



Brussels, 10 January 2018
(OR. en)

15751/17

CRS CRP 46

SUMMARY RECORD

Subject: 2651st meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 6, 8 and 11 December 2017

I. Adoption of the agenda

15319/17 OJ CRP1 41 + COR 1
15396/2/17 REV 2 OJ CRP2 41 + CM 5399/1/17 REV 1

The Committee adopted the agenda.

II. Approval of the "I" items

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

III. Discussion items

COREPER (PART 1)

WEDNESDAY 6 DECEMBER 2017

Employment, Social Policy, Health and Consumer Affairs

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

European Semester 2018

Exchange of views

- | | | |
|----|--|------------------|
| a) | Annual Growth Survey (AGS), Alert Mechanism Report | 14990/17 |
| | (AMR), draft Joint Employment Report (JER), draft | 14824/17 |
| | Employment Guidelines (EGL) and draft | 14826/17 |
| | Recommendation on the economic policy of the euro area | 14805/17 + ADD 1 |
| | <i>Presentation by the Commission</i> | 14812/17 |
| | | 14823/17 |

- b) Recommendation on the economic policy of the euro area 15092/17
Approval of the contribution on the employment and social aspects

The Committee took note of the intentions for Council and submitted the contribution on the employment and social related aspects of the euro area recommendation to Council for approval.

Employment and Social Policy

3. 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 4 December 2017.

Education

4. Decision on Europass 14921/17
Preparation for the trilogue

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

Agriculture and Fisheries

5. Meeting of the Council (Agriculture and Fisheries) on 11 and 12 December 2017: Preparation
Regulation on Atlantic and North Sea TACs and Quotas 14842/17 + COR 1
for 2018 13780/17
Political agreement + ADD 1-2

The Committee prepared and submitted the item to Council for political agreement.

Fisheries

6. Regulation on the North Sea plan 15078/17
Preparation for the trilogue

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

Transport

7. Regulation on EASA
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 29 November 2017. The Committee will revert to the analysis of the final compromise text on 20 December 2017.

Internal Market and Industry

8. Regulation on type approval 15136/17
Preparation for the trilogue 15137/17

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

Energy

9. Directive on the energy performance of buildings
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 5 December 2017.

Transport, Telecommunications and Energy

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

Clean Energy Package

- a) Directive on electricity 14572/17 + ADD 1

Based on the comments by delegations the Presidency will prepare a revised version which will be referred to Ministers in order to reach a general approach.

- b) Regulation on electricity (recast) 14625/17 + ADD 1

General approach

Based on the comments by delegations the Presidency will prepare a revised version which will be referred to Ministers in order to reach a general approach.

FRIDAY 8 DECEMBER 2017

Telecommunications

11. Directive on the European Electronic Communications Code
(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 6 December 2017.

116. Regulation on BEREC

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 6 December 2017.

Fisheries

6. (continuation) 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 7 December 2017.

Education

4. (continuation) Decision on Europass

(poss.) Presidency debriefing on the outcome of the trilogue

The above-mentioned item was withdrawn.

Internal Market and Industry

8. (continuation) Regulation on type approval

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 7 December 2017.

Transport

12. Qualification and periodic training of drivers

14719/17

Preparation for the trilogue

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

Environment

13. Regulation on effort sharing 15122/17
Preparation for the trilogue

The Committee discussed a revised mandate and agreed with the conclusions of the Presidency on a way forward.

14. Regulation on LULUCF 15123/17
Preparation for the trilogue

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

Transport, Telecommunications and Energy

10. (continuation) Meeting of the Council (Transport, Telecommunications and Energy) on 18 December 2017: Preparation

Clean Energy Package

- c) Regulation on governance of the Energy Union 7204/7/17 REV 7

The Committee examined the draft and agreed to forward a revised text to Council in view of reaching a general approach.

- d) Directive on renewable energy (recast) 8697/5/17 REV 5
General approach + REV 5 COR 1
+ ADD 1 REV 2

The Committee examined the draft and agreed to forward a revised text to Council in view of reaching a general approach.

COREPER (PART 2)

WEDNESDAY 6 DECEMBER 2017

General Affairs

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

- a) Draft conclusions for the European Council 13862/17
Exchange of views

The Committee discussed the draft conclusions.

- b) European Council follow-up
State of play

The Committee prepared this item for the Council.

- c) Legislative programming - Joint declaration on legislative priorities 15073/17
Approval

The Committee asked the Presidency to propose to the European Parliament and the Commission to make two amendments to the text in view of its approval in GAC and subsequent signing by the three institutions. The Committee also agreed to add a Council statement recalling the Council conclusions of 17 June 2016 on the Banking Union.

- d) European Semester 2018 - Annual Growth Survey 14826/17
Presentation by the Commission

The Committee prepared this item for the Council.

- e) Other items in connection with the Council meeting

No new items were raised under this heading.

Justice and Home Affairs

40. Selection of the Executive Director of Europol 13340/17 R-UE
Agreement in principle

The Committee agreed to put forward Catherine De Bolle as the candidate to be selected by the Council and to inform thereafter the LIBE Committee accordingly.

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

- a) Reform of the Common European Asylum System and Resettlement 15057/17
- a) Dublin Regulation
 - b) Reception Conditions Directive
 - c) Qualification Regulation
 - d) Asylum Procedure Regulation
 - e) Eurodac Regulation
 - f) EU Asylum Agency Regulation
 - g) Resettlement Framework Regulation
- Progress report*

The Committee prepared this item for the Council.

- b) JHA Strategic Guidelines 15224/17
- Information from the Presidency*

The Committee prepared this item for the Council.

- c) Other items in connection with the Council meeting

No new items were raised under this heading.

42. EU Asylum Agency Regulation 14985/17

Endorsement

The Committee took note of the text agreed with the European Parliament. In addition a number of delegations made additional pledges of experts to the asylum reserve pool.

43. Regulation on Data Protection by EU institutions 15087/17 + COR 1

Preparation for the trilogue

The Committee agreed on a mandate for the forthcoming trilogue.

Foreign Affairs

44. Fifth African Union - European Union Summit
(Abidjan, 29-30 November 2017)

Debrief

The Committee was debriefed on the outcomes of the Summit.

45. Meeting of the Council (Foreign Affairs) on 11 December 2017:
Preparation

a) Current Affairs

The Committee prepared this item for the Council.

b) Iraq
Exchange of views

The Committee prepared this item for the Council.

c) Middle East: Recent Developments in the Region
Exchange of views

The Committee prepared this item for the Council.

d) Africa in the light of the AU-EU Summit
Exchange of views

The Committee prepared this item for the Council.

e) Achieving Prosperity through Trade and Investment 14962/17
Exchange of views

The Committee prepared this item for the Council. The Committee also agreed to add the adoption of Council conclusions to this item in the Council and approved the draft text of these conclusions.

f) Other items in connection with the Council meeting

The EEAS provided further information regarding the Council.

General Affairs

46. Proposal for the European Defence Industrial Development Programme (EDIDP) 15165/17
General approach

The Committee discussed this item. Furthermore, at the continuation of this session on Monday 11 December 2017, as a non-discussion item based on a new Presidency compromise proposal, the Committee agreed to forward the text to the Council for confirmation of the General approach.

Statement by Italy

"The Italian interpretation of Article 6.5 of the Proposal for Regulation is that the reference to "undertakings established in the Union and controlled by third countries or third countries entities" is applicable only to undertakings which are not eligible according to Article 6.4. Only the costs related to their participation to an eligible action shall not be eligible for funding under the Programme.

Even if these undertakings are identified by using the same definition used in Article 6.4, they have to be considered as a different category of undertakings, without interfering with the application of Article 6.4 that authorizes "an undertaking controlled by third countries or third countries entities" to be eligible as a beneficiary or subcontractor under the specific conditions indicated."

Foreign Affairs

115. Permanent Structured Cooperation (PESCO) - Council Decision 15465/17
Preparation for the adoption

The Committee discussed the draft Council Decision. The Council Legal Service noted that in point 20 of the annex to the Council Decision establishing PESCO the requirement that cooperation programmes must only benefit entities "which demonstrably provide added value on EU territory" does not limit such entities to those established in the Union.

The Committee was able to approve the draft Council Decision as a non-discussion item at the continuation of this session on Monday 11 December 2017.

Statement by Germany

"Having regard to the principles of Permanent Structured Cooperation (PESCO), as set out in Annex I to the Notification on Permanent Structured Cooperation of 13 November 2017, in particular the following principles:

Participating Member States will meet their binding commitments confirming that the establishment and implementation of Permanent Structured Cooperation will be undertaken in full compliance with the provisions of the TEU and the protocols attached thereto and respecting constitutional provisions of the member States;

Participation in PESCO is voluntary and leaves national sovereignty untouched;

Germany declares its understanding that the provisions of the Council Decision, in particular Article 3 paragraph 1, which reads: "*To achieve the objectives set out in Article 1 of Protocol No 10 and the undertakings referred to in Article 2 of that Protocol, the participating Member States shall make contributions which fulfil the more binding commitments which they have made to one another as set out in the Annex.*" do not alter the substance of the commitments that Member States have made to one another according to Article 46 paragraph 1 TEU and Article 2 Protocol No 10.

Germany agrees to the Council Decision on the understanding that such agreement is without prejudice to future budgetary decisions of the German Bundestag and that it cannot limit or restrict the constitutional authority of the legislature to adopt the budget, and that such agreement to the Council Decision cannot in any way be construed as an agreement to a transfer of sovereign rights of the Federal Republic of Germany to the European Union. Germany is fully committed to PESCO as an ambitious, binding and inclusive European legal framework for investments in the security and defence of the EU's territory and its citizens. PESCO also provides a crucial political framework for all Member States to improve their respective military assets and defence capabilities through well-coordinated initiatives and concrete projects based on more binding commitments. As a Participating Member State, Germany will meet the more binding commitments as agreed in the Notification of 13 November 2017."

Statement by Sweden

"Having regard to the principles of PESCO, as set out in Annex I to the Notification on Permanent Structured Cooperation of 13 November 2017, in particular the following principles:

Participating Member States will meet their binding commitments confirming that the establishment and implementation of Permanent Structured Cooperation will be undertaken in full compliance with the provisions of the TEU and the protocols attached thereto and respecting constitutional provisions of the member States;

Participation in PESCO is voluntary and leaves national sovereignty untouched;

Sweden declares its understanding that the provisions of the Council Decision, in particular Article 3 paragraph 1, which reads: "*To achieve the objectives set out in Article 1 of Protocol No 10 and the undertakings referred to in Article 2 of that Protocol, the participating Member States shall make contributions which fulfil the more binding commitments which they have made to one another as set out in the Annex.*" do not alter the substance or scope of the commitments that Member States have made to one another according to Article 46 paragraph 1 TEU and Article 2 Protocol No 10.

Sweden agrees to the Council decision in the understanding that such agreement is without prejudice to future budgetary decisions of the National Parliament and that the decision does not limit or restrict the constitutional authority of the legislature, and that Sweden's agreement to the Council Decision cannot in any way be construed as an agreement to a transfer of sovereign rights of Sweden to the European Union.

Sweden is fully committed to PESCO, as described in the Notification of 13 November 2017, as an ambitious, binding and inclusive European legal framework for investments in the security and defence of the EU's territory and its citizens, which also provides a crucial political framework for all Member States to improve their respective military assets and defence capabilities through well-coordinated initiatives and concrete projects based on more binding commitments.

As a participating State, Sweden will meet the more binding commitments as agreed in the Notification of 13 November 2017."

47. Meeting of the Council (Foreign Affairs/Trade) on 10 December 2017: Preparation

- a) Council conclusions at the start of the 11th World Trade Organization Ministerial Conference 15085/17
Adoption

The Committee prepared this item for the Council.

- b) Council conclusions at the end of the 11th World Trade Organization Ministerial Conference 15086/17
Adoption

The Committee prepared this item for the Council.

- c) Council Decision on the position to be taken on behalf of the EU in the WTO Ministerial Conference 14476/17
Adoption

The Committee prepared this item for the Council.

- d) Other items in connection with the Council meeting

No new items were raised under this heading.

General Affairs

48. Electoral law 15241/17
State of play

The Committee discussed this issue and authorised the Presidency to inform orally the European Parliament on the state of play in the Council.

Economic and Financial Affairs

49. Meeting of the Council (Economic and Financial Affairs) on 5 December 2017: Follow up

The above-mentioned item was withdrawn.

MONDAY 11 DECEMBER 2017

Foreign Affairs

Transferred from part I

106. DRC - Draft Council conclusions 15306/1/17 REV 1
Adoption

The Committee returned to this item following the events in North Kivu on 7 December 2017 and agreed to amend paragraph 6 of the draft Council conclusions accordingly, before forwarding them to the Council for adoption.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

- Preparation of the Euro Summit

The Committee was informed on the preparations of the Euro Summit.

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

15. Written questions 15158/17
Adoption by silence procedure

a) E-005946/2017 - Italian macro-prudential authority 14296/17

b) E-006192/2017 - What vision for the financial transaction tax? 14301/17

c) P-006278/2017 - Application of Common Position 14244/17
 2001/931/CFSP

Appointments

16. Appointment of one alternate members for the Advisory Committee on Safety and Health at Work (SE) 15133/1/17 REV 1
Adoption

17. Appointment of one member and one alternate member for the Advisory Committee on Freedom of Movement for Workers (SK, AT) 15129/17
 15128/17
Adoption

18. Appointment of one alternate member for the Management Board of the European Institute for Gender Equality (PL) 15205/17
Adoption

Other

19. List of Working Parties which will be officially organised in Bulgaria under the Bulgarian Presidency (first half of 2018) 14457/17
Information note for the Permanent Representatives Committee (Part 1)

20. Chairing of certain Working Parties by other delegations, at the request of the Bulgarian Presidency 14460/17
Approval

Delegated and Implementing Acts

- | | | |
|-----|---|--------------------------------------|
| 21. | Commission Regulation (EU) .../... of XXX amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the European Union reference laboratory for monitoring the viral and bacteriological contamination of bivalve molluscs
<i>Decision not to oppose adoption</i> | 14920/17
13995/17 |
| 22. | Commission Regulation (EU) .../... of XXX amending Regulation (EC) No 999/2001 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the European Union reference laboratory for transmissible spongiform encephalopathies
<i>Decision not to oppose adoption</i> | 14925/17
13996/17 |
| 23. | Commission Regulation (EU) .../... of XXX amending the Appendices to Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards CMR substances
<i>Decision not to oppose adoption</i> | 15070/17 + ADD 1
13395/17 + ADD 1 |

Statement by Germany

"Germany assumes that the German version of recital 1 will be corrected as follows: The word „krebserzeugend“ will be replaced by „karzinogen“, the word „erbgutverändernd“ will be replaced by „keimzellenmutagen“ and the word „fortpflanzungsgefährdend“ will be replaced by „reproduktionstoxisch“.

Also, Germany assumes that in the German version of the annex in entry 28 the word „krebserzeugend“ will be replaced by „karzinogen“, in entry 29 the word „erbgutverändernd“ will be replaced by „keimzellenmutagen“ and in entry 30 the word „fortpflanzungsgefährdend“ will be replaced by „reproduktionstoxisch“.

EU positions for international negotiations

- | | | |
|-----|---|----------------------|
| 24. | IMO - Draft Union submission to be submitted to the 5th session of the Sub-Committee on Ship Systems and Equipment (SSE 5) of the IMO in London from 12 - 16 March 2018 concerning a proposal to amend the "Guidelines for the approval of fixed dry chemical powder fire-extinguishing systems for the protection of ships carrying liquefied gases in bulk" (MSC.1/Circ.1315)
<i>Endorsement</i> | 14819/17
14578/17 |
|-----|---|----------------------|

- | | | |
|-----|---|----------------------|
| 25. | IMO – Draft Union submission to be submitted to the 5th session of the Sub-Committee on Ship Systems and Equipment (SSE 5) of the IMO in London from 12 - 16 March 2018 concerning proposals on electrical connections to vehicle and cargo units in ro-ro and special category spaces
<i>Endorsement</i> | 14815/17
14576/17 |
| 26. | IMO - Draft Union submission to be submitted to the 5th session of the Sub-Committee on Ship Systems and Equipment (SSE 5) of the IMO in London from 12 - 16 March 2018 concerning measures to address enhanced fire risks caused by the transport of vehicles with electrical drives
<i>Endorsement</i> | 14814/17
14573/17 |
| 27. | IMO - Draft Union information paper to be submitted to the 5th session of the Sub-Committee on Ship Systems and Equipment (SSE 5) of the IMO in London from 12 - 16 March 2018 concerning studies of relevance to the review of SOLAS Chapter II-2 and associated Codes to minimize the incidence and consequences of fires on ro-ro spaces and special category spaces of new and existing ro-ro passenger ships
<i>Endorsement</i> | 14825/17
14582/17 |
| 28. | IMO - Draft Union submission to be submitted to the 5th session of the Sub-Committee on Ship Systems and Equipment (SSE 5) of the IMO in London from 12 - 16 March 2018 concerning a proposed unified interpretation (UI) of the Life-Saving Appliances (LSA) Code Paragraph 4.4.8.1 and the Standardized Life-Saving Appliances Evaluation and Test Report Forms MSC/Circ.980/Add.1, Section 4.4.1.
<i>Endorsement</i> | 14831/17
14584/17 |

Statement by the Commission for items from 24 to 28

"The Commission considers that the above mentioned "Union submissions" to be submitted to the IMO is covered by EU exclusive competence. 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."

- | | | |
|-----|--|----------------------|
| 29. | Energy Community - coordination of the EU position
<i>Adoption</i> | 15124/17 |
| 30. | UNISPACE + 50: Thematic Priorities 2 to 7
<i>Endorsement</i> | 13766/17 + COR 1 |
| 31. | SPA and biodiversity Protocol to the Barcelona Convention
Council Decision on Annex II Amendment
<i>Adoption</i> | 15146/17
14694/17 |

Environment

- | | | |
|-----|--|-----------------------------------|
| 32. | Council conclusions on Eco-innovation
<i>Adoption</i> | 15159/1/17 REV 1
+ REV 1 ADD 1 |
|-----|--|-----------------------------------|

Statement by the Czech Republic

"In the spirit of consensus, the Czech Republic supported the Council Conclusions as approved. However, during the whole negotiations procedure, the Czech Republic has been raising its concern regarding the references to new initiatives (particularly establishing of "product sustainability and circularity criteria and their use") across the whole text. The Czech Republic would like to stress the importance of existing instruments and their administrative efficiency. Any new instruments should be established only after the existing instruments had been analysed concerning their impact on sustainability and circularity of products. The Czech Republic believes that existing instruments already fulfil the necessary requirements. Moreover, it should be taken into account that establishing new instruments could not only be costly but also confusing for both companies and consumers.

Stressing that EU Ecolabel and EMAS have existed for 25 years, the Czech Republic is convinced that the experience with the implementation instruments with such a long history should be used. In this context, the Czech Republic is persuaded that it is necessary to use primarily already existing instruments which proved to be efficient¹.

In this respect, the Czech Republic would also like to invite the Commission to evaluate the results of the pilot phase on the development of the Product Environmental Footprint (PEF) and Organisation Environmental Footprint (OEF). In this regard, the Czech Republic would like to emphasize that it is crucial to ensure that the voluntary schemes PEF and OEF have to provide accurate environmental data which can be measured and compared."

"¹ [...] REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the review of implementation of Regulation (EC) No 122/2009 of the European Parliament and of the Council on 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) and the Regulation (EC) No 66/2010 of the parliament and of the Council of 25 November 2009 on the EU Ecolabel. "

Fisheries

- | | | |
|-----|---|------------------------------|
| 33. | Black Sea TACs and Quotas Regulation for 2018
<i>Adoption</i> | 15058/17 + ADD 1
14897/17 |
| 34. | Council Decision denouncing the SFPAs EU/Comoros
<i>Request for the consent of the European Parliament</i> | 14611/17 + ADD 1
14423/17 |

Research

35. Research Fund for Coal and Steel - Decision on the financial provisions
Request for the consent of the European Parliament 14538/17 + COR 1
14532/17

Employment and Social Policy

36. Interinstitutional Proclamation on the European Pillar of Social Rights
Adoption of German and Swedish language versions 15403/17
13129/17 REV 1
(sv)
+ REV 3 (de)

Transport

37. EU-US ATM MoC - SESAR-NextGEN
Adoption 14028/17
14030/17
14031/17

Culture

38. EU Youth Orchestra (EUYO) Creative Europe
Mandate for negotiations with the European Parliament 14319/1/17 REV 1
+ ADD 1 REV 1

COREPER (PART 2)

Judicial Affairs

50. Case T-639/16 P 15349/17
Authorisation to produce a copy of or an extract from a Council document for use in legal proceedings
51. Judgment in Case C-660/13 15367/17
Information note for the Permanent Representatives Committee (Part 2)
52. Case T-721/17 15110/17
Information note for the Permanent Representatives Committee (Part 2)
53. Case T-722/17 15113/17
Information note for the Permanent Representatives Committee (Part 2)

Institutional Affairs

Appointments

54. Appointment of a member to the Committee of the Regions 15117/17
(MT) 15116/17
Adoption

Transparency

55. Ombudsman Own-Initiative Inquiry OI/2/2017/AB 15255/17
Inspection by the Ombudsman of documents held by the Council in the framework of her inquiry
Approval of a letter
56. Public access to documents 12805/17 + COR 1
Reply to confirmatory application No 25/c/01/17
Adoption

Economic and Financial Affairs

57. Ranking of Unsecured Debt Instruments in Insolvency 15140/17
Hierarchy (BRRD-CR) PE-CONS 57/17
Adoption of the legislative act
58. Transitional arrangements as regards the regulatory capital 15135/17
impact of IFRS 9 and for the large exposures exemption for PE-CONS 59/17
certain exposures
Adoption of the legislative act

- | | | |
|-----|--|---------------------------------------|
| 59. | <p>EFSI 2.0 Regulation
 <i>Preparation for the adoption of the legislative act</i></p> <p><u>Joint Statement by Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Ireland, Netherlands, Slovenia, Sweden and United Kingdom</u></p> <p>"Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union contains clear rules for the possible use of reflows from financial instruments. According to art. 140(6), annual repayments to financial instruments can only be used for the same financial instrument or budgetary guarantee, while revenues shall be entered in the budget as general revenue. In the context of the ongoing discussions on the revision of the financial regulation, the Council general approach does not propose any changes to this general rule. While, according to a new provision proposed in art. 202(2), it may be possible to re-assign an outstanding amount of assigned revenue under a basic act which is to be repealed or terminated to another financial instrument pursuing similar objectives, this provision constitutes a clear exception and derogates from the general rule. It should also be noted that this provision is not yet applicable.</p> <p>As such, the above Member States would like to emphasize that the financing of EFSI 2.0 by an amount of 25 mn euro from the repayments and revenues from financial instruments in heading 1a set up under previous multiannual financial framework (MFF) constitutes an absolute exception and should not in any way be seen as a precedent for the future treatment of revenues and repayments from financial instruments set up under the previous MFF. Possible future proposals on the use of reflows from financial instruments should be fully aligned with the general rule on repayments and revenues in the financial regulation."</p> | 15354/17 + ADD 1 |
| 60. | <p>Omnibus proposal (agricultural provisions)
 <i>Preparation for the adoption of the legislative act</i></p> | 15358/17 + ADD 1 |
| 61. | <p>ESGAB Appointing the Chairperson - Decision
 <i>Adoption</i></p> | <p>13115/17
 13081/17 + COR 1</p> |
| 62. | <p>ESGAB Appointing three members - Decision
 <i>Adoption</i></p> | <p>13114/17
 13079/17 + COR 1</p> |
| 63. | <p>Council conclusions on CoA SR No 10/2017
 <i>Adoption</i></p> | 15238/17 |

General Affairs

- | | | |
|-----|--|------------------------------|
| 64. | Regulation on European Medicine Agency Relocation
<i>Mandate for negotiations with the European Parliament</i> | 15263/17
15265/17 |
| | Postponed to Monday 11 December 2017. | |
| 65. | Regulation on European Banking Authority Relocation
<i>Mandate for negotiations with the European Parliament</i> | 15264/17
15266/17 |
| | Postponed to Monday 11 December 2017. | |
| 66. | EP Resolutions and decisions (November) | 15100/17 |
| 67. | Implementation of the Interinstitutional Agreement on Better Law-Making
Work undertaken during the Presidency
<i>Information from the Presidency</i> | 15084/17 |
| 68. | Update of the population figures of the Union - Decision
<i>Adoption</i> | 14964/17 |
| 69. | Non-binding delineation criteria between delegated and implementing acts - Draft position to be taken on behalf of the Council
<i>Endorsement</i> | 15294/17 |
| 70. | Draft Action Plan for implementation of the Council Conclusions on building strong cybersecurity for the EU
<i>Approval</i> | 14965/17
14435/17 + COR 1 |
| 71. | EU-China Ocean Partnership
<i>Authorization to open negotiations</i> | 14339/17
14919/17 |
| 72. | Presidency progress report concerning RPS Adaptation
<i>Information from the Presidency</i> | 14916/17 |

- | | | |
|-----|--|---------------------------|
| 73. | Transparency Register
<i>Mandate for negotiations with the European Parliament and the Commission</i> | 15173/17 |
| 74. | CPR Technical adjustment
<i>Adoption of the legislative act</i> | 15139/17
PE-CONS 53/17 |
| 75. | Draft EU Common Position on Chapter 2, Montenegro
<i>Adoption</i> | 15179/17 |

Joint statement by Germany, France, Austria and Luxembourg

"Germany, France, Austria and Luxembourg welcome the preparedness of the EU to consider that transitional measures will be required vis-à-vis Montenegro with regard to Article 1 to 6 of Regulation (EU) No 492/2011 of the European Parliament and of the Council on freedom of movement for workers within the Union, as well as to the freedom to provide services involving temporary movement of workers as defined in Article 1 of Directive 96/71/EC. However, Germany, France, Austria and Luxembourg clearly see the need to examine before the closure of chapter 2 whether transitional measures are required vis-à-vis Montenegro with regard to Article 49 TFEU. Therefore, Germany, France, Austria and Luxembourg are prepared to consent to the opening of negotiations on chapter 2 with Montenegro in the understanding that this examination of transitional measures vis-à-vis Montenegro with regard to Article 49 TFEU will be discussed at a later stage of the negotiations."

- | | | |
|-----|---|----------|
| 76. | Draft EU Common Position on Chapter 6, Serbia
<i>Adoption</i> | 15180/17 |
| 77. | Draft EU Common position on Chapter 30, Serbia
<i>Adoption</i> | 15181/17 |
| 78. | (poss.) Draft EU Common position on Chapter 33, Serbia
<i>Adoption</i> | 15182/17 |

The above-mentioned item was withdrawn.

- | | | |
|-----|--|----------|
| 79. | Draft Council conclusions on the CVM for Bulgaria and Romania
<i>Adoption</i> | 15183/17 |
|-----|--|----------|

80. Council Decision on amending Protocol 2 to Decision No 1/98 of the EC-Turkey Association Council on trade in agricultural products
Adoption
- 15184/17
14375/17

Statement by Cyprus, supported by Greece

"The Republic of Cyprus notes with deep regret that, despite repeated calls by the Council, Turkey has not revoked its unilateral declaration not to implement the Additional Protocol to the Association Agreement towards the Republic of Cyprus. In numerous occasions since its conclusions of 11 December 2006 and the declaration of the EC and its Member States of 21 September 2005, the Council has strongly urged Turkey to remove, without any further delay, all restrictions to trade with all EU Member States, including the Republic of Cyprus. This would include, the establishment of direct transport links and the lifting of restrictions for Cypriot vessels of any nationality being related to the Republic of Cyprus in terms of ownership or management or having landed in Cypriot ports.

Turkey's Negotiating Framework with the EU, also calls on the candidate country to urgently implement fully and on a non – discriminatory basis the Additional Protocol and to proceed with the normalization of bilateral relations with all EU Member States, including the Republic of Cyprus.

Despite the abovementioned clear obligations and repeated calls, Turkey continues to discriminate one Member-State and refuses to remove all obstacles to the free movement of goods, including restrictions on means of transport to the Republic of Cyprus.

For all the above and considering Turkey's persistent flagrant breach of its obligations towards the EU, the Republic of Cyprus has no option but to vote **against** the Decision on amending Protocol 2 to Decision No 1/98 of the EC-Turkey Association Council on trade in agricultural products."

Justice and Home Affairs

81. United States v. Microsoft - amicus brief
Information note for the Permanent Representatives Committee (Part 2)
- 15407/1/17 REV 1
82. e-Law (e-Justice) - Interconnection of registers of wills -
Council conclusions
Adoption
- 13887/17
83. Council Decision on full implementation of SIS in BG/RO
Agreement in principle
- 15249/17
84. Council conclusions on the development of the SIRENE
Bureaux
Adoption
- 15222/17
85. Council conclusions on identity management
Adoption
- 15216/17

- | | | |
|-----|--|---|
| 86. | PNR Canada Agreement / Decision on opening negotiations
<i>Adoption</i> | 14763/17
13672/1/17 REV 1
+ REV 1 ADD 1
+ REV 1 ADD 1
COR 1 |
|-----|--|---|

Statement by the United Kingdom

"The United Kingdom and Ireland have a special position under Protocol 21 to the Treaty on the Functioning of the European Union. Article 3 of Protocol 21 provides the United Kingdom and Ireland with a period of 3 months to consider whether to take part in a measure. That Protocol applies to the proposed Council Decision authorising the opening of negotiations on an Agreement between the European Union and Canada for the transfer and use of Passenger Name Record (PNR) data to prevent and combat terrorism and other serious transnational crime.

The United Kingdom regrets that it has not been given the full three months, in accordance with the Treaties, to take a decision on whether to participate in this measure. Nevertheless, in this case, the United Kingdom has informed the Presidency that it is taking part in the adoption of the Council Decision."

- | | | |
|-----|---|------------------------------|
| 87. | Council Decision on the declaration of acceptance of the
accession of certain States to the 1980 Hague Convention
- Georgia and South Africa
<i>Adoption</i> | 15090/17 + ADD 1
13581/17 |
|-----|---|------------------------------|

Joint Statement by Belgium, Germany, Spain, France, Italy, Luxembourg, Austria and Poland

"Where the European Union adopts internal legislative acts and on this basis, it exercises external exclusive competence, the Member States bound by those legislative acts take part in the acts that the Union adopts as part of this external competence.

In the context of this decision, all the Member States of the European Union bound by Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 consequently take part in the adoption of the decision authorising Austria and Romania to accept, in the interest of the European Union, the accession of Panama, Uruguay, Colombia and El Salvador to the 1980 Hague Convention on the Civil Aspects of International Child Abduction."

88. Council Decision on the declaration of acceptance of the accession of certain States to the 1980 Hague Convention
- San Marino
Adoption 15091/17 + ADD 1
13585/17

Joint Statement by Belgium, Germany, Spain, France, Italy, Luxembourg, Austria and Poland

"Where the European Union adopts internal legislative acts and on this basis, it exercises external exclusive competence, the Member States bound by those legislative acts take part in the acts that the Union adopts as part of this external competence.

In the context of this decision, all the Member States of the European Union bound by Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 consequently take part in the adoption of the decision authorising Austria and Romania to accept, in the interest of the European Union, the accession of Panama, Uruguay, Colombia and El Salvador to the 1980 Hague Convention on the Civil Aspects of International Child Abduction."

89. Council Decision on the declaration of acceptance of the accession of certain States to the 1980 Hague Convention
- Chile, Iceland and the Bahamas
Adoption 15094/17 + ADD 1
13586/17

Joint Statement by Belgium, Germany, Spain, France, Italy, Luxembourg, Austria and Poland

"Where the European Union adopts internal legislative acts and on this basis, it exercises external exclusive competence, the Member States bound by those legislative acts take part in the acts that the Union adopts as part of this external competence.

In the context of this decision, all the Member States of the European Union bound by Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 consequently take part in the adoption of the decision authorising Austria and Romania to accept, in the interest of the European Union, the accession of Panama, Uruguay, Colombia and El Salvador to the 1980 Hague Convention on the Civil Aspects of International Child Abduction."

90. Council Decision on the declaration of acceptance of the accession of certain States to the 1980 Hague Convention - Panama, Uruguay, Colombia and El Salvador
Adoption 15095/17 + ADD 1
13587/17

Joint Statement by Belgium, Germany, Spain, France, Italy, Luxembourg, Austria and Poland

"Where the European Union adopts internal legislative acts and on this basis, it exercises external exclusive competence, the Member States bound by those legislative acts take part in the acts that the Union adopts as part of this external competence.

In the context of this decision, all the Member States of the European Union bound by Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 consequently take part in the adoption of the decision authorising Austria and Romania to accept, in the interest of the European Union, the accession of Panama, Uruguay, Colombia and El Salvador to the 1980 Hague Convention on the Civil Aspects of International Child Abduction"

Foreign Affairs

91. IcSP - capacity building in support of security and development (CBSD) amendment
Adoption of the legislative act 15138/17 + ADD 1
PE-CONS 54/17
92. (poss.) PSC Decision EUBAM Rafah/2/2017 - appointment of Head of Mission
Decision to publish in the Official Journal 15267/17
14878/17
The above-mentioned item was withdrawn.
93. 19th Annual Report on EU Exports of Military Technology and Equipment
Adoption 14979/17
14770/17 + ADD1-6
94. Fissile material - Decision
Adoption 15066/17
14554/17
95. Draft EU China Statement on climate change and clean energy
Approval 15056/17
96. Draft Council conclusions on Thailand
Adoption 15220/17
97. EU-Afghanistan Cooperation Agreement on Partnership and Development - Joint Committee's rules of procedure
Approval 14157/17
14456/17

98.	Support to the clean-up operations at the former chemical weapons storage site in Libya - Decision <i>Adoption</i>	15215/17 14467/17
99.	Libya restrictive measures UN transposition - Implementing Decision <i>Adoption</i>	15302/17 15189/17
100.	Support to the destruction of Syrian chemical weapons - Decision <i>Adoption</i>	15219/17 14914/17
101.	Restrictive measures Tunisia - review of the restrictive measures - pre-notifications <i>Approval</i>	15337/17
102.	EU-Cuba Joint Council Council Decision on the position to be adopted by the EU as regards the rules of procedure of the Joint Council and those of the Joint Committee <i>Approval</i>	14300/17 14298/17
103.	EU-Ukraine Association Council - draft EU position <i>Approval</i>	15114/17
104.	Council Decision on the EU position in the EU-Georgia Customs Sub-Committee, as regards the replacement of Protocol I to the EU-Georgia Association Agreement by a new Protocol <i>Approval</i>	15208/17 14140/17
105.	Council Decision on EU position in the EU-Moldova Association Committee in Trade configuration concerning the comprehensive roadmap on the implementation of the EU-Moldova Association Agreement in the area of public procurement <i>Approval</i>	15213/17 14583/17
106.	DRC - Draft Council conclusions <i>Adoption</i>	15306/17

Delegated or Implementing Acts

- | | |
|--|------------------------------|
| 107. Commission Delegated Regulation (EU) No .../.. of 14.11.2017 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the criteria relating to the methodologies for valuation of difference in treatment in resolution
<i>Delegated act - Intention not to raise objections</i> | 14904/17
14377/17 |
| 108. Commission Delegated Regulation (EU) No .../.. of 14.11.2017 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the criteria relating to the methodology for assessing the value of assets and liabilities of institutions or entities
<i>Delegated act - Intention not to raise objections</i> | 14905/17
14379/17 |
| 109. Commission Delegated Regulation (EU) .../... of 17.11.2017 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on the trading obligation for certain derivatives
<i>Delegated act - Intention not to raise objections</i> | 14909/17
14544/17 + ADD 1 |
| 110. Commission Delegated Regulation (EU) .../... of 18.10.2017 amending Annex IIIb to Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.
<i>Delegated act - Intention not to raise objections</i> | 15218/17
13463/17 |

Environment

- | | |
|---|------------------|
| 111. ETS Aviation
<i>Preparation for the adoption of the legislative act</i> | 15355/17 + ADD 1 |
|---|------------------|

General Affairs

Transferred from part II

46. Proposal for the European Defence Industrial Development Programme (EDIDP) 15536/17
General approach

Statement by Italy

"The Italian interpretation of Article 6.5 of the Proposal for Regulation is that the reference to "undertakings established in the Union and controlled by third countries or third countries entities" is applicable only to undertakings which are not eligible according to Article 6.4. Only the costs related to their participation to an eligible action shall not be eligible for funding under the Programme.

Even if these undertakings are identified by using the same definition used in Article 6.4, they have to be considered as a different category of undertakings, without interfering with the application of Article 6.4 that authorizes "an undertaking controlled by third countries or third countries entities" to be eligible as a beneficiary or subcontractor under the specific conditions indicated."

64. Regulation on European Medicine Agency Relocation 15263/17
Mandate for negotiations with the European Parliament 15265/17

Joint Statement by the United Kingdom and the Commission

"Concerning the relocation of the European Medicines Agency and the European Banking Authority, the Commission and the UK wish to record that the consideration and adoption of the relevant legislative proposals will be without prejudice to the UK or EU positions on the costs of relocating these two agencies, as referenced in the Joint Report from the negotiators of the European Union and the United Kingdom Government published on 8 December 2017."

65. Regulation on European Banking Authority Relocation 15264/17
Mandate for negotiations with the European Parliament 15266/17

Joint Statement by the United Kingdom and the Commission

"Concerning the relocation of the European Medicines Agency and the European Banking Authority, the Commission and the UK wish to record that the consideration and adoption of the relevant legislative proposals will be without prejudice to the UK or EU positions on the costs of relocating these two agencies, as referenced in the Joint Report from the negotiators of the European Union and the United Kingdom Government published on 8 December 2017."

Foreign Affairs

Transferred from part II

115. Permanent Structured Cooperation (PESCO) - Council Decision 15511/17
Adoption 14866/17