



Brussels, 23 February 2016
(OR. en)

6198/16

CRS/CRP 4

SUMMARY RECORD

Subject: 2572nd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 3 February 2016

I. Adoption of the provisional agenda

5706/16 OJ/CRP1 4

5735/1/16 REV 1 OJ/CRP2 4 COMIX 72

The Committee adopted the provisional 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)

12. Setting of the provisional agenda for the Council meeting (Education, Youth, Culture and Sport) on 24 February 2016 ⁽¹⁾

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

13. Preparation for the Council meeting (Agriculture and Fisheries) on 15 February 2016

1. Proposal for a Regulation of the European Parliament and of the Council on the sustainable management of external fishing fleets, repealing Council Regulation (EC) No 1006/2008 (**First reading**) (*Legislative deliberation*)
 - Presentation by the Commission
 - Exchange of views
5609/16 PECHE 24 CODEC 85
15262/15 PECHE 481 CODEC 1773
 - + COR 1
 - + REV 1 (en, ee)
 - + REV 1 COR 1 (en, ee)
 - + ADD 1-2
2. Animal welfare – next steps (*Non-legislative activity*)
 - Presentation of a position paper of the German, Swedish, Danish and the Netherlands delegations
 - Exchange of views

The Committee prepared the items for the Agriculture and Fisheries Council on 15 February 2016. Moreover, the Committee took note of the information provided by the Presidency on the handling of the animal welfare item.

14. Fourth Railway Package (market pillar) (**First reading**) (**Legislative deliberation**)

- a) Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/34/EU establishing a single European railway area, as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure
- b) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail
 - Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogues of 26 and 28 January 2016.

COREPER (Part 2)

44. Schengen evaluation of Greece - Draft Council recommendation on addressing the serious deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of management of the external borders

- Approval of the draft text of the recommendation

5615/16 SCH-EVAL 12 FRONT 35 COMIX 56 RESTREINT UE

The Committee held an exchange of views and will revert to this item at its next meeting, in view of its approval.

45. Presentation of the agenda of the Council meeting (Justice and Home Affairs) on 25 February 2016

The Committee agreed on the provisional agenda for the forthcoming JHACouncil meeting devoted to Home Affairs. The Commission indicated its upcoming initiatives in this area.

46. Turkey Refugee Facility

The representatives of the governments of the 28 Member States meeting in the Committee endorsed a set of Terms of Reference.

The Commission indicated its full support for their content.

The Commission and the representatives of the governments of the 28 Member States meeting in the Committee also agreed on the Common Understanding establishing a governance and conditionality framework for the Refugee Facility for Turkey, as set out in 5845/16, and on a way to formalise the contributions from Member States.

The Greek delegation asked to enter the following unilateral statement into the minutes of the Committee meeting:

"Greece believes that the efforts made by EU Member States in addressing the exceptional migrant crisis have to be properly recognized by the Commission in all possible dimensions. EU front-line Member States have sustained significant costs so far for the activities of border-surveillance, receiving and giving shelter to migrants arriving on their coasts.

Greece welcomes the declaration made by the Commission which acknowledges that national contributions for the Turkey Refugee Facility will be considered fiscal neutral in the assessment of the deficit under the Greek Adjustment Programme. This is in line with the fact that the refugee crisis is considered as an "unusual event outside of the control of the Member States".

Greece expresses its strong expectation that, when reviewing the adjustment programme, the Commission will use a consistent approach and therefore not take into account the full amount of costs for borders control and immediate relief for the calculation of the deficit in the context of the Greek Adjustment Programme."

The Italian delegation asked to enter the following unilateral statement into the minutes of the Committee meeting:

"Italy believes that the efforts made by EU Member States in addressing the exceptional migrant crisis have to be properly recognized by the European Commission in all possible dimensions. EU front-line Member States have sustained important costs so far for the activities of border-surveillance, saving lives at sea, receiving and giving shelter to migrants arriving on their coasts.

Italy welcomes the declaration made by the Commission which acknowledges that national contributions for the Facility for Turkey will not be taken into account for the calculation of a Member State's deficit under the Stability and Growth Pact. This is in line with the fact that the refugee crisis is considered as an "unusual event outside of the control of the Member States".

Italy strongly expects that, when assessing the Stability Programs, a consistent approach will be used by the Commission, not taking into account the full amount of costs incurred by Italy since the beginning of Lybia's crisis for the calculation of a Member State's deficit under the Stability and Growth Pact."

The Spanish delegation asked to enter the following unilateral statement into the minutes of the Committee meeting:

"Spain welcomes the declaration made by the Commission which acknowledges that national contributions for the Facility for Turkey will not be taken into account for the calculation of a Member State's deficit under the Stability and Growth Pact.

Spain believes that all the efforts made by EU Member States in addressing the exceptional migrant crisis have to be properly recognized by the European Commission in all possible dimensions. As one of the EU front-line Member States, Spain has sustained important costs so far for the activities of border-surveillance, receiving and giving shelter to migrants arriving on its coasts.

Therefore, Spain strongly expects that, when assessing the Stability Programmes, a consistent approach will be used by the Commission, not taking into account the full amount of costs incurred under the migration policy for the calculation of a Member State's deficit under the Stability and Growth Pact."

47. Preparation of the Council meeting (Economic and Financial Affairs) on 12 February 2016
- Other items in connection with the Council meeting

The Committee took note of the information provided by the Presidency. The Commission outlined the action plan against financing of terrorism which it will present to the Council.

49. Preparation of the Council meeting (General Affairs) on 16 February 2016
- Preparation of the European Council on 18-19 February 2016
= Draft guidelines for the conclusions
5077/16 CO EUR-PREP 2

The Committee examined the draft guidelines for the conclusions of the European Council.

- = European Semester
= Transmission of the recommendation on the economic policy of the euro area to the European Council
5540/16 CO EUR-PREP 6 POLGEN 7 AG 2 ECOFIN 44 UEM 29 SOC 35
COMPET 22 ENV 26 EDUC 11 RECH 9 ENER 13 JAI 56 EMPL 25
+ ADD 1

The Committee agreed to send the recommendation to the Council for transmission to the European Council.

- Other items in connection with the Council meeting

No items were raised under this heading.

48. EU-India Summit
= Orientation debate
5425/16 COASI 1 ASIE 1 CFSP/PESC 48 POLGEN 5 RELEX 40 DEVGEN 6
CONOP 16 WTO 6 ENER 8 JAI 41 CYBER 3 CSDP/PSDC 34
ENV 20 MIGR 6

The Committee held an orientation debate on the basis of a note provided by the EEAS.

IV. Any other business

COREPER (PART 1)

None

COREPER (PART 2)

- Renewed Framework for transfers of personal data to the US

The Commission informed the Committee on the outcome of negotiations with the United States, the main features of the Privacy Shield and the next steps.

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

2. Replies to written questions put to the Council by Members of the European Parliament
 - c) E-009350/2015 - Gianluca Buonanno (NI)
The US has helped ISIS
5132/16 PE-QE 3
 - d) E-010170/2015 - Fulvio Martusciello (PPE)
Funds allocated to immigration management operations
5168/16 PE-QE 5
 - e) E-012205/2015 - Hans-Olaf Henkel (ECR)
Distribution of refugees within the EU
5167/16 PE-QE 4
 - f) E-012513/2015 - Josu Juaristi Abaunz (GUE/NGL)
Urgent need for an EU asylum policy as a response to the humanitarian refugee crisis
5176/16 PE-QE 8
 - g) E-014135/2015 - Aymeric Chauprade (ENF)
Draft budget linked to the management of the refugee crisis
5174/16 PE-QE 7
 - h) E-014315/2015 - Georgios Epitideios (NI)
Statements by Mr Dijsselbloem to the Frankfurter Allgemeine Zeitung
5169/16 PE-QE 6
3. Case before the Court of Justice of the European Union
Case C-5/16 (Republic of Poland v. European Parliament and Council of the European Union)
Action for annulment of the decision of the European Parliament and the Council (EU)
2015/1814 on the establishment and operation of a market stability reserve for the Union
greenhouse gas emissions trading scheme and amending Directive 2003/87/EC
 - Information note for the Permanent Representatives Committee (Part 1)
5473/16 JUR 37 CLIMA 2 ENV 21 CODEC 61 MI 28 IND 8 ENER 9
ECOFIN 37 TRANS 18 COMPET 17
4. Case before the Court of Justice of the European Union
Case C-626/15 (Commission v. Council)
 - Request for an authorisation to produce documents
5674/16 JUR 52 PECHE 26 AGRI 29 AGRIOrg 2 COMAR 2 ENV 31
5. 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 Steviol
glycosides (E 960) as a sweetener in certain energy-reduced or with no added sugars
beverages
 - Decision not to oppose adoption
5459/16 DENLEG 8 AGRI 22 SAN 27
5241/16 DENLEG 4 AGRI 11 SAN 9
+ ADD 1

6. 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 Steviol glycosides (E 960) as a sweetener in mustard
- Decision not to oppose adoption
5458/16 DENLEG 7 AGRI 21 SAN 26
5234/16 DENLEG 3 AGRI 10 SAN 8
+ ADD 1
7. Commission Regulation (EU) No .../.. of XXX supplementing Regulation (EC) No 1071/2009 of the European Parliament and of the Council with regard to the classification of serious infringements of the Union rules, which may lead to the loss of good repute by the road transport operator and amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council (Text with EEA relevance)
- Decision not to oppose adoption
5688/16 TRANS 33
+ ADD 1
14877/15 TRANS 397
+ ADD 1
+ ADD 1 REV 1 (es)

Statement by Austria

"Austria votes against the adoption of Commission Regulation (EU) No .../... of XXX supplementing Regulation (EC) No 1071/2009 of the European Parliament and of the Council with regard to the classification of serious infringements of the Union rules, which may lead to the loss of good repute by the road transport operator and amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council.

The grounds for this are:

The present proposal is already the European Commission's second attempt to supplement Regulation (EC) No 1071/2009. The first draft failed in 2014 in the face of opposition from the European Parliament (Motion for a resolution of the European Parliament B8-0325/2014 of 4.12.2014). Both legal grounds (the European Commission's going beyond its powers) and, more particularly, transport policy considerations (incompatibility with the aim of the basic legislative act) were cited. Austria considers that the present new proposal as set out in 14877/15 + ADD 1 is essentially the same as the draft rejected by the European Parliament; we therefore believe that the reasons the European Parliament gave for rejecting the text at the time are still valid.

The legal acts on which the present Regulation is based (particularly Regulation (EC) No 1071/2009) all fundamentally pursue the objectives: (1) of contributing to "improvements in road safety" (recital 1 of Regulation (EC) No 1071/2009); (2) of ensuring – in keeping with CJEU case-law – that closer monitoring is carried out and that there are effective and dissuasive sanctions (recitals 20 and 21). The main reason is that infringements of these provisions (such as non-compliance with driving time and rest requirements, tachograph manipulation, failure to declare or incorrect declaration

of transport documents for the transport of dangerous goods, vehicles exceeding size and weight limits etc.) can have extremely serious negative consequences (accidents, death and/or very serious injury, but also severe environmental and infrastructural damage).

In Austria's view, the present draft Regulation is in breach of a number of legal principles:

1. The principle of proportionality, in that the set of criteria and the categorisation often contradict the basic legal acts and their objectives, making efficient monitoring virtually impossible; enforcement, too, would involve a disproportionate administrative and financial burden. This is in particular the case for Annex II. It is, after all, supposed to set out the relationship between the individual categories of seriousness of infringements.
Annex II therefore lays down implementing rules in respect of offences in the middle and lowest categories. However, there has been an obvious oversight in that nothing is said about the consequences for operators as a result of infringements of the highest category; this, too, in Austria's view, is incompatible with the objectives of the basic Regulation (Regulation (EC) No 1071/2009). And yet just that is urgently needed for the register that is due to be set up;
2. The principle of jurisdiction, in that it makes a substantive change to a legal act adopted on a broad democratic basis (by the Council and European Parliament) by introducing a fourth category of seriousness and skewing the categorisation to make offences appear almost 'harmless' (with serious negative consequences). Some particularly serious examples are the setting of new tolerances for dimensions and weights, but also the 'recategorisation' of driving and rest periods (enabling de facto weekly working times of over 100 hours). In this way, the Commission has infringed the rights of the European Parliament (codecision procedure). But there can also be no justification, from the perspective of transport policy, for 'allowing' in principle (i.e. merely treating as a serious infringement) heavy goods vehicles to operate with de facto tolerances of up to 20 % in width (i.e. vehicles with a width of 3.12m) and total weight (+ 8 tonnes, i.e. 48 to 53 tonnes) or for specifying such tolerances in general.
3. In addition, Austria is of the opinion that the proposal ignores CJEU case-law, which states that sanctions must be effective and dissuasive. That is not the case if the present Regulation takes a softer approach as regards sanctions than the basic act, Regulation (EC) 1071/2009."

8. Draft Recommendation for a Council Decision approving the renewal of the participation of the European Atomic Energy Community (Euratom) in the Framework Agreement for international collaboration on research and development of Generation IV nuclear energy systems
 - Adoption
 - 5552/16 RECH 10 ATO 5
 - + **COR 1**
 - 5297/16 RECH 5 ATO 1
 - + ADD 1

9. Draft Regulation of the European Parliament and of the Council on cableway installations and repealing Directive 2000/9/EC (**First reading**) (LA + S)
 - Adoption of the legislative act
 - 5555/16 CODEC 71 ENT 15 TRANS 22 MI 34 ECO 6 IND 11
 - + ADD 1
 - + **COR 1**

PE-CONS 57/15 ENT 208 TRANS 320 MI 620 ECO 120 IND 149 CODEC 1316

Statement by the Commission

"With regard to recital 65 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the Comitology Committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under Article 258 TFEU.

The Commission regrets the adoption of Article 44(5) and recital 64 that creates confusion and legal uncertainty, and may compromise institutional balance. The role of the Comitology Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act can alter or would need to specify further this role. In particular, the Comitology Committees should not perform the functions which are those of the Commission's Groups of Experts. In addition, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committee exercises its role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committee."

10. Draft Regulation of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC (**First reading**) (LA + S)
– Adoption of the legislative act
5558/16 CODEC 74 ENT 16 MI 35 ECO 7 SOC 39 CONSOM 12 IND 12
+ ADD 1
+ **COR 1**
PE-CONS 58/15 ENT 209 CONSOM 163 SOC 575 MI 621 ECO 121 IND 150
CODEC 1317

Statement by the Commission

"With regard to recital 52 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the Comitology Committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under Article 258 TFEU.

The Commission regrets the adoption of recital 51 and Article 44 (5) that creates confusion and legal uncertainty, and may compromise institutional balance. The role of the Comitology Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act can alter or would need to specify further this role. In particular, the Comitology Committees should not perform the functions which are those of the Commission's Groups of Experts. In addition, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committee exercises its role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committee."

Statement by the United Kingdom

"The UK welcomes those aspects of the legislation which simplify existing single market measures through the alignment of the New Legislative Framework principles, as well as those which remove burdensome requirements in some of the detail. We particularly welcome the improvements made during negotiations to ensure household washing up gloves are out of scope. However, the UK does not support the requirements of the Regulation being extended to oven gloves used in the home. We see this as an unjustified and disproportionate intervention which is not consistent with the Commission's better regulation agenda and its vision to make the Single Market fit for business and consumers - a vision which the UK shares."

11. Draft Regulation of the European Parliament and of the Council on appliances burning gaseous fuels and repealing Directive 2009/142/EC **(First reading) (LA + S)**
- Adoption of the legislative act
5560/16 CODEC 75 ENT 17 MI 36 ECO 8 IND 13 CONSOM 13
+ ADD 1
+ **COR 1**
PE-CONS 59/15 ENT 210 MI 622 ECO 122 IND 151 CONSOM 164
CODEC 1319

Statement by the Commission

"With regard to recital 74 and the possibility of the European Parliament to be invited to meetings of expert groups, the Commission will implement this recital in accordance with its practice in the implementation of point 15 of the Framework agreement on relations between the European Parliament and the European Commission. Meetings of the Comitology Committee are explicitly excluded under this arrangement. Concerning the reference to infringements in the same recital, the Commission considers this misleading as infringements proceeding are discussed with Member States in the context of the procedures set out under Article 258 TFEU.

The Commission regrets the adoption of Article 42(5) and recital 73 that creates confusion and legal uncertainty, and may compromise institutional balance. The role of the Comitology Committees which ensure control by Member States on the Commission's exercise of implementing powers is defined only by Regulation No (EU) 182/2011, adopted on the basis of Article 291, third paragraph, TFEU. Therefore, no other secondary legislative act can alter or would need to specify further this role. In particular, the Comitology Committees should not perform the functions which are those of the Commission's Groups of Experts. In addition, the rules of procedures of committees are adopted by the committees on the basis of Regulation No (EU) 182/2011. As such they are to be applied when the Committee exercises its role defined by Regulation No (EU) 182/2011. Any reference to rules of procedures outside this context is superfluous and inappropriate. It also risks complicating the functioning of the committee."

"I" items approved

COREPER (PART 2)

15. Draft minutes of Council meetings
 - a) 3420th meeting of the Council of the European Union (Foreign Affairs), held in Luxembourg on 26 October 2015
13604/15 PV/CONS 57 RELEX 861
 - b) Conference of the Representatives of the Governments of the Member States, held in Brussels on 12 June 2015
12017/15 PV/RGEM 2
 - c) Conference of the Representatives of the Governments of the Member States, held in Brussels on 16 September 2015
12018/15 PV/RGEM 3
16. Case before the Court of Justice
Case C-643/15, (Slovak Republic against Council of the European Union)
5487/16 JUR 38 JAI 52 ASILE 3 MIGR 8
17. Case before the Court of Justice
Case C-647/15, (Hungary against Council of the European Union)
5490/16 JUR 39 JAI 53 ASILE 4 MIGR 9
18. Case before the General Court of the European Union
Case T-709/15, Almashreq Investment Fund v. Council of the European Union
5623/16 JUR 47 CORLX 33 MOG 20 CONOP 19 CFSP/PESC 73
19. COJUR - Public International Law Working Group
 - Declassification of texts set out in COREU messages relating to the COJUR mandate
5642/16 JUR 49 CORLX 34 CFSP/PESC 74 COJUR 5
20. Draft Council Decision appointing an alternate member, proposed by the Republic of Austria, of the Committee of the Regions
 - = Adoption
5384/16 CDR 3
+ COR 1
5382/16 CDR 2
21. Draft Council Decision appointing an alternate member, proposed by the Republic of Austria, of the Committee of the Regions
 - = Adoption
5507/16 CDR 6
5506/16 CDR 5

22. Special Report No 20/2015 "The cost-effectiveness of EU Rural Development support for non-productive investments in agriculture"
= Designation of Working Party
5575/16 FIN 56 AGRI 27 AGRIFIN 5 AGRISTR 2
23. Discharge to be given to the bodies set up under the TFEU and the Euratom Treaty in respect of the implementation of the budget for the financial year 2014
= Draft Council recommendations
5584/16 FIN 58 PE-L 4
+ ADD 1
24. Discharge to be given to the executive agencies in respect of the implementation of the budget for the financial year 2014
= Draft Council recommendations
5585/16 FIN 59 PE-L 5
+ ADD 1
25. Discharge to be given to the joint undertakings in respect of the implementation of the budget for the financial year 2014
= Draft Council recommendations
5587/16 FIN 60 PE-L 6
+ ADD 1
26. Council Implementing Decision on granting short-term Union financial assistance to Greece
= Adoption of texts in languages not available at the time of adoption
5605/16 ECOFIN 51 UEM 30 EF 9
10991/15 ECOFIN 614 UEM 305 EF 146
+ COR 1
27. Council Implementing Decision approving the adjustment programme of Greece
= Adoption of texts in languages not available at the time of adoption
5607/16 ECOFIN 52 UEM 31 EF 10
10992/15 ECOFIN 615 UEM 306 EF 147
+ COR 1
28. Council Decision giving notice to Greece to take measures for the deficit reduction judged necessary to remedy the situation of excessive deficits
= Adoption of texts in languages not available at the time of adoption
5508/16 ECOFIN 39 UEM 24
11458/15 ECOFIN 656 UEM 327
+ COR 1
29. Council Implementing Decision approving the macroeconomic adjustment programme of Greece
= Adoption of texts in languages not available at the time of adoption
5521/16 ECOFIN 42 UEM 27
11459/15 ECOFIN 657 UEM 328
+ COR 1

30. Draft Council conclusions on Special Report No 10/2015 by the European Court of Auditors: "Efforts to address problems with public procurement in EU cohesion policy expenditure should be intensified"
= Adoption
5058/16 FIN 10 FSTR 3 FC 1 REGIO 3 MAP 1
31. Draft Directive of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings **(First reading) (LA+ S)**
= Adoption of the legislative act
PE-CONS 63/15 DROIPEN 136 COPEN 299 CODEC 1435
5561/16 CODEC 76 DROIPEN 18 COPEN 28
+ COR 1
+ ADD 1
32. Draft Council Implementing Decision on the launch of automated data exchange with regard to Vehicle Registration Data (VRD) in Latvia
5420/16 JAI 39 DAPIX 10 CRIMORG 7 ENFOPOL 17 ENFOCUSTOM 10
10968/15 JAI 571 DAPIX 129 CRIMORG 80 ENFOPOL 211
ENFOCUSTOM 76
13060/15 JAI 756 DAPIX 179 CRIMORG 104 ENFOPOL 301
ENFOCUSTOM 106
33. Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) **(First reading)**
– Political agreement
5455/16 DATAPROTECT 3 JAI 44 MI 27 DIGIT 2 DAPIX 13
FREMP 5 COMIX 39 CODEC 55

Statement by Austria

"Austria has always tried to contribute to a Regulation that respects the fundamental rights but also takes into account business interests so that the result also is workable in practice.

For many problems a suitable solution was found. Unfortunately in our point of view some important issues remain unresolved.

Among others, the final compromise text fails to provide a consistent approach regarding the interplay between the principle of purpose limitation as set out in Article 5 para 1 subpara b in conjunction with the requirement of a legal basis according to Article 6 para 1, on the one hand, and the "compatibility test" according to Article 6 para 3a on the other hand. Thus, the practical operability of Article 5 and 6 in its entirety is doubtful.

Apart from this, Austria still holds the view that imposing the burden of proof on the data subject as foreseen in Article 6 para 1 sub-para f is contradictory both to the protection purpose of the Regulation and to that of Art 8 CFR.

In its Note to the 3396th Council (DS 1384/15) Austria mentioned other main issues which needed to be resolved. In order to avoid repetition Austria refers to points 2 to 7 and 10 of this note which still remain valid.

So all in all Austria regrets not being in the position to endorse the final compromise text as proposed."

Statement by the Commission

"The Commission regrets the change to its initial proposal through deletion of recitals 136, 137 and 138 related to the Schengen acquis. The Commission considers that in particular as visas, border control and return are concerned, the General Data Protection Regulation constitutes a development of the Schengen acquis for the four States associated with the implementation, application and development of said acquis."

34. Proposal for a Directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data **(First reading)**
 - Political agreement
5463/16 DATAPROTECT 4 JAI 46 DAPIX 14 FREMP 6
COMIX 40 CODEC 56
35. Adoption of the Council Decision on the conclusion of the Arrangement between the European Union and the Swiss Confederation on the modalities of its participation in the European Asylum Support Office
 - 5519/16 ASILE 5 CH 1
 - 18078/13 ASILE 56 CH 59
 - + REV 1 (sv)
 - 18079/13 ASILE 57 CH 60

Statement by Croatia

"Croatia would like to underline that it sees this Decision as a part of overall relations between the European Union and the Swiss Confederation.

Croatia does not object to the adoption of this Decision, but reminds on the fact that Swiss Confederation has not yet signed the Protocol extending the Agreement on the Free Movement of Persons to Croatia (Protocol III) although the text of the Protocol was agreed between the EU and the Swiss Confederation in 2013.

Croatia' position is that the principle of non-discrimination must be respected and therefore a solution that guarantees an equal treatment of all EU citizens must be found prior to any substantial progress in relations between the European Union and the Swiss Confederation."

36. Draft Council Decision establishing provisional measures in the area of international protection for the benefit of Sweden in accordance with Article 9 of Council Decision (EU) 2015/1523 and Article 9 of Council Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece
5644/16 ASIM 10
37. - Council Decision on the signing, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union
= Adoption
- Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union
= Request for the consent of the European Parliament
15559/15 WTO 296 AGRI 696 UD 264 CHINE 33
15560/15 WTO 297 AGRI 697 UD 265 CHINE 34
15562/15 WTO 299 AGRI 699 UD 267 CHINE 36
15561/15 WTO 298 AGRI 698 UD 266 CHINE 35
38. Draft Mandate of the United Nations Working Party
5486/16 CONUN 17 COHOM 4 COPS 21 CFSP/PESC 65 COJUR 3
39. Council Decision amending Decision (CFSP) 2015/260 extending the mandate of the European Union Special Representative for Human Rights
5364/16 CORLX 16 CFSP/PESC 39 COHOM 2 CSC 8
15551/15 CORLX 249 CFSP/PESC 880 COHOM 127 CSC 317
40. Council Decision amending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya)
5659/16 CORLX 35 CSDP/PSDC 51 CFSP/PESC 76 COAFR 16
CSC 19 EUBAM LIBYA 5
5489/16 CORLX 29 CSDP/PSDC 40 CFSP/PESC 66 COAFR 10 CSC 14
EUBAM LIBYA 4
41. - Council Decision amending Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe
- Council Regulation amending Regulation (EC) No 314/2004 concerning certain restrictive measures in respect of Zimbabwe
5717/16 CORLX 36 CFSP/PESC 80 RELEX 66 COAFR 17
COARM 24 FIN 67
5450/16 CORLX 22 CFSP/PESC 52 COAFR 6 COARM 17 FIN 43
5495/16 CORLX 31 CFSP/PESC 68 RELEX 51 COAFR 12 COARM 21 FIN 52

42. Relations with the Kyrgyz Republic
- Establishment of the position of the European Union for the 14th meeting of the EU-Kyrgyz Republic Cooperation Council (Brussels, 15 February 2016)
5656/16 COEST 9
43. Relations with the Tajikistan
- Establishment of the position of the European Union for the 5th meeting of the EU-Tajikistan Cooperation Council (Brussels, 16 February 2016)
5657/16 COEST 10
-