

Brussels, 17 October 2018
(OR. en)

13226/18
CRS CRP 33

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
3, 4 and 5 October 2018

I. Adoption of the agenda

12661/18 OJ CRP1 33
12649/18 OJ CRP2 33 COMIX 525 + CM 4629/18

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 3 OCTOBER 2018

Environment

2. Meeting of the Council (Environment) on 9 October 2018: Preparation

Conclusions on the Convention on Biological Diversity (CBD) 12520/18
(Sharm El-Sheikh, Egypt, 17-29 November 2018):

- a) Preparation of COP 14 to the CBD
- b) Preparation of COP-MOP 9 serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety
- c) Preparation of COP-MOP 3 serving as the Meeting of the Parties to the Nagoya Protocol on Access and Benefit Sharing
Adoption

The Committee prepared the item for the Council.

Internal Market and Industry

3. Regulation on SatCab 12485/18
Preparation for the trilogue

The Committee agreed on a mandate for the forthcoming trilogue.

4. Directive on copyright in the Digital Single Market
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 2 October 2018.

Energy

5. Regulation on ACER (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 26 September 2018.

FRIDAY 5 OCTOBER 2018

Telecommunications

6. Regulation on the Cybersecurity Act
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 1 October 2018.

Employment and Social Policy

7. Directive on the accessibility requirements for products and services
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 2 October 2018.

8. Revision of the Directive on carcinogens and mutagens at work 12516/18
(second batch)
Preparation for the trilogue

The Committee agreed on a mandate for the forthcoming trilogue.

COREPER (PART 2)

WEDNESDAY 3 OCTOBER 2018

General Affairs

18. Meeting of the Council (General Affairs) on 16 October 2018:
Preparation

- a) Preparation of the European Council on 18 October 2018: 11816/18
Guidelines
Exchange of views

The Committee examined the draft guidelines for the conclusions of the upcoming European Council meeting on 18 October 2018.

- b) Multiannual Financial Framework (MFF) 2021-2027 12519/18
State of play

The Committee discussed this item and agreed to return to it at its next session.

- c) Other items in connection with the Council meeting

No further items were raised.

19. Free and fair European elections 12321/1/18 REV 1
Presentation by the Commission + REV 1 COR 1
12405/18 + COR 1
12404/18 + COR 1

The Committee took note of the presentation by the Commission.

20. Regulation on the harmonisation of gross national income at 11893/18
market prices (GNI Regulation)
State of play and guidance for further work

The Committee noted that there was insufficient support for the compromise reached during the trilogue on 10 April 2018.

21. EBA/EMA relocation

The Committee agreed on a draft statement.

Economic and Financial Affairs

22. Meeting of the Council (Economic and Financial Affairs) on
2 October 2018: Follow-up

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

Justice and Home Affairs

23. Meeting of the Council (Justice and Home Affairs) on
11 - 12 October 2018: Preparation

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|------|--|----------|
| a) | Reform of the Common European Asylum System and Resettlement | 12420/18 |
| i) | Dublin Regulation | |
| ii) | Reception Conditions Directive | |
| iii) | Qualification Regulation | |
| iv) | Asylum Procedure Regulation | |
| v) | Eurodac Regulation | |
| vi) | EU Asylum Agency Regulation | |
| vii) | Resettlement Framework Regulation
<i>Progress report</i> | |

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 meeting.

- c) Migration: state of play
Exchange of views

The Committee prepared this item for the Council.

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| d) | Return Directive (recast)
<i>Policy debate</i> | 12562/18 |
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The Committee prepared this item for the Council.

e) e-evidence 12115/18

- i) Regulation on European Production and Preservation Orders for e-evidence
- ii) Directive on legal representatives for gathering evidence
Policy debate

The Committee prepared this item for the Council.

f) Fundamental Rights

- i) Exchange of views with the Director of the Fundamental Rights Agency (FRA)
 - ii) Council conclusions on the application of the EU Charter of Fundamental Rights in 2017
Adoption
- 10756/3/18 REV 3
+ REV3 COR 1
12543/18

The Committee discussed the draft conclusions and agreed to return to them at its next session.

g) Mutual Recognition in Criminal Matters - Enhancing Mutual Trust - The way forward
Exchange of views

12492/18

The Committee prepared this item for the Council.

24. Union Civil Protection Mechanism Decision
State of play

12390/18

The Committee took note of the state of play on this file.

Foreign Affairs

25. ASEM12 Summit (Brussels, 18-19 October 2018)
State of play of preparations

The Committee discussed the draft joint statement and agreed to return to it at the continuation of its session.

THURSDAY 4 OCTOBER 2018

Foreign Affairs

25. ASEM12 Summit (Brussels, 18-19 October 2018)
State of play of preparations

The Committee agreed on a draft joint statement to be transmitted to the ASEM partners.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

Albania / FYROM

The Committee took note of the information provided by the French delegation and by the Commission.

Trilogues

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

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

9. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure 12556/18
PE-QE
- a) Sorin Moisă (PPE) 12337/18
'Systematic publication of mandates for trade negotiations'
- b) Barbara Kappel (ENF) 12338/18
'EU list of non-cooperative jurisdictions'

Judicial Affairs

10. Case T-258/18 - Lothar Brunke vs European Commission 12533/18
Information note for the Permanent Representatives Committee (Part 1) JUR
11. Case T 410/18 - Case before the General Court 12587/18
Information note for the Permanent Representatives Committee (Part 1) JUR

Minutes of Council meetings*Approval*

12. a) TTE 07-08+11.06.2018 10007/18 + ADD 1
- b) AGRIFISH 18.06.2018 10230/18 + ADD 1
+ ADD 1 COR 1
- c) EPSCO 21-22.06.2018 10333/18
- d) ENV 25.06.2018 10579/18 + ADD 1
+ ADD 1 COR 1
- e) AGRIFISH 16.07.2018 11208/18 + COR 1
+ ADD 1

EU positions for international negotiations

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| 13. | WHO FCTC - First Meeting of the Parties to the Tobacco Protocol (Geneva, 8-10.10.18)
<i>Decision to use the written procedure for the establishment of the EU position</i> | 12400/18
12403/18
UD |
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Fisheries

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| 14. | Joint Statement to be signed on behalf of the EU on the fight against IUU fishing with Korea
<i>Approval</i> | 12472/18
PECHE |
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Internal Market and Industry

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| 15. | Council Decision on the application of UNECE Regulations 9, 63 and 92
<i>Adoption</i> | 12378/18
11900/18
MI |
| 16. | Conclusions on the EU Customs Action Plan to combat IPR infringements for 2018 to 2022
<i>Adoption</i> | 12554/18
12002/1/18 REV 1
UD |

Agriculture

- | | | |
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| 17. | Decision on EU seed equivalence for Brazil and the Republic of Moldova
<i>Adoption of the legislative act</i> | 12470/18
PE-CONS 32/18
AGRILEG
SEMENCES |
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COREPER (PART 2)

Judicial Affairs

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| 26. | Case C-244/17 (European Commission v. Council of the EU)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 12558/18
JUR
CORLX |
| 27. | Case C-540/18 P, Appeal by HX against judgment in T-408/16
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 12493/18
JUR |
| 28. | Case T-180/14 (Front Polisario v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 12475/18
JUR
CORLX |
| 29. | Case T- 643/16 (Gamaa Islamiya Egypte) - request for production of documents
<i>Authorisation to produce a copy of or an extract from a Council document for use in legal proceedings</i> | 12586/18
JUR |
| 30. | Judgments concerning EU's sectoral economic sanctions against Russia
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 12599/18
JUR |

Institutional Affairs

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| 31. | Minutes of Council meetings
<i>Approval</i> | |
| a) | RGEM 13.06.2018 | 11243/18 |
| b) | ECOFIN 22.06.2018 | 10578/1/18 REV 1
+ REV 1 COR 1
+ ADD 1 |
| c) | FAC 25.06.2018 | 10580/18
+ ADD 1 |
| d) | GAC 26.06.2018 | 10581/18
+ ADD 1 |

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| e) | ECOFIN 13.07.2018 | 11144/18 + COR 1
+ ADD 1 |
| f) | FAC 16.07.2018 | 11219/18
+ ADD 1 |
| g) | RGEM 25.07.2018 | 11444/18 |

Appointments

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| 32. | A member and an alternate member (ES) of the Committee of the Regions
<i>Adoption by silence procedure</i> | 12577/18
12576/18
CDR |
| 33. | Two members (IT) of the Committee of the Regions
<i>Adoption by silence procedure</i> | 12582/18
12581/18
CDR |

Transparency

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| 34. | Public access to documents
Confirmatory application No 15/c/01/18
<i>Adoption</i> | 10391/18
INF
API |
| 35. | Public access to documents
Confirmatory application No 21/c/01/18
<i>Adoption</i> | 11651/18
INF
API |
| 36. | Public access to documents
Confirmatory application No 22/c/01/18
<i>Adoption</i> | 11646/18
INF
API |

Economic and Financial Affairs

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| 37. | Regulation adapting the financial envelope of the Structural Reform Support Programme (SRSP 2.0)
<i>Adoption of the legislative act</i> | 12471/18 + ADD 1
PE-CONS 58/18
ECOFIN |
| 38. | Council Decision approving the external auditors of Banco de España
<i>Adoption</i> | 12397/18
12208/18
UEM |
| 39. | Conclusions on CoA SR No 11/2018 - Rural Development financing
<i>Adoption</i> | 12273/18
AGRI |

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| 40. | Transfer No DEC 24/2018 (Section III - Commission)
<i>Approval</i> | 12507/18
FIN |
| 41. | Transfer No DEC 25/2018 (Section III - Commission)
<i>Approval</i> | 12508/18
FIN |
| 42. | Transfer No DEC 26/2018 (Section III - Commission)
<i>Approval</i> | 12509/18
FIN |
| 43. | Transfer No DEC 27/2018 (Section III - Commission)
<i>Approval</i> | 12510/18
FIN |

Justice and Home Affairs

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| 44. | Schengen evaluation Recommendation - Spain SIS
<i>Adoption</i> | 12502/18
12501/18 R-UE
SCH-EVAL |
| 45. | Schengen evaluation Recommendation - Norway SIS
<i>Adoption</i> | 12504/18
12503/18 R-UE
SCH-EVAL |
| 46. | Prüm Decisions: Conclusions on automated exchange of DNA data in the United Kingdom
<i>Adoption</i> | 12459/18
11915/1/18 REV 1
11869/1/18 REV 1
DAPIX |

Foreign Affairs

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| 47. | Council Decision on the EU position on the accession of Australia to the Agreement on Government Procurement
<i>Adoption</i> | 11927/18
11928/18 + ADD 1
WTO |
| 48. | ISIL (Da'esh)/Al-Qaeda restrictive measures: prolongation and new listing - Council Decision and Implementing Regulation
<i>Adoption</i> | 12387/18
12386/18
12370/18
12372/18
CORLX |
| 49. | EUAM Iraq - extension - Decision
<i>Adoption</i> | 12478/18
11990/18
CORLX |

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| 50. | EU action in Mopti and Segou - extension - Decision
<i>Adoption</i> | 12540/18
12333/18
CORLX |
| 51. | DRC restrictive measures: letter of reply to designated person
<i>Approval of a letter</i> | 12584/18
CORLX |
| 52. | Pacific Interim EPA - Accession of Samoa
<i>Request for the consent of the European Parliament</i> | 12483/18
12281/18 + ADD 1
ACP |

Delegated or Implementing Acts

Economic and Financial Affairs

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| 53. | Ten (10) Delegated Acts supplementing Regulation (EU) 2016/1011 of the European Parliament and of the Council (Benchmarks Regulation)
<i>Delegated act - Intention not to raise objections</i> | 12389/18
EF |
| a) | Commission Delegated Regulation (EU) .../... of 13.7.2018 supplementing Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to regulatory technical standards specifying further the governance and control requirements for supervised contributors | 11188/18 |
| b) | Commission Delegated Regulation (EU) No .../... of 13.7.2018 supplementing Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to regulatory technical standards for the form and content of the application for recognition with the competent authority of the Member State of reference and of the presentation of information in the notification to European Securities and Markets Authority (ESMA) | 11190/18 |
| c) | Commission Delegated Regulation (EU) .../... of 13.7.2018 supplementing Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to regulatory technical standards determining the minimum content of cooperation arrangements with competent authorities of third countries whose legal framework and supervisory practices have been recognised as equivalent | 11191/18 |

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| d) | Commission Delegated Regulation (EU) .../... of 13.7.2018 supplementing Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to regulatory technical standards for the procedures and characteristics of the oversight function | 11192/18 |
| e) | Commission Delegated Regulation (EU) .../... of 13.7.2018 supplementing Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to regulatory technical standards specifying further how to ensure that input data is appropriate and verifiable, and the internal oversight and verification procedures of a contributor that the administrator of a critical or significant benchmark has to ensure are in place where the input data is contributed from a front office function | 11193/18 |
| f) | Commission Delegated Regulation (EU) .../... of 13.7.2018 supplementing Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to regulatory technical standards specifying further the elements of the code of conduct to be developed by administrators of benchmarks that are based on input data from contributors | 11194/18 |
| g) | Commission Delegated Regulation (EU) .../... of 13.7.2018 supplementing Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to regulatory technical standards specifying further the criteria to be taken into account by competent authorities when assessing whether administrators of significant benchmarks should apply certain requirements | 11198/18 |
| h) | Commission Delegated Regulation (EU) .../... of 13.7.2018 supplementing Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to regulatory technical standards specifying further the information to be provided by administrators of critical or significant benchmarks on the methodology used to determine the benchmark, the internal review and approval of the methodology and on the procedures for making material changes in the methodology | 11199/18 |

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| i) | Commission Delegated Regulation (EU) No .../... of 13.7.2018 supplementing Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to regulatory technical standards for the information to be provided in an application for authorisation and in an application for registration | 11201/18 |
| j) | Commission Delegated Regulation (EU) .../... of 13.7.2018 supplementing Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to regulatory technical standards specifying further the contents of, and cases where updates are required to, the benchmark statement to be published by the administrator of a benchmark | 11202/18 |
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