



Brussels, 14 March 2017
(OR. en)

7176/17

CRS/CRP 7

SUMMARY RECORD

Subject: 2617th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 22 February 2017

I. Adoption of the agenda

6459/17 OJ CRP1 7 + COR 1
6461/1/17 REV 1 OJ CRP2 7

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. Draft Council conclusions on European **Court of Auditors' Special Report** No 23/2016
= Preparation for the adoption

6263/17 TRANS 61 MAR 40 FIN 108 REGIO 15 ENV 130

The Committee slightly amended the draft Council conclusions and agreed to submit them to Council with a view to their adoption.

3. **Preparation** for the Council meeting (**Employment, Social Policy, Health and Consumer Affairs**) on 3 March 2017
1. 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 (**First reading**) (*Legislative deliberation*)
 - = Orientation debate
6269/17 SOC 91 EMPL 61 CODEC 207

The Committee took note of the Presidency's intention concerning the handling of this item and submitted the background note to Council in view of the debate.

2. European Semester 2017 (*Non-legislative activity*)
 - = Policy debate
6265/17 SOC 87 EMPL 57 ECOFIN 87 EDUC 42
 - a) Implementation of the country-specific recommendations: Enhancing labour market access and reducing divergences across the EU
 - b) Priorities for action in the areas of employment and social policies: Political guidance in 2017
 - i) Draft Council conclusions on the 2017 Annual Growth Survey and Joint Employment report
6266/17 SOC 88 EMPL 58 ECOFIN 88 EDUC 43
 - ii) Draft Joint Employment report
= Adoption
6267/17 SOC 89 EMPL 59 ECOFIN 89 EDUC 44
 - c) 2017 Country reports
= Presentation by the Commission
6318/17 ECOFIN 92 UEM 22 SOC 93 EMPL 63 COMPET 94 ENV 135
EDUC 48 RECH 40 ENER 45 JAI 115

The Committee took note of the Hungarian delegation's reservation on the draft Council conclusions on the 2017 Annual Growth Survey and Joint Employment report.

The Committee took note of the Presidency's intentions concerning the handling of the abovementioned agenda items and agreed to submit the relevant documents to Council.

3. Tripartite Social Summit (*Non-legislative activity*)
 - = Presentation by the Presidency and the Commission

The Committee took note of the information provided by the Presidency and the Commission.

4. Draft Council conclusions on enhancing the skills of women and men in the EU Labour Market (*Non-legislative activity*)
= Adoption
6268/17 SOC 90 GENDER 6 EMPL 60 EDUC 45 ANTIDISCRIM 9
+ ADD 1

The Committee agreed on the text of the draft Council conclusions and agreed to submit them to Council with a view to their adoption.

COREPER (PART 2)

20. **Follow-up** to the Council meeting (**Economic and Financial Affairs**) on 21 February 2017

The Committee took note of the main outcomes of the meeting.

21. **Relations with the European Parliament** after the European Parliament session on 13-16 February 2017 in Strasbourg

The Presidency outlined the main outcomes of the 13-16 February plenary.

22. **Preparation** of the Council meeting (**General Affairs**) on 7 March 2017

- a) Preparation of the European Council on 9-10 March 2017

= Draft guidelines for the conclusions

5575/17 CO EUR-PREP 2

The Committee examined the draft guidelines for the conclusions of the upcoming European Council meeting on 9-10 March 2017.

- b) Other items in connection with the Council meeting

No new items were raised under this heading.

IV. Any other business

COREPER (PART 1)

The Committee took note of the concerns raised by the Czech delegation regarding the Commission Delegated Regulation (EU) amending Regulation No 1315/2013 of the European Parliament and of the Council as regards maps in Annex I and the list in Annex II to that Regulation in respect to the maps on the rail freight line between the city of Brno and the town of Přerov.

COREPER (PART 2)

The Committee was debriefed on the meeting held between the Vice-President of the United States and the President of the European Council, the President of the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy.

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

4. Replies to written questions put to the Council by Members of the European Parliament
= Adoption by silence procedure
- a) E-006749/2016 - Bruno Gollnisch (NI)
New laissez-passer for MEPs
5693/17 PE-QE 31
 - b) E-008228/2016 - Adam Szejnfeld (PPE)
EU trade policy challenges
6264/17 PE-QE 50
 - c) E-009000/2016 - Claude Rolin (PPE)
Freezing the negotiations on Turkey's accession to the European Union
5788/17 PE-QE 35
 - d) E-009155/2016 - Inmaculada Rodríguez-Piñero Fernández (S&D)
Publication of negotiation guidelines given to the Commission by the Council in 1999,
for the conclusion of a trade agreement with Mercosur
5739/17 PE-QE 33
 - e) E-009166/2016 - Kazimierz Michał Ujazdowski (ECR)
EU Council reform and Parliament proposals on the matter
5742/17 PE-QE 34
 - f) E-009361/2016 - Nikolaos Chountis (GUE/NGL)
Clarification of Eurogroup decision on Greece's primary surplus
5641/17 PE-QE 29
5. Draft minutes of the following Council meeting
= Approval
- 3505th meeting of the Council of the European Union (Transport, Telecommunications and Energy), held in Brussels on 1, 2 and 5 December 2016
15100/16 PV CONS 64 TRANS 476 TELECOM 265 ENER 415
 - + COR 1
 - + COR 2 (cs)
 - + COR 3 (fi)
 - + COR 4 (lv)
 - + ADD 1 REV 2
- The above-mentioned item was withdrawn.
6. Valletta declaration by Ministers of Transport at the High-level Conference on Road Safety (Malta, 28 – 29 March 2017)
= Way forward
6273/17 TRANS 62

7. Commission Regulation (EU) .../... of XXX amending Regulation (EC) No 152/2009 as regards the methods for the determination of the levels of dioxins and polychlorinated biphenyls
 = Decision not to oppose adoption
 5990/17 AGRILEG 33
 5442/17 AGRILEG 13
 + ADD 1
8. Commission Regulation (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acequinocyl, amitraz, coumaphos, diflufenican, flumequine, metribuzin, permethrin, pyraclostrobin and streptomycin in or on certain products
 = Decision not to oppose adoption
 5985/17 AGRILEG 29
 5073/17 AGRILEG 10
 + ADD 1 – 2
9. Commission Regulation (EU) .../... of XXX amending Annexes II and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for bifenazate, daminozide and tolylfluanid in or on certain products
 = Decision not to oppose adoption
 5987/17 AGRILEG 31
 5441/17 AGRILEG 12
 + ADD 1 – 2
10. Commission Regulation (EU) .../... of XXX amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for fenpyroximate, triadimenol and triadimefon in or on certain products
 = Decision not to oppose adoption
 5989/17 AGRILEG 32
 5455/17 AGRILEG 14
 + ADD 1 – 2
11. Commission Regulation (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acetamiprid, cyantraniliprole, cypermethrin, cyprodinil, difenoconazole, ethephon, fluopyram, flutriafol, fluxapyroxad, imazapic, imazapyr, lambda-cyhalothrin, mesotrione, profenofos, propiconazole, pyrimethanil, spirotetramat, tebuconazole, triazophos and trifloxystrobin in or on certain products
 = Decision not to oppose adoption
 5986/17 AGRILEG 30
 5396/17 AGRILEG 11
 + ADD 1 – 2

12. Commission Regulation (EU) .../... of XXX amending Regulation (EU) No 142/2011 as regards an alternative method for processing certain rendered fats
 = Decision not to oppose adoption
 6216/17 AGRILEG 38 VETER 13
 5650/17 AGRILEG 22 VETER 8
 + ADD 1
13. Commission Regulation (EU) .../... of XXX amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for bitertanol, chlormequat and tebufenpyrad in or on certain products
 = Decision not to oppose adoption
 6217/17 AGRILEG 39
 5617/17 AGRILEG 20
 + ADD 1 – 2
14. Commission Regulation (EU) .../... of XXX amending Regulation (EU) No 142/2011 as regards the definitions of fishmeal and fish oil
 = Decision not to oppose adoption
 6221/17 AGRILEG 41 VETER 14
 5664/17 AGRILEG 23 VETER 9
 + ADD 1
15. Commission Regulation (EU) .../... of XXX amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for clothianidin and thiamethoxam in or on certain products
 = Decision not to oppose adoption
 6219/17 AGRILEG 40
 + COR 1
 5613/17 AGRILEG 19
 + ADD 1 – 2
16. Proposal for a Council Decision on the conclusion of the Minamata Convention on Mercury
 = Request for the consent of the European Parliament
 6250/17 ENV 127 COMER 21 MI 124 ONU 25 SAN 62 IND 36
 5925/17 ENV 101 COMER 17 MI 100 ONU 23 SAN 48 IND 26
 + ADD 1
 + ADD 2
17. Draft Council Decision on the signing, on behalf of the European Union, of an Agreement in the form of an Exchange of Letters between the European Union and the Swiss Confederation on the cumulation of origin between the European Union, the Swiss Confederation, Norway and Turkey in the framework of the generalised System of Preferences of the European Union
 = Adoption
 6198/17 UD 28 SPG 10
 5769/17 UD 12 SPG 4
 5803/17 UD 13 SPG 5

18. Draft Council Decision on the signing, on behalf of the European Union, of an Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway on the cumulation of origin between the European Union, Switzerland, the Kingdom of Norway and Turkey in the framework of the generalised System of Preferences of the European Union

= Adoption

6199/17 UD 29 SPG 11

5804/17 UD 14 SPG 6

5814/17 UD 16 SPG 7

19. Draft Council Decision on the conclusion on behalf of the European Union of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands and the implementation Protocol thereto

= Adoption

6361/17 PECHE 61

+ ADD 1

7592/16 PECHE 119

7594/16 PECHE 121

COREPER (PART 2)

23. Draft minutes for the following Council meetings
= Approval
- a) 3508th meeting of the Council of the European Union (Justice and Home Affairs), held in Brussels on 8 and 9 December 2016
15378/16 PV CONS 67 JAI 1072 COMIX 814
+ COR 1
+ COR 2
+ COR 3 (fi)
+ ADD 1
+ ADD 1 COR 1
+ ADD 1 COR 2 (fi)
- b) 3511th meeting of the Council of the European Union (General Affairs), held in Brussels on 13 December 2016
15544/16 PV CONS 70
+ ADD 1
24. Gender balance in the composition of the Court of Auditors' college
- Approval of a letter
6308/17 INST 66 CMPT 3 AG 9
25. Resolutions and Decisions adopted by the European Parliament at its part-sessions in Brussels from 1 to 2 February 2017 and in Strasbourg from 13 to 16 February 2017
5867/17 PE-RE 2
26. Draft Council Decision appointing a member, proposed by the Grand Duchy of Luxembourg, of the European Economic and Social Committee
= Adoption
6069/17 CES 7
6068/17 CES 6
27. Commission Delegated Regulation (EU) .../... of 16.12.2016 correcting the Bulgarian, Croatian, Czech, Estonian, French, Greek, Lithuanian, Maltese, Romanian, Slovak and Swedish language versions of Delegated Regulation (EU) 2015/35 supplementing Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II)
= Intention not to raise objections to a delegated act
5933/17 EF 19 ECOFIN 69 DELACT 21
15678/16 EF 391 ECOFIN 1197 DELACT 258

28. Draft 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)**
 = Adoption of the legislative act
 6288/17 CODEC 208 VISA 49 COEST 35 COMIX 116
 PE-CONS 64/16 VISA 414 COEST 344 COMIX 852 CODEC 1931
29. Draft 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)**
 = Adoption of the legislative act
 6290/17 CODEC 209 VISA 51 COMIX 118
 + ADD 1
 PE-CONS 58/16 VISA 399 COMIX 821 CODEC 1872
30. Draft Council implementing decision on subjecting methyl 2-[[1-(cyclohexylmethyl)-1*H*-indole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-CHMICA) to control measures
 = Adoption
 6183/17 CORDROGUE 15 SAN 57
 12356/16 CORDROGUE 47 SAN 327
 + COR 1 (mt)
 + COR 2 (pt)
 + REV 1 (lt)
 + REV 2 (et)
31. Request for risk assessment on new psychoactive substance N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]-furan-2-carboxamide (furanylfentanyl)
 = Endorsement
 6240/17 CORDROGUE 18 SAN 60
 6227/17 CORDROGUE 17 SAN 59
32. Draft Council conclusions on EU relations with the Swiss Confederation
 6160/17 CH 23 AELE 23 MI 113
33. Draft Council Decision authorising the opening of negotiations on an agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency on the territory of the Republic of Serbia
 = Adoption
 6321/1/17 REV 1 FRONT 67 COWEB 23
 6179/1/17 REV 1 FRONT 54 COWEB 21
 6327/2/17 REV 2 FRONT 71 COWEB 27

EU RESTRICTED

The above-mentioned item was withdrawn.

34. Draft Council Decision authorising the opening of negotiations on an agreement between the European Union and the former Yugoslav Republic of Macedonia on actions carried out by the European Border and Coast Guard Agency on the territory of the former Yugoslav Republic of Macedonia
= Adoption
6322/1/17 REV 1 FRONT 68 COWEB 24
6180/1/17 REV 1 FRONT 55 COWEB 22
6329/1/17 REV 1 FRONT 72 COWEB 28 **EU RESTRICTED**

The above-mentioned item was withdrawn.

35. Relations with the Kyrgyz Republic
= Establishment of the position of the European Union for the 15th meeting of the EU-Kyrgyz Republic Cooperation Council (Brussels, 6 March 2017)
6381/17 COEST 42
36. Draft Council conclusions on EU Priorities at UN Human Rights Fora in 2017
5687/17 COPS 26 COHOM 10 CONUN 11 COASI 13 MAMA 20 COEST 23
COAFR 30 CFSP/PESC 60 GENDER 2

Statement by Croatia

"With the wish of securing the timely adoption of Council Conclusions on EU Priorities in UN Human Rights Fora in 2017, Croatia embraces the spirit of consensus; however, we would like to present a statement in our national capacity.

Croatia will continue to promote the universality and indivisibility of human rights, in order that all human beings effectively benefit from these principles. Croatia attaches special importance to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, which together with the Universal Declaration of Human Rights form the very foundation of international human rights.

With regard to the promotion of freedom of religion and belief, Croatia is determined to raise awareness about the violence and persecution of Christians and other religious minorities in countries where religious freedoms are not fully respected, especially in the Middle East.

The work and the scope of activities of all Special Procedure mandate holders, especially the new UN Independent Expert on SOGI, should be carried out in strict compliance with international law and internationally recognized human rights. It is our position that there is no need to single out any of the Special Procedure mandate holders as they all perform work in their respective fields of human rights protection.

Croatia will pay special attention to the promotion and the protection of the traditional family, based upon marriage defined as a union of a woman and a man, as the natural and fundamental group unit of society.

Croatia notes that the term "sexual and reproductive health and rights" is lacking consensual definition at international level, including within the European Union. In that sense, Croatia interprets this term in a way that it does not include abortion.

Croatia reserves its right to promote these positions in all multilateral fora in our national capacity."

Statement by Hungary

"The adoption of the Programme of Action of the International Conference on Population and Development (ICPD) and the Beijing Platform for Action of the Fourth World Conference on Women marked a remarkable consensus. They placed the enjoyment of human rights at the heart of development and important gains in the fields of health, gender equality and education have been achieved since their adoption. These fields are at the core of the 2030 Agenda for Sustainable Development incorporating as founding principles the universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination.

Hungary remains dedicated to its human rights commitments, including the protection and promotion of women's rights and gender equality. Hungary is deeply committed to the implementation of the ICPD Programme of Action and Beijing Platform for Action as well as the 2030 Agenda, serving also as basic references in the fields of sexual and reproductive health and reproductive rights. Hungary notes, that the term of "sexual and reproductive health and rights (SRHR)" and related issues, like "sexual rights", "comprehensive sexuality education", "modern methods of contraception", "emergency contraception", are lacking consensual definition at international level, including within the European Union. These issues are interpreted and promoted by Hungary in the context of the 2030 Agenda, the ICPD Programme of Action and the Beijing Declaration and Platform for Action and in line with its national legislation.

Hungary strongly rejects all forms of discrimination or violence based on any ground or status, including on sexual orientation and gender identity (SOGI). In the meantime Hungary reserves its sovereign right to define the personal scope and the content of family relations and of marriage in accordance with its national legislation. Hungary deems of utmost importance that the mandate and activities carried out by the new United Nations Independent Expert on SOGI observe international law and internationally recognized human rights standards."

Statement by Poland

(paragraphs 23 and 25)

"Poland rejects any attempts to discriminate whomever on any ground, including sexual orientation, and combats any attempts to use violence against LGBT persons. At the same time, we believe that the creation of the mandate of independent expert on the protection against violence and discrimination based on sexual orientation and gender identity should have been approached in a manner conducive to the elaboration of a consensual outcome. As it was not the case, Poland cannot agree to any language that would welcome the establishment, in a direct or indirect manner, of the above-mentioned mandate of the independent expert.

Poland also remains dedicated to respond to challenges to achieve full equality between women and men. International agreements guide us in this respect, however not all significant issues are addressed by the international instruments. As the term of "sexual and reproductive health and rights" lacks any internationally recognized definition, Poland interprets its scope in line with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action."

37. Draft Council Decision extending the mandate of the European Union Special Representative in Kosovo*

5859/17 CORLX 50 CFSP/PESC 81 COWEB 16 CSDP/PSDC 53 CSC 37
5457/17 CORLX 25 CFSP/PESC 42 COWEB 6 CSDP/PSDC 25 CSC 21

Statement by the Commission

"In light of the rules of the Treaties, a CFSP decision cannot be used as a means to confer power on the Council to enact a derogation from the procurement rules defined in the Financial Regulation given that such power is attributed to the Commission. Moreover, any derogation from the rules on participation in the procurement procedures of the EUSR cannot be of generic and unlimited nature and must be duly justified in each specific case.

The Commission considers that the derogating provisions on procurement in the Council Decision can only be interpreted as a purely enabling clause. The Commission continues to exercise its competences in the implementation of the budget of the EUSR as stemming from the Treaties and in accordance with the rules and procedures of the Financial Regulation."

38. Draft Council Decision extending the mandate of the European Union Special Representative in Bosnia and Herzegovina

5460/17 CORLX 27 CFSP/PESC 44 COEST 19 CSC 23
5454/17 CORLX 23 CFSP/PESC 40 COWEB 5 CSC 19

Statement by the Commission

"In light of the rules of the Treaties, a CFSP decision cannot be used as a means to confer power on the Council to enact a derogation from the procurement rules defined in the Financial Regulation given that such power is attributed to the Commission. Moreover, any derogation from the rules on participation in the procurement procedures of the EUSR cannot be of generic and unlimited nature and must be duly justified in each specific case.

The Commission considers that the derogating provisions on procurement in the Council Decision can only be interpreted as a purely enabling clause. The Commission continues to exercise its competences in the implementation of the budget of the EUSR as stemming from the Treaties and in accordance with the rules and procedures of the Financial Regulation."

39. Draft Council Decision extending the mandate of the European Union Special Representative for the Middle East Peace Process (MEPP)

= Adoption

6245/17 CORLX 99 CFSP/PESC 139 COMEP 8 CSC 46
+ COR 1
5461/17 CORLX 28 CFSP/PESC 45 COMEP 6 CSC 24

* 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.

40. Draft Council Decision amending Decision 2012/389/CFSP on the European Union Capacity Building Mission in Somalia (EUCAP Somalia)
- Reference amount covering period from 1 March 2017 - 28 February 2018
 - 6243/17 CORLX 88 CFSP/PESC 124 COAFR 64 CSDP/PSDC 66
 - EUCAP SOMALIA 2 CSC 43
 - 6127/17 CORLX 89 CFSP/PESC 125 COAFR 65
 - CONUN 50 COARM 59

Statement by the Commission

"In light of the rules of the Treaties, a CFSP decision cannot be used as a means to confer power on the Council to enact a derogation from the procurement rules defined in the Financial Regulation given that such power is attributed to the Commission. Moreover, any derogation from the rules on participation in the procurement procedures of the mission cannot be of generic and unlimited nature and must be duly justified in each specific case. The Commission considers that the derogating provisions on procurement in the CFSP Decision can only be interpreted as a purely enabling clause. The Commission continues to exercise its competences in the implementation of the budget of the mission as stemming from the Treaties and in accordance with the rules and procedures of the Financial Regulation."

41. Draft Council Decision amending Decision 2012/642/CFSP concerning restrictive measures against Belarus
- and
- Draft Council Regulation amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus
- = Adoption
 - 6491/17 CORLX 120 CFSP/PESC 165 RELEX 149 COEST 43 FIN 125
 - 6347/17 CORLX 109 CFSP/PESC 149 RELEX 138 COEST 41 FIN 116
 - 6343/17 CORLX 107 CFSP/PESC 147 COEST 39 FIN 114
42. Joint Declaration between the European Union and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) on European support to UNRWA (2017-2020)
- = Endorsement
 - 6270/17 MAMA 30 PA 1
43. Draft Council Decision on the conclusion of the Agreement amending for the second time the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, as first amended in Luxembourg on 25 June 2005
- = Adoption
 - 6100/17 ACP 11 PTOM 6 COAFR 59 COASI 24 COLAC 9 WTO 26
 - RELEX 112
 - 16894/11 ACP 227 PTOM 50 COAFR 316 COASI 208 COLAT 38 WTO 432
 - RELEX 1185

44. 2016 Annual Report on the implementation of the European Union's instruments for financing external actions in 2015
= Draft Council conclusions
6498/17 DEVGEN 25 ACP 13 RELEX 151 FIN 126 CADREFIN 23
COHOM 24 COEST 44 COLAC 17 COAFR 77 MOG 11 ASIE 4
COASI 30 WTO 38
45. Enlargement
– Accession negotiations with Serbia
= Outcome of screening on Chapter 18: Statistics
6446/17 ELARG 10
46. Enlargement
– Accession negotiations with Serbia
= Chapter 20: Enterprise and industrial policy
6447/17 ELARG 11
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