



Brussels, 18 March 2016
(OR. en)

7097/16

CRS/CRP 8

SUMMARY RECORD

Subject: 2576th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
(Part 2) held in Brussels on 2, 4 and 6 March 2016

I. Adoption of the provisional agenda

6615/16 OJ/CRP2 8 COMIX 154 + CM 1792/16 + CM 1793/16

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 2)

40. Preparation of the Council meeting (Justice and Home Affairs) on 10/11 March 2016

- a) Proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons
(First reading)
 - = Policy debate/Progress report6037/1/16 REV 1 GENVAL 20 JAI 93 MI 77 COMPET 55 COMIX 101
CODEC 154

The Committee took note of the discussion held in the Mixed Committee on the progress report.

- b) Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office
= Policy debate
6392/16 EPPO 3 EUROJUST 15 CATS 6 FIN 119 COPEN 47 GAF 5

The Committee agreed to submit to the Council on the one hand the articles on external relations, financial aspects, staff and general provisions to take note of the state of play and welcome the progress, and on the other hand a question regarding the notion of operational expenditure in Article 49.

- c) Proposal for a Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism **(First reading)**
= General approach
6439/16 JAI 122 DROIPEN 36 COPEN 51 CODEC 198

The Committee discussed the compromise text suggested by the Presidency and will submit it to the Council in view of a general approach.

- d) Other items in connection with the Council meeting

The Presidency provided further information on the lunch and the handling of the agenda. Under AOB, the Justice ministers would be informed on e-evidence, the Istanbul Convention on violence against women, the EU-US Privacy Shield (lunch item), EU-US umbrella agreement, online hate speech.

41. Follow-up to the Council meeting (Justice and Home Affairs) on 25 February 2016

The Committee took note of the main outcomes of this Council meeting.

42. Return and readmission - Country fiches
= Exchange of views
6469/16 MIGR 31 COAFR 43 **RESTREINT UE**
6470/16 MIGR 32 COAFR 44 **RESTREINT UE**
6471/16 MIGR 33 COAFR 45 **RESTREINT UE**
6472/16 MIGR 34 COAFR 46 **RESTREINT UE**
6473/16 MIGR 35 COAFR 47 **RESTREINT UE**

The Committee discussed the fiches on Ghana, Mali, Nigeria, Côte d'Ivoire and Senegal.

43. Preparation of the Council meeting (General Affairs) on 15 March 2016

- b) Communication from the Commission on Investing in jobs and growth - maximising the contribution of European Structural and Investment Funds
= Presentation by the Commission

The Commission confirmed the presentation by Commissioner Cretu.

- c) Other items in connection with the Council meeting

The Presidency referred to the handling of remaining items to be prepared for this Council meeting.

- a) Preparation of the European Council on 17-18 March 2016

The Presidency and the Secretariat, on behalf of the President of the European Council, provided updated information on organisational and procedural aspects of the March European Council.

- 44. Migration
= State of play

The Committee took note of the latest actions to be taken, in view of the situation on the ground and in implementation of orientations set out in the conclusions of the European Council of 18-19 February 2016.

At the continuation of the discussions on 4 and 6 March 2016, the Presidency informed the Committee about recent developments.

- 45. Preparation of the Council meeting (Economic and Financial Affairs) on 8 March 2016

- a) Mandatory automatic exchange of information in the field of taxation
 - Proposal for a Council Directive amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation (DAC 4)
= Political agreement
6418/16 FISC 26 ECOFIN 138
6419/16 FISC 27 ECOFIN 139

The Committee discussed the Presidency's compromise text and agreed to submit it, without amendments, to the Council for agreement on a general approach.

- b) Future of the Code of Conduct (Business Taxation)
 - = Council conclusions
6452/16 FISC 29 ECOFIN 142

The Committee discussed the draft Council conclusions and agreed to submit them to the Council for adoption, as set out in doc. 6674/16.

- c) Fiscal Sustainability Report 2015
 - = Council conclusions
6413/16 ECOFIN 137 SOC 92 BUDGET 5

The Committee agreed on the text of the draft Council conclusions and sent them to the Council for adoption.

- d) European Semester 2016: Implementation of Country-Specific Recommendations drawing on the country reports and in-depth reviews
= Exchange of views
6245/16 ECOFIN 114 UEM 44 SOC 79 EMPL 48 COMPET 60 ENV 76
EDUC 34 RECH 23 ENER 32 JAI 107

The Presidency informed the Committee that the discussion will be on the basis of country reports and the EFC letter.

- e) (poss.) Implementation of the Stability and Growth Pact
= Council Decision / Recommendation

Withdrawn.

- f) (poss.) Implementation of the Macroeconomic Imbalances Procedure
= Council Recommendation

Withdrawn.

- g) Other items in connection with the Council meeting

No items were raised under this heading.

46. Relations with the European Parliament (March 2016)
6578/16 PE 24 INST 78 POLGEN 14 CODEC 215

On the basis of the document 6578/16, the Presidency informed the Committee about relevant recent developments in relations between the Council and the European Parliament and in view of the forthcoming March plenary part-session.

47. Restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

The Committee mandated the RELEX Counsellors to work on the prolongation of the sanctions relating to the territorial integrity of Ukraine.

48. Proposal for a Council Regulation on the provision of emergency support within the Union
= Exchange of views
6768/16 COHAFA 9 PROCIV 9 ASIM 24 JAI 183 FIN 141

The Committee examined the proposal for a Council Regulation on the provision of emergency support within the Union and mandated Anticis to prepare a compromise text. The Committee will revert to this item at its next session.

IV. Any other business

COREPER (PART 2)

None.

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

2. Draft minutes of Council meetings
 - a) 3438th meeting of the Council of the European Union (Foreign Affairs), held in Brussels on 14 December 2015
15339/15 PV/CONS 75 RELEX 1049
 - b) 3440th meeting of the Council of the European Union (Foreign Affairs), held in Nairobi (Kenya) on 15 and 19 December 2015
15342/15 PV/CONS 77 RELEX 1051
+ COR 1 (cs)
3. Case before the Court of Justice of the European Union
 - Request for a preliminary ruling in Case C-2/16 (J.S.R.)
6427/16 JUR 88 CFSP/PESC 149 CORLX 74 COTER 17
4. Recommendation for a Council Recommendation on the economic policy of the euro area
6509/1/16 REV 1 ECOFIN 148 UEM 53 SOC 96 EMPL 57 COMPET 72
ENV 97 EDUC 42 RECH 31 ENER 44 JAI 127
5177/16 ECOFIN 19 UEM 10 SOC 10 EMPL 10 COMPET 4 ENV 9 EDUC 5
RECH 3 ENER 3 JAI 19
+ ADD 1
5. Submission for approval of the new design of the French 2 euro coin
6376/16 ECOFIN 133 UEM 49
6. Commission Delegated Regulation (EU) .../... of 29.1.2016 supplementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council with regard to the conditions and procedures to determine whether amounts which are irrecoverable shall be reimbursed by Member States concerning the European Regional Development Fund, the European Social Fund, the Cohesion Fund, and the European Maritime and Fisheries Fund
 - = Intention not to raise objections to a delegated act
5898/16 FSTR 6 FC 3 REGIO 6 SOC 53 AGRISTR 4 PECHE 35 CADREFIN 7
DELACTION 15
5740/16 FSTR 5 FC 2 REGIO 5 SOC 46 AGRISTR 3 PECHE 29 CADREFIN 6
DELACTION 10
+ ADD 1
7. Draft Council conclusions on Special Report No 17/2015 by the European Court of Auditors: "Commission's support of youth action teams: redirection of ESF funding achieved, but insufficient focus on results"
 - = Adoption
6257/16 FIN 110 FSTR 8 REGIO 8 SOC 82 JEUN 19 EMPL 49

8. Draft Council conclusions "Investing in jobs and growth - maximising the contribution of European Structural and Investment Funds"
= Adoption
6334/16 FSTR 9 FC 5 REGIO 9 SOC 86 EMPL 50 AGRI 83 PECHE 49
CADREFIN 10 ECOFIN 123 COMPET 67 RECH 27 ENV 87
CLIMA 18 TRANS 53 ENER 38
9. Draft Council Implementing Decision authorising the French Republic to apply reduced levels of taxation to petrol and gas oil used as motor fuels in accordance with Article 19 of Directive 2003/96/EC
= Adoption
6131/16 FISC 22 ENER 26 ECOFIN 97
5929/16 FISC 15 ENER 17 ECOFIN 74
10. Draft Council Conclusions on the Commission Report to the Council on the REFIT evaluation of Directive 2011/64/EU and on the structure and rates of excise duty applied to manufactured tobacco
= Adoption
6420/1/16 **REV 1** FISC 28 ECOFIN 140
11. Special Report No 22/2015 "EU supervision of Credit Rating Agencies - well established but not fully effective"
= Designation of Working Party
6477/16 FIN 128 EF 34 ECOFIN 145 FISC 31
12. Special Report No 25/2015 "EU support for rural infrastructure: potential to achieve significantly greater value for money"
= Designation of Working Party
6479/16 FIN 130 AGRI 92 AGRIFIN 16 AGRISTR 9
13. Draft Regulation of the European Parliament and of the Council on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012
(First reading) (LA)
= Adoption
a) of the Council's position at first reading
b) of the statement of the Council's reasons
6457/16 CODEC 197 JUSTCIV 23 FREMP 42
14956/1/15 **REV 1** JUSTCIV 286 FREMP 291 CODEC 1654
14956/16 ADD 1 JUSTCIV 286 FREMP 291 CODEC 1654

14. Draft Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast)
(First reading) (LA + S)
 = Adoption
 a) of the Council's position at first reading
 b) of the statement of the Council's reasons
 6414/16 CODEC 192 MIGR 29 RECH 30 EDUC 38 SOC 93
 + ADD 1
 14958/15 MIGR 70 RECH 303 EDUC 318 SOC 708 CODEC 1656
 + ADD 1 REV 1
15. Draft Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA
(First reading) (LA + S)
 = Adoption
 a) of the Council's position at first reading
 b) of the statement of the Council's reasons
 6415/16 CODEC 193 ENFOPOL 43 CSC 49
 + ADD 1
 14957/15 ENFOPOL 403 CSC 305 CODEC 1655
 + ADD 1
 + **COR 1 (pl)**
 + REV 1 (sl)
16. Draft Council Decision authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union
 = Adoption
 6343/16 JUSTCIV 21
 + ADD 1
 13777/15 JUSTCIV 256
 + ADD 1

Statement by Germany

"The Federal Republic of Germany supports the efforts undertaken by the Republics of Austria (ratification) and Malta (accession) to become contracting States to the Hague Convention of 1965 on the Service of Documents. However, the Federal Republic of Germany has remaining doubts as to whether the decision that the Council is being asked to adopt today is covered by exclusive external competence of the European Union. It is not clear why common rules of civil justice cooperation among Member States might be affected or altered in their scope (Article 3 para. 2 of the TFEU) by the Hague Convention on the Service of Documents becoming applicable to Austria and Malta. The Hague Convention on the Service of Documents applies in relations with third States.

Among the Member States of the European Union, Regulation 1393/2007 (“European Service Regulation”) clearly takes precedence over the Convention.

It is therefore important that the decision does not serve as a model or act as a precedent for any other measures of the European Union that aim to regulate comparable subject matters, where exclusive external competence of the European Union could play a role.”

17. Enlargement
 - Accession negotiations with Montenegro
 - = Fulfilment of an opening benchmark on Chapter 11: Agriculture and rural development
6566/16 ELARG 12
18. Draft Council conclusions on the European Court of Auditors' Special report No 15/2015: "ACP-EU Energy facility support for renewable energy in east Africa"
6455/16 ACP 33 FIN 125 PTOM 15
19. Relations with Lebanon
 - Council Decision on the signing, on behalf of the European Union and its Member States, and provisional application of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part to take account of the accession of the Republic of Croatia to the European Union
 - Council Decision on the conclusion, on behalf of the European Union and its Member States, of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, to take account of the accession of the Republic of Croatia to the European Union
 - Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon of the other part, to take account of the accession of the Republic of Croatia to the European Union
 - 6458/16 RL 4 MAMA 31
 - 5746/16 MAMA 20 MED 5 RL 1
 - 5748/16 MAMA 21 MED 6 RL 2
 - 5750/16 MAMA 22 MED 7 RL 3
20. Political and Security Committee Decision on the appointment of the EU Force Commander for the European Union military operation in Bosnia and Herzegovina and repealing Decision BiH/22/2014 (BiH/23/2016)
 - = Authorisation for publication in the Official Journal
 - 6373/16 CSDP/PSDC 99 CFSP/PESC 143 BIH 3 PSC DEC 5 COWEB 14
 - 5799/16 CSDP/PSDC 64 CFSP/PESC 85 BIH 2 PSC DEC 4 COWEB 7

21. – Council Decision amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine
– Council Implementing Regulation implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine
6547/16 CORLX 77 CFSP/PESC 159 RELEX 147 COEST 53 FIN 131
5884/16 CORLX 41 CFSP/PESC 99 COEST 18 FIN 80
5885/16 CORLX 42 CFSP/PESC 100 RELEX 87 COEST 19 FIN 81
22. Draft Council Decision on the signing and conclusion of the Participation Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine)
= Adoption
6619/16 CORLX 78 CSDP/PSDC 117 CFSP/PESC 165 COEST 55 EUAM
UKRAINE 9 CSC 55
5974/16 CORLX 48 CSDP/PSDC 81 CFSP/PESC 108 COEST 25 EUAM
UKRAINE 4 CSC 34
5975/16 CORLX 49 CSDP/PSDC 82 CFSP/PESC 109 COEST 26 EUAM
UKRAINE 5 CSC 35
23. Draft Council Decision on the signing and conclusion of the Participation Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union CSDP mission in Mali (EUCAP Sahel Mali)
= Adoption
6621/16 CORLX 79 CFSP/PESC 166 COAFR 52 CSC 56 EUCAP SAHEL 4
5961/16 CORLX 45 CFSP/PESC 105 COAFR 28 CSC 30 EUCAP SAHEL 2
5962/16 CORLX 46 CFSP/PESC 106 COAFR 29 CSC 31 EUCAP SAHEL 3
24. Replies to written questions put to the Council by Members of the European Parliament
 - a) E-013561/2015 - Brice Hortefeux (PPE)
Operation RABIT and the European Corps of Border Guards
6290/16 PE-QE 73
 - b) E-014406/2015 - Isabelle Thomas (S&D)
Justifying the reallocation of EUR 13 million from the fisheries control budget
5810/16 PE-QE 46
 - c) E-014571/2015 - Stanislav Polčák (PPE)
Repatriation of illegal migrants
6291/16 PE-QE 74
 - d) E-015497/2015 - Julie Ward (S&D)
Individualisation of income and costs measurements in anti-poverty policy for increased gender equality
5828/16 PE-QE 52
 - e) E-015501/2015 - Louis Aliot (ENF)
Relocation of 400 000 to 500 000 migrants currently in Turkey
5812/16 PE-QE 47

- f) E-015583/2015 - Miguel Viegas (GUE/NGL)
Request to consult Code of Conduct Group documents
5818/16 PE-QE 48
- g) E-015838/2015 - Hugues Bayet (S&D)
European Union PNR and data exchange
5821/16 PE-QE 49
- h) E-015849/2015 - Marijana Petir (PPE)
The Equal Treatment Directive
5834/16 PE-QE 53
- i) E-015946/2015 - Esteban González Pons (PPE)
EU accession to the Marrakesh Treaty
5825/16 PE-QE 50
- j) E-016084/2015 - Ana Gomes (S&D)
PNR Directive
5826/16 PE-QE 51
- k) E-016117/2015 - Rachida Dati (PPE)
Consequences of the Court judgment of 10 December 2015 overturning Council
Decision 2012/497/EU on the EU-Morocco agreement
5868/16 PE-QE 55

25. Draft minutes of the following Council meetings

- a) 3431st meeting of the Council of the European Union (Competitiveness (Internal
Market, Industry, Research and Space), held in Brussels on 30 November and
1 December 2015
14765/15 PV/CONS 69 COMPET 550 MI 769 IND 198 RECH 293 ESPACE 33
+ COR 1
+ ADD 1
- b) 3434th meeting of the Council of the European Union (Employment, Social Policy,
Health and Consumer Affairs), held in Brussels on 7 December 2015
15066/15 PV/CONS 71 SOC 709 EMPL 462 SAN 431 CONSOM 217
+ COR 1 (lv)
+ COR 2
+ COR 3 (hr)

26. Commission Regulation (EU) .../... of XXX amending Annex IV to Regulation (EC)
No 396/2005 of the European Parliament and of the Council as regards *Cydia pomonella*
Granulovirus (CpGV), calcium carbide, potassium iodide, sodium hydrogen carbonate,
rescalure and *Beauveria bassiana* strain ATCC 74040 and *Beauveria bassiana* strain GHA
= Decision not to oppose adoption
6445/16 AGRILEG 17
5209/16 AGRILEG 3
+ ADD 1

27. Commission Regulation (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for captan, propiconazole and spiroxamine in or on certain products
= Decision not to oppose adoption
6446/16 AGRILEG 18
5248/16 AGRILEG 6
+ ADD 1
+ ADD 2
28. Commission Regulation (EU) .../... of XXX amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for atrazine in or on certain products
= Decision not to oppose adoption
6447/16 AGRILEG 19
5216/16 AGRILEG 4
+ ADD 1
+ ADD 2
29. Commission Regulation (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlorantraniliprole, cyflumetofen, cyprodinil, dimethomorph, dithiocarbamates, fenamidone, fluopyram, flutolanil, imazamox, metrafenone, myclobutanil, propiconazole, sedaxane and spirodiclofen in or on certain products
= Decision not to oppose adoption
6448/16 AGRILEG 20
5307/16 AGRILEG 7
+ ADD 1
+ ADD 2
30. Commission Regulation (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for cyazofamid, cycloxydim, difluoroacetic acid, fenoxycarb, flumetralin, fluopicolide, flupyradifurone, fluxapyroxad, kresoxim-methyl, mandestrobin, mepanipyrim, metalaxyl-M, pendimethalin and tefluthrin in or on certain products
= Decision not to oppose adoption
6449/16 AGRILEG 21
5218/16 AGRILEG 5
+ ADD 1
+ ADD 2

31. Commission delegated Decision of 13.1.2016 amending Annex V to Directive 2005/36/EC of the European Parliament and of the Council as regards the evidence of formal qualifications and the titles of training courses
= Intention not to raise objections to a delegated act
6444/16 COMPET 70 ENT 41 EDUC 39 ETS 5 JUR 89 MI 103 DELACT 26
5969/16 COMPET 43 ENT 26 EDUC 22 ETS 3 JUR 65 MI 70 DELACT 18
+ ADD 1
32. Proposal for a Council Decision on the conclusion of the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States of the one part, and the Republic of Korea, of the other part
= Request for the consent of the European Parliament
6218/16 TRANS 47 EU-GNSS 11 MAR 51 AVIATION 27 ESPACE 12
RELEX 116 CSC 42 COREE 4
5977/16 TRANS 37 EU-GNSS 8 MAR 39 AVIATION 21 ESPACE 9 RELEX 92
CSC 36 COREE 3
33. IMO – Draft Union submission to be submitted to the 96th session of the Maritime Safety Committee (MSC 96) in London from 11–20 May 2016 concerning measures aimed at improving cybersecurity on a ship
= Approval
6486/16 MAR 67 OMI 30

Commission statement

"The Commission considers that the above mentioned "Union submission" 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."

34. IMO – Draft Union submission to be submitted to the 96th session of the Maritime Safety Committee (MSC 96) in London from 11–20 May 2016 concerning comments on proposed amendments to SOLAS Regulations II-1/6 and II-1/8-1
= Approval
6487/16 MAR 68 OMI 31

Commission statement

"The Commission considers that the above mentioned "Union submission" 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."

35. IMO – Draft Union information paper to be submitted to the 96th session of the Maritime Safety Committee (MSC 96) in London from 11–20 May 2016 concerning information on the EU Operational Guidelines on places of refuge
= Approval
6488/16 MAR 69 OMI 32

Commission statement

"The Commission considers that the above mentioned "Union submission" 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."

36. (poss.) Seventh Session of the Intergovernmental Negotiating Committee on mercury, provisional adoption of guidance referred to in Article 8, paragraphs 8 and 9, of the Minamata Convention on Mercury
= Approval of a position to be adopted on behalf of the Union and its Member States
6248/16 ENV 77 COMER 17 MI 87 ONU 17
5375/16 ENV 19 COMER 1 MI 24 ONU 4

Commission statement

"The Commission confirms that the EU position to be taken at the forthcoming Seventh Session of the Intergovernmental Negotiating Committee of the Minamata Convention on mercury should be adopted pursuant to Article 218(9) of the TFEU. The Commission reserves the right to make use of all the legal means at its disposal to ensure the respect of the provisions of the Treaties."

Statement by Germany

"The Treaties provide in Art. 216 ff TEUV special rules for international negotiations. Outside these rules the Member States coordinate their negotiation positions within their competences in their own responsibility and outside the organs of the European Union. The Position of the Union is decided in the procedures of the organs of the European Union to the extent that the matter falls within the competence of the Union. In doing so the European Union and its Member States cooperate sincerely in order to possibly be able to speak with one voice. The present paper is according to our view intended to serve exclusively for the negotiations at the seventh meeting of the intergovernmental negotiating committee on the Minamata Convention (INC-7) and does not affect the distribution of substantive competences between the European Union and its Member States."

37. Proposal for a Council Decision on the conclusion of the Cooperation Agreement on Satellite Navigation between the European Union and its Member States and the Kingdom of Norway
= Adoption
5522/16 TRANS 21 EU-GNSS 4 MAR 13 AVIATION 9 ESPACE 5
RELEX 52 N 2
+ COR 1
11114/11 TRANS 179 MAR 86 AVIATION 153 ESPACE 43 RELEX 614 N 13

38. Draft Council Decision authorising the opening of negotiations on a bilateral agreement between the European Union and the Government of the People's Republic of China on civil aviation safety
= Adoption
6489/16 AVIATION 33 RELEX 137 CHINE 2 **RESTREINT UE**
+ ADD 1 **RESTREINT UE**
+ ADD 2 **RESTREINT UE**
39. Draft Council Decision authorising the opening of negotiations on a bilateral agreement between the European Union and Japan on civil aviation safety
= Adoption
6491/16 AVIATION 34 RELEX 138 ASIE 3 **RESTREINT UE**
+ ADD 1 **RESTREINT UE**
+ ADD 2 **RESTREINT UE**
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