



Brussels, 7 December 2017
(OR. en)

15527/17

CRS CRP 43

SUMMARY RECORD

Subject: 2648th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 15 and 16 November 2017

I. Adoption of the agenda

14278/1/17 REV 1 OJ CRP2 38 + REV 1 COR 1

14292/17 OJ CRP1 38 + 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 2)

WEDNESDAY 15 NOVEMBER 2017

Foreign Affairs

2. Preparations for the Eastern Partnership Summit 14167/17
(Brussels, 24 November 2017)
Policy debate

The Committee agreed on the draft declaration text, giving a mandate to the EEAS for further negotiations on the issues involved in paragraph 6, for the addition of a factual reference in paragraph 17 as set out in the Note to Coreper (doc. 14167/17), as well as for the possible addition of a reference by the negotiator in paragraph 17 of the Declaration on the initialling of the Aviation Agreements with Armenia and Azerbaijan, provided that the remaining open issues are resolved and initialling takes place.

Economic and Financial Affairs

3. Meeting of the Council (Economic and Financial Affairs) on
5 December 2017: Agenda

The Presidency presented the main points on the agenda. A number of delegations requested the addition of a sub-item on the state of play of implementation of the action plan on tackling non-performing loans, under the item on strengthening of the Banking Union.

5. Omnibus proposal concerning financial rules 14222/17 + COR 1
- Separating the agricultural provisions from the Omnibus
proposal
Approval

The Committee approved the separation of the agricultural provisions from the Omnibus proposal concerning financial rules.

4. Preparation Conciliation Committee meeting and
ECOFIN/Budget Council on 17 November 2017

The Presidency outlined the situation with the European Parliament and the calendar of next steps.

Justice and Home Affairs

6. Meeting of the Council (Justice and Home Affairs) on
7-8 December 2017: Agenda

The Presidency presented the main points on the agenda. The Commission requested the addition of an item on migration, and of an information point on EU PNR implementation. A couple of delegations requested the addition of a state of play item on the accession of the EU to the ECHR.

7. Resettlement Framework Regulation 14064/17
Mandate for negotiations with the European Parliament

The Committee approved the mandate for negotiations with the European Parliament with a few amendments. The mandate for negotiations with the European Parliament is set out in document 14506/17.

Statement by the Czech Republic

"The Czech Republic is of a strong opinion that the final text of the Regulation of the Union Resettlement (and Humanitarian Admission) Framework must guarantee that any resettlement contributions made by each Member State, as well as the implementation of those contributions by each Member State, will be done on a voluntary basis. It is the position of the Czech Republic that any future common scheme, framework or mechanism to be implemented at the EU level needs to take fully into account the discretion of Member States concerning volumes and composition of third-country nationals admitted to reside legally in their respective territories. Therefore, the Union Resettlement Framework must not in any case serve as a tool to impose mandatory quotas against a Member State's will. It is the understanding of the Czech Republic that the current draft Regulation stipulates that contributions made by any of the Member States will always be fully respected by the Commission when proposing annual or multi-annual plans to be adopted by the Council.

The Czech Republic will be able to support the draft Regulation at the end of the legislative process only if the same guarantees of preserving the voluntary principle and full respect to the admission capacities pledged by Member States, as currently included in the Council compromise draft (doc. 14064/17), remain in place during the *trilogue* with the European Parliament."

Statement by Germany

"Resettlement and humanitarian admissions are a state's sovereign decision to enable the legal and safe entry of a certain number of third-country nationals and stateless persons in need of protection. The decision by a Member State to admit persons in need of protection must not, however, create burdens for another Member State. Effective measures to reduce secondary movements are needed also for this reason. Only in this way can European solidarity and the division of responsibilities take effect; only in this way can the legitimacy and functioning of resettlement and humanitarian admission be maintained. Effective rules and mechanisms are therefore essential, so that persons who migrate onward to another Member State and reside there unlawfully are readmitted, in mutual solidarity and without delay, by the responsible Member State or the Member State that originally admitted them. To stop and reduce secondary movements, the provisions of the CEAS which are currently being negotiated, (in particular the future Dublin IV Regulation,) must be efficient and must also be applied to resettlement refugees."

THURSDAY 16 NOVEMBER 2017

General Affairs

8. Meeting of the Council (General Affairs) on 20 November 2017: Preparation

- a) Annotated draft agenda for the European Council on 14-15 December 2017
Exchange of views 13836/17

The Committee took note of the annotated draft agenda submitted by the President of the European Council, setting out the main items that the European Council is expected to address at its meeting on 14 December 2017.

- b) Legislative programming - Commission's Work Programme for 2018
Presentation by the Commission 14063/17
Exchange of views 13837/1/17 REV 1
+ ADD 1 - 5

The Committee took note of information from the Presidency on the handling of the item at the Council.

- c) IIA Implementation
State of play

The Committee took note of information from the Presidency on the handling of the item at the Council.

- d) European Semester 2018 - Roadmap
Presentation by the Presidency and the incoming Presidency 13992/17

The Committee took note of information from the Presidency on the handling of the item at the Council. The Committee took note of the concerns of a delegation as regards the tight timetable following the foreseen adoption of the European Semester Autumn Package on 22 November 2017.

- e) Other items in connection with the Council meeting

The Presidency provided further information with regard to the Council.

Economic and Financial Affairs

9. Revision of the Fourth Anti-Money Laundering Directive *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 on 14 November 2017 and on the way forward towards the next trilogue on 13 December 2017.

Foreign Affairs

10. Meeting of the Council (Foreign Affairs/Trade) on
10 November 2017: Follow-up

The above-mentioned item was withdrawn.

11. Meeting of the Council (Foreign Affairs) on 13 November 2017:
Follow-up

The above-mentioned item was withdrawn.

COREPER (PART 1)

Agriculture and Fisheries

39. Meeting of the Council (Agriculture and Fisheries) on 11 and 12 December 2017: Agenda
(For the items in the remit of the Permanent Representatives Committee)

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

Internal Market and Industry

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| 40. | Regulation on geo-blocking | 14086/17 |
| | <i>Preparation for the trilogue</i> | 14087/17 |

The Committee agreed on a revised mandate for the forthcoming trilogue.

Telecommunications

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| 41. | Regulation on parcel delivery | 14008/17 |
| | <i>Preparation for the trilogue</i> | |

The Committee agreed on a mandate for the forthcoming trilogue.

Transport, Telecommunications and Energy

42. Meeting of the Council (Transport, Telecommunications and Energy) on 4 and 5 December 2017

1. Agenda

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

2. Preparation

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| – | Council conclusions on the progress in TEN-T and CEF | 13972/17 |
| | transport | |
| | <i>Adoption</i> | |

The Committee confirmed the agreement reached at the Working Party level and forwarded the draft to Council for adoption.

Employment, Social Policy, Health and Consumer Affairs

43. Meeting of the Council (Employment, Social Policy, Health and Consumer Affairs) on 7 and 8 December 2017: Agenda

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

Employment and Social Policy

44. Revision of Directive 96/71 on Posting of Workers
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 14 November 2017.

Environment

45. Regulation on LULUCF 14052/17
Preparation for the trilogue

The Committee agreed on a revised mandate for the forthcoming trilogue.

46. Regulation on effort sharing 14054/17
Preparation for the trilogue

The Committee agreed on a revised mandate for the forthcoming trilogue.

Energy

47. Regulation on risk-preparedness in the electricity sector 13379/17
Preparation for a general approach

The Committee prepared a general approach.

IV. Any other business

COREPER (PART 2)

- Gas Directive proposal

The Committee took note of the concerns expressed by one delegation as regards the legal aspects of the proposal and the lack of an impact assessment. Following several interventions, the Presidency informed that work will be pursued in the energy Working Party.

COREPER (PART 1)

- a) Roadmap for the European Semester 2018 13992/17
Presentation by the Presidency

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

- b) Senior Officials meeting dinner ahead of the December
TTE (Energy) Council
Requested by the Portuguese delegation

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

"I" items approved**COREPER (PART 2)****WEDNESDAY 15 NOVEMBER 2017****Institutional Affairs****Minutes of Council meetings**

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| 12. | JHA 14.09.2017
<i>Approval</i> | 12261/17 |
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Economic and Financial Affairs

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| 13. | New French Commemorative Coin | 13589/17 |
| 14. | Ranking of Unsecured Debt Instruments in Insolvency
Hierarchy (BRRD-CR)
<i>Confirmation of the final compromise text with a view to
agreement</i> | 13724/17
13723/17 |
| 15. | Transitional arrangements as regards the regulatory capital
impact of IFRS 9 and for the large exposures exemption for
certain exposures
<i>Confirmation of the final compromise text with a view to
agreement</i> | 13726/17
13725/17 |
| 16. | OLAF's 2016 Report
- Outcome of proceedings
<i>Endorsement</i> | 14033/17 |
| 17. | OLAF Supervisory Committee's 2016 Activity Report
- Outcome of proceedings
<i>Endorsement</i> | 14032/17 |
| 18. | Interinstitutional exchange of views (Art. 16 OLAF Regulation)
- Mandate for the meeting on 23 November 2017 | 14136/17 |

Statement by Italy

"With regard to OLAF's Investigation Policy Priorities (IPPs) for 2018, the Mandate highlights the importance of focusing the attention on the Structural Funds sector.

The illegal activities that lead to irregularities and frauds have more and more transnational aspects.

In this frame Italy believes that within the discussions on OLAF's Investigation Policy Priorities for 2018, it should be already explored the possibility - already foreseen by the current OLAF legal frame, ex Art. 1 (2) of Reg. (EU, EURATOM) 883/2013 – of initiating joint operations in the expenditure side as well, starting for the consolidated experience on the revenue side, in particular in customs matters.

Moreover, this issue has been recently flagged by the European Parliament in its Resolution of 16 May 2017 on the "PIF Report 2015."

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| 19. | Securitisation Package: | 14093/17 |
| | a) CRR Amendment | PE-CONS 38/17 |
| | b) STS Securitisation Regulation | 14094/17 + ADD 1 |
| | <i>Adoption of the legislative act</i> | PE-CONS 39/17 |

Statement by the United Kingdom

"The UK supports adoption of the European framework for simple, transparent and standardised securitisation. The United Kingdom considers that the Securitisation Regulation contains obligations within Article 34(2) relating to cooperation and data sharing between law enforcement agencies, which fall within the scope of Title V of Part III of the Treaty on the Functioning of the European Union. Therefore, in relation to these provisions, the United Kingdom considers that Protocol (No. 21) to the Treaties applies."

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| 20. | Council conclusions on CoA SR No 7/2017 | 10709/17 |
| | <i>Adoption</i> | |

General Affairs

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| 21. | IFS Regulation | 13336/17 |
| | <i>General approach</i> | |
| 22. | Council Decision on the signing of an Agreement between the European Union and the Kingdom of Norway concerning additional trade preferences in agricultural products | 13391/17
13390/17
13471/17 |
| | <i>Adoption</i> | |
| 23. | Council Decision on the conclusion of the Agreement between the European Union and the Kingdom of Norway concerning additional trade preferences in agricultural products | 13358/17
13357/17
13471/17 |
| | <i>Agreement in principle</i> | |
| | <i>Request for the consent of the European Parliament</i> | |

Justice and Home Affairs

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| 24. | Entry/Exit System (EES): | 14091/1/17 REV 1 |
| | a) Regulation amending the Schengen Borders Code as regards the Entry/Exit System (EES) | + REV 1 ADD 1
PE-CONS 46/17 |
| | b) Regulation establishing an Entry/Exit System (EES) | 14092/1/17 REV 1 |
| | <i>Adoption of the legislative act</i> | + REV 1 ADD 1
PE-CONS 47/17 |

Statement by Austria

"Austria appreciates very much the intense efforts undertaken by the Estonian Presidency to achieve broad consensus among Member States in this important issue.

However, there is still an insufficient access to the system for law enforcement authorities for the identification of offending third-country nationals or other persons. Concerning this problem hopefully a solution will be found within the interoperability.

Also the access of asylum authorities to the entry-exit system would have been favorable in light of effective cooperation between asylum authorities in the Member States. Effective use of systems like the EES – which has been negotiated for a long time with many financial and personnel resources - is indispensable. The access of asylum authorities to the EES for reasons of identification of third country nationals as well as for reasons of process facilitation and returns would have constituted the central additional benefit of the EES."

Statement by Croatia

"The Republic of Croatia supports the aim of this Regulation since it should contribute to reinforcing and preserving of a favourable security situation in the entire territory of the European Union, the prerequisite for which is, inter alia, better and more operational control of external borders.

This aim should be considered as the highest interest of European Union citizens and the Republic of Croatia finds it unacceptable not to apply this Regulation from the very beginning of its operational application at the external borders of the European Union, thus unnecessarily and without any grounds diminishing its effect. It should be emphasised that by entry into force of the current Proposal for a Regulation the existing provision of Article 6(1) of the Schengen Borders Code (SBC) and the existing provisions of the Accession Treaty of the Republic of Croatia as an integral part of the *acquis communautaire* would be temporarily suspended. The Republic of Croatia would like to point out that, in the very title of the Proposal for a Regulation, the European Commission has foreseen the implementation of the Regulation precisely at the external borders of the Union and thereby the equal treatment of all Member States.

Failure to equally apply the Regulation to full Schengen members and those that are about to become full members, including the Republic of Croatia, would make the aim of this Regulation become secondary, and apart from threatening the internal security of the European Union and the efficient fight against terrorism and serious crime, a negative message would be sent to the European public.

From the operational aspect, failure to equally apply this Regulation would mean inability to register the duration of stay of third country nationals on short-term stay in the EU due to the lack of access to the VIS through the EES, and thus the inability to verify the validity of a Schengen visa. Since the Republic of Croatia recognises this visa as equal to Croatian visas, it could allow entry into its state territory to a holder of a non-valid visa travelling to a Schengen country, all due to the lack of access to the VIS through the EES, which opens an issue of a Member State responsible for covering the costs of return of those persons.

Furthermore, non-application of this Regulation in the Republic of Croatia would mean inability to access other operational data on persons who frequently cross the external border of the European Union and the Schengen border, including potential terrorists and other persons suspicious in terms of security.

Such uneven application could redirect the movement of persons who pose threat to internal security of the European Union across those borders at which this system would not be applied. As regards the Republic of Croatia, this would mean redirection to about 1350 km of the external border of the European Union, having also in mind third countries where a trend of increased intolerance, radicalism and violent extremism is present, also incited by the phenomenon of foreign terrorist fighters returning from war zones to their home countries, which also increases the risk of terrorism for the Republic of Croatia.

Moreover, the uneven application of this Regulation would also have serious implications on the flow of cross-border traffic since in addition to systematic checks that have been introduced more time would be required for manual instead of automated processing of travel documents, thus threatening the appropriate security profiling of passengers by border guards.

Taking into consideration all the above said, being a Member State with a long external border, the Republic of Croatia is extremely interested in finding a way to apply this Regulation at all external borders of the European Union from the very beginning of its adoption, thus optimising the very aim of the Regulation."

Statement by Slovenia

"The Republic of Slovenia fully supports the efforts to strengthen control at the EU external borders, including the establishment of an Entry/Exit system, which is consistent with the requirements of the European Council and several EU strategic documents.

The goal of the system, i.e. improving the control over who is in the territory of Member States, was endorsed as early as in 2008, during the Slovenian presidency, when Member States' ministers proposed to the Commission, for the first time, that a proposal for such a system be prepared.

For this reason we regret that the proposal of the Regulation does not pursue this goal entirely as it restricts the use of the system to the Schengen area, which again makes a distinction between EU external borders and internal borders, for which decisions to abolish controls have not been adopted yet. This distinction is not only legal but will also have practical implications as the system will have a disproportionate effect on the flow of traffic at the border crossing points at the land border where it will be carried out, therefore also at some borders between EU Member States.

We would like to point out that the BCP infrastructure at the external land Schengen border in the Republic of Slovenia was adapted to the obligations at the time of the entry into the Schengen area. With ever increasing traffic at this border, changed control regime due to systematic checks of all passengers and obligatory use of a number of new border control systems, soon the infrastructure will no longer allow for a reasonable flow of traffic.

Therefore, the Republic of Slovenia calls on the European Commission to provide additional funding to make suitable adjustments to the infrastructure, given the restrictions on financing investment in infrastructure at border crossing points at temporary internal borders of the EU, which are included in the Multiannual Financial Framework 2014-2020. Control at external borders is in the common interest of all EU Member States, and with the establishment of an Entry/Exit system the Republic of Slovenia cannot and will not be responsible for any prolongation of waiting times at the external borders of the Schengen area and will not consider it a bilateral issue to be solved as part of relations with the neighbouring countries."

Foreign Affairs

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| 25. | WTO: 11th Ministerial Conference in Buenos Aires
(10-13 December 2017)
<i>Decision to hold a Council meeting in a place other than
Brussels or Luxembourg</i> | 14122/17 |
| 26. | Position of the EU and its Member States for the 4th UfM
Ministerial Conference on women
<i>Adoption</i> | 14097/17 |
| 27. | EUAM Ukraine - extension - Decision
<i>Adoption</i> | 13756/17
13534/17 |
| 28. | Restrictive measures in respect of actions undermining or
threatening the territorial integrity, sovereignty and
independence of Ukraine - new listing - Decision and
Implementing Regulation
<i>Adoption</i> | 13828/17
13788/17
13791/17 |
| 29. | EUBAM Libya Mission - extension - Decision
<i>Adoption</i> | 14003/17
13536/17 |
| 30. | Ukraine misappropriation of state funds restrictive measures -
draft reply
<i>Adoption</i> | 14216/17 |
| 31. | Democratic People's Republic of Korea restrictive measures -
draft reply
<i>Adoption</i> | 14219/17 |
| 32. | AU-EU MoU on peace and security - approval of signature
<i>Approval</i> | 14199/17 |
| 33. | Council conclusions on Digital for Development
<i>Adoption</i> | 14170/17 |
| 34. | Regulation on investment screening
<i>Decision to consult an institution or body</i> | 13642/17 |
| 35. | PSC Decision EUAM UKRAINE/2/2017 - extension of mandate
of the HoM
<i>Decision to publish in the Official Journal</i> | 14084/17
13365/17 |

Delegated or Implementing Acts

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| 36. | Commission Delegated Regulation (EU) .../... of 25.9.2017 amending Regulation (EU) No 1233/2011 of the European Parliament and of the Council on the application of certain guidelines in the field of officially supported export credits
<i>Delegated act - Intention not to raise objections</i> | 13816/17
12585/17 + ADD 1 |
| 37. | Commission Delegated Regulation (EU) .../... of 19.10.2017 on supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for the materiality threshold for credit obligations past due
<i>Delegated act - Intention not to raise objections</i> | 13631/17
13528/17 |
| 38. | Commission Delegated Regulation (EU) .../... of 27.9.2017 amending Annexes II, III and IV to Regulation (EU) No 978/2012 of the European Parliament and of the Council applying a scheme of generalised tariff preferences
<i>Delegated act - Intention not to raise objections</i> | 14120/17
12660/17 |

COREPER (PART 1)

Delegated and Implementing Acts

48. Commission Regulation (EU) .../... of XXX amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of phosphoric acid – phosphates – di – tri – and polyphosphates (E 338-452) in frozen vertical meat spits
Decision not to oppose adoption 13749/17
13649/17
+ ADD 1
49. Commission Regulation (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for mercury compounds in or on certain products
Decision not to oppose adoption 13997/17
+ COR 1
REV 1
13403/17
+ ADD 1
+ ADD 2
50. Commission Regulation (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for 2-phenylphenol, bensulfuron-methyl, dimethachlor and lufenuron in or on certain products
Decision not to oppose adoption 14025/17
+ COR 1
13637/17
+ ADD 1
+ ADD 2
51. Commission Delegated Regulation (EU) .../... of 18.10.2017 amending Regulation (EU) No 658/2014 of the European Parliament and of the Council as regards the adjustment to the inflation rate of the amounts of the fees payable to the European Medicines Agency for the conduct of pharmacovigilance activities in respect of medicinal products for human use
Delegated act - Intention not to raise objections 13505/17
13457/17

EU positions for international negotiations

52. Decision on the EU position in the International Olive Council (IOC)
Adoption 13776/17
13778/17

Transport

53. High-level Agreements between the EU and the Eastern Partnership countries on transport infrastructure networks
Authorisation to open negotiations 14385/1/17
REV 1
+ ADD 1
REV 1

Statement by the Commission

"The European Commission underlines that neither the intended high level agreement(s) with neighbouring countries, regarding the adaptation of the indicative maps set out in Annex III of Regulation (EU) No 13/15/2013 nor indeed the subsequent delegated act prejudice in any way possible decisions on co-funding by the Union of individual infrastructure projects in the countries concerned, in particular in respect of the requirements set out in article 8 of Regulation (EU) No 13/15/2013."