



Brussels, 2 March 2017
(OR. en)

6426/17

CRS/CRP 6

SUMMARY RECORD

Subject: 2616th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 15 February 2017

I. Adoption of the agenda

6218/17 OJ CRP1 6

6234/1/17 REV 1 OJ CRP2 6 COMIX 110

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 (**Employment, Social Policy, Health and Consumer Affairs**) on 3 March 2017

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

3. **Setting** of the provisional **agenda** for the Council meeting (**Agriculture and Fisheries**) on 6 March 2017
(For the items in the remit of the Permanent Representatives Committee)

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

4. Proposal for a Regulation of the European Parliament and of the Council on ensuring the cross-border **portability** of online content services in the internal market **(First reading)** **(Legislative deliberation)**

= Analysis of the final compromise text with a view to agreement
6091/17 PI 15 CODEC 184 RECH 35 EDUC 38 COMPET 83 SAN 56
AUDIO 11 CULT 13 DIGIT 18

The Committee endorsed the text of the final compromise.

5. **Preparation** for the Council meeting **(Environment)** on 28 February 2017

1. 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)*

= General approach
6055 /17 CLIMA 27 ENV 108 ENER 39 TRANS 51 IND 29 COMPET 78
MI 109 ECOFIN 74 CODEC 179

The Committee examined the Presidency compromise text. A revised version of the draft general approach will be prepared with a view to reaching a General Approach. Croatia requested that its amendment for Article 1 (4)(b) (v) second subparagraph be recorded in the Coreper minutes.

"For the purposes of point (a), in respect of Member States which did not participate in the Community scheme in 2005, their share shall be calculated using their verified emissions ~~under the Community scheme~~ in 2007."

2. **Implementation of the 2030** Agenda for Sustainable Development: Implications for the EU environmental policy *(Non-legislative activity)*

= Exchange of views
6082/17 ENV 111 DEVGEN 19 ONU 24 RELEX 109 FIN 89

The Committee agreed to forward the background note with questions to Council in view of the exchange of views.

3. Greening the European Semester and the EU Environmental Implementation Review **(EIR)** *(Non-legislative activity)*

= Exchange of views
6063/17 ENV 109 ECOFIN 75 UEM 20 SOC 79 EMPL 54 COMPET 80
EDUC 37 RECH 33 ENER 40 JAI 98

The Committee agreed to forward the background note with questions to Council in view of the exchange of views.

6. **Preparation** for the Council meeting "**Competitiveness**" (Internal Market, Industry, Research and Space) on 20 February 2017
1. Proposal for a Regulation of the European Parliament and the Council on the approval and **market surveillance of motor vehicles** and their trailers and of systems, components and separate technical units intended for such vehicles (**First reading**) (*Legislative deliberation*)
- = Progress report
 - 5865/17 ENT 29 MI 87 CODEC 140
 - 5712/16 ENT 20 MI 45 CODEC 103
 - + REV 1 (sl)
 - + REV 1 ADD 1 (sl)
 - + ADD 1
 - + ADD 1 REV 1 (en)

The Committee agreed to forward the progress report to the Council.

2. **Competitiveness "check-up"**: Intangible investments (*Non-legislative activity*)
- = Presentation by the Commission
 - = Exchange of views

The Committee took note of the Presidency's intentions for handling this point.

3. **European Semester 2017: "Annual Growth Survey"**: Thematic discussion in the area of public procurement (*Non-legislative activity*)
- = Exchange of views
 - 6054/17 COMPET 77 MAP 5

The Committee took note of the Presidency's intentions for handling this point.

4. Communication from the Commission on Europe's next leaders: **The start-up and scale-up initiative** (*Non-legislative activity*)
- = Presentation by the Commission
 - = Exchange of views
 - 5776/17 IND 18 MI 82 COMPET 58 FISC 27 PI 9
 - 14261/16 IND 238 MI 699 COMPET 572 FISC 191 PI 129

The Committee took note of the Presidency's intentions for handling this point.

7. Proposal for a Decision of the European Parliament and of the Council on a **European Year of Cultural Heritage 2018 (First reading) (Legislative deliberation)**
- = Presidency debriefing on the outcome of the trilogue
 - = Analysis of the final compromise text with a view to agreement
 - 6096/17 CULT 14 EDUC 39 RECH 36 RELEX 111 CODEC 185

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 9 February 2017.

The Committee also endorsed the text of the final compromise.

8. **Preparation** for the Council meeting (Transport, Telecommunications and **Energy**) on 27 February 2017

1. **Clean energy package (First reading)** (*Legislative deliberation*)

- a) Proposal for a Regulation of the European Parliament and of the Council on the internal market for electricity (recast)
15135/16 ENER 418 ENV 758 CLIMA 169 COMPET 637 CONSOM 301
FISC 221 IA 131 CODEC 1809
+ ADD 1 – 2
- b) Proposal for a Directive of the European Parliament and of the Council on common rules for the internal market in electricity (recast)
15150/16 ENER 420 ENV 760 CLIMA 171 COMPET 640 CONSOM 302
FISC 222 IA133 CODEC 1816
+ ADD 1
- c) Proposal for a Regulation of the European Parliament and of the Council on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC
15151/16 ENER 421 IA 136 CODEC 1817
+ ADD 1
- d) Proposal for a Regulation of the European Parliament and of the Council establishing a European Union Agency for the Cooperation of Energy Regulators (recast)
15149/16 ENER 419 IA 134 CODEC 1815
+ ADD 1
- e) Proposal for a Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources (recast)
15120/16 ENER 417 CLIMA 168 CONSOM 298 TRANS 479 AGRI 650
IND 261 ENV 757 IA 130 CODEC 1802
+ ADD 1

- f) Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/27/EU on energy efficiency
15091/16 ENER 413 ENV 754 TRANS 473 ECOFIN 1149 RECH 340
IA 124 CODEC 1789
+ ADD 1
- g) Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/31/EU on the energy performance of buildings
15108/16 ENER 416 ENV 756 TRANS 477 ECOFIN 1152 RECH 341
IA 125 CODEC 1797
+ ADD 1
- h) Proposal for a Regulation of the European Parliament and of the Council on the Governance of the Energy Union, amending Directive 94/22/EC, Directive 98/70/EC, Directive 2009/31/EC, Regulation (EC) No 663/2009, Regulation (EC) No 715/2009, Directive 2009/73/EC, Council Directive 2009/119/EC, Directive 2010/31/EU, Directive 2012/27/EU, Directive 2013/30/EU and Council Directive (EU) 2015/652 and repealing Regulation (EU) No 525/2013
15090/16 ENER 412 CLIMA 167 IA 123 CODEC 1788
+ ADD 1
- = Exchange of views
5800/17 ENER 24 CLIMA 13 CONSOM 28 TRANS 35 AGRI 51 IND 20
ENV 88 COMPET 84 FISC 39 ECOFIN 81 RECH 37 IA 23
CODEC 129

The Committee agreed to forward the background note to Council in view of the exchange of views (doc. 5800/1/17 REV 1).

2. **State of the Energy Union** (*Non-legislative activity*)

- = Presentation by the Commission
5902/17 ENER 35 CLIMA 21 AGRI 58 COMPET 71 TRANS 43 ENV 96
ECOFIN 65 RELEX 82 TELECOM 29 CONSOM 36
+ REV 1 (fr)
+ ADD 1 – 2

The Committee took note of the Commission's intentions to present the second report on the state of play of the Energy Union.

COREPER (PART 2)

16. Uniform format for visas

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1683/1995 of 29 May 1995 laying down a uniform format for visas
(First reading)

= Preparation for the trilogue

6071/17 VISA 43 CODEC 181 COMIX 96

The Committee confirmed the conclusions of the Mixed Committee and agreed to continue negotiations with the European Parliament on the basis of the existing mandate with a drafting change.

17. Presentation of the agenda of the Council meeting (Foreign Affairs) on 6 March 2017

The Committee took note of a presentation by the EEAS of the provisional agenda of the March Foreign Affairs Council, which will include a joint session (Defence/Foreign Affairs Ministers) on Security and Defence.

18. Presentation of the agenda of the Council meeting (General Affairs) on 7 March 2017

The Committee took note of the main items on the agenda of the March General Affairs Council.

19. Preparation of the Council meeting (Economic and Financial Affairs) on 21 February 2017

a) (poss.) Anti-Tax Avoidance Directive

Proposal for a Council Directive amending Directive (EU) 2016/1164 as regards hybrid mismatches with third countries (ATAD 2)

= General approach

6076/17 FISC 35 ECOFIN 76

6077/17 FISC 36 ECOFIN 77

+ COR 1

The Committee prepared the Council discussion.

b) Follow-up to the Council conclusions of 8 November 2016 on "Criteria and process leading to the establishment of the EU list of non-cooperative jurisdictions for tax purposes"

= State of play

6081/17 FISC 38 ECOFIN 79

The Committee agreed to forward the report to the Council for endorsement.

c) Other items in connection with the Council meeting

The Presidency provided further information with regards to the upcoming Council.

IV. Any other business

COREPER (PART 1)

The Polish delegation requested the application of the old voting rules for the non-ETS dossiers.

The Council Legal Service explained that according to the Treaties, the old voting rules apply upon request in respect of votes taken up to 31 March 2017. Whereas requests can be made with respect to any file until 31 March 2017, the request will be without any relevance for files in respect of which no vote will be taken before that date as well as for any votes taken after 31 March 2017, irrespective of any request made prior to that date. A vote is only taken where the Council is asked to adopt an act foreseen in the Treaties.

COREPER (PART 2)

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-008269/2016 - Louis Michel (ALDE)
8th Review Conference of the BTWC and system of confidence-building measures
5538/17 PE-QE 26
 - b) E-008735/2016 - Anja Hazekamp (GUE/NGL)
Construction of an extra 30 000 m2 of office space in Strasbourg
5508/17 PE-QE 25
 - c) P-009362/2016 - Jussi Halla-aho (ECR)
Revising the legal basis for family reunification in international law
5539/17 PE-QE 27
10. Draft minutes of the following Council meetings
 - = Approval
 - a) 3507th meeting of the Council of the European Union (Employment, Social Policy, Health and Consumer Affairs), held in Brussels on 8 December 2016
15377/16 PV CONS 66 SOC 786 EMPL 530 SAN 429 CONSOM 312
+ COR 1
+ COR 2 (hr)
+ COR 3
+ COR 4
 - b) 3509th meeting of the Council of the European Union (Agriculture and Fisheries), held in Brussels on 12 and 13 December 2016
15541/16 PV CONS 68 AGRI 681 PECHE 483
+ COR 1 (lv)
+ ADD 1
11. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 (Text with relevance for the EEA and Switzerland) **(First reading)**
(Legislative deliberation)
 - = Optional consultation of the European Economic and Social Committee
6172/17 SOC 82 EMPL 56 CODEC 192
15642/16 SOC 812 EMPL 549 CODEC 1910
12. Council Decision of 1 December 2011 on the practical and procedural arrangements for the appointment by the Council of the four members of the panel for the European Union action for the European Heritage Label (Decision 2011/831/EU)
 - = Replacement of an Austrian member of the European panel
6022/17 CULT 11

13. ESFRI recommendation on coordination of Member States' investment strategies in e-infrastructures
= Approval
5797/17 RECH 26 COMPET 60
14. Council Decision on the conclusion, on behalf of the European Union and its Member States, of a Protocol amending the Agreement on Air Transport between Canada and the European Union and its Member States, to take account of the accession to the European Union of the Republic of Croatia
= Request for the consent of the European Parliament
6037/17 AVIATION 26 CDN 1 RELEX 103
12256/14 AVIATION 154 CDN 8 RELEX 651
+ COR 1 (cs)
15. Proposal for a Regulation of the European Parliament and of the Council defining characteristics for fishing vessels (recast) **(First reading) (Legislative deliberation)**
= Confirmation of the final compromise text with a view to agreement
5894/17 PECHE 46 CODEC 149

COREPER (PART 2)

20. Request for access to Council Legal Service opinion on the Commission's Proposal for an Inter-Institutional Agreement on a Mandatory Transparency Register
= Approval of a letter
6156/17 API 10 JUR 71 INST 63 POLGEN 15 AG 8
21. Draft 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)**
= Adoption of the legislative act
5994/17 CODEC 168 COMER 18 WTO 24 COLAC 8
+ ADD 1
PE-CONS 61/16 COMER 138 WTO 371 COLAC 107 CODEC 1925
22. Discharge to be given to the bodies set up under the TFEU and the Euratom Treaty in respect of the implementation of the budget for the financial year 2015
= Draft Council recommendations
5873/17 FIN 61 PE-L 4
+ ADD 1
23. Discharge to be given to the executive agencies in respect of the implementation of the budget for the financial year 2015
= Draft Council recommendations
5874/17 FIN 62 PE-L 5
+ ADD 1
24. Discharge to be given to the joint undertakings in respect of the implementation of the budget for the financial year 2015
= Draft Council recommendations
5875/17 FIN 63 PE-L 6
+ ADD 1
25. Discharge to be given to the Commission in respect of the implementation of the general budget of the European Union for the financial year 2015
= Draft Council recommendation
5876/17 FIN 64 PE-L 7
+ ADD 1
26. Budget guidelines for 2018
= Draft Council conclusions
5877/17 FIN 65 INST 48 PE-L 8

27. European Court of Auditors' Special Report No 27/2016 "Governance at the European Commission - best practice?"
= Designation of Working Party
5979/17 FIN 71 AG 3 INST 52
28. European Court of Auditors' Special Report No 36/2016 "An assessment of the arrangements for closure of the 2007-2013 cohesion and rural development programmes"
= Designation of Working Party
5982/17 FIN 73 FSTR 7 FC 8 REGIO 11 AGRIFIN 8 PECHE 51 CADREFIN 12
29. Proposal for a Regulation of the European Parliament and of the Council on the establishment of the Structural Reform Support Programme for the period 2017 to 2020 and amending Regulations (EU) No 1303/2013 and (EU) No 1305/2013 **(First reading)**
= Confirmation of the final compromise text with a view to agreement
6032/17 ECOFIN 73 UEM 19 FC 11 REGIO 13 AGRISTR 7
PECHE 53 CADREFIN 15 CODEC 174 SOC 76
5970/17 ECOFIN 71 UEM 18 FC 6 REGIO 9 AGRISTR 5
PECHE 49 CADREFIN 10 CODEC 163 SOC 69

Statement by Hungary

"Hungary acknowledges the importance of structural reforms in achieving sound regulatory and institutional environment and a smoothly-functioning economy across the EU and supports the idea of establishing a more structured way of providing assistance to Member States that deem this necessary for the implementation of their structural reforms.

At the same time the proposal, which establishes the SRSP for the period of 2017-2020, includes several elements with possible long-term impacts on the future of Union policies. Hungary is of the view that the Regulation shall not constitute a precedent for future debates, including on the next Multiannual Financial Framework and prejudice the outcome of them either, with special regard to the financing aspects of SRSP and the definition of "European added value".

Furthermore, Hungary deems it necessary that this support mechanism be established independently from the Cohesion Policy of the European Union and without endangering the policy's objectives enshrined in Article 174 of TFEU (strengthening of the economic, social and territorial cohesion of the EU).

Therefore Hungary is not able to support the Regulation."

30. European Court of Auditors' Special Report No 29/2016 "Single Supervisory Mechanism - Good start but further improvements needed"
= Draft Council conclusions
6155/17 EF 23 ECOFIN 83 UEM 21
31. Draft Council Implementing Decision amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements
= Adoption
5819/17 ENFOPOL 45 JAIEX 7 JAI 80
15778/16 ENFOPOL 499 JAIEX 127 JAI 1113

32. Draft Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of data protection by Austria
= Adoption
6130/17 SCH-EVAL 55 COMIX 101
6129/17 SCH-EVAL 54 COMIX 100
33. Draft Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Spain on the application of the Schengen acquis in the field of management of the external border (Barcelona Airport)
= Adoption
6132/17 SCH-EVAL 57 FRONT 52 COMIX 103
6131/17 SCH-EVAL 56 FRONT 51 COMIX 102
34. Relations with the ACP States and the OCT
Discharge to be given to the Commission in respect of the financial management of the 8th, 9th, 10th and 11th European Development Funds (financial year 2015)
5636/17 ACP 8 PTOM 5 FIN 40
5376/17 ACP 2 PTOM 1 FIN 19
5377/17 ACP 3 PTOM 2 FIN 20
5378/17 ACP 4 PTOM 3 FIN 21
5379/17 ACP 5 PTOM 4 FIN 22
35. Draft Council Decision extending the mandate of the European Union Special Representative for the Horn of Africa
= Adoption
5836/17 CORLX 43 CFSP/PESC 74 COAFR 36 CSC 33
5456/17 CORLX 24 CFSP/PESC 41 COAFR 15 CSC 20
36. Draft Council Decision extending the mandate of the European Union Special Representative for Central Asia
= Adoption
5858/17 CORLX 49 CFSP/PESC 80 COEST 28 CSC 36
5322/17 CORLX 11 CFSP/PESC 46 COEST 20 CSC 25
37. Special Report No 21/2016 by the Court of Auditors "EU pre-accession assistance for strengthening administrative capacity in the Western Balkans: a meta-audit"
= Draft Council conclusions
6141/17 COWEB 20 ELARG 9 FIN 100
38. Draft Council Implementing Decision implementing Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt
and
Draft Council Implementing Regulation implementing Regulation (EU) No 270/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt
= De-listings
6297/17 CORLX 103 CFSP/PESC 143 RELEX 133 MAMA 31 FIN 109
6115/17 CORLX 87 CFSP/PESC 123 RELEX 117 MAMA 29 FIN 98
6114/17 CORLX 86 CFSP/PESC 122 MAMA 28 FIN 97