



Brussels, 24 November 2016  
(OR. en)

14215/16

CRS/CRP 37

## SUMMARY RECORD

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Subject: 2603rd meeting of the PERMANENT REPRESENTATIVES COMMITTEE  
(Part 2) held in Brussels on 4 November 2016

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### I. Adoption of the agenda

13895/1/16 REV 1 OJ CRP2 35 COMIX 718

The Committee adopted the agenda.

### II. Approval of the "I" items

The Committee approved the "I" items as set out in the Annex.

### III. Discussion items

#### COREPER (Part 2)

26. 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

13937/16 SCH-EVAL 191 FRONT 420 COMIX 719

**(transferred from part I)**

The Committee confirmed the outcome of the Mixed Committee and approved the draft text.

### Statement by Greece

"Greece regrets that the adoption of the Commission's 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, is based, among others, on the assumption that "a significant number of irregular migrants (about 60 000) stranded in Greece [who] may reasonably be expected to seek to move irregularly to the other Member States".

Greece recalls its Follow-up report (12 August 2016) on the implementation of the Action plan on addressing the deficiencies identified in the field of management of its external borders following the evaluation of November 2015, where it presented its well-founded position that no risk of secondary movements from its territory to other EU Member States - such that can pose a threat to the internal security and public order in accordance with the Schengen Borders Code - can be substantiated.

Since the November 2015 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 to prevent and deter any attempt of absconding from the mainland to the north, including to the former Yugoslav Republic of Macedonia. Furthermore, Greece has requested the deployment of Frontex Guest Officers at the land borders between Greece and Albania and Greece and the former Yugoslav Republic of Macedonia.

Greece believes that the "factual indicators" referred to in recital no.13 of this proposal cannot be adequately substantiated. The repeated mention of what is "justified to expect" (recital no.6); what "appears justified" (recital no.12); as well as of those "who may reasonably be expected to seek to move irregularly to other Member states" (explanatory memorandum, p.3) proves that the proposal is based on speculations and lacks the necessary reasoning for prolonging temporary border controls in accordance to article 29 of the SBC.

Greece further recalls that the information provided by the five Schengen States (Austria, Germany, Denmark, Sweden and Norway) on the internal border controls has been scant and not sufficiently detailed, which is reflected in the 28 September 2016 Commission report on the implementation of the 12 May 2016 Council Recommendation. It, therefore, does not provide solid ground for prolonging temporary border controls.

Greece reiterates that adequate response on behalf of Member States to EASO and FRONTEX calls for experts is key to the success of the implementation of the EU-Turkey Statement.

In addition, the assumptions on the cumulated number of asylum applications received by Schengen States is irrelevant to the subject matter and it does not justify the need for the prolongation of the temporary internal border controls. Consequently, Greece cannot agree to the proposal for this Council Implementing Decision."

### Statement by Hungary

"Since the beginning of the migration crisis Hungary is of the opinion that the protection of the external borders is the key in stemming the *influx of irregular* migrants. We have to ensure that the external borders are crossed only in accordance with rules and regulations.

Hungary is convinced that the draft decision setting out a Recommendation for prolonging temporary internal border control gives an inadequate response to real problems and could lead to the collapse of the Schengen Area.

The draft decision itself highlights that information provided by the 5 Member States show a progressive stabilisation of the situation. The facts and data listed in the draft decision and the figures presented in the report of the European Commission on 28 September 2016 do not justify either the necessity or the proportionality of the maintenance of temporary border controls at the specified internal border sections. Neither the draft decision nor the report of the Commission present any objective evidence with regard the entry points of the asylum seekers into the territory of the 5 Member States concerned.

The "Back to Schengen Roadmap" does not provide the legal condition for maintaining the temporary border control at internal borders; however, Hungary agrees with the full implementation of the process of getting "back to Schengen".

Internal border control should be limited in scope, frequency, location and time, to what is strictly necessary to respond to the serious threat and to safeguard public policy and internal security, without hampering free movement unduly within the Schengen Area. The relevant Member States should be consulted regularly with a view to ensure that internal border controls are only carried out at those parts of the internal border where it is considered necessary and proportionate and the implementation should be monitored closely by the Commission and the relevant Member States.

Based on the aforementioned circumstances Hungary cannot support the adoption of the draft decision."

8. **Preparation** of the Council meeting (**Justice and Home Affairs**) on 18 November 2016
  - Other items in connection with the Council meeting

The Presidency provided further information with regards to the upcoming Justice and Home Affairs Council.

2. **Preparation of the Council meeting (Economic and Financial Affairs) on 8 November 2016**

a) **Building a fair, competitive and stable corporate tax system for the EU**

- = Presentation by the Commission and exchange of views
- 13729/16 FISC 169
- 13730/16 FISC 170 IA 99
  - + ADD 1
- 13731/16 FISC 171
  - + ADD 1
- 13732/16 FISC 172 IA 100
  - + ADD 1
- 13733/16 FISC 173
  - + ADD 1

The Committee took note of the Commission's presentation and prepared the discussion of ministers for the upcoming Council.

b) **Enhanced cooperation in the area of financial transaction tax**

- Proposal for a Council Directive implementing enhanced cooperation in the area of financial transaction tax
- = State of play
- 13608/16 FISC 164 ECOFIN 948

This item was withdrawn from the Council agenda and will be discussed at a later Council meeting.

d) **Criteria and process leading to the establishment of the EU list of non-cooperative jurisdictions for tax purposes**

- = Draft Council conclusions
- 13609/16 FISC 165 ECOFIN 949

The Committee exchanged views on the new compromise text presented by the Presidency.

c) **Statistics**

- EU statistics
- Strengthening cooperation with Eurostat
- ESGAB Report on the implementation of the European Statistics Code of Practice
- = Draft Council conclusions
- 13702/16 ECOFIN 960 STATIS 86 UEM 342
  - + COR 1
- 13805/16 ECOFIN 977 STATIS 87 UEM 344
  - + ADD 1
- 13845/16 ECOFIN 977 STATIS 89 UEM 348
- 13849/16 ECOFIN 978 STATIS 90 UEM 349

The Committee approved the draft Council conclusions and agreed to submit them to the Council for adoption.

- e) Other items in connection with the Council meeting

The Chair informed delegations about various organisational and procedural aspects of the Council and of the meetings in the margins of the Council.

3. **Multiannual Financial Framework (MFF) 2014-2020 Review/Revision**

= Exchange of views

13545/1/16 REV 1 CADREFIN 93 POLGEN 123 FIN 691

The Committee held an exchange of views and agreed to revert to this item at the next meeting of the Committee in order to prepare the discussion at the General Affairs Council.

4. **Preparation of the Council meeting (General Affairs) on 15-16 November 2016**

- Other items in connection with the Council meeting

The Presidency confirmed the agenda and timings of the Council as well as informal meetings in the margins.

5. **Relations with the European Parliament** after the European Parliament session on 24-27 October 2016 in Strasbourg

The Presidency outlined the main outcomes of the October EP plenary.

6. **Preparation of the Council meeting (Foreign Affairs/Trade) on 11 November 2016**

- Other items in connection with the Council meeting

The Presidency confirmed the agenda and starting time and provided detail on the meetings in the margins of the Council.

7. **EU-Canada Summit** on 30 October 2016

= Debriefing

The Committee took note of the debriefing given by the EEAS and the Commission.

**IV. Any other business**

**COREPER (PART 2)**

None.

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**"I" items approved****COREPER (Part 2)**

9. Draft minutes of the following meetings
  - = Approval
  - a) Conference of the Representatives of the Governments of the Member States, held in Brussels on 7 September 2016  
10311/16 PV RGEM 3
  - b) 3484th meeting of the Council of the European Union (General Affairs), held in Brussels on 20 September 2016  
12400/16 PV CONS 43  
+ COR 1 (cs)  
+ COR 2 (fi)  
+ ADD 1  
+ ADD 1 COR 1
10. Transparency - Public access to documents
  - a) Confirmatory application No 03/c/01/16  
5765/16 INF 17 API 15
  - b) Confirmatory application No 21/c/07/16  
12039/16 INF 157 API 96
11. Commission Delegated Regulation (EU) No .../.. of 4.10.2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards for risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty
  - = Intention not to raise objections to a delegated act  
13629/16 EF 314 ECOFIN 954 DELACT 222  
12914/16 EF 294 ECOFIN 872 DELACT 208  
+ ADD 1
12. Proposal for a Regulation of the European Parliament and of the Council on establishing a Union programme to support specific activities enhancing the involvement of consumers and other financial services end-users in Union policy making in the field of financial services for the period of 2017-2020 (**First reading**)
  - = Negotiating mandate  
13749/16 EF 318 ECOFIN 962 CONSOM 256 CODEC 1536
13. Climate Finance
  - = Draft Council conclusions  
13549/16 ECOFIN 942 ENV 674 CLIMA 145  
13157/16 ECOFIN 893 ENV 653 CLIMA 139  
+ ADD 1  
+ COR 1 (sl)

14. Joint Report EPC-Commission on health care and long-term care in the EU  
= Draft Council conclusions  
13774/16 ECOFIN 965 BUDGET 34 SAN 367 SOC 648  
+ COR 1  
13775/16 ECOFIN 966 BUDGET 35 SAN 368 SOC 649  
12735/16 ECOFIN 859 SOC 581 BUDGET 28 SAN 341  
+ ADD 1
15. Proposal for a Decision of the European Parliament and of the Council providing macro-financial assistance to the Hashemite Kingdom of Jordan (**First reading**)  
= Confirmation of the final compromise with the view to agreement  
13803/16 ECOFIN 969 UEM 343 RELEX 895 MED 54 CODEC 1547
16. Proposal for transfer of appropriations No DEC 28/2016 within Section III - Commission - of the general budget for 2016  
13592/16 FIN 693 INST 433 PE-L 62
17. Proposal for transfer of appropriations No DEC 29/2016 within Section III - Commission - of the general budget for 2016  
13593/16 FIN 694 INST 434 PE-L 63
18. Proposal for transfer of appropriations No DEC 30/2016 within Section III - Commission - of the general budget for 2016  
13594/16 FIN 695 INST 435 PE-L 64
19. (poss.) Proposal for a Decision of the European Parliament and of the Council on the mobilisation of the European Union Solidarity Fund to provide assistance to Germany  
13651/16 FIN 697  
  
The above-mentioned item was withdrawn.
20. (poss.) Draft amending budget No 6 to the general budget accompanying the proposal to mobilise the European Union Solidarity Fund to provide assistance to Germany  
= Information to national Parliaments  
13652/16 FIN 698 INST 438  
  
The above-mentioned item was withdrawn.
21. (poss.) Draft amending budget No 6 to the general budget accompanying the proposal to mobilise the European Union Solidarity Fund to provide assistance to Germany  
13653/16 FIN 699 PE-L 65  
  
The above-mentioned item was withdrawn.
22. Draft Council Implementing Decision amending Implementing Decision 2013/678/EU authorising the Italian Republic to continue to apply a special measure derogating from Article 285 of Directive 2006/112/EC on the common system of value added tax  
= Adoption  
13142/16 FISC 152 ECOFIN 887  
13140/16 FISC 151 ECOFIN 886

23. Draft Council Implementing Decision amending Decision 2007/884/EC authorising the United Kingdom to continue to apply a measure derogating from Articles 26(1)(a), 168 and 169 of Directive 2006/112/EC on the common system of value added tax  
= Adoption  
13144/16 FISC 154 ECOFIN 889  
13143/16 FISC 153 ECOFIN 888
24. Negotiations for agreement between the European Union and Norway on administrative cooperation, combating fraud and recovery of claims in the field of value-added tax  
13607/2/16 REV 2 FISC 163 N 61 ECOFIN 947  
13527/16 FISC 159 N 60 ECOFIN 940 **EU RESTRICTED**

Statement by the Commission

"The Commission welcomes the Council's support with respect to the negotiations for an Agreement between the European Union and Norway on administrative cooperation, combating fraud and recovery of claims in the field of value-added tax. The Commission shall carefully consider the Council's recommendations. The Commission recalls, however, that such recommendations cannot bind the negotiator. As previously indicated, the Commission disagrees with the recommendation to include a reference, in the Preamble, to "the EU and its Member States" (instead of to "the EU"). Moreover, the Commission considers that Norway's active participation in Eurofisc would serve both the Union's and Norway's interest in preventing VAT fraud."

25. Proposal for a Council Directive amending Directive 2011/16/EU as regards access to anti-money-laundering information by tax authorities  
= General approach  
12020/1/16 REV 1 FISC 132 ECOFIN 781  
12041/1/16 REV 1 FISC 133 ECOFIN 782

Statement by the Council and the Commission

"The Undersigned welcome the general approach reached by the Council on the Directive amending Directive 2011/16/EU as regards access to anti-money-laundering information by tax authorities. In order to make such access efficient and up-to-date, the Undersigned are of the opinion that Directive 2011/16/EC should be further revised and amended in the future, in order to take stock of the results of the ongoing revision of Directive (EU) 2015/849 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing, especially as regards automated centralised mechanisms such as central registries or central electronic data retrieval systems."

27. Draft Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of management of the external borders by The Netherlands  
13812/16 SCH-EVAL 186 FRONT 414 COMIX 709  
13817/16 SCH-EVAL 188 FRONT 416 COMIX 711
28. Draft Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Italy on the application of the Schengen acquis in the field of the common visa policy  
13809/16 SCH-EVAL 185 VISA 344 COMIX 708  
13590/16 SCH-EVAL 180 VISA 333 COMIX 688

29. Letter to the European Parliament on the change of the legal basis as regards the Regulation on New Psychoactive Substances  
13677/16 CORDROGUE 61 JAI 871 SAN 363  
  
The above-mentioned item was withdrawn.
30. Special Report No 11/2016 "Strengthening administrative capacity in the former Yugoslav Republic of Macedonia: limited progress in a difficult context"  
= Draft Council conclusions  
13348/16 COWEB 112 FIN 667
31. Council Decision amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo\* (EULEX KOSOVO)  
13572/16 CORLX 419 CSDP/PSDC 605 CFSP/PESC 854 COWEB 118  
EU-LEX 16 CSC 310  
13277/16 CORLX 396 CSDP/PSDC 579 CFSP/PESC 819 COWEB 111  
EU-LEX 15 CSC 290
32. Draft Council Decision amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine  
and  
Draft Council Implementing Regulation implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine  
= Adoption  
13810/16 CORLX 427 CFSP/PESC 871 RELEX 896 COEST 279FIN 712  
13725/16 CORLX 422 CFSP/PESC 863 COEST 275 FIN 702  
13728/16 CORLX 424 CFSP/PESC 866 RELEX 891 COEST 277FIN 704

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\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

33. Draft Council Decision on the signing, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union  
= Adoption  
and  
Proposal for a Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union  
= Request for the consent of the European Parliament  
13779/16 WTO 308 AGRI 575 UD 221 COLAC 94  
13036/16 WTO 282 AGRI 542 UD 205 COLAC 85  
13037/16 WTO 283 AGRI 543 UD 206 COLAC 86  
13038/16 WTO 284 AGRI 544 UD 207 COLAC 87
34. Draft Council Decision on the conclusion of a Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation of the Republic of Croatia as a Contracting Party, following its accession to the European Union  
= Adoption  
13838/16 CH 11 ELARG 99 ETS 42 MI 670 SERVICES 32 SOC 653  
14381/13 CH 42 ELARG 131 ETS 41 MI 832 SERVICES 48 SOC 772  
+ COR 1  
14382/13 CH 43 ELARG 132 ETS 42 MI 833 SERVICES 49 SOC 773
35. Declarations at the United Nations Framework Convention on Climate Change meetings (Marrakech, 7-18 November 2016)  
= Approval of signature on behalf of the European Union  
13704/16 CLIMA 146 ENV 678 ENER 363 ACP 142 SURE 32 IND 220
36. Report by the Code of Conduct Group (Business Taxation) to ECOFIN  
= Patent boxes: state of play and the way forward  
13924/16 FISC 183 ECOFIN 992
37. Draft Council implementing Decision implementing Decision 2013/255/CFSP concerning restrictive measures against Syria  
and  
Draft Council implementing Regulation implementing Council Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria  
= Adoption  
13375/16 CORLX 407 CFSP/PESC 835 RELEX 854 COARM 189  
MAMA 214 FIN 674  
13297/16 CORLX 399 CFSP/PESC 822 COARM 183 MAMA 208 FIN 654  
13299/16 CORLX 400 CFSP/PESC 823 RELEX 842 COARM 184  
MAMA 209 FIN 655
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