



Council of the
European Union

Brussels, 20 January 2017
(OR. en)

15786/16

CRS/CRP 43

SUMMARY RECORD

Subject: 2609th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
(Part 1) held in Brussels on 16 December 2016

I. Adoption of the agenda

15464/16 OJ CRP1 41 + ADD 1

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. **Setting** of the provisional agenda for the Council meeting (**Agriculture and Fisheries**) on 23 January 2017
(For the items in the remit of the Permanent Representatives Committee)

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

25. **Preparation for the Council meeting (Environment) on 19 December 2016**

- Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC to enhance cost-effective **emission reductions** and low-carbon investments (**First reading**) (*Legislative deliberation*)
 - = Progress report
- 15487/16 CLIMA 180 ENV 796 ENER 436 TRANS 495 IND 267 COMPET 656
MI 795 ECOFIN 1181 CODEC 1878

The Committee took note of the Presidency's intention to forward this item to the Environment Council as a progress report.

3. Proposal for a Decision of the European Parliament and of the Council on establishing an information exchange mechanism with regard to **intergovernmental agreements** and non-binding instruments between Member States and third countries in the field of energy and repealing Decision No 994/2012/EU (**First reading**) (**Legislative deliberation**)
- = Analysis of the final compromise text with a view to agreement
- 13444/3/16 REV 3 ENER 357 CODEC 1472 IA 91

The Committee endorsed the text of the final compromise.

4. Proposal for a Regulation of the European Parliament and of the Council on **mercury**, and repealing Regulation (EC) No 1102/2008 (**First reading**) (**Legislative deliberation**)
- = Analysis of the final compromise text with a view to agreement
- 15344/16 ENV 782 COMER 131 MI 786 ONU 138 SAN 427 IND 263
CODEC 18444

The Committee endorsed the text of the final compromise. The UK maintained a parliamentary scrutiny reservation.

Commission statement on international cooperation on mercury

"The Minamata convention and the new Mercury Regulation are major contributions to protecting citizens from mercury pollution globally and in the EU.

International cooperation should be sustained to ensure successful implementation of the Convention by all Parties and further strengthen its provisions.

The European Commission is therefore committed to supporting continued cooperation, in accordance with the Convention and subject to applicable EU policies, rules and procedures, inter alia undertaking work in the following areas:

- Narrowing the gap between EU law and the provisions of the Convention through the review clause of the list of prohibited mercury-added products;
- In the context of the provisions of the Convention on financing, capacity building and technology transfer, activities such as improving traceability of mercury trade and use, promoting certification of mercury-free artisanal and small-scale gold mining and mercury-free labels for gold, and increasing the capacity of developing countries including in the area of mercury waste management."

Commission statement on comitology

"The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5 § 4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5 § 4 recourse to subparagraph 2, point b), cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified."

5. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 531/2012 as regards rules for wholesale **roaming** markets
(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 14 December 2016.

6. Proposal for a Decision of the European Parliament and of the Council on the use of the **470-790 MHz frequency band** in the Union **(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 14 December 2016.

7. Proposal for a Directive of the European Parliament and of the Council on the recognition of **professional qualifications in inland navigation** and repealing Council Directive 96/50/EC and Council Directive 91/672/EEC **(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 14 December 2016.

8. Proposal for a Directive of the European Parliament and of the Council 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)**

= Analysis of the final compromise text with a view to agreement
15248/16 DRS 50 CODEC 1828

The Committee endorsed the text of the final compromise.

IV. Any other business

COREPER (PART 1)

None.

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

9. Replies to written questions put to the Council by Members of the European Parliament
= Adoption by silence procedure
- a) E-007032/2016 - Marietje Schaake (ALDE)
Production by South Korean company Poongsan of cluster munitions and Euro coin blanks
14490/16 PE-QE 366
- b) P-007600/2016 - Milan Zver (PPE)
Impact of the UK leaving the EU on cooperation in the area of public administration
14652/16 PE-QE 370
- c) E-007606/2016 - Ulrike Rodust (S&D) and Ole Christensen (S&D)
Recreational fisheries for western Baltic cod
14468/16 PE-QE 365
- d) E-007753/2016 - Beatrix von Storch (EFDD)
CETA
14653/16 PE-QE 371
+ COR 1
10. Draft Council Decision appointing a member, proposed by the Italian Republic, of the European Economic and Social Committee
= Adoption
15180/16 CES 36
15179/16 CES 35
11. Draft Council Decision appointing a member of the Court of Auditors
= Adoption
12110/16 INST 362 CMPT 21
14992/16 INST 498 CMPT 20
12. Commission Regulation (EU) .../. establishing a network code on harmonised transmission tariff structures for gas
= Decision not to oppose adoption
15293/16 ENER 431
14003/16 ENER 370
13. Commission Regulation (EU) .../. establishing a Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems and repealing Commission Regulation (EU) No 984/2013
= Decision not to oppose adoption
15289/16 ENER 429
14064/16 ENER 372

14. Commission Regulation (EU) .../... of XXX amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures by adding an Annex on harmonised information relating to emergency health response
 = Decision not to oppose adoption
 15325/16 COMPET 651 ENV 779 CHIMIE 77 MI 783 ENT 226 SAN 426
 CONSOM 309
 13738/16 COMPET 541 ENV 679 CHIMIE 62 MI 660 ENT 192 SAN 364
 CONSOM 253
 + ADD 1
15. Commission Regulation (EU) .../... of XXX amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for aminopyralid, azoxystrobin, cyantraniliprole, cyflufenamid, cyproconazole, diethofencarb, dithiocarbamates, fluazifop-P, fluopyram, haloxyfop, isofetamid, metalaxyl, prohexadione, propaquizafop, pyrimethanil, Trichoderma atroviride strain SC1 and zoxamide in or on certain products
 = Decision not to oppose adoption
 15269/16 AGRILEG 192
 14558/16 AGRILEG 178
 + ADD 1–2
16. Draft Council Recommendation on upskilling pathways: New opportunities for adults
 = Adoption
 15280/16 EDUC 418 SOC 779 EMPL 525 MI 782 ECOFIN 1164 DIGIT 144
 JEUN 106 SPORT 86
 14601/16 EDUC 387 SOC 726 EMPL 493 MI 735 ECOFIN 1060 DIGIT 134
 JEUN 102 SPORT 83
17. Draft Council Regulation amending Regulation (EU) No 1387/2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products
 = Adoption
 15306/16 UD 267
 14843/16 UD 250
18. Draft Council Regulation amending Regulation (EU) No 1388/2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products
 = Adoption
 15305/16 UD 266
 + ADD 1
 14842/16 UD 249

19. Draft Council conclusions on enhanced exchange of customs related information with third countries
 = Adoption
 15310/16 UD 268
 14220/6/16 REV 6 UD 231
20. Draft Council Regulation fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea
 = Adoption
 15238/16 PECHE 467
 + ADD 1
 15260/16 PECHE 472
21. Draft Council Directive implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation, concluded on 21 May 2012 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 in the European Union (Europêche)
 = Adoption
 15353/16 SOC 783 EMPL 528 PECHE 473 IA 138
 13656/16 SOC 642 EMPL 438 PECHE 393 IA 95
 + ADD 1 REV 1
22. Draft Council Decision amending Decision (CFSP) 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA)
 = Adoption
 15403/16 CORLX 485 CSDP/PSDC 707 CFSP/PESC 1011 MAMA 248
 RELEX 1055 CONUN 220 EUNAVFOR MED 37 CSC 369
 14290/16 CORLX 442 CSDP/PSDC 644 CFSP/PESC 916 MAMA 232
 RELEX 935 CONUN 198 EUNAVFOR MED 35 CSC 326
23. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 345/2013 on European venture capital funds and Regulation (EU) No 346/2013 on European social entrepreneurship funds (**First reading**)
(Legislative deliberation)
 = Mandate for negotiations with the European Parliament
 15279/16 EF 380 ECOFIN 1163 CODEC 1832

24. Draft 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 and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) **(First reading)**

= Adoption of the Council's position at first reading and of the statement of the Council's reasons

14895/1/16 CODEC 1748 AGRI 637 VETER 131 AGRILEG 183 ANIMAUX 29
SAN 409 DENLEG 86 PHYTOSAN 40 SEMENCES 18 REV 1

+ REV 1 ADD 1

10755/16 AGRI 381 VETER 66 AGRILEG 103 ANIMAUX 19 SAN 286
DENLEG 65 PHYTOSAN 18 SEMENCES 9 CODEC 985

+ COR 1 (es, hr, ga)

+ COR 2 (de)

+ ADD 1