



Council of the
European Union

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Eingelangt am 29/11/16

Brussels, 29 November 2016
(OR. en)

14966/1/16
REV 1

OJ CRP2 39
COMIX 786

PROVISIONAL AGENDA

Subject:	2607th meeting of the PERMANENT REPRESENTATIVES COMMITTEE (Part 2)
Date:	30 November and 1 December 2016
Time:	10.00, 10.00
Venue:	Brussels

REVISED VERSION NO 1 OF PROVISIONAL AGENDA

WEDNESDAY 30 NOVEMBER 2016 (10.00)

1. Adoption of the agenda
Approval of "I" items in Annex

II

12. **Preparation** of the Council meeting (**Justice and Home Affairs**) on 8-9 December 2016
 - a) **EPPO**: Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office
= General approach
14686/16 EPPO 31 EUROJUST 155 CATS 93 FIN 810 COPEN 349 GAF 73
CSC 346
 - b) **PIF**: Proposal for a Directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law
(**First reading**)
= Progress report
14679/16 DROIPEN 189 JAI 975 GAF 72 FIN 809 CADREFIN 111 FISC 199
CODEC 1702

c) **Criminal justice in cyberspace:**

- i) e-evidence: Implementation of the Council Conclusions on improving criminal justice in cyberspace
= Progress report by the Commission
- ii) Encryption: Challenges for criminal justice in relation to the use of Encryption - future steps
= Progress report by the Presidency
14711/16 CYBER 137 JAI 976 ENFOPOL 429 GENVAL 122 COSI 192
COPEN 352

13. **Counter-Terrorism Directive:** Proposal for a Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism (**First reading**)

- = Confirmation of the final compromise text with a view to agreement
14728/16 JAI 977 DROIPEN 190 COPEN 353 CODEC 1711

14. **Reform of the electoral law** of the European Union

- = Exchange of views

15. **Preparation** of the Council meeting (**Economic and Financial Affairs**) on 6 December 2016

a) **Investment Plan for Europe**

- i) EFSI – Regulation amending Regulation (EU) 2015/1017 on the European Fund for Strategic Investments, the European Investment Advisory Hub and the European Investment Project Portal (**First reading**)
= General approach
14664/16 ECOFIN 1083 CODEC 1699 POLGEN 144 COMPET 606 RECH 325
ENER 393 TRANS 442 ENV 726 EDUC 389 SOC 728 EMPL 495
EF 347 AGRI 622 TELECOM 246 UEM 390 JAI 970 IA 115
14010/16 ECOFIN 1003 CODEC 1582 POLGEN 132 COMPET 561 RECH 305
ENER 371 TRANS 410 ENV 693 EDUC 352 SOC 668 EMPL 457
EF 331 AGRI 589 TELECOM 216 UEM 355 JAI 901
14667/1/16 REV 1 ECOFIN 1084 CODEC 1700 POLGEN 145 COMPET 607
RECH 326 ENER 394 TRANS 443 ENV 727 EDUC 390 SOC 729
EMPL 496 EF 348 AGRI 623 TELECOM 247 UEM 391 JAI 971
- ii) (poss.) Tackling bottlenecks to investment identified under the **Third Pillar of the Investment Plan**
= Draft Council conclusions
14791/16 ECOFIN 1102 CODEC 1721 POLGEN 150 COMPET 612 RECH 330
ENER 399 TRANS 457 ENV 736 EDUC 397 SOC 740 EMPL 498
EF 356 AGRI 631 TELECOM 255 UEM 396 JAI 990

- b) (poss.) **Anti-Tax-Avoidance Directive 2**
 - Proposal for a Council Directive amending Directive (EU) 2016/1164 as regards hybrid mismatches with third countries (ATAD 2)
 - = General approach
 - 14787/16 FISC 205 ECOFIN 1101
 - 14819/16 FISC 206 ECOFIN 1110
- c) (poss.) Enhanced cooperation in the area of **financial transaction tax**
 - Proposal for a Council Directive implementing enhanced cooperation in the area of financial transaction tax
 - = State of play
 - 13608/16 FISC 164 ECOFIN 948
- d) **European Semester 2017**
 - Annual Growth Survey 2017, Alert Mechanism Report 2017 and draft Recommendation on the economic policy of the euro area
 - = Presentation by the Commission
 - = Exchange of views
 - 14357/16 ECOFIN 1032 UEM 361 SOC 698 EMPL 478 COMPET 580 ENV 708
EDUC 371 RECH 311 ENER 382 JAI 937
 - 14359/16 UEM 363 ECOFIN 1034 SOC 700
 - 14358/16 ECOFIN 1033 UEM 362 SOC 699 EMPL 479 COMPET 581 ENV 709
EDUC 372 RECH 312 ENER 383 JAI 938 EUROGROUP 22
 - 14808/16 ECOFIN 1105 UEM 397 SOC 741 EMPL 499 COMPET 613 ENV 738
EDUC 398 RECH 331 ENER 400 JAI 996 EUROGROUP 42
 - 14630/16 ECOFIN 1062 UEM 369 SOC 727 EMPL 494 COMPET 603 ENV 725
EDUC 388 RECH 324 ENER 392 JAI 966 EUROGROUP 23
 - + ADD 1
- e) **Fight against the Financing of Terrorism**
 - = Presentation by the Commission
- f) (poss.) Report on **Strategic Issues in the Area of Customs** by the High Level Group of Customs Directors General
 - = Presentation by the Presidency
- g) (poss.) Improving the Predictability and Transparency of the **Stability and Growth Pact**
 - = **Endorsement**
 - 14813/16 ECOFIN 1106 UEM 398
 - 14814/16 ECOFIN 1107 UEM 399
- h) Other items in connection with the Council meeting

12. **Preparation** of the Council meeting (**Justice and Home Affairs**) on 8-9 December 2016

d) **Migration**

= Implementation ¹

e) **Fight against terrorism** and organised crime ¹

i) Cooperation between law enforcement agencies and electronic communication service providers

= Joint letter by France and Germany

14001/16 JAI 899 COSI 180 DAPIX 197 ENFOPOL 397 COPEN 320

CYBER 125 FREMP 176 TELECOM 215

ii) Foreign terrorist fighters returnees

= Policy options

14799/16 JAI 994 CT 8 CFSP/PESC 952 COSI 195 COPS 347 ENFOPOL 432

COTER 123 SIRIS 162 FRONT 454 CATS 94

16. **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**)

= Preparation for the trilogue

14838/16 JAI 997 GENVAL 123 MI 746 COMPET 615 COMIX 775

CODEC 1736

12. **Preparation** of the Council meeting (**Justice and Home Affairs**) on 8-9 December 2016

f) **Reform of the Common European Asylum System and Resettlement**

i) **Dublin:** Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)

(**First reading**)

ii) **Reception conditions:** Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) (**First reading**)

iii) **Qualification:** Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents
(**First reading**)

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

- iv) **Procedure:** Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU **(First reading)**
- v) **Resettlement Framework:** Proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council **(First reading)**
- = Progress report
14708/16 ASILE 80 ASIM 157 RELEX 972 CODEC 1704
- vi) **Eurodac:** Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) **(First reading)**
- = Partial general approach/Progress report
14710/16 ASILE 81 EURODAC 21 ENFOPOL 428 CODEC 1705

g) Other items in connection with the Council meeting

17. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1920/2006 as regards information exchange, early warning system and risk assessment procedure on **new psychoactive substances** and Proposal for a Directive of the European Parliament and of the Council amending Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, as regards the **definition of drug (First reading)**
- = Preparation for a general approach
14809/16 CORDROGUE 73 DROIPEN 193 CODEC 1726
14810/16 CORDROGUE 74 DROIPEN 194 CODEC 1727
14811/16 CORDROGUE 75 DROIPEN 195 CODEC 1728
18. **Follow-up** to the Council meeting (**Foreign Affairs/Development**) on 28 November 2016
19. Proposal for a Regulation of the European Parliament and of the Council on the European Fund for Sustainable Development (**EFSD**) and establishing the EFSD Guarantee and the EFSD Guarantee Fund **(First reading)**
- = General approach
14804/16 DEVGEN 263 ACP 171 RELEX 987 ECOFIN 1104 CODEC 1725
CADREFIN 115 ASIM 159 MAMA 238 COEST 311 COAFR 301
- Any other business

In the margins of Coreper:

MIXED COMMITTEE (14.30)

- **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)
- = Exchange of views
14838/16 JAI 997 GENVAL 123 MI 746 COMPET 615 COMIX 775
CODEC 1736

THURSDAY 1 DECEMBER 2016 (10.00)

20. **Preparation** of the Council meeting (**General Affairs**) on 13 December 2016
 - a) **Preparation of the European Council on 15-16 December 2016**
= Draft guidelines for the conclusions
13936/16 CO EUR-PREP 43
 - b) **Enlargement and stabilisation and association process**
= Draft Council conclusions
14837/16 ELARG 115 COWEB 141
 - c) Other items in connection with the Council meeting
21. Debrief of the EU-Ukraine Summit (Brussels, 24 November 2016)
22. **Relations with the European Parliament** after the European Parliament sessions of 30 November and 1 December 2016 in Brussels and of 21-24 November 2016 in Strasbourg

New item

62. Draft Council Conclusions on the Implementation of the Joint Declaration by the President of the European Council, the President of the European Commission and the Secretary General of the North Atlantic Treaty Organization

I

23. Case before the General Court of the European Union
Case T-466/16 (NRW. Bank v. Single Resolution Board (SRB))
 - Council intervention before the General Court in support of the Single Resolution Board (SRB)
 - = Information note for Permanent Representatives Committee (Part 2)
14818/16 JUR 574 EF 358 ECOFIN 1109 CODEC 1732
24. Case before the General Court of the European Union
Case T-643/16 Gamaa Islamyia Egypte v. Council
14844/16 JUR 577 CORLX 461 CFSP/PESC 956 MAMA 239
25. Council decision amending the Council's Rules of Procedure
 - Update of the table of the population of the Member States for the period from 1 January 2017 to 31 December 2017
14831/16 JUR 575 INST 493
14730/16 JUR 570 INST 489
26. Resolutions, Decisions and Opinions adopted by the European Parliament at its part-session in Strasbourg from 21 - 24 November 2016
14267/16 PE-RE 8
27. Interinstitutional agreement on the Transparency Register
 - = Approval of a letter (°)
14223/16 API 112 INST 469 POLGEN 137 AG 18
28. Recommendation to the Council concerning the use of cryptographic products to protect electronic links owned by Belgium in the context of EU-led operations
14670/16 CSCI 80 CSC 345 **EU RESTRICTED**
29. 2017 EU security assessment visit programme
14551/16 CSC 333
30. Draft Council Opinion on the economic partnership programme presented by Portugal
 - = Adoption
14721/16 ECOFIN 1087 UEM 392
14729/16 ECOFIN 1089 UEM 393
31. Draft Council Decision of ...amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Banca d'Italia
 - = Adoption
14609/16 UEM 366
12962/16 UEM 307
32. Draft Council Decision of ...amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Central Bank of Ireland
14610/1/16 REV 1 UEM 367
14550/16 UEM 365

33. Draft Council Implementing Decision authorising the Netherlands to apply a reduced rate of taxation to electricity supplied to charging stations for electric vehicles
 - = Adoption
 - 14123/16 FISC 185 ENER 374 ECOFIN 1009
 - 14122/16 FISC 184 ENER 373 ECOFIN 1008
34. ECOFIN Report to the European Council on tax issues
 - = Endorsement
 - 14379/1/16 REV 1** FISC 193 ECOFIN 1039
35. Draft Council Directive amending Directive 2011/16/EU as regards access to anti-money-laundering information by tax authorities
 - = Adoption
 - 14425/16 FISC 196 ECOFIN 1047
 - 13885/16 FISC 181 ECOFIN 984
 - + COR 1
36. Draft Council conclusions on the Commission Report to the Council on the evaluation of Directive 92/83/EEC
 - = Endorsement
 - 14722/16 FISC 200 ECOFIN 1088
37. Code of Conduct (Business Taxation)
 - Report to the Council
 - = Endorsement
 - Draft Council conclusions
 - = Adoption
 - 14751/16 FISC 203 ECOFIN 1093
 - 14750/16 FISC 202 ECOFIN 1092
38. Commission Communication on Building a fair, competitive and stable corporate tax system for the EU
 - Draft Council conclusions
 - = Adoption
 - 14752/16 FISC 204 ECOFIN 1094
39. Proposal for transfer of appropriations No DEC 34/2016 within Section III - Commission - of the general budget for 2016
 - 14754/16 FIN 819 INST 491 PE-L 69
40. Proposal for transfer of appropriations No DEC 35/2016 within Section III - Commission - of the general budget for 2016
 - 14755/16 FIN 820 INST 492 PE-L 70
41. High Level Working Party of Customs Directors General
 - = Establishment of the Working Party and Endorsement of its Terms of Reference (°)
 - 14649/16 UD 246 ENFOCUSTOM 196

42. Draft Council Decision on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Kingdom of Norway on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020
 = Adoption
 and
 Proposal for a Council Decision on the conclusion on behalf of the Union of the Agreement between the European Union and the Kingdom of Norway on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020
 = Request for the consent of the European Parliament
 14741/16 JAI 979 FRONT 451 VISA 374 CADREFIN 113 N 64
 13710/16 VISA 336 FRONT 404 COMIX 696
 13711/16 VISA 337 FRONT 405 COMIX 697
 13712/16 VISA 338 FRONT 406 COMIX 698
43. e-Justice
 – Roadmap on e-Codex
 = Adoption
 14465/16 EJUSTICE 184 COPEN 345 JUSTCIV 298 JURINFO 49
44. e-Justice
 – Report from the Working Party on e-Law (e-Justice) to Coreper/Council
 = Adoption
 14498/1/16 REV 1 EJUSTICE 185 JUSTCIV 301 DAPIX 202 FREMP 186
 TELECOM 236 MI 720 JURINFO 50 INF 198
45. Draft Council Conclusions on the European Judicial Network in civil and commercial matters
 = Adoption
 14411/16 JUSTCIV 297 EJUSTICE 183
46. Proposal for a Council Decision establishing a Multiannual Framework for the European Union Agency for Fundamental Rights for 2018-2022
 = Request for the consent of the European Parliament
 14647/16 FREMP 192 JAI 967 COHOM 146
 + ADD 1
 + ADD 2
 14423/16 FREMP 184 JAI 946 COHOM 143 DROIPEN 184 SOC 707 ASIM 151
 MIGR 193
47. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 19/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, and amending Regulation (EU) No 20/2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other (**First reading**)
 = Mandate for negotiations with the European Parliament
 14816/16 COMER 122 WTO 334 COLAC 100 CODEC 1731

48. Draft Council Decision on the signing, on behalf of the European Union, and provisional application of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part
 = Adoption
 and
 Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other
 = Request for the consent of the European Parliament
 and
 Draft Council Decision repealing Common Position 697/96 on Cuba
 = Adoption
 14330/16 COLAC 98 RELEX 940
 12501/16 COLAC 74 CFSP/PESC 751
 12502/16 COLAC 75 CFSP/PESC 752
 12504/16 COLAC 76 CFSP/PESC 753
 12509/16 COLAC 79 RELEX 786 CFSP/PESC 756
49. Draft Council Decision on the position to be adopted on behalf of the European Union within the CARIFORUM-EU Trade and Development Committee of the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, with regard to the establishment of a Special Committee on Agriculture and Fisheries
 = Adoption
 10985/16 ACP 103 WTO 199 COLAC 51 RELEX 604 AGRI 396 PECHE 266
 10962/16 ACP 102 WTO 189 COLAC 50 RELEX 601 AGRI 394 PECHE 265
50. Strategic Partnership Agreement (SPA) between Canada, of the one part, and the European Union and its Member States, of the other part
 – Decision on conclusion
 = Request for the consent of the European Parliament
 14764/16 COTRA 28 CDN 34
 14765/16 COTRA 29 CDN 35
51. CDE – Centre for the Development of Enterprise
 – Draft Decision of the ACP-EU Committee of Ambassadors giving a discharge to the Director of the Centre for the Development of Enterprise (CDE) in respect of the implementation of the budgets of the Centre for the financial years 2011 and 2012
 14825/16 ACP 172 FIN 822 PTOM 40
52. Relations with Georgia
 – Draft Council Decision on the position to be adopted, on behalf of the European Union, within the Sanitary and Phytosanitary Sub Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other, as regards the modification of Annex XI B to that Agreement
 = Adoption
 14829/16 COEST 314 PHYTOSAN 39 VETER 129 WTO 335
 13577/16 COEST 268 PHYTOSAN 30 VETER 101 WTO 302

53. Relations with the Republic of Moldova
- Draft Council Decision on the position to be taken on behalf of the European Union within the Association Committee in Trade configuration established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, as regards the establishment of a list of arbitrators
 - = Adoption
 - 14830/16 COEST 315 WTO 336
 - 13579/16 COEST 269 WTO 303
 - + REV 1 (fr)
54. **Enlargement**
- Accession negotiations with Montenegro
 - = Chapter 19: Social policy and employment
 - 14870/16 ELARG 116
56. Fight against the financing of terrorism
- = Establishment of a Council Working Party on restrictive measures to combat terrorism (COMET) (°)
 - 14612/1/16 REV 1 CORLX 456 RELEX 965 FIN 801 COTER 120
 - CFSP/PESC 941 COMET 1
57. Draft Council Decision amending Decision 2010/452/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia
- = Adoption
 - 14567/16 CORLX 455 CSDP/PSDC 660 CFSP/PESC 939 CIVCOM 226
 - COEST 304 EUMM GEORGIA 8 CSC 336
 - 13557/16 CORLX 417 CSDP/PSDC 602 CFSP/PESC 851 CIVCOM 199
 - COEST 267 EUMM GEORGIA 6 CSC 308
58. Draft Council Decision amending Decision 2012/389/CFSP on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP Nestor)
- = Renaming of the mission to EUCAP Somalia, amendment of the mandate and its extension
 - 14627/16 CORLX 457 CFSP/PESC 943 COAFR 292 CSDP/PSDC 663
 - EUCAP NESTOR 11 CSC 344 EUCAP SOMALIA 2
 - 14427/16 CORLX 446 CFSP/PESC 927 COAFR 284 CSDP/PSDC 655
 - EUCAP NESTOR 10 CSC 330 EUCAP SOMALIA 1
59. Draft Council Decision in support of SEESAC disarmament and arms control activities in South-East Europe in the framework of the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition
- = Adoption
 - 14817/16 CORLX 460 CODUN 23 COARM 210 CFSP/PESC 954 COEST 313
 - 14319/16 CORLX 444 CODUN 22 COARM 202 CFSP/PESC 920 COEST 297

60. Draft Council Decision amending the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and amending Decision 2016/1136/CFSP
and
Draft Council Implementing Regulation implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and amending Implementing Regulation (EU) No 2016/1127
= Adoption
14848/16 CORLX 462 COTER 125 CFSP/PESC 957 RELEX 992 FIN 824
+ **COR 1**
+ ADD 1
14534/16 CORLX 452 COTER 115 CFSP/PESC 935 RELEX 958 FIN 798
14537/16 CORLX 454 COTER 117 CFSP/PESC 937 RELEX 960 FIN 800
61. Draft Council Decision amending and extending Decision 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces
= Adoption
14862/16 CORLX 463 CSDP/PSDC 674 CFSP/PESC 959 COAFR 302
EUTM SOMALIA 20 RELEX 993 CONUN 209 CSC 349
13846/16 CORLX 430 CSDP/PSDC 620 CFSP/PESC 876 COAFR 278
EUTM SOMALIA 17 RELEX 903 CONUN 194 CSC 315

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The following item is withdrawn:

55. (poss.) Enlargement
– Accession negotiations with Serbia
= Outcome of screening on Chapter 27: Environment and climate change
14871/16 ELARG 117

(°) Item on which a procedural decision may be adopted by Coreper, in accordance with Article 19(3) and (7) of the Council's Rules of Procedure.