

Brussels, 23 March 2018
(OR. en, fr)

7460/18
CRS CRP 9

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
7 March 2018

I. Adoption of the agenda

6784/18 OJ CRP1 9 + COR 1
6816/1/18 REV 1 OJ CRP2 9

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)

Telecommunications

2. 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 trilogues of 28 February and 1 March 2018.

Internal Market and Industry

3. Meeting of the Council (Competitiveness (Internal Market, Industry, Research and Space)) on 12 March 2018: Preparation

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| 1. | Conclusions on EU industrial policy strategy for competitiveness, growth and innovation | 6604/18 |
| | <i>Exchange of views</i> | 6605/18 |
| | <i>Adoption</i> | |

The Committee agreed to submit slightly revised Conclusions to Council.

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| 2. | European Semester 2018: Digitalisation of the EU Economy | 6765/18 |
| | <i>Exchange of views</i> | |

The Committee agreed to submit the background paper to Council for the exchange of views.

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| 3. | 25 years of Single Market: The way forward | 6652/18 |
| | <i>Presentation by the Commission</i> | |
| | <i>Exchange of views</i> | |

The Committee agreed to submit the background paper to Council for the exchange of views.

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| 4. | Competitiveness "check-up" | |
| | <i>Presentation by the Commission</i> | |
| | <i>Exchange of views</i> | |

The Committee took note of the intentions of the Commission and Presidency.

Employment and Social Policy

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| 4. | Directive on the accessibility requirements for products and services | |
| | <i>Presidency debriefing on the outcome of the trilogue</i> | |

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 5 March 2018.

5. Meeting of the Council (Employment, Social Policy, Health and Consumer Affairs) on 15 March 2018: Preparation

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| | European Semester 2018 | |
| | 2018 Country reports | 6378/18 |
| | <i>Presentation by the Commission</i> | |

The Committee took note that the reports will be presented by the Commission.

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| 6. | Directive on work life balance | 6642/18 |
| | <i>Guidance for further work</i> | |

The Committee provided guidance for further work with regard to the core elements identified by the Presidency. The Presidency will carefully examine the input provided and will inform delegations about next steps in due course.

COREPER (PART 2)

Economic and Financial Affairs

50. The EU list of non-cooperative jurisdictions for tax purposes-
changes due to the commitments received from the jurisdictions
affected by the hurricanes 6853/18
Adoption

The Committee agreed on the list of non-cooperative jurisdictions as regards the jurisdictions affected by the hurricanes and agreed to add this issue as an A-item on the agenda of the Council (ECOFIN) on 13 March 2018.

22. Meeting of the Council (Economic and Financial Affairs) on
13 March 2018: Preparation

- a) Mandatory Disclosure Rules 6679/18
General approach

The Committee prepared this item for the Council.

- b) Banking package 6618/18
General approach 6614/18
6615/18
6616/18
6617/18

The Committee prepared this item for the Council.

- c) European Semester 2018
i) 2018 Country Reports and In-Depth Reviews
Presentation by the Commission
ii) Implementation of Country-Specific
Recommendations with a focus on productivity
growth
Exchange of views
iii) Council conclusions on the European Court of 5988/18
Auditors Special Report on the Macroeconomic
Imbalance Procedure (MIP)
Adoption

The Committee was informed of the handling of this item and agreed that the President of the European Court of Auditors would be invited to present the CoA's Special Report on the Macroeconomic Imbalance Procedure. The Committee also agreed to forward the draft conclusions to the Council for adoption.

- d) Terms of reference for the G20 meeting on 19-20 March
in Buenos Aires
Approval

The Committee agreed to recommend to the Council to approve the draft terms of reference.

- e) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

Justice and Home Affairs

23. Meeting of the Council (Justice and Home Affairs) on 8-9 March 2018: Preparation

- a) Cooperation between CSDP missions/operations and EU
JHA agencies
Political endorsement 6440/18

The Committee prepared this item for the Council.

- b) Non cash fraud directive
General approach 6472/18

The Committee agreed to amend the text as set out in 6472/1/18 REV 1 and to submit the text to the Council with the aim to reach a general approach.

- c) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

Transferred from part I

41. UN Global Compact for Migration
Guidance for further work

6676/18

The Presidency concluded that without an agreed EU position on the negotiations of the Global Compact for Migration, the EU Delegation in New York cannot speak on behalf of the EU. The fact that there is an EU common policy and EU acquis on most of the issues raised in the Global Compact is not in itself sufficient, since the context and the material content are not the same.

In practice, this means that:

- the EU Delegation in New York should continue to facilitate the coordination of positions among Member States, but cannot take the floor at the actual negotiation rounds;
- the current text of the Framework Document (which has the agreement of 27 Member States) may serve as an informal basis for the interventions of Member States, in their national capacity, until there is a consensus on an EU position; equally those Member States may designate one of them to speak on their behalf provided that it is clear that they are not speaking in an EU capacity;
- in their national interventions, Member States cannot, under the principle of sincere cooperation provided for in the Treaty, express positions that are contrary to the EU common policy and EU acquis.

General Affairs

24. Meeting of the Council (General Affairs) on 20 March 2018:
Preparation

- a) Draft guidelines for the European Council on 22-23 March 2018
Exchange of views
- 6185/18

The Committee examined the draft guidelines for the conclusions of the upcoming European Council meeting on 22-23 March 2018.

- b) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

25. European political parties and European political foundations
Analysis of the final compromise text with a view to agreement
- 6638/18 + ADD 1

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

Foreign Affairs

26. Meeting of the Council (Foreign Affairs) on 6 March 2018:
Follow-up

The Committee took note of the proceedings of this Council meeting.

27. Multilateral Investment Court
Council Decision 6653/18
Decision of the Representatives of the Governments of the 12981/17
Member States + ADD 1 R-UE
Negotiating Directives 12982/17
Approval

The Committee approved the Council Decision, the Decision of the Representatives of the Governments of the Member States and agreed to recommend to the Council and the Representatives of the Government of the Member States to make the negotiating directives public upon their adoption.

IV. Any other business

COREPER (PART 1)

Leaked CLS opinion on the Directive on gas

The Committee took note of the information provided by the Council Legal Service.

COREPER (PART 2)

None.

"I" items approved

COREPER (PART 1)

Institutional Affairs

Written questions

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| 7. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 6623/18
PE-QE |
| a) | Anna Elzbieta Fotyga (ECR)
'Sanctions against the Russian and Crimean officials responsible for serious human rights violations, including the prosecution of Tatar leaders' | 5835/18 |
| b) | Udo Voigt (NI)
'Verification procedure as set out in Article 5(2) of Regulation (EC) No 2004/2003 against the Alliance for Peace and Freedom (APF)' | 6069/18 |
| c) | Siôn Simon (S&D)
'Evacuation of the Europa Building on 18 October 2017' | 6070/18 |
| d) | Siôn Simon (S&D)
'Unpaid trainees at the Council' | 6071/18 |

Appointments

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| 8. | One member (DK) of the Governing Board of the European Foundation for the Improvement of Living and Working Conditions
<i>Adoption</i> | 6645/18
SOC |
| 9. | One member (CZ) of the Advisory Committee on Freedom of Movement for Workers
<i>Adoption</i> | 6474/18
SOC |
| 10. | One alternate member (FI) of the Advisory Committee on Safety and Health at Work
<i>Adoption</i> | 6643/18
SOC |
| 11. | One alternate member (FI) of the Governing Board of the European Agency for Safety and Health at Work
<i>Adoption</i> | 6644/18
SOC |

Transport

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| 12. | Decision on EU-US ATM MoC - SESAR-NextGEN: conclusion
<i>Request for the consent of the European Parliament</i> | 6226/1/18 REV 1
5800/18 + COR 1
AVIATION |
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Internal Market and Industry

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| 13. | Conclusions on EU-funded loan guarantee instruments
(CoA SR No 20/2017)
<i>Adoption</i> | 6609/18
FIN |
| 14. | Conclusions on the enforcement of Intellectual Property Rights
<i>Adoption</i> | 6681/18
PI |

Fisheries

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| 15. | Regulation on technical measures
<i>Mandate for negotiations with the European Parliament</i> | 6228/18
6049/1/18 REV 1
+ ADD 1 REV 1
PECHE |
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Statement by France

"Depuis le début des discussions en Conseil, la France a exprimé sa préoccupation sur le développement de la pêche électrique. En effet, cette technique de pêche affecte à la fois les écosystèmes marins et les stocks de poissons, ciblés et accessoires. En outre, la technique de pêche au chalut électrique fait l'objet en France d'une vive opposition qui associe les milieux économiques, les organisations de la société civile et le monde politique.

La France mesure les efforts menés par la Présidence pour parvenir à la meilleure défense de la position du Conseil. Elle souhaite cependant rappeler son soutien aux amendements adoptés par le Parlement européen en session plénière visant à l'interdiction du chalut électrique dans le cadre de la révision du règlement Mesures techniques."

Statement by Germany

"Germany is supportive of the mandate for the further trilogue negotiations on the proposal on technical measures. However, from the German point of view one important element is not duly reflected in the mandate:

For the amendment proposals 306, 314, 315, 356 on pulse fishery we generally support the starting point of the General Approach (GA) insofar as scientific studies show a certain potential of the pulse fishery for a less harmful fishing technique. This is in particular the case when using this technique in the shrimp fishery. For the use of this technique in flatfish fisheries, further studies are needed for a final assessment. However, the assessment foreseen in Article 7(b) for a delegated act according to Article 18 should not only cover the potential benefits for the conservation of marine biological resources (as currently in the GA) but pursue a holistic approach by covering also the overall environmental impact, including non-target species and sensitive habitats. Broadening the scope of the assessment in this way could also help to accommodate the European Parliament on this issue without putting into question the possibility of pulse fishery as such.

Germany will continue the discussion of this issue on this basis but is prepared to continue the trilogue on the basis of the proposed text at this stage."

Delegated or Implementing Acts

Transport

16. Commission Regulation (EU) No .../.. of XXX amending Regulation (EU) No 1178/2011 as regards declared training organisations
Decision not to oppose adoption
- 6624/18
5417/18 + ADD 1
TRANS

The above-mentioned item was withdrawn.

Environment

17. Commission Regulation (EU) .../... of XXX amending Annex IV to Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)
Decision not to oppose adoption
- 6432/18
5642/18 + ADD 1
ENV
18. Commission Decision (EU) .../... of XXX on the sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the public administration sector under Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)
Decision not to oppose adoption
- 6431/18
5520/18 + ADD 1
ENV
19. Commission Delegated Regulation (EU) .../... of 23.1.2018 amending Annex I to Regulation (EC) No 443/2009 of the European Parliament and of the Council as regards the evolution of the mass of new passenger cars registered in 2014, 2015 and 2016
Delegated act - Intention not to raise objections
- 6435/18
5653/18
ENV

Energy

20. Commission Delegated Regulation (EU) .../... of 23.1.2018 correcting the Spanish language version of Commission Delegated Regulation (EU) No 812/2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of water heaters, hot water storage tanks and packages of water heater and solar device
Delegated act - Intention not to raise objections
- 6501/18
5614/18
ENER
ENV

Internal Market and Industry

21. Commission Delegated Decision on the applicable system to assess and verify constancy of performance of anchor devices used for construction works and intended to prevent persons from falling from a height or to arrest falls from a height pursuant to Regulation (EU) No 305/2011 of the European Parliament and of the Council
Delegated act - Intention not to raise objections
- 6630/18
5690/18 + ADD 1
MI

COREPER (PART 2)

Institutional Affairs

Appointments

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| 28. | A member of the Court of Auditors (BE)
<i>Adoption</i> | 6417/18
5662/18
CMPT |
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Economic and Financial Affairs

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| 29. | New Maltese Commemorative Coin | 6302/18
UEM |
| 30. | Latvia derogation on common system of value added tax
<i>Adoption</i> | 6669/18
6267/18
FISC |
| 31. | De-Listing of certain jurisdictions from the EU list of non-cooperative jurisdictions for tax purposes
<i>Adoption</i> | 6777/18
FISC |
| 32. | Mobilisation European Globalisation Adjustment Fund (EGF/2017 008 DE/Goodyear)
Transfer No DEC 03/2018 (Section III - Commission)
<i>Approval</i> | 6251/18
FIN |
| 33. | Insurance Distribution Directive (IDD) Quick fix
<i>Adoption of the legislative act</i> | 6670/18 + ADD 1
PE-CONS 1/18
EF |
| 34. | Council Implementing Decision on Appointment of a member of the Single Resolution Board
<i>Adoption</i> | 6513/18
6585/18
EF |

General Affairs

35. Conclusions on European Court of Auditors' Special Report on "Ex ante conditionalities and performance reserve in Cohesion" 6678/18
Adoption REGIO

Statement by Hungary

"14) STRESSES, against the background of recommendation 1b) of the Court, that the Commission should explore how the role of ex-ante conditionality in implementing relevant reforms could be enhanced for the period post-2020; RECALLS its position set out in Council conclusions of November 2016 that more consistency should be sought for in the future between various measures linking the effectiveness of the ESI Funds to economic governance, building on the lessons learned from the introduction of ex-ante conditionalities;

The firm position of Hungary is that the link between Cohesion Policy and the European Semester is already strong enough (stronger than ever), and there is no need to further strengthen it. The fundamental objective of Cohesion Policy is to support economic convergence, therefore the implementation of relevant reforms shall not be considered as a final aim, rather a tool.

Ex-ante conditionalities regarding Cohesion Policy are only acceptable for Hungary if they are related to its substantive and procedural provisions in the Treaties, instead of serving the realisation of other EU policy objectives.

In view of the compromise, Hungary supports the Council Conclusions on Special Report No 15/2017 by the European Court of Auditors on "Ex ante conditionalities and performance reserve in Cohesion: innovative but not yet effective instruments" and its paragraph (14), if it does not exceed the current framework and does not establish any obligations to Member States regarding the post 2020 period. In our view the leeway should be kept for Member States to decide on their own which reforms and measures can promote the best the cohesion objectives."

36. EP Resolutions and decisions (February-March 2018) 6611/18
PE-RE

Justice and Home Affairs

37. Schengen evaluation Recommendation - France SIS 6557/18
Adoption 6556/18 **R-UE**
SCH-EVAL
38. Appointment of the new Executive Director of Europol 6458/18
Adoption 6344/18
ENFOPOL
39. Council Decision on the signing of the EU-Swiss Confederation 6535/18
Agreement for financial support for external borders and visa 6221/18
(ISF 2014-2020) 6223/18
Adoption FRONT
VISA

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| 40. | Council Decision on the conclusion of the EU-Swiss Confederation Agreement for financial support for external borders and visa (ISF 2014-2020)
<i>Request for the consent of the European Parliament</i> | 6535/18
6222/18
6223/18
FRONT
VISA |
| 42. | Conclusions on alternatives to coercive sanctions
<i>Adoption</i> | 6444/18
6441/18
CORDROGUE |

Foreign Affairs

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| 43. | Council Decision on opening negotiations with China concerning WTO dispute settlement proceedings DS 492
<i>Adoption</i> | 6102/18
6103/18 + ADD 1
WTO |
| 44. | PSC Decision BiH/26/2018 - appointment of the EU Force Commander
<i>Decision to publish in the Official Journal</i> | 6113/18
5969/18
PSC DEC |
| 45. | Bosnia and Herzegovina restrictive measures - repealing of Common Position 97/193/CFSP - Decision
<i>Adoption</i> | 6729/18
6522/18
CORLX |
| 46. | Bosnia and Herzegovina restrictive measures - extension - Decision
<i>Adoption</i> | 6742/18
6523/18
CORLX |
| 47. | Ukraine: misappropriation of funds - review
<i>Preparation for the adoption</i> | 6720/18
CORLX |

Other items

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| 48. | Interim approval of a cryptographic product
<i>Approval</i> | 6663/18 R-UE
CSCI
CSC |
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