGET 6  
 7808/17 AELE 36 EEE 15 N 17 ISL 12 FL 14 MI 291 BUDGET 7
  
44. Draft Council Decision on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms  
 (Budget Line 12.02.01 Implementation and development of the single market for financial services)  
 = Adoption  
 7810/17 AELE 38 EEE 17 N 19 ISL 14 FL 16 MI 293 BUDGET 9 FIN 227  
 7811/17 AELE 39 EEE 18 N 20 ISL 15 FL 17 MI 294 BUDGET 10 FIN 228
  
45. Draft Council Decision on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms  
 (Budget Line 02.03.01 Internal Market and Budget line 02.03.04 Internal Market Governance Tools)  
 = Adoption  
 7813/17 AELE 41 EEE 20 N 22 ISL 17 FL 19 MI 296 BUDGET 12  
 7814/17 AELE 42 EEE 21 N 23 ISL 18 FL 20 MI 297 BUDGET 13  
 + COR 1 (de)
  
46. Draft Council Decision on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 3 to the EEA Agreement, concerning products referred to in Article 8(3)(b) of the Agreement  
 = Adoption  
 7816/17 AELE 44 EEE 23 ISL 20 AGRI 174  
 7817/17 AELE 45 EEE 24 ISL 21 AGRI 175
  
47. Relations with Tunisia  
 Adoption of the European Union's position for the Association Council's 13th meeting  
 (Brussels, 11 May 2017)  
 8670/17 TU 4

48. Position of the EU and its Member States on the draft Declaration of the Union for the Mediterranean Ministerial Conference on Sustainable Urban Development (Cairo, 22 May 2017)  
8634/17 MAMA 85 MED 40 DEVGEN 73
49. Concept of Operations on Regionalisation of CSDP action in the Sahel  
8405/17 COPS 133 CIVCOM 59 POLMIL 39 CFSP/PESC 347  
CSDP/PSDC 205 RELEX 333 JAI 358 COAFR 102  
EUBAM LIBYA 14 EUCAP SAHEL 11  
EUCAP MALI 12  
8401/17 COPS 131 CIVCOM 58 POLMIL 37 CFSP/PESC 345  
CSDP/PSDC 203 RELEX 332 JAI 357 COAFR 101  
EUBAM LIBYA 13 EUCAP SAHEL 10  
EUCAP MALI 11 **EU RESTRICTED**
50. High Representative's Report on the Twenty-Fifth Operation ALTHEA Six-Monthly Review  
8796/17 CSDP/PSDC 229 CFSP/PESC 381 BIH 9
51. Draft Council conclusions on Indigenous Peoples  
= Adoption  
8761/17 COHOM 54 COPS 144 CFSP/PESC 377 DEVGEN 75 FREMP 54  
+ ADD 1

#### Statement by France

"La France souscrit aux conclusions du Conseil de l'Union européenne portant sur les populations autochtones, qui constituent l'aboutissement d'un travail important initié en réponse aux engagements pris dans le cadre des Plans d'action de l'UE sur les droits de l'Homme et la démocratie. Alors que nous commémorerons en 2017 le dixième anniversaire de la Déclaration des Nations Unies sur les droits des peuples autochtones, ces conclusions permettent de réaffirmer l'engagement de l'Union européenne en faveur du respect des droits de l'Homme des personnes appartenant à des populations autochtones.

Se référant à la déclaration interprétative qu'elle a formulée lors de l'adoption en 2007 de la Déclaration des Nations Unies précitée, la France tient toutefois à rappeler qu'en vertu des principes à valeur constitutionnelle d'indivisibilité de la République et d'unité du peuple français, elle ne reconnaît aucun droit collectif à quelque groupe que ce soit, défini par une communauté d'origine, de culture, de langue ou de croyance.

Les droits de l'Homme sont des droits universels qui ont vocation à s'appliquer à tous les individus, sans aucune distinction. La France reste engagée pour que toutes les personnes appartenant à des populations autochtones puissent jouir pleinement et effectivement, sans aucune discrimination, de ces droits fondamentaux."

52. Draft Council Decision concerning the Staff Regulations of the European Union Satellite Centre  
= Adoption  
8209/17 CORLX 195 CSDP/PSDC 191 CSC 80  
8872/16 CORLX 195 CSDP/PSDC 267 CSC 134

**Monday 15 May 2017**

56. Draft Council conclusions on Venezuela  
9070/17 COLAC 39 CFSP/PESC 403
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