



Council of the
European Union

Brussels, 20 June 2016
(OR. en)

9835/16

CRS/CRP 20

SUMMARY RECORD

Subject: 2588th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels, on 1 and 3 June 2016

I. Adoption of the provisional agenda

9564/16 OJ CRP1 20 + COR 1
9642/1/16 REV 1 OJ CRP2 20 COMIX 414

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)

2. Draft Council Decision on the signing and provisional application of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the **SADC EPA** States, of the other part
 - = Approval
 - = Decision to use the written procedure
 - 9179/2/16 REV 2 ACP 72 WTO 141 COAFR 140 RELEX 416
 - + **REV2 COR 1**
 - 5729/16 ACP 18 WTO 18 COAFR 18 RELEX 67
 - + **COR 1 (en, mt)**
 - 5730/2/16 REV 2 ACP 19 WTO 19 COAFR 19 RELEX 68
 - 5730/16 ADD 1-10 ACP 19 WTO 19 COAFR 19 RELEX 68
 - + ADD 1, 6, 9, 10 REV 1 (it)
 - + ADD 6 COR 1 (fr)

The Committee reached agreement on the draft Council Decision and, given the urgency, decided to use the written procedure for its adoption. The following statements were presented.

Statement by EL

"Greece notes that the results achieved on the protection of PDO "Feta" under the Economic Partnership Agreement between the European Union and its Member States, of one part, and the SADC EPA States, of the other part (the Agreement), provide a minimum level of protection and as such do not create a precedent for future Trade Agreements.

Greece recalls that "Feta" cheese is a registered Protected Designation of Origin (PDO), with specific standards requiring to be produced under a certain traditional way within a clearly defined production area. Greece also recalls that Feta cheese is the only product elaborated pursuant to the specification enshrined at Union level under Regulation (EC) 1829/2002 made exclusively from ewe's milk with a possible addition of goat's milk up to 30%. The results achieved on the protection of PDO "Feta" under the Agreement do not take into account the above elements and thus do not ensure its full protection.

In this framework, Greece takes full note of the Commission's commitment to achieve the best possible level of protection of PDO "Feta" under ongoing or future negotiations of Trade Agreements taking into account the above elements and to take all measures necessary to protect the PDO "Feta" within the EU but also in third-countries' markets, notably as regards the use of unfair practices.

Greece concurs with the Commission's statement, i.e. (1) the Commission's commitment to maintain close contact with the interested Member State throughout ongoing or future negotiations on geographical indications (GIs), (2) its commitment to achieve the best possible level of protection for geographical indications under ongoing or future negotiations, (3) its intention to ensure strict implementation of the protection foreseen in Protocol 3, (4) its commitment to, within five (5) years from the entry into force of the EU-SADC Agreement, start a process of revision of Protocol 3, with a view to achieving for all EU GI's therein, including Feta, the same level of protection, (5) to seek pragmatic ways to involve interested Member States in the work of the institutional committees established under the said Agreement and (6) support Greece in its efforts to promote GIs by exploiting the possibilities offered under Regulation (EU) No 1144/2014.

Greece intends to follow up on the above points and considers them as part of the good faith in the implementation of the Economic Partnership Agreement.

In tabling this statement, Greece has taken fully into consideration the development dimension of the Agreement and its political and economic significance for the countries of SADC, particularly for the least developed ones."

Statement by the Commission

- "1. The Commission will, throughout ongoing or future negotiations on geographical indications (GIs), maintain close contact with each interested Member State through the available consultative structures and will welcome ad hoc requests for further consultations.
2. The Commission is committed to achieving the best possible level of protection of Union registered Geographical Indications under ongoing or future negotiations of Trade Agreements in light of the market situation in each trading partner and the interests of the Member States.
3. The Commission confirms its intention, in view of Article 4 of the EU-SADC Agreement, to ensure strict implementation of the GI protection foreseen in Protocol 3 and will analyse the outcome of the Agreement particularly with regard to the level of GI protection.
4. The Commission takes note of Greece's concerns on the results regarding the protection of GI names under the SADC EPA in particular in respect of PDO Feta.
5. The European Commission, within five (5) years from the entry into force of the EU-SADC Agreement, commits to start a process of revision of Protocol 3, with a view to achieving for all EU GI's therein, including Feta, the same level of protection.
6. In the running of the institutional committees established under the Agreement, the Commission will find pragmatic ways to involve interested Member States in the work of these committees in line with the respective competences of the EU and the Member States.
7. In view of offering Member States as well as GI producers and exporters, especially the most vulnerable among them, support to promote GIs, the Commission will examine the possibilities offered under Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries."

Statement by HU

"Hungary notes that, should it be necessary to amend its domestic legislation for the provisional application by the European Union of those parts of the Economic Partnership Agreement between the European Union and its Member States, of one part, and the SADC EPA States, of the other part, covered by shared competence, such amendments shall be made, because of the nature of its legal order, in conjunction with the national ratification process, which Hungary plans to initiate expediently.

Hungary recalls that according to Article 218 paragraph 5 of the Treaty on the Functioning of the European Union "The Council, on a proposal by the negotiator, shall adopt a decision authorising the signing of the agreement and, if necessary, its provisional application before entry into force." It is, therefore, up to the Council to decide if provisional application is necessary and what its specific scope should be. Hungary notes that Article 113 paragraph 3 of the SADC EPA, as negotiated by the Commission, not only contains a commitment for provisional application by the EU but also a definition of its scope, pre-empting the Council's opinion on these matters. Deciding on the necessity for provisional application through the text of agreements and defining its specific scope in the absence of explicit a priori guidance by the Council may lead to problems particularly in Member States, like Hungary, whose legal order does not allow provisional application before ratification. Hungary is of the view that the Commission should refrain from using the approach reflected in Article 113 paragraph 3 of the SADC EPA in future trade negotiations, unless the directives approved for the negotiations by the Council specifically invite the Commission to do so."

Joint statement by PT and SI

"On the basis of the respect of the competences allocated between the European Union and its Member States, as defined by the Treaties, the Decision of the Council that authorises the provisional application of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part, shall not affect the autonomy of decision of Portugal and Slovenia on the issues of its national competence, whose decision to be bound by the Agreement depends on the conclusion of the internal ratification procedures, in accordance with the Constitutional principles and rules."

3. **EU-China Summit** (Beijing, 13 July 2016)

= Orientation debate

9481/16 COASI 95 ASIE 39 COPS 163 POLGEN 42 CSDP/PSDC 303
CFSP/PESC 433 RELEX 450 DEVGEN 106 CLIMA 55 TRANS 195
CONOP 48 WTO 146 ECOFIN 506 ENER 225 COMPET 322
RECH 205 JAI 492 CYBER 59 ENV 362 MIGR 103

The Committee exchanged views on the orientation note presented by the EEAS and the Commission and will revert to this in due time before the Summit.

4. **Presentation** of the agenda of the Council meeting (**Foreign Affairs**) on **20 June 2016**

The Committee took note of the main items on the agenda of this Council meeting.
The Committee was informed that the Association Council with Serbia will take place in the margins of the Council meeting.

5. **Preparation** of the Council meeting (**Justice and Home Affairs**) on 9/10 June 2016

a) **Roadmap** to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area¹

= Exchange of views/Approval

9368/16 JAI 478 COSI 92 FRONT 224 ASIM 80 DAPIX 80 ENFOPOL 157
SIRIS 90 DATAPROTECT 57 VISA 165 FAUXDOC 23
COPEN 172

The Committee exchanged views on the text which will be submitted by the Presidency to the Council.

b) **Fight against terrorism: Feeding and consultation of databases**¹

= Exchange of views

9201/16 JAI 441 COSI 90 FRONT 220 ASIM 78 DAPIX 78 ENFOPOL 155
SIRIS 86 DATAPROTECT 56 VISA 158 FAUXDOC 21
COPEN 165

The Presidency informed the Committee that this item will be in a restricted session at the Council. Following an exchange of views, the Committee decided to come back to this item at its next meeting, after the examination at the Terrorism Working Party on 7 June 2016.

c) **Weapons: 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)**

= General approach

9297/16 GENVAL 62 JAI 469 MI 364 COMPET 310 COMIX 392 CODEC 711

The Committee confirmed the conclusions of the Mixed Committee and agreed to revert to this file at its next meeting with a view to reaching a general approach at the June JHA Council.

e) **Internal Security: Implementation report on the Renewed EU Internal Security Strategy (2015-2020)**

= Exchange of views

9151/16 JAI 425 COSI 88 CATS 38 ENFOPOL 152 ENFOCUSTOM 69
DAPIX 77 SIRIS 85 GENVAL 61 CORDROGUE 24 DROIPEN 91
COPEN 162 FREMP 85

The Committee agreed to submit the implementation report to the Council.

¹ Exceptionally, in the presence of the Schengen Associated States.

6. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of **visas** when crossing the external borders and those whose nationals are exempt from that requirement (**Georgia**) (**First reading**)

= Mandate for negotiations with the European Parliament

9622/16 VISA 175 CODEC 774 COEST 143 COMIX 413

The Committee had an exchange of views on the amended text. The Presidency decided to continue contacts with Member States and revert to the file at a later stage.

5. **Preparation** of the Council meeting (**Justice and Home Affairs**) on 9/10 June 2016

d) **Matrimonial property regimes and Registered partnerships**

- i) Proposal for a Council Regulation implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes
and

- ii) Proposal for a Council Regulation implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships

= General approach

9004/16 JUSTCIV 115

+ COR 1

8115/16 JUSTCIV 70

+ COR 1 (cs)

8118/16 JUSTCIV 71

+ COR 1 (cs)

The Committee agreed to the Presidency's text and decided to submit it to the Council. PL reiterated its statement, made during the May Foreign Affairs Council, which PL considers remains relevant in this context.

- f) **e-Justice: Mid-term review of the Multiannual European e-Justice Action Plan 2014-2018**

9339/16 EJUSTICE 87 JUSTCIV 124 COPEN 170 JAI 477

The Committee approved the report and submitted it to the Council for adoption.

- g) Proposal for a Directive of the European Parliament and of the Council on the fight against fraud to the **Union's financial interest by means of criminal law (First reading)**
= Progress report/Policy debate
9301/16 DROIPEN 94 JAI 470 GAF 29 FIN 314 CADREFIN 23 CODEC 712

The Committee had an exchange of views on issues of substance and handling. The Presidency will revise its report as it deems appropriate to reflect this exchange for the Council.

- i) Proposal for a Council Regulation on the establishment of the **European Public Prosecutor's Office**
= Partial General approach
9436/16 EPPO 14 EUROJUST 67 CATS 41 FIN 324
COPEN 178 GAF 30 CSC 156

The Committee had an exchange of views on a number of provisions of the proposal. The Presidency will submit a revised version of the text to the Council for broad conceptual agreement.

- h) Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (**ECRIS**) and replacing Council Decision 2009/316/JHA (**First reading**)
= Progress report
9376/16 COPEN 174 EJUSTICE 88 JURINFO 17 DAPIX 82 CODEC 726

The Committee had an exchange of views on issues of substance and handling. The Presidency will revise its report as it deems appropriate to reflect this exchange for the Council.

- j) Other items in connection with the Council meeting

The Chair informed delegations about various organisational and procedural aspects of the Council meeting. The Chair also debriefed the Committee on the results of the first trilogue on the European Borders Guard proposal.

7. **Presentation** of the agenda of the Council meeting (**General Affairs**) on **24 June 2016**

The Committee took note of the main items on the agenda of this Council meeting. Under AOB the incoming SK Presidency will present its program and priorities.

8. **Relations with the European Parliament** (June 2016)

8696/16 PE 62 INST 195 POLGEN 35 CODEC 607

The Presidency informed the Committee about the most relevant items on the agenda of the forthcoming June plenary part-session of the European Parliament.

9. Enlargement

- Accession negotiations with **Serbia**
 - = Fulfilment of an opening benchmark on Chapter 23: Judiciary and fundamental rights
9457/16 ELARG 67

The Committee reached agreement on the Opening Benchmark Assessment Report for Chapter 23. Statements were presented by the following delegations.

Statement by BG

"The European Union is founded on the principles of human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, including the rights of persons belonging to minorities. These principles need to be complied with by all candidate countries.

As a consistent supporter of the European integration of the Western Balkans Bulgaria firmly believes that the European project would not be completed without Serbia joining the EU. Therefore in a spirit of good neighborliness, Bulgaria is giving its consent to the Opening benchmark assessment Report for Chapter 23.

Nonetheless, Bulgaria reiterates its position of principle on the issue of minority rights in Serbia by emphasizing the importance of practical implementation and adequate financing of the measures provided for under the AP23 and further elaborated in the dedicated action plan on national minorities, namely in the areas of education, use of language, and access to media and religious services in minority languages.

Likewise, as stated in the Resolution of the Committee of Ministers of the CoE on the implementation of the Framework Convention for the Protection of National Minorities, Serbia should guarantee "*the effective participation of national minorities, including numerically smaller ones, in the electoral processes*", address "*the under-representation of national minorities in public administration*", and "*pursue efforts to create a multi-ethnic police force*". Furthermore, in order to ensure equal treatment of all minorities, efforts should also be vested in eliminating the disparities in minority protection standards across Serbia by aligning standards with those applicable in AP "Vojvodina".

Bulgaria considers the respect of minority rights and the respect of human rights generally as a universal value. The responsibility for minority protection lies with the State concerned and could not be regarded as a bilateral issue with any third country.

In consonance with the above, Bulgaria's consent at future stages will be conditional upon the adoption and implementation of the expected reforms in the field of minority rights, including their adequate financing."

Statement by RO

"Romania is giving its consent to the Opening benchmark assessment Report for Chapter 23, in line with its constructive approach regarding the European perspective of the Western Balkans and for Serbia's accession process in particular.

Romania will continue to follow closely the measures that Serbia needs to put in place in all areas comprised in Chapter 23, in particular those ensuring access to religious services in mother tongue for national minorities, education in and of minority language and access to media, as well as the right to freely self-identify, without influence from central or local authorities."

Statement by HR

"Since our last meeting, Croatia has been engaged in intense consultations with the Presidency and the Commission in order to find solutions that would allow us to move the process forward while taking on board three concerns expressed by Croatia during our previous debates.

As a result of these consultations, Croatia is lifting its reserve on the opening benchmark assessment Report on Chapter 23, on the understanding that the EU Common Position for Chapter 23 will further address, starting from our mutually accepted interpretation of Serbia's obligations in Chapter 23, all three key issues in the area of the Judiciary and Fundamental Rights which have been raised by Croatia as a matter of special concern. These issues, which go to the core of the Rule of Law as embodied in Chapter 23, and the manner in which a candidate country approaches the political criteria of the accession process, need to be addressed clearly and early in the process in order to allow the progress in these fields to be closely monitored and assessed in the next stages of the process.

Full cooperation with the ICTY - There are obvious concerns that Serbia does not fully cooperate with the ICTY, as evidenced by the letter of the ICTY President of 13 October 2015 and ICTY President's and Prosecutor's Assessments and Reports submitted to the UN Security Council on 17 May 2016. The obligation of Serbia to fully cooperate with the ICTY, including by fully accepting and implementing its rulings and decisions, needs to be emphasized throughout the whole process.

Serbia's arbitrary appropriation of regional criminal jurisdiction - Serbia has appropriated jurisdiction to prosecute serious violations of international humanitarian law committed on the territory of the former Yugoslavia from 1 January 1991, irrespective of the nationality of the perpetrator or the victim. Articles 2 and 3 of Serbia's Law on Organisation and Competences of the State Organs in Proceedings for War Crimes not only contravene the principles of the rule of law, of international law and of international criminal law, but also represent a serious obstacle to the regional cooperation and good neighbourly relations in having a discriminatory effect against certain Member States. By a priori extending its criminal jurisdiction over neighbour States, Serbia created a totally unacceptable (unprecedented) and illegal situation. Serbia should align its legislation and practices in processing war crimes with the European and international legal standards, including EU efforts aimed at avoiding conflict of jurisdictions in criminal matters, so as to meet fully the Copenhagen criteria.

Full implementation of the overall legal framework on minority rights by Serbia remains essential in respect of all the building blocks contained within its Action Plan on the Protection of National Minorities, including the democratic participation, as foreseen, inter alia, in its legally binding agreements.

Notwithstanding its consent to the opening benchmark assessment report, Croatia underlines that this cannot be interpreted as its endorsement, in any form, of the Government of Serbia's strategic documents on processing of war crimes adopted on the basis of the Serbia's Action Plan for Chapter 23, as these are based on political and legal qualifications that continue to undermine the reconciliation and regional cooperation. These unacceptable qualifications also call into question Serbia's commitment to the implementation of its Action Plan for Chapter 23, which will be subject to monitoring and evaluation in the subsequent stages of the process.

Croatia will continue to follow closely the implementation of necessary measures in these and other policy fields under Chapter 23, as well as in the context of other relevant negotiation chapters throughout the accession process. Croatia remains committed to the continuation of the enlargement of the EU, based on the fulfilment of all necessary criteria."

10. **Follow-up** to the Council meeting (**Economic and Financial Affairs**) on **25 May 2016**

The Presidency outlined the main outcomes of the Council session.

11. **Presentation** of the agenda of the Council meeting (**Economic and Financial Affairs**) on **17 June 2016**

The Committee took note of the main items on the agenda of this Council meeting and agreed on the derogation from the linguistic regime for the Country Specific Recommendations (CSRs).

COREPER (PART 1)

43. Proposal for a Directive of the European Parliament and of the Council on amending Directive 2007/36/EC as regards the encouragement of long-term **shareholder** engagement and Directive 2013/34/EU as regards certain elements of the corporate governance statement **(First reading) (Legislative deliberation)**
= 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 30 May 2016.

44. Proposal for a Regulation of the European Parliament and of the Council on **medical devices**, and amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 **(First reading) (Legislative deliberation)**
and
Proposal for a Regulation of the European Parliament and of the Council on **in vitro diagnostic medical devices (First reading) (Legislative deliberation)**
= 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 May 2016.

45. **Setting** of the provisional **agenda** for the Council meeting **(Environment)** on 20 June 2016

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

46. Proposal for a Directive of the European Parliament and of the Council on the **reduction of national emissions** of certain atmospheric pollutants and amending Directive 2003/35/EC **(First reading) (Legislative deliberation)**
= Preparation for the trilogue

9408/16 ENV 359 ENER 220 IND 107 TRANS 187 ENT 96 SAN 214

PARLNAT 170 CODEC 730

+ ADD 1

The Committee agreed the revised mandate for the forthcoming trilogue.

IV. Any other business

COREPER (PART 2)

- The Committee took note of the DE concerns regarding the Standard Operating Procedures for the voluntary humanitarian admission scheme with Turkey.
- The Council Legal Service informed the Committee about Cases (T-192/16 and T-193/16) pending before the General Court.
- The Committee took note of the presentation by the Commission of its Communication on the European fund for Strategic Investment.

COREPER (PART 1)

- The Committee took note of the FR concerns regarding the lack of interpretation during the lunch that followed the meeting of the Competitiveness Council on 27 May.
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"I" items approved

COREPER (PART 2)

12. Case before the Court of Justice of the European Union
Case C-204/16 P - Appeal brought by SolarWorld AG against the judgment of the General Court of 1 February 2016 in Case T-141/14
9421/16 JUR 240 COMER 67
13. Case before the Court of Justice of the European Union
Case C-205/16 P - Appeal brought by SolarWorld AG against the judgment of the General Court of 1 February 2016 in Case T-142/14
9425/16 JUR 242 COMER 68
14. Transparency - Public access to documents
- Confirmatory application No 11/c/01/16
8167/16 INF 69 API 50
15. Special Report No 6/2016 "Eradication, control and monitoring programmes to contain animal diseases"
= Designation of Working Party
8601/16 FIN 280 VETER 46 ANIMAUX 15 AGRIFIN 47 AGRI 228
16. Draft Council Decision appointing an alternate member, proposed by the Kingdom of Spain, of the Committee of the Regions
= Adoption
9294/16 CDR 50
9293/16 CDR 49
17. Proposal for a Decision of the European Parliament and of the Council providing macro-financial assistance to Tunisia (**First reading**)
= Approval of the final compromise text and the joint statement
9363/16 ECOFIN 494 UEM 232 RELEX 428 MED 13 CODEC 725 IA 27
18. Proposal for a Decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund (application from France - EGF/2015/010 FR/MoryGlobal)
and
Proposal for transfer of appropriations No DEC 06/2016 within Section III - Commission - of the general budget for 2016
8317/16 FIN 254 INST 177 PE-L 22

19. Proposal for a Decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund (application from Greece -EGF/2015/011 GR/Supermarket Larissa)
and
Proposal for transfer of appropriations No DEC 07/2016 within Section III - Commission - of the general budget for 2016
8318/16 FIN 255 INST 178 PE-L 23
20. Commission delegated Regulation (EU) No .../. of 10.5.2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the minimum elements of a business reorganisation plan and the minimum contents of the reports on the progress in the implementation of the plan
= Intention not to raise objections to a delegated act
9621/16 EF 144 ECOFIN 523 DELACT 92
8826/16 EF 114 ECOFIN 389 DELACT 77
21. Draft Council conclusions on the Eurojust Annual Report 2015
= Adoption
9037/16 COPEN 157 CATS 36 EUROJUST 58 EJM 30
22. Draft Council conclusions on the administrative approach to prevent and fight serious and organised crime
= Adoption
9061/16 JAI 394 GENVAL 59 DROIPEN 89 COPEN 158 CATS 37 COSI 85
CRIMORG 36 ENFOPOL 151
23. Draft Council conclusions establishing an Informal European Network on Victims' Rights
= Adoption
8960/16 JAI 389 DROIPEN 86 COPEN 153
24. Draft Council conclusions on addressing trafficking in human beings (THB) for labour exploitation
= Adoption
9373/16 JAI 480 DROIPEN 96 COPEN 173 RELEX 429 GENVAL 64
MIGR 98 SOC 348 COSI 93
25. Draft Council conclusions and Action Plan on the way forward in view of the creation of an European Forensic Science Area
8819/16 ENFOPOL 137 COPEN 147 DAPIX 71 COSI 81
8770/16 ENFOPOL 133 COPEN 140 DAPIX 69 COSI 76
26. General Report on Europol's activities in 2015
9372/16 ENFOPOL 159
8961/16 ENFOPOL 148

27. "Prüm Decisions" - Recommendation for a Council Decision authorising the negotiations for the conclusion of agreements between the European Union, on the one part, and the Swiss Confederation and the Principality of Liechtenstein, on the other part, on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, of Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities
- = Adoption
- 9370/16 CH 6 FL 26 JAI 479 CRIMORG 40 ENFOPOL 158
RELEX 427 DAPIX 81
- 5988/16 CH 3 FL 2 JAI 87 CRIMORG 9 ENFOPOL 30 RELEX 93 DAPIX 21
- EU RESTRICTED**

Statement by UK

"The UK supports the substance of this proposal. We think an agreement should be negotiated, if possible, with Switzerland and Liechtenstein to allow them to take part in Prüm. We also welcome the addition of Articles 81(2)(d) and 87(2)(a) as legal bases.

However, in our view Recital (3) of the draft Council Decision is incorrect. It indicates that, because we take part in Decisions 2008/615/JHA, 2008/616/JHA and 2009/915/JHA we are therefore taking part in the measure under consideration here. As this draft Council Decision is pursuant to Title V of the Treaty on the Functioning of the European Union (TFEU) Protocol 21 of the TFEU applies and the Decision will not bind the UK unless we opt in to it. Protocol 21 contains no provision disapplying the opt-in in cases where the EU has exclusive competence to negotiate the proposed agreement and the UK participates in the underlying measure giving rise to that competence.

The UK opted in to this measure on by letter to the President of the Council on 19 January 2016. In our view, Recital (3) should have been amended to state that the UK is participating because of that opt-in decision, and not as an automatic result of our participation in the underlying measures governing Prüm."

28. Draft Council Implementing Decision setting out a Recommendation addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of the Schengen Information System by Belgium
- 8086/16 SCH-EVAL 68 SIRIS 70 COMIX 301
6200/16 COR 1 SCH-EVAL 26 SIRIS 16 COMIX 113
29. e-Justice
- Suggestions for best practices concerning videoconferencing with third countries
- = Adoption
- 9337/16 EJUSTICE 86 JUSTCIV 130 DROIPEN 97
30. Amending Budget No 1 for SISNET (VISION) for the year 2016
- 9282/16 SIRIS 88 VISA 163 COMIX 389

31. Escalation procedure for the SIS II
9283/16 SIRIS 89 IPCR 5 COMIX 390
32. Draft Council conclusions on the application of the Charter of Fundamental Rights in 2015
= Adoption
9455/16 FREMP 90 JAI 487 COHOM 55 DROIPEN 99
8946/16 FREMP 83 JAI 387 COHOM 50 DROIPEN 85
33. Draft EU - Bangladesh Standard Operating Procedures for the Identification and Return of Persons without an Authorisation to Stay
9118/16 MIGR 94 COASI 86
34. Draft Council Decision repealing Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire
and
Draft Council Regulation repealing Council Regulation (EC) No 174/2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire and Council Regulation (EC) No 560/2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire
= Adoption
9385/16 CORLX 217 CFSP/PESC 429 COAFR 147 COARM 93 CONUN 96
FIN 321
9312/16 CORLX 208 CFSP/PESC 419 COAFR 143 COARM 89 CONUN 92
FIN 316
9384/16 CORLX 216 CFSP/PESC 428 RELEX 434 COAFR 146 COARM 92
CONUN 95 FIN 320
35. Draft Council Decision amending Decision 2014/386/CFSP concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol
= Adoption
9620/16 CORLX 219 CFSP/PESC 441 COEST 142 FIN 330
8980/16 CORLX 201 CFSP/PESC 395 COEST 123 FIN 299
36. Draft Council Regulation amending Regulation (EU) 2015/323 of 2 March 2015 on the financial regulation applicable to the 11th European Development Fund
= Adoption
9211/16 ACP 74 FIN 311 PTOM 19 DEVGEN 100
9209/16 ACP 73 FIN 310 PTOM 18 DEVGEN 99
37. Enlargement
– Accession negotiations with Serbia
= Outcome of screening on Chapter 9: Financial services
9392/16 ELARG 66
38. Enlargement
– Accession negotiations with Montenegro
= Chapter 13: Fisheries
9498/16 ELARG 68

The above-mentioned item was withdrawn.

39. Draft Council Decision on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (ISA2 Programme)
= Adoption
8154/16 AELE 27 EEE 18 N 25 ISL 18 FL 20 TELECOM 55 COMPET 178
8155/16 AELE 28 EEE 19 N 26 ISL 19 FL 21 TELECOM 56 COMPET 179
40. Draft Council Decision on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget Line 02.03.01)
= Adoption
8160/16 AELE 30 EEE 21 N 28 ISL 21 FL 23 BUDGET 12 MI 254
8163/16 AELE 31 EEE 22 N 29 ISL 22 FL 24 BUDGET 13 MI 255
41. Draft Council Decision on the signing, on behalf of the European Union and its Member States, of the Protocol to the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and Mongolia, of the other part, to take into account of the accession of the Republic of Croatia to the European Union
9276/16 COASI 90 ASIE 37 ELARG 65
8938/16 ASIE 33 COASI 83 ELARG 62
8940/16 ASIE 34 COASI 84 ELARG 63
42. Draft Council Decision on the conclusion of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and Mongolia, of the other part
9208/16 COASI 88 ASIE 35 CFSP/PESC 412 COHOM 54 CONOP 45
COTER 56 JAI 445 WTO 142 AGRI 282 ENER 197 TRANS 179
TELECOM 87 ENV 334 EDUC 189 RECH 181 EMPL 215 SAN 199
8919/16 COASI 82 ASIE 32 CFSP/PESC 386 COHOM 47 CONOP 44
COTER 51 JAI 382 WTO 131 AGRI 259 ENER 148 TRANS 167
TELECOM 81 ENV 282 EDUC 138 RECH 137 EMPL 157 SAN 184
68. Draft Council Decision amending the Joint Action 2008/124/CSFP on the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO)
= Adoption
9382/16 CORLX 215 CFSP/PESC 427 CSDP/PSDC 298 COWEB 47
EU-LEX 9 CSC 155
8457/16 CORLX 187 CFSP/PESC 361 CSDP/PSDC 248 COWEB 35
EU-LEX 6 CSC 123

COREPER (PART 1)

47. Replies to written questions put to the Council by Members of the European Parliament
= Adoption by silence procedure
- a) E-015261/2015 - Jean-François Jalkh (ENF)
Destruction of a Russian plane by the Turkish air force
8658/16 PE-QE 183
 - b) E-002182/2016 - Tania González Peñas (GUE/NGL)
Directive 92/85/EEC on parental leave deadlocked in the Council
8647/16 PE-QE 179
 - c) E-002699/2016 - Eleftherios Synadinos (NI)
Illegal trade in antiquities by ISIS through Turkey
8656/16 PE-QE 182
 - d) E-002720/2016 - Edouard Ferrand (ENF)
Sanctions against Russia
8655/16 PE-QE 181
48. Case before the General Court of the European Union
Case T-153/16 (Asociación de Armadores de Cerco de Galicia (ACERGA) v Council)
= Information note for the Permanent Representatives Committee (Part 1)
9433/16 JUR 244 PECHE 188
49. Advisory Committee for the Coordination of Social Security Systems
Council Decision appointing a member and an alternate member for Slovakia
= Adoption
5789/16 SOC 51 EMPL 32
5788/16 SOC 50 EMPL 31
50. Advisory Committee for the Coordination of Social Security Systems
Appointment of Ms Elin HEINVEE, alternate member for Estonia, in place of
Ms Katerin PEÄRNBERG, who has resigned
= Adoption
9289/1/16 SOC 338 EMPL 234 REV 1
51. Advisory Committee on Freedom of Movement for Workers
Appointment of Ms Isla SCOTT, member for United Kingdom, in place of
Ms Deborah MORRISON, who has resigned
= Adoption
5397/1/16 SOC 30 EMPL 23 REV 1
52. Community Plant Variety Office
Draft Council Decision renewing the term of office of the alternate to the Chairperson of the
Board of Appeal
= Adoption
9083/16 AGRILEG 71

The above-mentioned item was withdrawn.

53. Community Plant Variety Office
Draft Council Decision renewing the term of office of the President of the Board
= Adoption
9085/16 AGRILEG 72

The above-mentioned item was withdrawn.

54. Commission Regulation (EU) .../... of XXX refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health
= Decision not to oppose adoption
9050/16 DENLEG 46 AGRI 266 SAN 190
8537/16 DENLEG 31 AGRI 219 SAN 159
+ ADD 1

55. Commission Regulation (EU) .../... of XXX refusing to authorise a health claim made on foods and referring to children's development and health
= Decision not to oppose adoption
9051/16 DENLEG 47 AGRI 267 SAN 191
8538/16 DENLEG 32 AGRI 220 SAN 160
+ ADD1

56. Commission Regulation (EU) .../... of XXX authorising a health claim made on foods and referring to children's development and health
= Decision not to oppose adoption
9052/16 DENLEG 48 AGRI 268 SAN 192
8539/16 DENLEG 33 AGRI 221 SAN 161
+ ADD 1

57. Commission Regulation (EU) .../... of XXX amending Regulation (EU) No 432/2012 establishing a list of permitted health claims made on foods other than those referring to the reduction of disease risk and to children's development and health
= Decision not to oppose adoption
9054/16 DENLEG 49 AGRI 269 SAN 193
8540/16 DENLEG 34 AGRI 222 SAN 162 REV1
+ ADD 1 REV1

58. Commission Regulation (EU) .../... of XXX refusing to authorise a health claim made on foods and referring to children's development and health
= Decision not to oppose adoption
9055/16 DENLEG 50 AGRI 270 SAN 194
8583/16 DENLEG 36 AGRI 225 SAN 166
+ ADD 1

59. Commission Regulation (EU) .../... of XXX refusing to authorise a health claim made on foods and referring to the reduction of disease risk
 = Decision not to oppose adoption
 9056/16 DENLEG 51 AGRI 271 SAN 195
 8609/16 DENLEG 37 AGRI 229 SAN 167
 + ADD 1
60. Commission Regulation (EU) .../... of XXX refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health
 = Decision not to oppose adoption
 9057/16 DENLEG 52 AGRI 272 SAN 196
 8611/16 DENLEG 38 AGRI 230 SAN 168
 + ADD 1
61. Commission Regulation (EU) .../... of XXX amending and correcting Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food
 = Decision not to oppose adoption
 9058/16 DENLEG 53 AGRI 273 SAN 197
 8801/16 DENLEG 44 AGRI 255 SAN 179
 + **COR 1 (hr)**
 + ADD 1
62. Commission Regulation (EU) .../... of XXX amending Regulation (EU) No 432/2012 establishing a list of permitted health claims made on foods other than those referring to the reduction of disease risk and to children's development and health
 = Decision not to oppose adoption
 9214/16 DENLEG 54 AGRI 283 SAN 200
 8681/16 DENLEG 41 AGRI 240 SAN 173
 + ADD 1

Statement by DE

"As regards the health claim on caffeine for adults performing endurance exercise, the minimum caffeine intake dose to obtain the claimed effect is also the maximum dose recommended as a safe caffeine intake as a single dose. A higher caffeine intake than that deemed safe by the EFSA may therefore easily occur. It is particularly alarming that the conditions of use only refer to adherence to the safe *daily* intake of caffeine, yet not the recommended limit of caffeine *per single dose*.

As regards the health claim on caffeine for the general population, we welcome the consideration of some of our concerns and the amendment of the conditions of use to the effect that the claims may now no longer target adolescents. The conditions of use with regard to observing the recommended daily limit of caffeine and the single dose are still insufficient. There are still no suggestions for the acceptable single dose of caffeine.

For the reasons listed above Germany is still opposed to the adoption of the above-mentioned health claims on caffeine."

63. Commission Regulation (EU) .../... of XXX establishing a guideline on forward capacity allocation
= Decision not to oppose adoption
9401/16 ENER 219
8229/16 ENER 126
64. Commission Decision on the endorsement on behalf of the European Union of the Clean Energy Ministerial Framework Document
= Establishment of the EU position
9319/16 ENER 215 CLIMA 53
65. Proposal for a Council Regulation amending Regulation (EU) 2016/72 as regards fishing opportunities for sandeel in certain Union waters
= Adoption
9347/16 PECHE 183
9044/16 PECHE 169
66. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics, as regards the collection of data on goods, passengers and accidents (**First reading**) (**Legislative deliberation**)
= Confirmation of the final compromise text with a view to agreement
9428/16 STATIS 31 TRANS 190 CODEC 737
67. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1365/2006 on statistics of goods transport by inland waterways as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures (**First reading**) (**Legislative deliberation**)
= Political agreement
9426/16 STATIS 30 TRANS 189 CODEC 735
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