

Brussels, 16 July 2018
(OR. en)

11181/18
CRS CRP 24

SUMMARY RECORD

PERMANENT REPRESENTATIVES COMMITTEE (Part 1)

27 and 29 June 2018

I. Adoption of the agenda

10443/18 OJ CRP1 24 + ADD 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 1)

WEDNESDAY 27 JUNE 2018

Employment and Social Policy

2. Revision of Directive on carcinogens/mutagens at work
(second batch)
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogues held under Bulgarian Presidency.

Agriculture and Fisheries

3. Meeting of the Council (Agriculture and Fisheries) on 16 July 2018: Agenda
(For the items in the remit of the Permanent Representatives Committee)

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

Agriculture

4. Regulation on medicated feed 10222/18 + ADD 1
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.

Statement by Austria

"With a view to the objective of the Regulation, namely reaching a high level of protection of human health, Austria would like to point out the following:

Veterinary medicinal products should only be permitted to be used in case of concrete need (i.e. in case of a disease) via the feed channel.

For the purposes of subsidiarity according to the new Regulation on the manufacture, placing on the market and use of medicated feed, it should be possible to maintain established national control systems for the use of medicated feed directly on the farm, such as currently practised in Austria by registered on-farm mixers.

In order to take into account the special needs of a small-scale agriculture, with predominantly family farms, the requirements for the manufacture of medicated feeds must be implemented in a way which is feasible and practical for on-farm mixers.

The production and administration of medicated feed by trained farmers under the supervision of a veterinarian constitute a well-established practice in Austria which minimises many risks, as the medicinal products are used on site and in the quantity in which they are absolutely needed."

Youth

5. Regulation on the European Solidarity Corps 10386/18
Analysis 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.

Energy

6. Directive on renewable energy (recast) 10308/18 + COR 1
Analysis 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.

Statement by Belgium

"The abstention does not detract Belgium from being a strong advocate for a sustainable energy and climate policy as laid down in the Council Conclusions of October 2014 and contained in the Paris Agreement.

The ambitious goal set out in the submitted proposal, presents Belgium nonetheless with a real challenge to achieve this in a cost efficient manner.

Notwithstanding this challenge, Belgium will continue to deliver constructive contributions to achieve the set goal."

Internal Market and Industry

7. Regulation amending Regulation (EU) No 168/2013 on the 10105/18 + COR 1
type-approval of two or three-wheel vehicles and quadricycles
Mandate for negotiations with the European Parliament

The Committee agreed on a mandate for a future trilogue.

FRIDAY 29 JUNE 2018

Employment and Social Policy

8. Regulation establishing the European Foundation for the improvement of living and working conditions
Regulation establishing the European Agency for Safety and Health at Work
Regulation establishing a European Centre for the Development of Vocational Training
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogues held under Bulgarian Presidency.

Energy

9. Regulation on electricity (recast)
Directive on electricity
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 27 June 2018.

10. Directive on energy efficiency 10309/18 + COR 1
Analysis 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.

Statement by Belgium

"Having voted against does not detract Belgium from being a strong advocate for a sustainable energy and climate policy as laid down in the Council Conclusions of October 2014 and contained in the Paris Agreement. Furthermore, Belgium subscribes fully to the principle of energy efficiency.

The ambitious goal set out in the submitted proposal, more specifically article 7, presents Belgium nonetheless with an unreachable challenge to achieve this in a cost efficient manner.

Notwithstanding, Belgium will continue to deliver constructive contributions to the European energy efficiency goal."

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 the Commission

"Commission Statement on methane– Article 14bis

The Commission notes the agreement of the co-legislators relating to Article 14bis by which a strategic plan should be presented for methane.

The Commission confirms its commitment to analyse methane emissions, notably in the context of the Union's long-term strategy.

The Commission emphasizes however that it reserves the right to respond in accordance with the rules of the Treaty, with due regard in particular to its right of initiative.

Commission Statement on Article 37

The Regulation on the Governance of the Energy Union is central to the Clean Energy for All Europeans Package. This Regulation aims to set out the process ensuring the ambition and coherence of policies and measures which are taken at various levels for the achievement of the Energy Union objectives and, in particular, the 2030 EU climate and energy targets.

In their Joint Declaration on the EU's legislative priorities for 2018 - 2019, the three Institutions committed to delivering on the objective of an ambitious Energy Union with a forward-looking climate change policy, notably by implementing the 2030 EU climate and energy framework, by continuing to follow up the Paris Agreement, including through legislation on clean energy for all Europeans.

Against this background, the Commission notes the agreement of the co-legislators relating to Article 37 which provides that the Commission shall be assisted by two committees in the implementation of the Regulation.

The Commission regrets that the co-legislators could not accept the Commission proposal that the exercise of implementing powers conferred on the Commission should be under the control of a single committee, in full compliance with the applicable comitology rules set forth in Regulation 182/2011[1] and in view of streamlining and Better Regulation.

The Commission reiterates the importance of a clear division of competences between the committees which is essential for a proper exercise of the Commission's implementing powers and the application of Regulation 182/2011 establishing horizontal rules applicable to committees."

Telecommunications

12. Regulation on free flow of data 10323/18
Presidency debriefing on the outcome of the trilogue
Analysis of the final compromise text with a view to agreement

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 27 June 2018.

The Committee also 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.

13. Directive on the European Communications Code 10237/1/18 REV 1
Analysis of the final compromise text with a view to agreement

The Committee has approved that the amendment in relation to the Intra-EU calls should be part of the BEREC Regulation.

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.

Statement by Finland

"Finland welcomes the agreement reached between the Council and the Parliament on the Directive establishing the European Electronic Communications Code. Finland fully supports promotion of the Digital Single Market, which is an essential element of the competitiveness of the EU. For Finland, the key aim in the discussions of the Code has been to relax and update the currently stringent regulation on telecommunications services.

Finland is strongly in favour of the key objectives of the Regulatory Fitness and Performance (REFIT) programme and the better regulation agenda, namely the aim to ensure that EU legislation delivers results for citizens and businesses effectively, efficiently and at minimum cost. We regret to note that the price regulation on Intra-EU Calls is in conflict with these general objectives, as well as the with the modernization and investment objectives of the Code. First, the price regulation does not reflect a future-proof regulatory approach, particularly as the regulation is applied on services whose usage among consumers is generally in decline. Second, this kind of EU-wide price regulation is unjustified in the market where consumers are provided with a variety of alternatives. The provision of traditional intra-EU calls and SMS is competitive in many Member States. In addition, number-independent interpersonal communications are increasingly popular among consumers, also in the cross-border communications. The price regulation would impose significant technical, commercial and administrative changes to the service-providers without clearly demonstrated wide scale consumer benefit.

For these reasons, Finland expresses its disappointment over the agreement to include price regulation of intra-EU calls in the final compromise."

Statement by the Commission

"The Commission takes note of the agreement of the European Parliament and the Council on the provision concerning intra-EU communications markets. While the outcome of the negotiations between the European Parliament and the Council can be favourable to the consumers, it would like to recall that the impact of the measure on intra-EU communication markets and on necessary investments for connectivity, was not assessed in the accompanying impact assessment. However, factual information, technical assistance and background was provided to the European Parliament and Council to support informed decision making to the extent possible.

The Commission also recalls the commitment made by the European Parliament and the Council in the Inter-institutional Agreement on Better Lawmaking that they will, when they consider this to be appropriate and necessary for the legislative process, carry out an impact assessment in relation to their substantial amendments."

14. Regulation on the Body of European Regulators for Electronic Communications (BEREC) 10249/18

Analysis of the final compromise text with a view to agreement

The Committee approved the amendment concerning the Intra-EU calls as it was proposed in the previous agenda item.

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.

Statement by Finland

"Finland welcomes the agreement reached between the Council and the Parliament on the Directive establishing the European Electronic Communications Code. Finland fully supports promotion of the Digital Single Market, which is an essential element of the competitiveness of the EU. For Finland, the key aim in the discussions of the Code has been to relax and update the currently stringent regulation on telecommunications services.

Finland is strongly in favour of the key objectives of the Regulatory Fitness and Performance (REFIT) programme and the better regulation agenda, namely the aim to ensure that EU legislation delivers results for citizens and businesses effectively, efficiently and at minimum cost. We regret to note that the price regulation on Intra-EU Calls is in conflict with these general objectives, as well as the with the modernization and investment objectives of the Code. First, the price regulation does not reflect a future-proof regulatory approach, particularly as the regulation is applied on services whose usage among consumers is generally in decline. Second, this kind of EU-wide price regulation is unjustified in the market where consumers are provided with a variety of alternatives. The provision of traditional intra-EU calls and SMS is competitive in many Member States. In addition, number-independent interpersonal communications are increasingly popular among consumers, also in the cross-border communications. The price regulation would impose significant technical, commercial and administrative changes to the service-providers without clearly demonstrated wide scale consumer benefit.

For these reasons, Finland expresses its disappointment over the agreement to include price regulation of intra-EU calls in the final compromise."

Statement by the Commission

"The Commission recalls that in the Joint Statement the European Parliament and the Council recognised the important role of decentralised agencies in implementing the policies of the EU as independent legal entities and the need to make them a more effective tool in this respect. The Commission considers that by maintaining the current two-tier structure and in so doing depriving BEREC of legal personality, the institutions are perpetuating the current complex and inefficient outcome as well as BEREC's lack of legal accountability. The Commission also regrets that on several points, the co-legislators have decided to deviate from the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies, without providing the necessary justification. This relates in particular to deviations from the procedure for appointing and dismissing the Executive Director of BEREC as well as the representation of the Commission at the Management Board. The Commission will assess the impact of these deviations on the functioning of the Agency at the appropriate opportunity. They should not be considered as a precedent for other agencies."

IV. Any other business

COREPER (PART 1)

None.

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

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| 15. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 10286/18
PE-QE |
| a) | Marietje Schaake (ALDE)
'Attribution of the NotPetya attack' | 10251/18 |
| b) | Nils Torvalds (ALDE)
'Joint statement on prohibited species' | 9366/18 |

Judicial Affairs

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| 16. | Case C-264/18
(P.M., N. G.d.M. and P. V.d.S. against Ministerraad - Belgium)
Reference for a preliminary ruling
<i>Information note for the Permanent Representatives Committee (Part I)</i> | 10218/18
JUR |
| 17. | Cases T-251/18 and T-251/18 R (International Forum for sustainable Underwater Activities (IFSUA) v. Council)
<i>Information note for the Permanent Representatives Committee (Part I)</i> | 10284/18
JUR |

Appointments

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| 18. | One alternate member (EL) of the Management Board of the European Institute for Gender Equality
<i>Adoption</i> | 10002/18
10001/18
SOC |
| 19. | Four members and three alternate members (IT) of the Committee of the Regions
<i>Adoption by silence procedure</i> | 10402/18
10401/18
CDR |

Agriculture

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| 20. | Regulation on financing, management and monitoring of the CAP
<i>Decision to consult an institution or body</i> | 10262/18
AGRI |
| 21. | Regulation on CAP Strategic Plans
<i>Decision to consult an institution or body</i> | 10272/18
AGRI |

Fisheries

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| 22. | High Level Conference on Regional Plan of Action on Small Scale Fisheries in the Mediterranean and the Black Sea (Malta, 25-26 September 2018)
<i>Approval of signature on behalf of the EU</i> | 10298/18 + ADD 1
PECHE |
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Environment

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| 23. | Council Decision amending Annexes 2 and 3 of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)
<i>Decision to use the written procedure for the adoption</i> | 10344/18 + ADD 1
10326/18
ENV |
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Statement by Denmark

"Denmark believes that hunting and taking of birds and eggs of the populations of Shag (*Phalacrocorax aristotelis*), Atlantic Puffin (*Fratercula arctica*) and Razorbill (*Alca torda*) occurring in the Faroes should remain legal and not be subject to the regulation of Agreement on the Conservation of African-Eurasian Migratory Waterbirds, because Denmark supports that the Faroes should take the relevant decisions regarding bird management at the Faroes on the basis of local interests and local traditions. The Faroes are monitoring and taking initiatives to secure a sustainable management of the local bird populations.

Denmark therefore does not support the proposal for a council decision on the submission, on behalf of the European Union, of a proposal for amending amending Annex 2 of the Agreement by adding the Shag (*Phalacrocorax aristotelis*). Furthermore, Denmark does not support to move all populations of Atlantic Puffin (*Fratercula arctica*) to Column A of Table 1 of Annex 3 of the Agreement, and Denmark does not support to move all populations of Razorbill (*Alca torda*) to Column A of Table 1 of Annex 3 of the Agreement.

Denmark's position in international relations is characterised by the fact that Denmark, in addition to its membership of the EU, has an independent role as the State responsible for the Faroes and Greenland, which are not members of the EU and therefore not bound by EU law.

If the EU proposal will be put to vote under the Agreement on the Conservation of African-Eurasian Migratory Waterbirds, Denmark intends not to support such a proposal. Denmark will make it clear that Denmark is acting on behalf of Faroes and not as an EU Member State."

Internal Market and Industry

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| 24. | Regulation amending and correcting Regulation (EU) No 167/2013 on the type-approval of agricultural vehicles
<i>Mandate for negotiations with the European Parliament</i> | 10106/18
ENT |
| 25. | Regulation on cash controls
<i>Confirmation of the final compromise text with a view to agreement</i> | 10414/18 + ADD 1
10416/1/18 REV 1
UD |

Statement by the Commission

"Under Article 53(1) of the draft DIRECTIVE (EU) 2018/...OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of ...amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (AMLD 5), the Financial Intelligence Units exchange, spontaneously or upon request, any information that may be relevant for the processing or analysis of information by the Financial Intelligence Unit related to money laundering or terrorist financing. The decision on whether the information is relevant or not to be exchanged remains with the Financial Intelligence Unit, including for data to be received under the proposed Regulation on controls of cash. In this respect, the Commission underlines that, in the light of the general principles of EU law, the provisions of Article 8 of the proposed Regulation cannot be interpreted as affecting the provisions of the future Fifth Anti-Money Laundering Directive or as creating a mandatory obligation for exchange of information between Financial Intelligence Units for the purposes of the proposed Regulation.

Under Article 65(2) of the draft DIRECTIVE (EU) 2018/...OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of ...amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (AMLD 5), the Commission must assess the framework for Financial Intelligence Units ' cooperation with third countries and obstacles and opportunities to enhance cooperation between Financial Intelligence Units in the Union including the possibility of establishing a coordination and support mechanism. In this context, the Commission will also assess whether there is a need to further strengthen the cooperation between Financial Intelligence Units."

Energy

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| 26. | Regulation on the notification of investment projects in energy infrastructure
<i>Approval of the Commission proposal text</i> | 10304/18
ENER |
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Economic and Financial Affairs

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| 27. | Regulation on Cross Border Payments
<i>Mandate for negotiations with the European Parliament</i> | 10345/18
EF |
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Delegated or Implementing Acts

Internal Market and Industry

28. Commission Regulation (EU) .../... of XXX amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annexes I, III, VI, VII, VIII, IX, X, XI, and XII to address nanoforms of substances
10296/18
8980/18 + ADD 1
COMPET
Decision not to oppose adoption
29. Commission Regulation (EU) .../... of XXX amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards certain substances classified as carcinogenic, mutagenic or toxic for reproduction (CMR), category 1A or 1B
10294/18
8976/18 + ADD 1
COMPET
Decision not to oppose adoption

Statement by Germany

"Germany assumes that in the German version of the recitals and the respective Annex the words "Schuhe" will be consequently replaced by "Schuhwaren" and the same will be done for "Zubehör" which will be replaced by "damit in Bezug stehendes Zubehör". Furthermore Germany assumes that in recital 6 the first sentence will be replaced by "Die Stoffe, für die die Beschränkung gelten soll, weisen unterschiedliche Eigenschaften auf und werden in unterschiedlichen Prozessen in der Bekleidungs- und der damit in Bezug stehenden Zubehörindustrie sowie in der Textil- und der Schuhwarenindustrie verwendet" and the third sentence by „Formaldehyd wird in Jacken und Mänteln sowie in Polsterungen verwendet, um diesen Produkten strukturelle beziehungsweise flammhemmende Eigenschaften zu verleihen“. In recital 7 the expression „nicht textile“ will be replaced by „nichttextile“. In the text of the annex number 3 a) will be changed to "Kleidung, damit in Bezug stehendes Zubehör, Schuhwaren oder Teile von Kleidung, damit in Bezug stehendem Zubehör und Schuhwaren, die ausschließlich aus Naturlleder, Pelzen oder Häuten bestehen".

Economic and Financial Affairs

30. Facility for Refugees in Turkey: Financing of the second tranche
Acknowledgement of political agreement
10622/18 + COR 1
FIN