

Brussels, 28 May 2018
(OR. en)

9360/18
CRS CRP 16

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
2 and 4 May 2018

I. Adoption of the agenda

8339/18 OJ CRP1 16

8424/2/18 REV 2 OJ CRP2 16

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

WEDNESDAY 2 MAY 2018

COREPER (PART 1)

Internal Market and Industry

2. Directive on the notification procedure
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 26 April 2018. Two delegations recalled their red lines on the matter, in view of the future work.

Competitiveness

3. Meeting of the Council (Competitiveness (Internal Market, Industry, Research and Space)) on 28 and 29 May 2018: Agenda

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

Education, Youth, Culture and Sport

4. Meeting of the Council (Education, Youth, Culture and Sport) on 22 and 23 May 2018

1. Agenda

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

2. Preparation

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|-----|---|-----------------|
| 2.1 | Revision of the Recommendation on key competences for lifelong learning
<i>Adoption</i> | 7951/18 |
| 2.2 | Recommendation on promoting common values, inclusive education, and the European dimension of teaching
<i>Adoption</i> | 8015/18 |
| 2.3 | The potential of universities for regional growth and promoting entrepreneurial and innovative skills
<i>Policy debate</i> | 8074/18 |
| 2.4 | Conclusions on the role of young people in building a secure, cohesive and harmonious society in Europe
<i>Adoption</i> | 7834/18 |
| 2.5 | Conclusions on the role of youth in addressing the demographic challenges within the European Union
<i>Adoption</i> | 7831/1/18 REV 1 |
| 2.6 | Future priorities for EU Youth policy
<i>Policy debate</i> | 8273/1/18 REV 1 |
| 2.7 | Conclusions on promoting the common values of the EU through sport
<i>Adoption</i> | 8032/18 |
| 2.8 | Commercialisation of elite sports and the sustainability of the European Model of Sport
<i>Policy debate</i> | 8274/18 |

2.9 Conclusions on the need of bringing cultural heritage to the fore across policies in the EU 7759/18
Adoption

2.10 The way ahead: Long term vision for the contribution of culture to the EU after 2020 7765/18
Policy debate

The Committee prepared all the above items for Council.

Culture/Audiovisual Matters

5. Review of the Directive on audiovisual media services (AVMS)
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 26 April 2018.

Telecommunications

6. Directive on the European Electronic Communications Code (recast)
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 25 April 2018.

Transport

7. Mobility package I 8203/1/18 REV 1
a) Regulation on access to the profession + ADD 1-4
b) Regulation on access to the haulage market
c) Regulations on rest time periods and on tachographs
d) Directive on enforcing social rules and on *lex specialis* for posting of drivers
Guidance for further work

The Committee held an exchange of views on the way forward on these files.

FRIDAY 4 MAY 2018

Transport

8. Regulation on safeguarding competition in air transport 7743/18
Preparation for a general approach

The Committee prepared the general approach and agreed to forward it to Council.

Internal Market and Industry

9. Directive on empowering national competition authorities: 8307/18 + ADD 1
ECN Plus
Preparation for the trilogue

The Committee prepared a revised mandate for the forthcoming trilogue.

COREPER (PART 2)

Foreign Affairs

21. EU-Western Balkans Summit (Sofia, 17 May 2018) 8340/1/18 REV 1
Information from the EEAS

The Committee confirmed its agreement on the text of the statement including the Annex.

23. Meeting of the Council (Foreign Affairs/Trade and Development) on 22 May 2018: Agenda

The Committee took note of the main items of the agenda. Several delegations requested the addition of Post-Cotonou and the Future of External Financing Instruments as full items on the agenda.

24. Meeting of the Council (Foreign Affairs) on 28 May 2018: Agenda

The Committee took note of the main items of the agenda. A few delegations requested the addition of Venezuela as a full item on the agenda.

General Affairs

30. Regulation establishing the European Defence Industrial Development Programme (EDIDP) 8143/1/18 REV 1
Preparation for the trilogue 8143/18 ADD 1

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

Statement by Austria

"As regards Art 7 draft EDIDP regulation, AT fully agrees with the need to ensure that the results of the actions supported remain at the disposal of the Union and its MS. However, the provision has to comply with EU legal principles, in particular the principles of effectiveness and of legal certainty.

At the same time, legal scrutiny of the provision by Austria came to the conclusion that the use of the term "guarantee" proposed in Art 7 para 1 lit c is legally problematic, which already has been raised by Austria in preparation of this COREPER meeting. In particular, Austria sees the risk that the ECJ interpretation on this term would result in legal consequences, in particular liabilities for Member States.

In order to avoid the risk that the provision in question cannot be applied by Member States, a legal examination by Commission and Council Legal Service would be important for Austria."

Economic and Financial Affairs

28. Meeting of the Council (Economic and Financial Affairs) on
25 May 2018: Agenda

The Committee took note of the main items of the agenda.

26. Appointment of the Director-General of OLAF
Information from the Presidency

The Committee took note of the information provided and agreed to revert to this issue at its next meeting in view of approving the Council's view to be communicated to the Commission.

Foreign Affairs

22. Common approach on the use of political clauses in agreements with third countries 10491/1/09 REV 1
Exchange of views **R-UE**

The Committee held an exchange of views and agreed to revert to this issue in one of its future meetings.

General Affairs

29. Meeting of the Council (General Affairs) on 14 May 2018:
Preparation

Multiannual Financial Framework (MFF) post 2020 : 8353/18
Presentation by the Commission
Exchange of views

The Committee took note of the Commission's presentation by the Commission.

Justice and Home Affairs

25. Dublin Regulation (recast) 8295/18
State of play and guidance for further work

The Committee held an exchange of views and decided to revert to this issue at its meeting on 15 May 2018.

Economic and Financial Affairs

27. (poss.) Facility for Refugees in Turkey - Financing of the second
tranche
Political Endorsement

The above-mentioned item was withdrawn.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

US trade measures

The Committee took note of the information provided. This item was discussed in a restricted session.

Security Union

The Committee took note of the presentation by the Commission.

"I" items approved**COREPER (PART 1)****Institutional Affairs****10. Minutes of Council meetings***Approval*

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|----|-------------------|-------------------------------------|
| a) | ENV 05.03.2018 | 6823/18
+ ADD 1
+ ADD 1 COR 1 |
| b) | COMPET 12.03.2018 | 7084/18
+ ADD 1
+ ADD 1 COR 1 |
| c) | EPSCO 15.03.2018 | 7231/1/18 REV 1
+ ADD 1 |
| d) | AGRI 19.03.2018 | 7310/18
+ ADD 1 |

Appointments

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| 11. | One member (EE) of the Management Board of the European Chemical Agency (ECHA) | 7983/18
7985/18
CHIMIE |
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- Adoption*

Transport

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| 12. | Council Decision on the EU position on the European Common Aviation Area (ECAA) Agreement | 8066/18
8054/18
AVIATION |
|-----|---|--------------------------------|
- Adoption*
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| 13. | Council Decision on opening of negotiations for the Satellite-based Augmentation Services in Ukraine based on EGNOS | 8275/18
6934/18 ADD 1 |
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- Transmission to the European Parliament*
- R-UE
TRANS**

Fisheries

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| 14. | Council Decision on the conclusion of a Fisheries Protocol between the European Union and the Republic of Mauritius | 8226/18
12476/17
PECHE |
|-----|---|------------------------------|
- Adoption*

Environment

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| 15. | Regulation on effort sharing (ESR)
<i>Adoption of the legislative act</i> | 8217/18 + ADD 1
PE-CONS 3/18
CLIMA |
| 16. | Decision on environmental reporting
<i>Adoption of the legislative act</i> | 8214/18 + ADD 1
PE-CONS 67/17
ENV |
| 17. | Regulation on LULUCF
<i>Adoption of the legislative act</i> | 8216/18
+ ADD 1 REV 1
PE-CONS 68/17
CLIMA |

Energy

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| 18. | Directive on energy performance of buildings
<i>Adoption of the legislative act</i> | 8213/18 + ADD 1
PE-CONS 4/18
ENER |
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Statement by Germany

"The Federal Republic of Germany states the following:

1. Re. Article 10(6a) new:
The provisions of the new Article 10(6a) do not impose any obligation to set up databases for energy performance certificates. This means that databases are voluntary. This is confirmed by recital 34.
2. Re. Annex I No. 2
Concerning the energy supplied through the energy carrier (distant energy sources), when calculating primary energy factors, Member States may take into account renewable sources in such a way that the share of renewable energy in the entire national grid (energy mix) is taken as a basis. Concerning the energy generated and consumed on-site or nearby, Member States may assess renewable energy sources individually when calculating primary energy factors for the energy carriers."

Sport

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| 19. Meetings of the World Anti-Doping Agency (WADA)
(Montreal, 16-17 May 2018)
<i>European Union coordination of a common position</i> | 8391/18
SPORT |
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Delegated or Implementing Acts

Agriculture

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| 20. 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 cyantraniliprole, cymoxanil, deltamethrin,
difenoconazole, fenamidone, flubendiamide, fluopicolide,
folpet, fosetyl, mandestrobin, mepiquat, metazachlor,
propamocarb, propargite, pyrimethanil, sulfoxaflor and
trifloxystrobin in or on certain products
<i>Decision not to oppose adoption</i> | 8202/18
7563/18 + ADD 1
+ ADD 2 REV 1
AGRILEG |
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COREPER (PART 2)

Judicial Affairs

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| 31. | Case C-144/18 P (River Kwai International Food Industry Co. Ltd.)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 8237/18
COMER |
| 32. | Cases T- 163 to 169 and 171 to 176 /18 ("Congo cases")
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 8351/18
JUR |

Economic and Financial Affairs

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| 33. | Revision of the Fourth Anti-Money Laundering Directive
<i>Adoption of the legislative act</i> | 8215/18 + ADD 1
PE-CONS 72/17
EF |
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Statement by Austria

"Austria is strongly concerned that the current text does not enhance transparency on beneficial ownership necessary to avoid the abuse of trusts for the purpose of money laundering and terrorist financing. There is a clear need to establish mandatory central and public beneficial owner registries for trusts in the Member State by whose laws trusts are governed (Art. 31 of Directive 2015/849). Unfortunately, the current text enhances this lack of transparency of beneficial ownership of trusts even more as it provides for the anonymity of beneficial owners of certain types of trusts. Therefore, Austria calls for remedying this apparent deficiency of the future EU AML/CFT framework."

Statement by the Netherlands

"While supporting the Directive amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, the Netherlands is concerned about the transposition period of 20 months for Member States to set up a register with beneficial ownership information of trusts and similar legal arrangements. A swift transposition and implementation of the amendments in the individual Member States is important. However, in Member States – such as the Netherlands – where trusts and similar legal arrangements are not governed under national law and where there is no registration requirement for trusts in place yet, it seems highly ambitious to have operational registers with beneficial ownership information in place within 20 months after the entry into force of this amending Directive."

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| 34. | Regulation adapting the financial envelope of the Structural Reform Support Programme (SRSP 2.0)
<i>Mandate for negotiations with the European Parliament</i> | 8271/18
8305/18
UEM |
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General Affairs

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| 35. | Fast Track procedure | 7409/18 |
| | <i>Approval of a letter</i> | 7404/18 |
| | | 8298/18 |
| | | JUR |
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The above-mentioned item was withdrawn.

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| 36. | MFF post 2020 - Provisional work programme | 8318/18 |
| | <i>Information from the Presidency</i> | |

Justice and Home Affairs

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| 37. | Regulation amending the Community Code on Visas (Visa Code) | 7890/18 |
| | <i>Decision to consult an institution or body</i> | VISA |
| 38. | Schengen evaluation Recommendation - Estonia management of the external land border | 8282/18 |
| | <i>Adoption</i> | 8281/18 |
| | | SCH-EVAL |
| 39. | Schengen evaluation Recommendation - Portugal management of the external border | 8284/18 |
| | <i>Adoption</i> | 8283/18 |
| | | SCH-EVAL |
| 40. | Schengen evaluation Recommendation - Portugal data protection | 8286/18 |
| | <i>Adoption</i> | 8285/18 |
| | | SCH-EVAL |
| 41. | Schengen evaluation Recommendation - Portugal visa | 8288/18 |
| | <i>Adoption</i> | 8287/18 |
| | | SCH-EVAL |
| 42. | Schengen evaluation Recommendation - Portugal return | 8290/18 |
| | <i>Adoption</i> | 8289/18 |
| | | SCH-EVAL |
| 43. | Schengen evaluation Recommendation - Malta data protection | 8292/18 |
| | <i>Adoption</i> | 8291/18 |
| | | SCH-EVAL |
| 44. | Schengen evaluation Recommendation - Sweden police cooperation | 8294/18 |
| | <i>Adoption</i> | 8293/18 |
| | | SCH-EVAL |

Foreign Affairs

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| 45. | EU position for the 11th EU-Algeria Association Council,
Brussels, 14 May 2018
<i>Decision to use the written procedure for the adoption</i> | 7902/18
MAMA |
| 46. | Memorandum of Understanding between the European Union
and the Federative Republic of Brazil on International
Cooperation
<i>Approval</i> | 8142/18
COLAC
DEVGEN |
| 47. | The former Yugoslav Republic of Macedonia - Transition to the
second stage of the Association
<i>Adoption</i> | 8265/18
7325/18
14474/09
COWEB |
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