



Brussels, 21 December 2017  
(OR. en)

15750/17

CRS CRP 45

## **SUMMARY RECORD**

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Subject: 2650th meeting of the PERMANENT REPRESENTATIVES COMMITTEE  
held in Brussels on 29 November and 1 December 2017

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### **I. Adoption of the agenda**

14937/17 OJ CRP1 40

14963/3/17 REV 3 OJ CRP2 40 COMIX 796

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. Directives on Waste package  
*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 November 2017.

## **Fisheries**

3. Regulation on the North Sea plan  
*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 November 2017.

## **Transport**

4. EASA Basic Regulation 14521/1/17 REV 1  
*Preparation for the trilogue* + ADD 1 REV 1

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

5. Directive on qualification of professional drivers  
*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 November 2017.

## **Transport, Telecommunications and Energy**

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

1. Regulation on safeguarding competition in air transport 13848/17  
*Progress report* 10146/17

The Committee took note of the progress report and agreed to forward it to Council.

2. Council conclusions on mid-term evaluation of Galileo, 14767/1/17 REV 1  
EGNOS and the European GNSS Agency  
*Adoption*

The Committee agreed to forward the text of the conclusions to Council with a view to adoption.

7. Meeting of the Council (Transport, Telecommunications and Energy) on 18 December 2017: Agenda

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

## **Energy**

8. Directive on the energy performance of buildings 14707/17 + COR 1  
*Preparation for the trilogue*

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

## **Culture/Audiovisual Matters**

9. Review of the Directive on audiovisual media services (AVMS)  
*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 28 November 2017.

## **Internal Market**

10. Regulation on geo-blocking 14780/17  
*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 the Commission**

"The Commission takes note of the text of Article 9 agreed by the European Parliament and the Council.

Without prejudice to its right of initiative pursuant to the Treaty, the Commission wishes in this context to affirm that, in accordance with Article 9, in its first evaluation of this Regulation, due within two years after the entry into force of the Regulation, it will thoroughly assess the way in which the Regulation has been implemented and contributed to the effective functioning of the internal market. In so doing, it will take account of the increasing expectations of consumers especially of those that lack access to copyright protected services.

As part of the evaluation, it will also perform a substantive analysis of the feasibility and potential costs and benefits arising from any changes to the scope of the Regulation, in particular with regard to the possible deletion of the exclusion of electronically supplied services the main feature of which is the provision of access to or use of copyright protected works or other protected subject matter from Article 4(1)(b) where the trader has the required rights for the relevant territories, taking due account of the likely impacts any extension of the scope of the Regulation would have on consumers and businesses, and on the sectors concerned, across the European Union. The Commission will also carefully analyse whether in other sectors, including those not covered by Directive 2006/123/EC which are also excluded from the scope of the Regulation pursuant to its Article 1(3), such as services in the field of transport and audio-visual services, any remaining unjustified restrictions based on nationality, place of residence or place of establishment should be eliminated.

If in the evaluation the Commission comes to the conclusion that the scope of the Regulation needs to be amended, the Commission will accompany it with a legislative proposal accordingly."

### Statement by Luxembourg

"In order to create a fully functioning Digital Single Market, there is a need to remove the current legal fragmentation. Otherwise businesses, in particular SMEs and micro-enterprises, will not sell throughout the Single Market because of legal uncertainty and disproportionate compliance costs. As a result, consumers will not have access to the goods and services they want to buy.

Luxembourg remains skeptical as to the added value of the Regulation, which does not provide for legal certainty and which confirms, rather than removes, existing barriers. It obliges traders to sell everywhere in the EU without providing for any improvements and clarifications as regards the determination of the applicable law and the competent court. Businesses will not be able to protect themselves against legal and economic risks by restricting their sales to their domestic market or a limited number of markets, as they can today.

However, Luxembourg appreciates the efforts of the Estonian Presidency to provide for more clarity, in particular through new provisions in the Regulation's review clause. Two years after the entry into force of the Regulation, the Commission will have to assess the additional costs faced by businesses when selling across borders and which are due to legal fragmentation, including with respect to the existing rules on applicable law.

The review clause also invites the Commission to consider ways of facilitating consumers' access to electronic services protected by copyright – the “geoblocking” of which is a major issue for consumers today.

Therefore, Luxembourg can support the compromise text resulting from the trilogues with the European Parliament. Luxembourg hopes that the review of the Regulation will provide for ambitious and concrete results as soon as possible."

### Telecommunications

11. Directive on the European Electronic Communications Code 14670/17  
(Recast)  
*Preparation for the trilogue*

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

### Employment, Social Policy, Health and Consumer Affairs

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

1. Directive on equal treatment (Art. 19) 14867/17  
*Progress report*

The Committee took note of the progress report and agreed to forward it to Council.

2. Council conclusions on enhancing community-based 14636/17  
support and care for independent living  
*Adoption*

The Committee agreed to forward the text of the conclusions to Council with a view to adoption.

3. Council conclusions on enhanced measures to reduce horizontal gender segregation in education and employment  
*Adoption* 14624/17  
+ ADD 1–2

The Committee agreed to forward the text of the conclusions to Council with a view to adoption.

4. Directive on work-life balance  
*Progress report* 14280/17 + COR 1

The Committee took note of the progress report and agreed to forward it to Council..

13. 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 28 November 2017.

## **COREPER (PART 2)**

**WEDNESDAY 29 NOVEMBER 2017**

### **Economic and Financial Affairs**

37. EIB ELM 14848/17  
*Preparation for the trilogue*

The Committee agreed on a mandate for the forthcoming trilogue.

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

- c) Council conclusions on "Responding to the challenges of 14843/17  
taxation of profits of the digital economy"  
*Adoption*

The Committee agreed to forward the text of the conclusions to the Council with a view to adoption.

- d) Council Decisions/Recommendation on the 14852/17  
implementation of the Stability and Growth Pact 14853/17  
*Adoption* 14854/17

The Committee prepared this item for the Council.

- e) European Semester 2018 14826/17  
- Annual Growth Survey 2018, Alert Mechanism 14824/17 + ADD 1  
Report 2018 and Recommendation on the economic 14823/17 + ADD 1  
policy of the euro area  
*Presentation by the Commission*  
*Exchange of views*

The Committee prepared this item for the Council.

- f) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting and announced that the items regarding the ECOFIN Report to the European Council on tax issues and the Code of Conduct (Business taxation) would become A-items in the Council. One delegation announced that it would like to raise the US taxation plans.

39. Revision of the Fourth Anti-Money Laundering Directive 14838/17  
*Preparation for the trilogue*

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

### **Justice and Home Affairs**

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

- c) ECRIS-TCN Regulation/ECRIS Directive 14633/1/17 REV 1  
*General approach* 14634/1/17 REV 1

The Committee prepared this item for the Council.

- d) Freezing and Confiscation Regulation 14590/1/17 REV 1  
*General approach* 14591/1/17 REV 1

The Committee prepared this item for the Council. A number of delegations asked that a recital or declaration be added to the text stressing that the choice of a Regulation as legal form for this legislative instrument should not be seen as a precedent for future instruments in the field of cooperation in criminal matters.

- a) Data retention 14480/17  
*State of play/Policy debate*

The Committee prepared this item for the Council.

- b) Encryption 13478/17  
*State of play/Policy debate*

The Committee prepared this item for the Council.

- e) Brussels IIa Regulation: recast 14810/17  
*Policy debate*

The Committee prepared this item for the Council.

- f) Insolvency, Restructuring and Second Chance Directive 14734/17  
*Policy debate*

The Committee prepared this item for the Council.

- g) EU accession to ECHR 14936/17  
*State of play*

The Committee prepared this item for the Council.

## **General Affairs**

42. Meeting of the Council (General Affairs) on 12 December 2017:  
Preparation

- a) Draft guidelines for the European Council 13859/17  
*Exchange of views*

The Committee examined the draft guidelines for the conclusions of the upcoming European Council meeting on 14 December 2017.

- b) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

## **Justice and Home Affairs**

40. Reception Conditions Directive 14779/17 + COR 1  
*Mandate for negotiations with the European Parliament*

The Committee agreed on a mandate for negotiations with the European Parliament.

41. Qualification Regulation 14731/17  
*Mandate for negotiations with the European Parliament*

The Committee agreed to extend the mandate for negotiations with the European Parliament to also cover the notion of family members.



## **FRIDAY 1 DECEMBER 2017**

### **Justice and Home Affairs**

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

- h) Counter-Terrorism
  - High- level Commission Expert Group on  
Radicalisation <sup>1</sup>  
*Exchange of views*
  - Enhancing cooperation between competent  
authorities <sup>1</sup>  
*Exchange of views*

The Committee prepared this item for the Council.

- i) eu-LISA Regulation 14807/17  
*General approach*

The Committee prepared this item for the Council.

- j) Interoperability of EU Information Systems  
*Progress report*

The Committee prepared this item for the Council.

- k) Cooperation between CSDP missions/operations and EU  
JHA agencies  
*State of play*

The Committee prepared this item for the Council.

- l) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

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<sup>1</sup> Exceptionally, in the presence of the Schengen Associated States

## **Economic and Financial Affairs**

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

### **Transferred from Wednesday**

- |    |                                     |                  |
|----|-------------------------------------|------------------|
| a) | Strengthening of the Banking Union  | 14932/1/17 REV 1 |
| -  | European Deposit Insurance Scheme   | 14896/1/17 REV 1 |
|    | <i>Progress report</i>              | 14891/17 + COR 1 |
| -  | Banking package (CRR/CRD/BRRD/SRMR) | 14892/17+ COR 1  |
|    | <i>Progress report</i>              | 14894/17+ COR 1  |
| -  | Non-performing loans                | 14895/1/17 REV 1 |
|    | <i>State of play</i>                | 14808/17 + COR 1 |

The Committee prepared this item for the Council.

- |    |                                                                                        |                  |
|----|----------------------------------------------------------------------------------------|------------------|
| b) | Council conclusions on "The EU list of non-cooperative jurisdictions for tax purposes" | 14844/1/17 REV 1 |
|    | <i>Adoption</i>                                                                        | <b>R-EU</b>      |

The Committee discussed the draft Council conclusions and mandated the Fiscal Attachés to analyse any new letters the Council may receive before the Council meeting.

## **Foreign Affairs**

44. Eastern Partnership Summit (Brussels, 24 November 2017)  
*Debriefing*

The EEAS and the Commission debriefed the Committee on the Eastern Partnership Summit.

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|-----|-------------------------------------------------------------|----------|
| 86. | Permanent Structured Cooperation (PESCO) - Council Decision | 15277/17 |
|     | - questions submitted to Coreper                            |          |
|     | <i>Preparation for the adoption</i>                         |          |

The Committee provided guidance for further work on the Council Decision and agreed to return to this issue at its next session on 6 December 2017.

#### **IV. Any other business**

##### **COREPER (PART 1)**

None.

##### **COREPER (PART 2)**

- Selection of the Executive Director of Europol

The Presidency provided information on the procedure for the selection of the Executive Director of Europol, foreseen for the Committee's next meeting on 6 December 2017.

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

14. Written questions 14732/17  
*Adoption by silence procedure*
- a) E-005042/2017 - Refugees or reservists 13983/17
- b) E-005825/2017 - Arms exports from EU countries 13986/17
15. Minutes of Council meetings
- Approval*
- a) Agriculture and Fisheries on 10.09.2017 13016/17 + ADD 1  
+ COR 1
- b) Transport, Telecommunications and Energy on 24.10.2017 13710/17

**Judicial Affairs**

16. Case C-611/17 14910/17  
(Italy against Council of the European Union)  
Application for annulment  
*Information note for the Permanent Representatives Committee  
(Part I)*

**Delegated and Implementing Acts**

17. Commission Regulation (EU) .../... of XXX amending the 13936/17  
Annex to Regulation (EU) No 231/2012 laying down 13917/17 + ADD 1  
specifications for food additives listed in Annexes II and III to  
Regulation (EC) No 1333/2008 of the European Parliament and  
of the Council as regards specifications for Microcrystalline  
cellulose (E460(i))  
*Decision not to oppose adoption*
18. Commission Regulation (EU) .../... of XXX amending 13988/17  
Regulation (EU) No 10/2011 on plastic materials and articles 13938/17 + ADD 1  
intended to come into contact with food  
*Decision not to oppose adoption*
19. Commission Regulation (EU) .../... of XXX refusing to 13980/17  
authorise a health claim made on foods, other than those 13849/17 + ADD 1  
referring to the reduction of disease risk and to children's  
development and health  
*Decision not to oppose adoption*

- |     |                                                                                                                                                                                                                                                                                                                                                      |                              |
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| 20. | Commission Regulation (EU) .../... of XXX amending Regulation (EC) 1881/2006 as regards maximum levels of glycidyl fatty acid esters in vegetable oils and fats, infant formula, follow-on formula and foods for special medical purposes intended for infants and young children<br><i>Decision not to oppose adoption</i>                          | 14226/17<br>14147/17 + ADD 1 |
| 21. | Commission Regulation (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards calcium sorbate (E 203)<br><i>Decision not to oppose adoption</i>                                                             | 14230/17<br>14153/17 + ADD 1 |
| 22. | 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 sweeteners in fine bakery wares<br><i>Decision not to oppose adoption</i>                                                                                                            | 14234/17<br>14171/17 + ADD 1 |
| 23. | Commission Decision of XXX establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise and repealing Decision 2013/480/EU<br><i>Decision not to oppose adoption</i>                                  | 14701/17<br>13844/17 + ADD 1 |
| 24. | Commission delegated Regulation No (EU) .../.. of 20.10.2017 amending Annexes I, II, VI, VIII and IX to Regulation (EU) No 1007/2011 of the European Parliament and of the Council on textile fibre names and related labelling and marking of the fibre composition of textile products<br><i>Delegated act - Intention not to raise objections</i> | 14847/17<br>13662/17 + ADD 1 |

#### **EU positions for international negotiations**

- |     |                                                                                                                                                                                                                                       |                              |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 25. | Western Balkans Transport Community Treaty<br>Council Decision on the position to be taken on behalf of the European Union in the Ministerial Council set up under the Treaty establishing the Transport Community<br><i>Adoption</i> | 14682/1/17 REV 1<br>14124/17 |
| 26. | Council Decision on the EU position for 37th Standing Committee of the Bern Convention<br><i>Adoption</i>                                                                                                                             | 14764/17<br>14671/17 + COR 1 |

- |     |                                                                                                                                                                                                                                                                                                                                                                                              |                      |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 27. | IMO – Draft Union submission to be submitted to the 5th session of the Sub-Committee on Pollution Prevention and Response (PPR 5) of the IMO in London from 5 - 9 February 2018 concerning an initial proposal to amend the Anti-Fouling Systems Convention (AFS 2001) to include controls on Cybutryne<br><i>Endorsement</i>                                                                | 14640/17<br>14012/17 |
| 28. | IMO – Draft Union Information paper to be submitted to the 5th session of the Sub- Committee on Pollution Prevention and Response (PPR 5) of the IMO in London from 5-9 February 2018 concerning a report presenting scientific evidence for the adverse effects of Cybutryne to the environment<br><i>Endorsement</i>                                                                       | 14643/17<br>14019/17 |
| 29. | IMO – Draft Union submission to be submitted to the 5th session of the Sub-Committee on Pollution Prevention and Response (PPR 5) of the IMO in London from 5 - 9 February 2018 concerning proposals for the consistent implementation of regulation 14.1.3 of MARPOL Annex VI<br><i>Endorsement</i>                                                                                         | 14645/17<br>14021/17 |
| 30. | IMO – Draft Union Information paper to be submitted to the 5th session of the Sub- Committee on Pollution Prevention and Response (PPR 5) of the IMO in London from 5 - 9 February 2018 concerning information about an alternative method to further reduce the impact on the environment of tank washings containing high-viscosity and persistent floating products<br><i>Endorsement</i> | 14718/17<br>14023/17 |

Statement by the Commission on items 27, 28, 29 and 30

"The Commission considers that the above mentioned "Union submissions" to be submitted to the IMO are all covered by EU exclusive competence, including the Union Information paper concerning an alternative method to further reduce the impact on the environment of tank washings containing high-viscosity and persistent floating products.

Submission of proposals to the IMO on issues of EU competence is an act of external representation and should be made by the Commission on behalf of the EU to IMO and should therefore be sent to the IMO by the Commission.

In the view of the Commission, the procedural arguments against presenting submissions to the IMO by the Commission on behalf of the EU are not convincing as there is no evidence to suggest that the IMO, as a specialized agency of the United Nations, would be in a position to reject such a submission.

The Commission thus maintains its position that the Treaty provisions on external representation of the Union should be applied and, consequently, to present the submission in question to the IMO by the European Commission on behalf of the European Union is the only legally correct way forward. In case of non-respect of the above rules, the Commission reserves all its rights in this regard."

## **Transport**

- |     |                                                                                                                                                   |                                   |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| 31. | Eurocontrol Provisional Council<br>(Brussels, 30 November-1 December 2017)<br>European Union coordination of a common position<br><i>Approval</i> | 14565/17                          |
| 32. | Professional qualifications in inland waterways Directive<br><i>Adoption of the legislative act</i>                                               | 14772/17 + ADD 1<br>PE-CONS 42/17 |
| 33. | Cooperative Intelligent Transport Systems (ITS) Decision<br><i>Adoption of the legislative act</i>                                                | 14774/17<br>PE-CONS 52/17         |

## **General Affairs**

- |     |                                                             |                           |
|-----|-------------------------------------------------------------|---------------------------|
| 34. | TERCET Regulation<br><i>Adoption of the legislative act</i> | 14773/17<br>PE-CONS 49/17 |
|-----|-------------------------------------------------------------|---------------------------|

## **Employment and Social Policy**

- |     |                                                                                                                                                         |                                   |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| 35. | Directive on protection of workers from exposure to carcinogens<br>or mutagens at work: exposure limit values<br><i>Adoption of the legislative act</i> | 14776/1/17 REV 1<br>PE-CONS 45/17 |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|

## **Internal Market and Industry**

- |     |                                                                                         |                                                    |
|-----|-----------------------------------------------------------------------------------------|----------------------------------------------------|
| 36. | Regulation on consumer protection cooperation<br><i>Adoption of the legislative act</i> | 14768/1/17 REV 1<br>+ REV 1 ADD 1<br>PE-CONS 41/17 |
|-----|-----------------------------------------------------------------------------------------|----------------------------------------------------|

### **Statement by the Commission**

"The European Commission declares the following:

- Article 21 requires competent authorities to take the necessary enforcement measures to cease widespread infringements. The Article sets out (in a non-exhaustive manner) in what situations enforcement measures are particularly appropriate.
- Amongst these situations, Article 21 lists: in paragraph (1)(d) commitments which are insufficient to ensure the cessation of the infringement or, where appropriate, to remedy consumers harmed by the infringement; and in paragraph (1)(e) the failure by the trader to implement those commitments.
- Article 21 (1) (d) and (e) must be read in consistency with the objectives of the Regulation, which are to set up an effective and efficient enforcement cooperation among competent public enforcement authorities to detect, investigate and order the cessation of intra-Union infringements and widespread infringement, and with the main provisions on remedial measures contained in the Regulation, in particular Article 9 (4) (c). In coordinated actions, where a competent authority has sought to obtain commitments from the trader to offer adequate remedies to the consumers concerned by an infringement, it may be particularly appropriate to take enforcement measures when those commitments are insufficient to remedy consumers harmed by the infringement or when those commitments are not implemented."

## **COREPER (PART 2)**

**WEDNESDAY 29 NOVEMBER 2017**

### **Institutional Affairs**

45. Minutes of Council meetings

*Approval*

- |    |                   |                           |
|----|-------------------|---------------------------|
| a) | RGEM 06.09.2017   | 11948/17                  |
| b) | ECOFIN 10.10.2017 | 13060/17 + ADD 1          |
| c) | GAC 17.10.2017    | 13346/17 + ADD 1          |
| d) | GAC 25.09.2017    | 12513/17 + ADD 1<br>REV 1 |
| e) | FAC 16.10.2017    | 13267/17                  |

### **Economic and Financial Affairs**

- |     |                                                          |          |
|-----|----------------------------------------------------------|----------|
| 47. | Transfer No DEC 31/2017 (Section III - Commission)       | 14059/17 |
|     | <i>Approval</i>                                          |          |
| 48. | Transfer No DEC 33/2017 (Section III - Commission)       | 14677/17 |
|     | <i>Approval</i>                                          |          |
| 49. | Commission Report on Council Directive 2008/118/EC       | 14169/17 |
|     | <i>Endorsement</i>                                       |          |
| 50. | Directive Solvency II                                    | 14551/17 |
|     | <i>Decision to consult an institution or body</i>        |          |
| 51. | VAT e-commerce package                                   | 14769/17 |
|     | Council Directive as regards certain VAT obligations for | 14126/17 |
|     | supplies of services and distance sales of goods         | 14127/17 |
|     | Council Implementing Regulation laying down implementing | 14128/17 |
|     | measures                                                 |          |
|     | Council Regulation on administrative cooperation and     |          |
|     | combating fraud in the field of VAT                      |          |
|     | <i>Adoption</i>                                          |          |



|     |                                                                                                |                                  |
|-----|------------------------------------------------------------------------------------------------|----------------------------------|
| 52. | EU-Norway agreement - Decision on signing<br><i>Adoption</i>                                   | 14703/17<br>14382/17<br>14390/17 |
| 53. | European Court of Auditors' Special Report No 15/2017<br><i>Designation of a Working Party</i> | 14860/17                         |
| 54. | ECOFIN Report to the European Council on tax issues<br><i>Endorsement</i>                      | 14790/17                         |
| 55. | Code of Conduct (Business taxation)                                                            | 14784/17                         |
|     | - Report to the Council<br><i>Endorsement</i>                                                  | 14789/17                         |
|     | - Council conclusions<br><i>Adoption</i>                                                       |                                  |

### **General Affairs**

|     |                                                                                           |                      |
|-----|-------------------------------------------------------------------------------------------|----------------------|
| 56. | EU-China Ocean Partnership<br><i>Authorization to open negotiations</i>                   | 14339/17<br>14919/17 |
|     | The above-mentioned item was withdrawn.                                                   |                      |
| 57. | European Court of Auditors' Special Report No 14/2017 -<br>conclusions<br><i>Adoption</i> | 14833/17             |

### **Justice and Home Affairs**

|     |                                                                             |                                                       |
|-----|-----------------------------------------------------------------------------|-------------------------------------------------------|
| 58. | SISNET budget<br><i>Adoption</i>                                            | 14721/17<br>14778/17                                  |
| 59. | e-visa: online visa application and digital visa sticker<br><i>Approval</i> | 14616/17                                              |
| 60. | Civil Protection Presidency report                                          | 14529/17                                              |
| 61. | Illegal tobacco trade conclusions<br><i>Adoption</i>                        | 14760/1/17 REV 1<br>11761/3/17 REV 3<br>+ REV 3 COR 1 |

### **Statement by Hungary**

"Hungary strongly regrets that the European Commission refused to postpone the vote on the Implementing Regulation on technical standards for the establishment and operation of traceability system for tobacco products to be adopted pursuant to Article 15 of the Tobacco Products Directive (2014/40/EU). The vote, which ended on 29 November 2017, regrettably paves the way for a Tracking and Tracing System which is highly expensive, complicated, and above all, totally unfit for its purpose: combating the illicit trade of tobacco products. Hungary reminds that the most serious trend in this illicit trade is the smuggling of "cheap whites", and that the costly Tracking and Tracing System that we will have to be applied as from 20 May 2019 will do nothing to combat this trend.

It is equally regrettable that, despite the commitment taken by the High Level Working Party of Directors General for Customs, and repeated requests by Hungary (including in the joint Declaration of the Hungarian, Polish and Slovak customs directors supported in the principle by 11 Member States), the possibility to hold a substantive debate on the competitiveness aspects and the possible serious distortion of competition to the detriment of small manufacturers in the appropriate fora of the Council has been denied.

Hungary wishes to reiterate the statement it made at the Competitiveness Council on 30 November 2017, in particular that:

- the Tracking and Tracing System will not resolve the problem of the illicit trade in the global tobacco market as no interoperability is guaranteed with the schemes operated by third countries;
- the Tracking and Tracing System will outrageously favor both large tobacco corporations (leading in all likelihood to a further consolidation of the industry), and the big firm(s) that will implement the system at technical level with regard to their already existing system;
- small manufacturers, as opposed to large corporations, have no tracking and tracing system in place and will face huge operational costs, which will threaten the survival of their business. In Hungary alone, the implementation of the Tracking and Tracing System puts at risk some 30.000 jobs. The flexibilities envisaged in the implementing regulation do not offer a solution that would make the on-off necessary investment sustainable for small businesses.

Against this background, Hungary urges the Commission to closely monitor the nefarious consequences of the Tracking and Tracing System that small manufacturers and their workers will inevitably bear and to propose, as soon as possible, adequate solutions to mitigate these consequences.

Hungary reiterates its commitment to support all initiatives, which aims at reaching tangible results in combating smoking and the illicit trade of tobacco products."

|     |                                                                                               |                              |
|-----|-----------------------------------------------------------------------------------------------|------------------------------|
| 62. | COSI Report EP<br><i>Adoption</i>                                                             | 14759/17<br>14108/1/17 REV 1 |
| 63. | Roadmap on information exchange and interoperability<br><i>Endorsement</i>                    | 14751/17<br>14750/17         |
| 64. | Atlas conclusions<br><i>Adoption</i>                                                          | 14754/17<br>12583/5/17 REV 5 |
| 65. | EU response to public spaces, CBRN and explosive precursors<br>Conclusions<br><i>Adoption</i> | 14755/17<br>14074/3/17 REV 3 |

- |     |                                                                             |                                  |
|-----|-----------------------------------------------------------------------------|----------------------------------|
| 66. | Ukraine - Internal Security conclusions<br><i>Adoption</i>                  | 14757/17<br>13272/3/17 REV 3     |
| 67. | Schengen evaluation recommendation - Denmark visa policy<br><i>Adoption</i> | 14781/17<br>14228/17             |
| 68. | Schengen evaluation recommendation - Denmark SIS<br><i>Adoption</i>         | 14782/17<br>14233/17 <b>R-UE</b> |
| 69. | Schengen evaluation recommendation - Iceland SIS<br><i>Adoption</i>         | 14785/17<br>14783/17 <b>R-UE</b> |
| 70. | Presidency Report Cyber crime<br><i>Endorsement</i>                         | 14840/17<br>14762/17             |

### **Foreign Affairs**

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|-----|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| 71. | EU-Canada Joint Ministerial Committee<br>Council Decision regarding the rules of procedure<br>Joint Ministerial statement<br><i>Approval</i> | 14336/17<br>14334/17<br>14655/17  |
| 72. | New antidumping methodology Regulation<br><i>Adoption of the legislative act</i>                                                             | 14775/17 + ADD 1<br>PE-CONS 50/17 |
| 73. | 2030 Agenda for Sustainable Development: establishment and<br>mandate of a dedicated Working Party<br><i>Approval</i>                        | 14809/17                          |
| 74. | EU-Mongolia: Framework Agreement on Partnership and<br>Cooperation<br><i>Approval</i>                                                        | 14285/17<br>7902/11               |

#### **Statement by Germany**

"Article 3(3) of the Framework Agreement on partnership and cooperation between the European Union and its member states, of the one part, and Mongolia, of the other part, does only apply to agreements concerning non-proliferation of weapons of mass destruction and their means of delivery."

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| 75. | EU-Mongolia: Protocol to the Framework Agreement on<br>Partnership and Cooperation<br><i>Adoption</i> | 14288/17<br>8940/16<br>9264/16 |
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#### **Statement by Germany**

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| 76. | EU-Philippines: Framework Agreement on Partnership and Cooperation<br><i>Approval</i>                                        | 14302/17<br>5054/14              |
| 77. | EU-Philippines: Protocol to the Framework Agreement on Partnership and Cooperation<br><i>Adoption</i>                        | 14293/17<br>13082/14<br>13085/14 |
| 78. | Support to the global conflict weapon monitoring initiative "iTrace III" - Decision<br><i>Adoption</i>                       | 14850/17<br>14327/17             |
| 79. | EUCAP Sahel Mali Mission - extension - Decision<br><i>Adoption</i>                                                           | 14851/17<br>14462/17             |
| 80. | European Security and Defence College - extension - Decision<br><i>Adoption</i>                                              | 14858/17<br>14354/17             |
| 81. | Democratic Republic of the Congo restrictive measures – review – Decision<br><i>Adoption</i>                                 | 14420/17<br>14135/17             |
| 82. | Egypt restrictive measures - reply to lawyers<br><i>Approval</i>                                                             | 14877/17                         |
| 83. | Relations with Georgia<br>EU position for the EU-Georgia Associations Council (Brussels, 8 December 2017)<br><i>Approval</i> | 14880/17                         |

#### **EU positions for international negotiations**

|     |                                                                                |                      |
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| 84. | ACP-EU Partnership Agreement – Implementation of Article 68<br><i>Adoption</i> | 14761/17<br>14346/17 |
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Statement by the Commission on the way forward in the implementation of Article 68 of the ACP-EU Partnership Agreement regarding exogenous shocks

"The Commission recognises that requests for assistance should be administered on the basis of a needs oriented case-by-case approach. The Commission intends to undertake an initial screening of applications for support based *inter alia* on:

1. Indicators related to the occurrence of an exogenous shock

In case of exogenous shocks of economic origin:

Shocks covered refer to exogenous shocks in the sense of the balance of payments and are captured by exports earnings. Two indicators represent volume and price effects:

- a) Annual percentage change of exports of goods and services at constant prices compared to the pre-shock year;
- b) Annual change in exports of goods only at current prices in percentage of GDP of the previous year.

In case of natural disasters:

a) Number of affected people in % of the population.

## 2. Indicators related to the lack of fiscal space

The capacity of the ACP States to respond to exogenous shocks with counter-cyclical macroeconomic policies could be assessed on the basis of a set of five indicators related to the concept of fiscal space:

- a) general government net lending/borrowing in percentage of GDP;
- b) general government gross public debt in percentage of GDP;
- c) general government revenue (excl. grants) in percentage of GDP;
- d) annual change in general government revenues (excl. grants) in percentage of GDP of the previous year;
- e) international reserve coverage in months of imports.

Following the initial screening, more in-depth analysis of the specific country situation through EU Delegations may be needed on a case-by-case basis. In addition, a policy dialogue with the country authorities as well as the international financing institutions on quality and short term budgetary impact of the shock should be engaged in order to determine potential eligibility. "

## **FRIDAY 1 DECEMBER 2017**

### **Institutional Affairs**

#### **Appointments**

46. **Transferred from Wednesday** 13247/217 REV 2  
Appointment of the members of Article 255 TFEU panel + ADD 1  
*Adoption* 13107/17 + ADD 1  
13957/17

#### **Statement by Poland**

"The Republic of Poland opposes the reappointment of prof. Mirosław Wyrzykowski as a member of the panel provided for in Article 255 of the Treaty on the Functioning of the European Union due to his public statements which situate him as a party in the domestic political dispute. In the opinion of the Polish Government political statements of prof. Wyrzykowski may raise doubts about his full objectivity when evaluating the candidates nominated to serve as judges in the Court of Justice of the European Union and the General Court."

### **Foreign Affairs**

85. (poss.) Conclusions on the Implementation of EU-NATO Joint 14801/17  
Declaration 2017  
*Adoption*

### **Economic and Financial Affairs**

87. EIB ELM 14846/17  
*Confirmation of the final compromise text with a view to agreement*
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