

Brussels, 19 June 2018
(OR. en)

10263/18
CRS CRP 21

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
6 and 7 June 2018

I. Adoption of the agenda

9655/18 OJ CRP1 21
9658/1/18 REV 1 OJ CRP2 21 COMIX 294

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 25 June 2018: Agenda

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

Energy

3. Directive on energy efficiency
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 30 May 2018.

4. Directive on renewable energy (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 31 May 2018.

Employment, Social Policy and Health

5. Meeting of the Council (Employment, Social Policy, Health and Consumer Affairs) on 21 and 22 June 2018: Preparation

1. 2018 Pension Adequacy Report: Key conclusions on the Joint SPC and Commission report 9523/18
Endorsement

The Committee prepared the item for the Council.

2. Conclusions on the "Free Movement of Workers - the fundamental freedom ensured but better targeting of EU funds would aid worker mobility (CoA SR No 6/2018) 9497/18
Adoption

The Committee prepared the item for the Council.

3. Directive on transparent and predictable working conditions 9412/18 + ADD 1 + COR 1
General approach

The Committee agreed to revert to this item.

4. Directive on work-life balance 9323/18
General approach

The Committee agreed to revert to this item.

5. Revision of Regulations on coordination of social security systems (883/04 and 987/09) 9328/18
Partial general approach

The Committee prepared the item for the Council.

6. Regulation on health technology assessment 9503/18
Policy debate

The Committee prepared the item for the Council.

7. The future of health in the EU 9409/18
Policy debate

The Committee prepared the item for the Council.

8. Conclusions on healthy nutrition for children: The healthy future of Europe 9499/18
Adoption

The Committee prepared the item for the Council.

Youth

6. European Solidarity Corps
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 4 June 2018.

Agriculture

7. 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 5 June 2018.

COREPER (PART 2)

Justice and Home Affairs

16. Resettlement Framework Regulation 9596/18
State of play and guidance for further work

The Committee took stock of the state of play and provided guidance for further work.

17. Eu-LISA Regulation 9252/18
Confirmation of the final compromise text with a view to agreement

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.

18. Money Laundering Directive 9479/18
Confirmation of the final compromise text with a view to agreement

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.

19. Meeting of the Council (Justice and Home Affairs) on
4-5 June 2018: Follow-up

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

General Affairs

20. Meeting of the Council (General Affairs) on 26 June 2018:
Agenda

The Presidency presented the main points on the agenda.

21. European Citizens' Initiative 9500/18
Preparation for a general approach

The Committee reached an agreement and agreed to submit the text of the draft Regulation to the Council for a general approach.

22. Reform of the Electoral Act
Approval

9226/18

The Committee reached a political agreement on the text of the draft Decision and agreed to send a letter to inform the European Parliament hereof.

Statement by Belgium

"The proposal based on Article 223 TFEU put forward on 11 November 2015 by the European Parliament for a Council Decision adopting the provisions amending the Act concerning the election of the members of the European Parliament by direct universal suffrage (the 'Electoral Act'), has been discussed at length in the Council. Establishing an obligatory minimum threshold has been the last outstanding issue before reaching consensus among Member States.

Along with several other delegations, Belgium has consistently argued in favour of a facultative threshold since this would uphold the prospect of preserving political – as well as cultural and linguistic diversity, cfr. Art. 3 TEU - diversity within the European Parliament. It would also ensure trust in our citizens by protecting their ability to vote for smaller parties who would have a greater chance of gaining European political representation, and have the voice of the citizens they represent heard within Parliament.

Belgium is not in the capacity to pronounce itself on the compromise proposal with regard to the obligatory threshold. Therefore Belgium will abstain and not object the consensus."

Statement by Portugal

"Portugal declares that its favorable vote is based on the presupposition that the threshold established by article 3 does not apply to Portugal because it has less than 35 seats in the European Parliament, according to the current allocation. However, if the distribution of seats in the European Parliament is changed, the Constitution of the Portuguese Republic would not allow the application of a threshold such as that foreseen in article 3, inasmuch as it would limit the conversion of votes into seats by establishing a minimum percentage."

23. Relations with the EP (May II 2018)
Debriefing

The above-mentioned item was withdrawn.

24. Regulation establishing the European Defence Industrial
Development Programme (EDIDP)
*Confirmation of the final compromise text with a view to
agreement*

9262/1/18 REV 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.

Foreign Affairs

25. Meeting of the Council (Foreign Affairs) on 25 June 2018:
Agenda

The Presidency presented the main points on the agenda. Several delegations requested the addition of a discussion item on Jordan.

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| 26. Post-Cotonou - Negotiating mandate | 8938/18 |
| <i>Exchange of views</i> | + ADD 1 REV 3 |
| <i>Preparation for the adoption</i> | 9426/18 |

The above-mentioned item was withdrawn.

Economic and Financial Affairs

27. Facility for Refugees in Turkey - Financing of the second
tranche
Political endorsement

The Committee continued its exchange of views on the financing of the second tranche of the Facility for Refugees in Turkey and agreed to return to this issue in one of its forthcoming sessions.

41. Draft amending budget No 3/2018
State of play

The Committee took note that sufficient support exists for the draft amending budget and agreed to revert to it at its next session.

IV. Any other business

COREPER (PART 1)

Accessibility Act

Information requested by the Finnish delegation

The Committee took note of the concerns of a large number of delegations.

COREPER (PART 2)

Horizon Europe

The Committee took note of the presentation by the Commission.

US trade measures

The Committee took note of the information provided. This item was discussed in a restricted session.

"I" items approved**COREPER (PART 1)****Institutional Affairs****8. Minutes of Council meetings***Approval*

AGRIFISH 16-17.4.2018

8043/18
+ ADD 1**Appointments****9. One member (ES) in the category of Government representatives (CEDEFOP)***Adoption*9518/18
EDUC**10. Three members (PL, LU, AT) of the Governing Board of the European Foundation for the Improvement of Living and Working Conditions***Adoption*9304/18
9369/18
9533/18
SOC**EU positions for international negotiations****11. 214th session of the ICAO Council (Montreal, 11-29 June 2018)
European Union coordination of a common position**
*Adoption*9626/18
AVIA**Delegated or Implementing Acts****Agriculture****12. Commission Regulation (EU) .../... of XXX correcting the Dutch language version of Regulation (EU) No 68/2013 on the Catalogue of feed materials**
*Decision not to oppose adoption*9173/18
8510/18
AGRILEG

Health

13. Commission Regulation (EU) .../... of XXX refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health
Decision not to oppose adoption 8661/18
8508/18 + ADD 1
DENLEG
14. Commission Regulation (EU) .../... of XXX refusing to authorise certain health claims made on foods and referring to the reduction of disease risk
Decision not to oppose adoption 8666/18
8547/18 + ADD 1
DENLEG

Internal Market and Industry

15. Commission Delegated Decision (EU) .../... of 25.4.2018 supplementing Directive 2009/42/EC of the European Parliament and of the Council as regards the list of ports and repealing Commission Decision 2008/861/EC
Delegated act - Intention not to raise objections 9515/18
8539/18 + ADD 1
STATIS

COREPER (PART 2)

Institutional Affairs

28. Minutes of Council meetings *Approval*

JHA 8-9.3.2018

6996/18
+ ADD 1 REV 1

Economic and Financial Affairs

29. Council position on draft amending budget No 2/2018 *Adoption*

9324/1/18 REV 1
FIN

General Affairs

30. EP Resolutions and decisions (May II 2018)

9237/18
PE-RE

31. Enlargement Accession negotiations with Montenegro Chapter 17: Economic and monetary policy *Adoption*

9489/18
ELARG

32. Enlargement Accession negotiations with Serbia Chapter 13: Fisheries *Adoption*

9491/18
ELARG

Statement by Croatia

"Croatia is giving its consent to the opening of the accession negotiations with Serbia in Chapter 13 (Fisheries).

At the same time, Croatia would like to reiterate that this should not in any way be construed as Croatia's acquiescence to any current practices in the area of fresh water fisheries by Serbia where the border between the Republic of Croatia and the Republic of Serbia has not been finally determined.

The Screening Report on Chapter 13 notes that Serbia claims to have 31 fishing districts, some of which extend over the Danube River. The current practices of Serbia's fishermen, both professional and recreational, do not respect the formal republican border as existent in 1991 which as of date of independence of the Republic of Croatia in 1991 has become the international boundary protected by international law. Accordingly, Croatia reserves the right to financial compensation for exploitation of its fish stocks.

The right bank of the Danube River is currently under the control of the Croatian border police, while the left bank is under the control of the Serbian authorities, although large areas of the Republic of Croatia are found on the left bank of the Danube River, which had been the case in 1991, at the time of the dissolution of the former SFRY and the establishment of the new states. Only when the borderline between the Republic of Croatia and the Republic of Serbia is finally determined and both sides assume control of their respective territories on the other side of the Danube River, the issues as to the exact course of the state border will have been resolved.

Croatia would also like to reiterate its position that no document in the accession negotiations of Serbia with the EU can prejudice the final determination of the border between Croatia and Serbia. This includes all documents, maps, legal acts and positions (either written or orally submitted) presented or referred to by the Republic of Serbia in the EU accession negotiations. It also applies to all EU documents and positions in the EU accession negotiations with Serbia. This is an issue that Croatia will continue to follow closely in all relevant negotiation chapters throughout the negotiation process, notably in connection with Chapter 31, where Serbia has a clear obligation to make every effort to find mutually acceptable solutions to all pending bilateral issues, including on borders, with all neighbouring countries."

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| 33. Enlargement
Accession negotiations with Serbia
Chapter 33: Financial and budgetary provisions
<i>Adoption</i> | 9492/18
ELARG |
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Justice and Home Affairs

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| 34. Regulation on Data Protection by EU Institutions and bodies
<i>Confirmation of the final compromise text with a view to agreement</i> | 9296/18
DATAPROTECT |
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Statements by the Commission

"The Commission regrets the exclusion of missions referred to in Articles 42(1), 43 and 44 TEU from the scope of the Regulation and notes that, as a result, there will be no data protection rules in place for such missions. The Commission notes that a Council decision, based on Article 39 TEU, could only lay down the data protection rules for processing of personal data by Member States when carrying out activities that fall within the scope of the Common Foreign and Security Policy. Such a Council decision could not include rules that apply to activities carried out by EU institutions, bodies, offices and agencies. In order to remedy the legal lacuna, a possible Council decision therefore would need to be accompanied by an additional, complementary instrument, based on Article 16 TFEU."

"The Commission notes that paragraph 3 of Article 9 (former Article 70a of the Council's General Approach) does not create a new obligation on Union institutions and bodies as regards the balance to be struck between personal data protection and public access to documents."

Foreign Affairs

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| 35. Conclusions on the implementation of the EU-NATO common set of proposals
<i>Adoption</i> | 9524/18
POLMIL |
| 36. Association with Montenegro
Establishment of the position of the European Union for the 9th Stabilisation and Association Council meeting (Luxembourg, 25 June 2018)
<i>Establishment of the EU position</i> | 9487/18
ME |
| 37. Council Decision within the EEA Joint Committee concerning an amendment to Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 to the EEA Agreement (General Data Protection Regulation)
<i>Adoption</i> | 8563/18
8562/18
AELE |
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