

Brussels, 27 March 2018
(OR. en)

7536/18
CRS CRP 10

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
14, 15 and 16 March 2018

I. Adoption of the agenda

7035/18 OJ CRP1 10
7057/1/18 REV 1 OJ CRP2 10

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 14 MARCH 2018

Employment and Social Policy

2. Revision of Directive 96/71 on posting of workers 6783/18 + ADD 1
Preparation for the trilogue

The Committee prepared a revised mandate for the forthcoming trilogue.

Agriculture and Fisheries

3. Regulation on medicated feed
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 March 2018.

4. Meeting of the Council (Agriculture and Fisheries) on 19 March 2018: Preparation

Regulation on a multi-annual plan for demersal stocks in the Western Mediterranean Sea 6772/18 + ADD 1
6817/18
Presentation by the Commission
Exchange of views

The Committee prepared this item for the Council.

Energy

5. Directive on energy efficiency 6842/18
Preparation for the trilogue

The Committee prepared a revised mandate for the forthcoming trilogue and provided political guidance on energy poverty.

FRIDAY 16 MARCH 2018

Telecommunications

6. Directive on the European Electronic Communications Code 6839/18 + COR 1
(recast)
Preparation for the trilogue

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

Internal Market and Industry

7. Regulation on CabSat
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 13 March 2018.

8. Directive on a proportionality test before adoption of new 6913/18
regulation of professions
Preparation for the trilogue

The Committee prepared a revised mandate for the forthcoming trilogue.

9. Regulation on fertilisers 6858/1/18 REV 1
Preparation for the trilogue

The Committee prepared a slightly revised mandate for the forthcoming trilogue.

COREPER (PART 2)

WEDNESDAY 14 MARCH 2018

Foreign Affairs

19. Restrictive measures to combat terrorism - Common Position
2001/931/CFSP - review
Preparation for the adoption
- 6848/18 + ADD 1 +
ADD 1 COR 1
6819/18
6821/18
CORLX

This item was dealt in restricted session.

20. Meeting of the Council (Foreign Affairs) on 19 March 2018:
Preparation

- a) Current Affairs

The Committee prepared this item for the Council.

- b) Ukraine
Exchange of views

The Committee prepared this item for the Council.

- c) Syria
Exchange of views

The Committee prepared this item for the Council.

- d) Iran
Exchange of views

The Committee prepared this item for the Council.

- e) Other items in connection with the Council meeting

The EEAS provided further information regarding the Council meeting.

21. PESCO process
Information from the EEAS on the next steps

The Committee took note of the presentation of the EEAS on the next steps in the PESCO process.

Justice and Home Affairs

27. Meeting of the Council (Justice and Home Affairs) on
8-9 March 2018: Follow-up

The Presidency informed the Committee about the main outcomes of the meeting.

General Affairs

22. EU Trust Fund for Africa
State of play
Exchange of views

The Committee had an exchange of views on the EU Emergency Trust Fund for Africa (North Africa window) on the basis of an update provided by the Commission.

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

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| a) | European Semester | |
| | Synthesis report on Council contributions on the 2018 | 6745/18 |
| | European semester | |
| | <i>Exchange of views</i> | |
| | Draft Recommendation on the economic policy of the euro | 6911/18 |
| | area | |
| | <i>Transmission to the European Council</i> | |

The Committee prepared this item for the Council.

- c) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

24. Information of EP on international agreements 6942/1/18 REV 1
Endorsement

The Committee endorsed the transmission of the negotiating directives in question to the EP.

25. Meeting of the Council (General Affairs) on 12 April 2018:
Agenda

The Presidency presented the main points on the agenda.

Economic and Financial Affairs

26. Meeting of the Council (Economic and Financial Affairs) on
13 March 2018: Follow-up

The Presidency informed the Committee about the main outcomes of the meeting.

THURSDAY 15 MARCH 2018

General Affairs

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

- d) Preparation of the European Council on 22-23 March 2018: Conclusions 6186/18
Exchange of views

The Committee discussed the draft conclusions.

Transferred from Wednesday's meeting

- b) European Council follow-up
State of play

The Committee prepared this item for the Council.

IV. Any other business

COREPER (PART 1)

Regulation on ACER

The Committee took note of the information provided by 14 delegations.

COREPER (PART 2)

US trade measures

The Committee took note of the information provided by the Commission.

EU Facility for Refugees in Turkey

The Committee took note of the information provided by the Commission with respect to its recent decision.

CMU package

The Committee took note of the information provided by the Commission on its recent package of proposals and of the information provided by the Presidency on the next steps.

"I" items approved

COREPER (PART 1)

Institutional Affairs

Written questions

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| 10. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 6885/18
PE-QE |
| a) | Rory Palmer (S&D)
'Unaccompanied child refugees in EU Member States' | 6256/18 |
| b) | Barbara Spinelli (GUE/NGL), Bodil Valero (Verts/ALE), Cornelia Ernst (GUE/NGL), Benedek Jávor (Verts/ALE), Barbara Lochbihler (Verts/ALE), Péter Niedermüller (S&D), Soraya Post (S&D), Nessa Childers (S&D), Zigmantas Balčytis (S&D), Patricia Lalonde (ALDE), Dietmar Köster (S&D), Peter Kouroumbashev (S&D), Evelyn Regner (S&D) and Julie Ward (S&D)
'Bulgaria's EU Presidency' | 6261/18 |

Appointments

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| 11. | One member (RO) in the category of Government representatives (CEDEFOP)
<i>Adoption</i> | 6968/18
EDUC |
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Research

- | | | |
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| 12. | Council Decision on the conclusion of the Agreement for scientific and technological cooperation with the Kingdom of Morocco on the Partnership for Research and Innovation in the Mediterranean Area (PRIMA)
<i>Request for the consent of the European Parliament</i> | 6661/18
6534/18
RECH |
| 13. | Council Decision on the signing of the Agreement for scientific and technological cooperation with the Kingdom of Morocco on the Partnership for Research and Innovation in the Mediterranean Area (PRIMA)
<i>Adoption</i> | 6661/18
6532/18
6533/18
RECH |

Transport

14. ICAO - Aviation Security Panel (AVSECP)
(Montreal, 19-23 March 2018)
Working Paper on Insider Threat for the upcoming ICAO Panel
Approval 6974/18
AVIATION

Employment and Social Policy

15. Regulation on the European Social Statistics
Mandate for negotiations with the European Parliament 6909/18
STATIS

Fisheries

16. Regional Plan of Action on Small Scale Fisheries in the
Mediterranean and the Black Sea 6856/18
Authorisation to open negotiations PECHE

Delegated or Implementing Acts

Agriculture

17. Commission Regulation (EU) .../... of XXX establishing the
methodological principles for the risk assessment and risk
management recommendations referred to in Regulation (EC)
No 470/2009 6811/18
Decision not to oppose adoption 6175/18 + ADD 1
AGRILEG

Transport

18. Commission Regulation (EU) .../... of XXX correcting the
Polish language version of Regulation (EU) No 1321/2014 on
the continuing airworthiness of aircraft and aeronautical
products, parts and appliances, and on the approval of
organisations and personnel involved in these tasks 6887/18
Decision not to oppose adoption 5632/18
TRANS

COREPER (PART 2)

WEDNESDAY 14 MARCH 2018

Judicial Affairs

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| 29. | Case T-781/17 Kraftpojkarna / Commission
<i>Information note for the Permanent Representatives Committee
(Part 2)</i> | 6962/18
JUR 112
COMER 21 |
| 30. | Case T-782/17 Wuxi Saijing Solar Co. / Commission
<i>Information note for the Permanent Representatives Committee
(Part 2)</i> | 6965/18
JUR 113
COMER 22 |
| 31. | Case C-123/18 P, Appeal by HTTS against judgment T-692/15
<i>Information note for the Permanent Representatives Committee
(Part 2)</i> | 6491/18
JUR |

Institutional Affairs

Appointments

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| 32. | A member (DK) to the European Economic and Social
Committee
<i>Adoption</i> | 6575/18
6574/18
CES |
| 33. | A member (DE) of the Committee of the Regions
<i>Adoption</i> | 6706/18
6705/18
CDR |
| 34. | A member and an alternate member (DE) to the Committee of
the Regions
<i>Adoption</i> | 6737/18
6736/18
CDR |

Transparency

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| 36. | Public access to documents
Confirmatory application No 01/c/01/18
<i>Adoption</i> | 5090/18
INF
API |
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Economic and Financial Affairs

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| 37. | EU/US bilateral agreement on insurance and reinsurance
<i>Adoption</i> | 6860/18
EF
SURE |
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| 38. | European Council and Council estimates for 2019
<i>Approval</i> | 6861/18
6394/18
FIN |
| 39. | Transfer No DEC 4/2018 (Section III - Commission)
<i>Approval</i> | 6893/18
FIN |
| 40. | Council Decision concerning the external auditors of the
Oesterreichische Nationalbank
<i>Adoption</i> | 5901/18
5865/18
UEM |
| 41. | Hungary VAT derogation for supplies of staff
<i>Adoption</i> | 6919/18
6571/18
FISC |
| 42. | Denmark VAT derogation for private use of business vehicles
<i>Adoption</i> | 6915/18
6555/18
FISC |

General Affairs

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| 43. | RPS Adaptation - Justice Omnibus
<i>Partial general approach</i> | 6932/18
5705/17 + ADD 1
INST
JUR |
| 44. | RPS Adaptation - General Omnibus
<i>Partial general approach</i> | 6933/18 + ADD 1
+ ADD 2 REV 1
+ ADD 3 - 5
+ ADD 6 REV 1
+ ADD 7 - 8
5623/17
+ ADD 1 REV 1
INST
JUR |

Statement by Slovenia

"Slovenia supports the common approach on the Proposal for a Regulation of the European Parliament and of the Council adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union.

However, Slovenia would like to express its concerns related to the delegation of powers to the Commission to adopt delegated acts in the field of Food Safety.

According to Slovenia's legal assessment in many cases, and in particular cases related to the proposed amendments to Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC and Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms, the foreseen delegation of powers to the Commission for the adoption of delegated acts relates to essential elements of the legal acts and should therefore not be delegated. Instead, in those cases, the legislative acts should be modified in order to adapt the legislation to Articles 290 and 291 of TFEU."

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| 45. | Non-binding delineation criteria between delegated and implementing acts
<i>Endorsement</i> | 6468/1/18 REV 1
INST
JUR |
| 46. | Statement on the Framework Agreement on relations between the Parliament and the Commission
<i>Approval</i> | 6998/18
JUR 119 |
| 47. | Council conclusions on delivery and implementation of cohesion policy post-2020
<i>Adoption</i> | 6912/18
REGIO |

Justice and Home Affairs

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| 48. | Schengen evaluation Recommendation - Sweden SIS
<i>Adoption</i> | 6874/18
6873/18 R-UE
SCH-EVAL |
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Foreign Affairs

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| 49. | Marine biodiversity of areas beyond national jurisdiction (UNCLOS): Decision to authorise the negotiations
<i>Adoption</i> | 6841/18
6698/18
7008/18
COMAR |
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Statement by the Commission

"The Commission welcomes the adoption of the Council Decision authorising the Commission to negotiate on behalf of the European Union an international legally-binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

However, the Commission maintains its view that – in the absence of a draft text at this stage – Article 218(3) and (4) provide a sufficient legal basis for the Decision, without any substantive legal basis being necessary, nor even possible to be determined on the basis of objective factors, taking into account the aim and the content of the agreement. In addition, since the negotiations in the intergovernmental conference concern primarily "the conservation and sustainable use" of marine biological diversity in areas beyond national jurisdiction, they are likely to cover issues which go beyond any single policy area, without it being possible to determine at this stage which policy area would be predominant in the sense of the Court's jurisprudence. In any event the Commission cannot agree on the limitation of the legal basis to a single policy area (environment) while leaving out other possible policy areas. The final text of the international legally-binding instrument shall determine, in any case, the legal basis for its approval by the European Union.

Furthermore, the Commission does not consider it appropriate that the Council Decision specifies that the Union can participate in the negotiations only as regards matters "for which the Union has adopted rules" and emphasises that the provisions of the Council Decision authorising the opening of negotiations shall be interpreted in full consistency with the provisions of the Treaties and of relevant jurisprudence and cannot in any case unduly restrict external EU competences.

The Commission also recalls that, in accordance with the jurisprudence of the Court, as reflected in Cases C-459/03 (point 94) and C-600/14 (points 62 and 63), the existence of the Union's external competence with regard to a shared competence is not in principle contingent on the adoption of measures of secondary law covering the area in question.

The Commission reserves its right to make use, if necessary, of all the legal means at its disposal to ensure the respect of the provisions of the Treaties."

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| 50. | Memorandum of Understanding between the European Union and the Republic of Costa Rica on International Cooperation and Development
<i>Approval</i> | 6882/18
COLAC
DEVGEN |
| 51. | Memorandum of Understanding between the European Union and the Republic of Panama on International Cooperation and Development
<i>Approval</i> | 6886/18
COLAC
DEVGEN |
| 52. | UfM Trade Ministerial Declaration
<i>Adoption</i> | 6940/18
MAMA |

Statement by the Commission

"In relation with paragraph 3 of the Ministerial Declaration of the 10th Union for the Mediterranean Trade Ministers Conference, the Commission hereby declares that where the text reads:

[They underlined the need to ensure more effective implementation of the existing bilateral and regional agreements across the Mediterranean region]
the Commission intends to understand the word "effective" as including the meaning of "non-discriminatory"; indeed, the Commission is of the opinion that "non-discriminatory" implementation of any agreement is part of an "effective" implementation.

The Commission also states that this approach has characterised the spirit and the content of the discussions and negotiations of this text with all the UfM members."

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| 53. | Syria restrictive measures - new listings - Implementing Decision and Regulation
<i>Adoption</i> | 7033/18
6944/18
6947/18
CORLX |
| 54. | Democratic People's Republic of Korea restrictive measures - letter to lawyers
<i>Adoption</i> | 7061/18
CORLX |

EU positions for international negotiations

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| 55. | Council Decision on an EU position in Côte d'Ivoire-EU EPA Committee - adoption of EPA Committee RoP
<i>Adoption</i> | 6807/18
6479/18
ACP |
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THURSDAY 15 MARCH 2018

Institutional Affairs

Appointments

Transferred from Wednesday's meeting

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| 35. | The Vice-President of the ECB
<i>Adoption</i> | 6939/18
6/18
CO EUR-PREP
UEM |
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General Affairs

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| 57. | Date of the European Parliament elections
<i>Approval</i> | 6948/18
PE |
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