

Brussels, 6 October 2016
(OR. en)

12733/16

CRS/CRP 32

SUMMARY RECORD

Subject: 2599th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on Wednesday 28 September 2016

I. Adoption of the agenda

12545/16 OJ CRP1 31

12632/1/16 REV1 OJ CRP2 31 COMIX 631

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)

2. **Preparation** for the Council (**Environment**) on 30 September 2016

1. **Ratification of the Paris Agreement (restricted session)**

Draft Council Decision on the conclusion on behalf of the European Union of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (*Non-legislative activity*)

= Agreement in principle

= Request for the consent of the European Parliament

12449/16 CLIMA 116 ENV 599 ONU 99 DEVGEN 202 ECOFIN 816 ENER 328
FORETS 45 AGRI 495 MAR 235 AVIATION 189

12256/16 CLIMA 111 ENV 588 ONU 96 DEVGEN 195 ECOFIN 803 ENER 323
FORETS 42 AGRI 488 MAR 229 AVIATION 182

+ ADD 1

+ ADD 2

The Committee discussed the draft Council Decision and agreed to submit it to Council for agreement in principle. The Committee also agreed that a draft Joint Statement will be presented to Council.

2. Draft Council conclusions on the preparations for the United Nations Framework Convention on Climate Change meetings in Marrakech (7 - 18 November 2016) (*Non-legislative activity*) (**restricted session**)

= Adoption

12447/16 CLIMA 115 ENV 598 ONU 98 DEVGEN 201 ECOFIN 814 ENER 327
FORETS 44 MAR 234 AVIATION 188

+ COR 1

The Committee agreed to submit a slightly amended text of the draft Council conclusions to the Council for adoption.

3. **Setting** of the provisional **agenda** for the Council meeting (**Environment**) on 17 October 2016

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

4. **Preparation** for the Council meeting (**Employment, Social Policy**, Health and Consumer Affairs) on 13 October 2016
1. Proposal for a Council Directive implementing the Agreement concluded between the General Confederation of Agricultural Cooperatives in the European Union (COGECA), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises (EUROPÊCHE) of 21 May 2012 as amended on 8 May 2013 concerning the implementation of the Work in Fishing Convention, 2007 of the **International Labour Organisation** (*Non-legislative activity*)
= Political agreement
(Public deliberation in accordance with Article 8(1) of the Council's Rules of Procedure [proposed by the Presidency])
8535/16 SOC 214 EMPL 131 PECHE 150
+ ADD 1-3
12226/16 SOC 527 EMPL 348 PECHE 318 IA 70
+ ADD 1-2

The Committee agreed to forward the above proposal to the Council for political agreement.

2. Draft Council conclusions on the "Report from the European Court of Auditors on EU policy initiatives and financial support for **Roma integration**" (*Non-legislative activity*)
= Adoption
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
12225/16 FIN 559 SOC 526 EMPL 347 ANTIDISCRIM 55 FSTR 60
FC 51 REGIO 75

The Committee agreed to forward the above draft conclusions to the Council for adoption.

3. **Social dialogue** (*Non-legislative activity*)
(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])
 - a) Tripartite Social Summit on 19 October 2016
= Preparation
 - b) Joint statement on the new start on social dialogue
= State of play
12111/16 SOC 511 EMPL 335

The Committee took note of the information to be provided to the Council regarding the preparation of the Tripartite Social Summit and on the state of play on the new start for social dialogue.

COREPER (PART 2)

16. (poss.) 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 (revision of the **suspension mechanism**) (**First reading**)
= Presidency debriefing on the outcome of the trilogue

The above-mentioned item was withdrawn.

17. 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
9622/1/16 REV 1 VISA 175 CODEC 774 COEST 143 COMIX 413

The Committee took note of the conclusions of the Mixed Committee which was unable to reach agreement at this stage. The Presidency will bring the item to the next session of the Committee.

18. **Preparation** of the Council meeting (**Justice and Home Affairs**) on 13/14 October 2016
– Other items in connection with the Council meeting

The Presidency updated delegations on the agenda and handling of the Council meeting. A revised version of the agenda will be issued to reflect changes agreed during the meeting of the Committee.

19. **Preparation** of the Council meeting (**Economic and Financial Affairs**) on 11 October 2016
– Other items in connection with the Council meeting

The Presidency updated delegations on the agenda and handling of the Council meeting. The Committee agreed to the addition of an 'AOB' item on the state of play in the work of the Basel Committee.

20. **Presentation** of the **agenda** of the Council meeting (**Foreign Affairs**) on 17 October 2016

The European External Action Service presented the agenda of the Council meeting and intended handling.

21. **Restrictive measures against Iran: listing (restricted session)**
12479/1/16 REV 1 CORLX 371 CFSP/PESC 746 RELEX 781 CONUN 182
MOG 107 CONOP 76 COARM 167 FIN 591 **EU RESTRICTED**

The Committee took note of the lack of agreement and the Presidency will continue efforts towards a solution for the next session of the Committee.

22. **Restrictive measures** targeting sectoral cooperation and exchanges with the **Russian Federation: review of impact (restricted session)**
= Information from the Commission

The Committee heard a presentation from the Commission analysing the impact of restrictive measures targeting sectoral cooperation and exchanges with the Russian Federation.

23. **Presentation** of the **agenda** of the Council meeting (**Foreign Affairs/Trade**) on 18 October 2016

The Committee took note of the item on the agenda and the Presidency provided information on the intended handling.

24. **Presentation** of the **agenda** of the Council meeting (**General Affairs**) on 18 October 2016

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

25. **Legislative programming** - Letter of Intent
= Information from the Presidency

The Committee welcomed the draft Presidency letter to the Commission summarising the outcome of the debate on this topic in the General Affairs Council on 20 September 2016 and exchanged views on specific points in the letter.

Item 26 does not exist due to a clerical error.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

– EP Inquiry committee on **Panama papers**

The Council Legal Service informed delegations of the legal framework applicable to requests for documents by the above-mentioned European Parliament committee. The issue will be addressed at a subsequent meeting of fiscal attaches.

"I" items approved**COREPER (PART 1)**

5. Replies to written questions put to the Council by Members of the European Parliament
= Adoption by silence procedure
- E-005767/2016 - Anneleen Van Bossuyt (ECR)
Energy efficiency and renewable energy at the European Institutions
11905/16 PE-QE 281
6. Draft minutes of the following Council meetings
= Approval
- a) 3470th meeting of the Council of the European Union (Competitiveness (Internal Market, Industry, Research and Space)), held in Brussels on 26 and 27 May 2016
9535/16 PV/CONS 30 COMPET 330 IND 112 RECH 211 ESPACE 33
+ COR 1
+ COR 2
+ ADD 1
+ ADD 1 COR 1
- b) 3474th meeting of the Council of the European Union (Employment, Social Policy, Health and Consumer Affairs), held in Luxembourg on 16 and 17 June 2016
10180/16 PV/CONS 34 SOC 412 EMPL 273 SAN 256 CONSOM 147
+ COR 1
+ COR 2 (da, es, fi, nl, it)
7. Advisory Committee for the Coordination of Social Security Systems
Appointment of Ms Nathalie DIESBECQ, member for Belgium, in place of Mr Koen MEESTERS, who has resigned
= Adoption
12336/16 SOC 535 EMPL 353
8. Management Board of the European Institute for Gender Equality
Appointment of Mr Carlos Miguel RODRIGUES DUARTE, member for Portugal, in place of Ms Maria de Fátima DUARTE, who has resigned
= Adoption
12473/16 SOC 548 EMPL 359
9. Commission Delegated Regulation (EU) .../... of 5.9.2016 establishing fisheries conservation measures for the protection of the marine environment in the Baltic Sea and repealing Regulation (EU) 2015/1778
= Intention not to raise objections to a delegated act
12404/16 PECHE 331
11990/16 PECHE 305 DELACT 183
+ ADD 1

10. Commission Delegated Regulation (EU) .../... of 5.9.2016 establishing fisheries conservation measures for the protection of the marine environment in the North Sea
 = Intention not to raise objections to a delegated act
 12398/16 PECHE 330
 11986/16 PECHE 305 DELACT 182
 + ADD 1
11. Energy Charter Treaty: Access to "travaux préparatoires"
 = Confirmation of the agreement
 = Authorisation to declassify official documents
 12358/16 ENER 325
12. Draft Council Decision on the conclusion of the Agreement on certain aspects of air services between the European Union and the Government of the Macao Special Administrative Region of the People's Republic of China
 = Adoption
 11962/16 AVIATION 172 RELEX 719 MACAO 2
 5255/2/14 REV 2 AVIATION 7 RELEX 21 MACAO 2
13. Draft Council Decisions on the position to be taken by the European Union within the EU-ICAO Joint Committee, concerning the Decision on the adoption of an Annex on Air Traffic Management to the Memorandum of Cooperation between the European Union and the International Civil Aviation Organisation providing a framework for enhanced cooperation
 = Adoption
 12429 /16 AVIATION 186 RELEX 771
 + COR 1
 12430 /16 AVIATION 187 RELEX 772
14. Proposal for a Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health, plant reproductive material, plant protection products and amending Regulations (EC) No 999/2001, 1829/2003, 1831/2003, 1/2005, 396/2005, 834/2007, 1099/2009, 1069/2009, 1107/2009, Regulations (EU) No 1151/2012, 652/2014 and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC, 2008/120/EC and 2009/128/EC (Official controls Regulation) (**First reading**) (**Legislative deliberation**)
 = Political agreement
 12175/16 AGRI 483 AGRILEG 130 PHYTOSAN 24 VETER 86 ANIMAUX 25
 SAN 322 DENLEG 75 SEMENCES 11 CODEC 1252
 + ADD 1
15. Draft Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks (**First reading**) (**Legislative deliberation**)
 = Adoption of the Council's position at first reading and of the statement of the Council's reasons
 12387/16 CODEC 1296 PECHE 328
 11309/16 PECHE 279 CODEC 1072
 + ADD 1

COREPER (PART 2)

27. Draft minutes of the following Council meetings
= Approval
- a) 3473rd meeting of the Council of the European Union (Justice and Home Affairs), held in Luxembourg on 9-10 June 2016
10115/16 PV CONS 33 JAI 565 COMIX 442
+ADD 1
- b) 3475th meeting of the Council of the European Union (Economic and Financial Affairs), held in Luxembourg on 17 June 2016
10451/16 PV CONS 35 ECOFIN 633
+ ADD 1
+ ADD 1 COR 1
- c) 3477th meeting of the Council of the European Union (Foreign Affairs), held in Luxembourg on 20 June 2016
10473/16 PV CONS 37 RELEX 554
- d) 3478th meeting of the Council of the European Union (General Affairs), held in Luxembourg on 24 June 2016
10514/16 PV CONS 38
+ ADD 1
- e) 3480th meeting of the Council of the European Union (Economic and Financial Affairs), held in Brussels on 12 July 2016
11172/16 PV CONS 40 ECOFIN 702
+ COR 1 (fi)
+ ADD 1
- f) 3482nd meeting of the Council of the European Union (Foreign Affairs), held in Brussels on 18 July 2016
11359/16 PV CONS 42 RELEX 655
28. Draft Council Decision appointing a member, proposed by the Kingdom of the Netherlands, of the Committee of the Regions
= Adoption by silence procedure
12362/16 CDR 94
12361/16 CDR 93
+ COR 1
29. Draft Council Decision appointing an alternate member, proposed by the Kingdom of Spain, of the Committee of the Regions
= Adoption by silence procedure
12378/16 CDR 97
12377/16 CDR 96

30. Judgment of the Court (Grand Chamber) in Case C-660/13 (Council of the European Union v. European Commission)
 12478/16 JUR 464 COPS 278 ELARG 92
 CORLX 370 COJUR 15 COMAR 12 COSCE 3 COTRA 20
 COEST 234 COASI 195 AELE 72 COWEB 95 MOG106
 MAMA 190 CONUN 181 COAFR 249 ACP 129 COLAC 70
 COHAFA 61 DEVGEN 203 PROBA 17
31. Transparency - Public access to documents
 Confirmatory application No 18/c/01/16
 11509/16 INF 136 API 85
32. Special Report No 22/2016: "EU nuclear decommissioning assistance programmes in Lithuania, Bulgaria and Slovakia: some progress made since 2011, but critical challenges ahead
 = Designation of Working Party
 12451/16 FIN 581 ATO 52 CADREFIN 71
33. Draft amending budget No 3 to the general budget for 2016: Security of the Institutions
 12563 FIN 595 PE-L 52

Statement by Austria

"AT fully supports the Commission's approach to enhance security in the EU institutions and in European Schools. The therefore foreseen sum of 15,8 Mio. EUR in the draft amending budget 3/2016 should however be generated by redeployment from non-implemented sectors. That's why AT abstains from the vote on this item."

34. Proposal for a Council Directive amending Directive 2011/16/EU as regards access to anti-money-laundering information by tax authorities
 = General approach
 12020/16 FISC 132 ECOFIN 781
 12041/16 FISC 133 ECOFIN 782

The above-mentioned item was withdrawn.

35. Commission Delegated Regulation (EU) .../... of 14.7.2016 supplementing Regulation (EU) No 1286/2014 of the European Parliament and of the Council with regard to product intervention
 = Intention not to raise objections to a delegated act
 12441/16 EF 275 ECOFIN 811 DELACT 191
 11287/16 EF 234 ECOFIN 708 DELACT 156

36. Commission Delegated Regulation (EU) .../... of 14.7.2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on transparency requirements for trading venues and investment firms in respect of bonds, structured finance products, emission allowances and derivatives
 = Intention not to raise objections to a delegated act
 12444/16 EF 276 ECOFIN 812 DELACT 192
 11291/16 EF 237 ECOFIN 711 DELACT 159
 + ADD 1
37. Commission Delegated Regulation (EU) .../... of 14.7.2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying organisational requirements of trading venues
 = Intention not to raise objections to a delegated act
 12446/16 EF 277 ECOFIN 813 DELACT 193
 11290/16 EF 236 ECOFIN 710 DELACT 158
 + ADD 1
38. Commission Delegated Regulation (EU) .../... of 14.7.2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on transparency requirements for trading venues and investment firms in respect of shares, depositary receipts, exchange-traded funds, certificates and other similar financial instruments and on transaction execution obligations in respect of certain shares on a trading venue or by a systematic internaliser
 = Intention not to raise objections to a delegated act
 12448/16 EF 278 ECOFIN 815 DELACT 194
 11296/16 EF 238 ECOFIN 712 DELACT 160
 + ADD 1
39. Commission Delegated Regulation (EU) .../... of 14.7.2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards on the tick size regime for shares, depositary receipts and exchange traded funds
 = Intention not to raise objections to a delegated act
 12452/16 EF 279 ECOFIN 817 DELACT 195
 11312/16 EF 243 ECOFIN 717 DELACT 164
 + ADD 1
 + REV 1 (lv)
40. Commission Delegated Regulation (EU) .../... of 14.7.2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the data standards and formats for financial instrument reference data and technical measures in relation to arrangements to be made by the European Securities and Markets Authority and competent authorities
 = Intention not to raise objections to a delegated act
 12453/16 EF 280 ECOFIN 818 DELACT 196
 11298/16 EF 240 ECOFIN 714 DELACT 162
 + ADD 1

41. Commission Delegated Regulation (EU) .../... of 14.7.2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards concerning the information for registration of third country firms and the format of information to be provided to the clients
= Intention not to raise objections to a delegated act
12455/16 EF 281 ECOFIN 819 DELACT 197
11288/16 EF 235 ECOFIN 709 DELACT 157
42. Commission Delegated Regulation (EU) .../... of 14.7.2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards for the exchange of information between competent authorities when cooperating in supervisory activities, on-the-spot verifications and investigations
= Intention not to raise objections to a delegated act
12456/16 EF 282 ECOFIN 820 DELACT 198
11297/16 EF 239 ECOFIN 713 DELACT 161
43. Commission Delegated Regulation (EU) .../... of 14.7.2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards on information and requirements for the authorisation of investment firms
= Intention not to raise objections to a delegated act
12457/16 EF 283 ECOFIN 821 DELACT 199
11300/16 EF 241 ECOFIN 715 DELACT 163
44. Draft Council Implementing Regulation replacing the lists of insolvency proceedings, winding-up proceedings and liquidators in Annexes A, B and C to Regulation (EC) No 1346/2000 on insolvency proceedings
= Adoption
11875/16 JUSTCIV 219
+ COR 1
11451/16 JUSTCIV 199
+ REV 1
45. Proposal for a Regulation of the European Parliament and of the Council replacing the lists of insolvency proceedings and insolvency practitioners in Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings (**First reading**)
= General approach
12403/16 JUSTCIV 241 CODEC 1298
+ COR 1
+ COR 2
+ ADD 1

46. Draft Joint Way Forward on migration issues between Afghanistan and the EU
= Adoption
12191/16 MIGR 159 COEST 219

Statement by United Kingdom

"The UK has no objections to the current text of the non-binding Joint Way Forward and is grateful to the Commission for seeking further assurances on the content.

Although not objecting to the text, the UK remains concerned that the JWF goes beyond its description of high level supporting framework and goes into levels of operational detail that are unhelpful for some EUMS e.g. travel documentation required (Part II, paragraph 2) and visas for escorts (Part II, paragraph 5).

The UK would like to recall the Council's invitation to the Commission in its Council Conclusions on returns (9 June 2016) "to ensure that effective consultation mechanisms are in place and that coordination takes place (...) with the aim that the interests of Member States, and the views of their operational and policy experts are fully taken into account in the negotiations and dialogues with third countries". We hope adequate consultation of Member States, and their practitioners' networks, will take place before engaging with any other country on returns and readmission."

47. Report on the implementation of the obligations under the Convention on Nuclear Safety
– 7th Review Meeting of the Contracting Parties
12397/16 ATO 50
+ADD 1
48. Draft Council Decision on the signing, on behalf of the European Union, and the provisional application of the International Agreement on Olive Oil and Table Olives, 2015
= Adoption
11137/16 PROBA 13 RELEX 621 AGRI 414
11178/16 PROBA 14 RELEX 628 AGRI 418
49. First meeting of the EU- Kosovo * Stabilisation and Association Council
(3 October 2016)
– Draft Common Position of the European Union
12514/16 COWEB 96
50. Relations with the Republic of Kazakhstan
– Establishment of the position of the European Union for the 15th meeting of the EU- Republic of Kazakhstan Cooperation Council (Brussels, 4 October 2016)
12428/16 COEST 233

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

51. Draft Council Decision on the signing, on behalf of the European Union, and provisional application of the Partnership Agreement on Relations and Cooperation between the European Union and its Member States, of the one part, and New Zealand, of the other part

= Adoption

11845/16 COASI 177 ASIE 72 NZ 4 POLGEN 96

9778/16 COASI 112 ASIE 42 NZ 2 POLGEN 46

9787/16 COASI 118 ASIE 43 NZ 3 POLGEN 48

+ COR 1 (cs)

+ COR 2 (fr)

+ COR 3 (hr)

+ COR 4 (pl)

+ COR 5 (hu)

+ COR 6 (bg)

+ REV 1 (et)

+ REV 1 COR 1 (et)

Statement by Portugal

"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 authorizes the provisional application, by the EU, of the Partnership Agreement on Relations and Cooperation between the European Union and its Member States, on the one part and New Zealand, on the other part, shall not affect the autonomy of decision of Portugal on the issues of its national competence, whose decision to be bound by the Agreement depends on the conclusion of the internal ratification procedures and on the entry into force of the agreement in the international legal system, in accordance with the Constitutional principles and rules."

52. Draft Council Decision on the signing, on behalf of the European Union, and provisional application of the Framework Agreement between the European Union and its Member States, of the one part, and Australia, of the other part

= Adoption

11836/16 COASI 176 ASIE 71 AUS 4 WTO 240 COCON 18

9773/16 COASI 107 ASIE 40 AUS 2 WTO 150 COCON 13

+ COR 1 (de)

9776/16 COASI 110 ASIE 41 AUS 3 WTO 151 COCON 14

+ COR 1 (de)

+ COR 2 (cs)

+ COR 3 (fr)

Statement by Portugal

"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 authorizes the provisional application, by the EU, of the Framework Agreement between the European Union and its Member States, of the one part, and Australia, of the other part, shall not affect the autonomy of decision of Portugal on the issues of its national competence, whose decision to be bound by the Agreement depends on the conclusion of the internal ratification procedures and on the entry into force of the agreement in the international legal system, in accordance with the Constitutional principles and rules."

Statement by Romania

"Romania underlines the importance of the Framework Agreement in consolidating and deepening the political dialogue and cooperation in various fields of mutual interest between the European Union and Australia.

Romania recalls the EEAS' commitment to raise at the level of the Joint Committee to be established by the Agreement, aspects of particular interest highlighted by several Member States during the negotiation process of the Agreement, among which the importance of ensuring full visa reciprocity, as highlighted by Romania.

We underline that this issue remains a priority and a matter of concern for Romania, considering that Australia continues to apply a different treatment for Romanian citizens in the process of visa granting, translated into a significantly lower rate of autogrant visa in the case of Romanian citizens compared to the other EU citizens.

We expect the EEAS to raise our concerns within the Joint Committee after the signing of the Agreement and inform us accordingly on the outcome of the discussions."

53. Draft Council Implementing Decision implementing Decision 2011/486/CFSP concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan
and

Draft Council Implementing Regulation implementing Article 11(4) of Regulation (EU) No 753/2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan

12533/16 CORLX 373 CFSP/PESC 759 RELEX 787 COASI 197 COARM 170
FIN 594

12439/16 CORLX 358 CFSP/PESC 734 COASI 193 COARM 155 FIN 576

12440/16 CORLX 359 CFSP/PESC 735 RELEX 775 COASI 194 COARM 156
FIN 577
