



Brussels, 31 March 2017
(OR. en)

7830/17

CRS/CRP 10

SUMMARY RECORD

Subject: 2620th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 15 March 2017

I. Adoption of the agenda

7218/17 OJ CRP1 10

7228/1/17 REV 1 OJ CRP2 10

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 3 April 2017
(For the items in the remit of the Permanent Representatives Committee)

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

3. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 258/2014 establishing a Union programme to support specific activities in the field of financial reporting and auditing (**EFRAG**) for the period of 2014-2020
(First reading) (Legislative deliberation)
= Analysis of the final compromise text with a view to agreement
6938/17 DRS 8 ECOFIN 174 EF 38 SURE 4 CODEC 314
+ ADD 1

The Committee endorsed the text of the final compromise.

4. Proposal for a Regulation of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a **European Union Aviation Safety Agency**, and repealing Regulation (EC) No 216/2008 of the European Parliament and of the Council
(First reading) (Legislative deliberation)
= Preparation for the trilogue
7081/17 AVIATION 41 CODEC 339 RELEX 215
+ ADD 1
+ ADD 2

The Committee agreed on the mandate for the forthcoming trilogue.

COREPER (PART 2)

16. **Preparation** of the Council meeting (**Justice and Home Affairs**) on 27/28 March 2017

- a) **Migration policy: implementation**
 - External aspects
 - i) Malta Declaration, 3 February 2017
 - ii) Results of the Valletta Joint Action Plan Senior Officials meeting, 8/9 February 2017
- 7110/17 JAI 208 ASIM 24 RELEX 216 FRONT 109 COMIX 179

The Presidency informed the Committee on the intended handling of the item in Council and provided a debrief of the IPCR High Level Roundtable of 3 March 2017 on the Central Mediterranean Route.

- b) Other items in connection with the Council meeting

The Presidency outlined the changes to the agenda and provided further information with regards to the upcoming Council.

17. **Visa facilitation agreement**

Negotiations for an agreement between the European Union and the People's Republic of China on the facilitation of the issuance of short-stay visas
= Negotiating directives

6374/17 VISA 60 CHINE 6 **EU RESTRICTED**

The Committee finalised the text of the negotiating directives for the above-mentioned agreement and agreed to submit them to the Council for adoption.

18. **Follow-up** to the Council meeting (**Foreign Affairs**) on 6 March 2017

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

19. **Presentation of the agenda** of the Council meeting (**Foreign Affairs**) on 3 April 2017

The EEAS outlined the main agenda items and handling of the Council meeting.

20. **Preparation** of the Council meeting (**Economic and Financial Affairs**) on 21 March 2017

- a) (poss.) **Reduced VAT rate for electronically supplied publications (e-Publications)**
 - Proposal for a Council Directive amending Directive 2006/112/EC, as regards rates of value added tax applied to books, newspapers and periodicals
- = Orientation debate
- 7103/17 FISC 59 ECOFIN 184
7104/17 FISC 60 ECOFIN 185

The Committee prepared the policy debate in the upcoming Council.

- b) (poss.) **General Reverse Charge Mechanism**
- Proposal for a Council Directive amending Directive 2006/112/EC on the common system of value added tax as regards the temporary application of a generalised reverse charge mechanism in relation to supplies of goods and services above a certain threshold
- = Orientation debate
- 7118/17 FISC 61 ECOFIN 187
7120/17 FISC 62 ECOFIN 188

The Committee prepared the policy debate in the upcoming Council.

- c) **European Semester 2017**
- i) 2017 Country Reports and In-Depth Reviews
- = Presentation by the Commission
- 6619/17 ECOFIN 145 UEM 54 SOC 142 EMPL 108 COMPET 142 ENV 185
EDUC 90 RECH 80 ENER 84 JAI 163
- ii) Implementation of Country-Specific Recommendations (CSRs), with special focus on recommendations related to the business environment
- = Exchange of views
- 6318/3/17 REV 3 ECOFIN 92 UEM 22 SOC 93 EMPL 63 COMPET 94
ENV 135 EDUC 48 RECH 40 ENER 45 JAI 115

The Presidency outlined the intended handling of the item in the Council.

- d) Other items in connection with the Council meeting

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

21. **Follow-up** to the Council meeting (**General Affairs**) on 7 March 2017

The Presidency informed the Committee about the main outcomes of the meeting.

22. **Follow-up to the European Council** on 9 March 2017

The Committee took note of the follow-up to the **European Council** on 9 March 2017.

IV. Any other business

COREPER (PART 1)

- Celebrating 60th anniversary of the Treaties of Rome
Digital Day (Rome, 23 March 2017)
 - = Information from the Italian delegation and the Commission

The Committee took note of the information provided.

COREPER (PART 2)

None.

"I" items approvedCOREPER (PART 1)

5. Replies to written questions put to the Council by Members of the European Parliament
= Adoption by silence procedure
- a) E-007364/2016 - Kateřina Konečná (GUE/NGL)
Legally-binding rules for transnational corporations in relation to human rights ('the UN treaty')
6506/17 PE-QE 56
 - b) E-008717/2016 - Ángela Vallina (GUE/NGL)
Resolution on corporate liability for serious human rights abuses in third countries - follow-up
6508/17 PE-QE 57
 - c) E-009129/2016 - Nuno Melo (PPE)
Cooperation between judicial authorities on access to encrypted communications
7039/17 PE-QE 65
 - d) E-000130/2017 - Manolis Kefalogiannis (PPE)
Disbursement of funds for refugees and migrants
6467/17 PE-QE 54
6. Proposal for a Regulation of the European Parliament and of the Council concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications)
(First reading) (Legislative deliberation)
= Optional consultation of the Committee of the Regions
6967/17 TELECOM 53 COMPET 159 MI 184 DATAPROTECT 23
CONSOM 67 JAI 192 DIGIT 37 FREMP 22 CYBER 29 IA 34
CODEC 319
7. Commission Regulation (EU) .../... of XXX amending Regulation (EU) No 142/2011 as regards the use of manure of farmed animals as a fuel in combustion plants
= Decision not to oppose adoption
6499/17 AGRILEG 46 VETER 18
5896/17 AGRILEG 26 VETER 10
+ ADD 1
8. Commission Regulation (EU) .../... of XXX laying down rules on the use of a maximum residue limit established for a pharmacologically active substance in a particular foodstuff for another foodstuff derived from the same species and a maximum residue limit established for a pharmacologically active substance in one or more species for other species, in accordance with Regulation (EC) No 470/2009
= Decision not to oppose adoption
6502/17 AGRILEG 47 VETER 19
5966/17 AGRILEG 28 VETER 11
+ ADD 1

9. Commission Regulation (EU) .../... of XXX amending Annexes I and IV to Regulation (EC) No 999/2001 of the European Parliament and of the Council and Annexes X, XIV and XV to Commission Regulation (EU) No 142/2011 as regards the provisions on processed animal protein
 = Decision not to oppose adoption
 6511/17 AGRILEG 49 VETER 21
 6300/17 AGRILEG 43 VETER 17
 + ADD 1
10. Commission Regulation (EU) .../... of XXX amending Annexes III and VII to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the genotyping of ovine animals
 = Decision not to oppose the adoption
 6510/17 AGRILEG 48 VETER 20
 6294/17 AGRILEG 42 VETER 16
 + ADD 1
11. Commission delegated Regulation (EU) .../... of 2.2.2017 on the adaptation of Annex III to Regulation (EU) No 1315/2013 of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network
 = Decision to extend a time-limit for raising objections to a delegated act
 7096/17 TRANS 101 DELACT 45
 6092/17 TRANS 52 DELACT 25
 + ADD 1 – ADD 8
12. Proposal for a Council Regulation amending Annex III to Directive 2008/98/EC of the European Parliament and of the Council as regards the hazardous property HP 14 ('Ecotoxic')
 = Decision to use the written procedure for transmission to the European Parliament
 7201/17 ENV 247 COMPET 176
 5569/17 ENV 50 COMPET 37

Statement by Belgium

"Belgium has studied the proposal by the Commission for a Council Regulation amending Annex III to Directive 2008/98/EC as regards the hazardous property HP 14 ('Ecotoxic') (dated 19.1.2017) as well as the presidency compromise text of 08.03.2017. Belgium does not agree with the proposal by the Commission and the amended presidency proposal for the following reasons:

1. First, the proposed formulas are too generic

Belgium prefers a method that represents the real toxicity: a low (severe) limit value for the most toxic substances and a higher (mild) limit value for the less toxic substances. As the present proposal uses the same limit value for a very diverse subset of ecotoxic substances, it is likely to classify too much "little toxic" waste as hazardous, and too much very toxic waste as non-hazardous.

The Presidency compromise proposal adds a recital stating that the Commission has the possibility to reconsider the calculation method of HP14. Belgium considers this addition to be of little significance as it contains no obligation or deadline for the Commission.

2. Secondly, Belgium considers the proposal as too indistinct as regards "testing"

The Commission's proposal allows two methods to define 'ecotoxicity': biotests and a calculation method. The contrast between the legal framework for both methods is striking:

- The calculation method is described in great detail. However: this method works well only for well-known waste.
- Biotesting by far the best option for waste of unknown composition or origin. However: the proposal does not define which, and how many biotests should be used. This implies the users have the freedom to choose a test organism that is not sensitive for a particular substance present in the waste. Neither does the proposal define how the result of the biotest should be interpreted. This implies that it is up to the user to decide which percentage of mortality is to be interpreted as "hazardous".

Belgium pleads for a harmonized test battery, as proposed by France.

The new Presidency proposal states that it is appropriate to promote the exchange of best practices with regard to test methods. This statement holds no obligation and no deadline for this exchange to take place. An informal, non-binding "exchange" of information does not suffice.

3. Thirdly, Belgium is concerned about the addition in recital 7, which allows bioavailability of substances and mixtures to be taken into account

Including the evaluation of bioavailability is in strict contrast with the evaluation of the intrinsic properties of waste, which is the basis of annex III of the Waste Framework Directive.

CLP takes the bioavailability of chemicals and substances into account. This is justified, as the life cycle of chemical substances and mixtures is well known. This is however not the case for waste. The label "hazardous" should not, and cannot depend on the varying conditions wherein waste is to be found.

The Presidency proposal was not changed as regards Belgium's remark about bioavailability. Therefore, our initial request to delete the reference to bioavailability still stands."

Joint statement by Austria and Czech Republic

"Austria and the Czech Republic remain concerned about the present Council proposal amending Annex III to Directive [2008/98/EC](#) as regards the hazardous property HP 14 ('Ecotoxic').

Austria and the Czech Republic hold the view that the proposed calculation formulae do not lead to accurate results in the classification of wastes. Certain waste streams which have not rendered hazardous yet would need to be classified as hazardous based on the results of the calculation formulae of this regulation. Yet still, as "the results of the test shall prevail" according to recital (7) substantial testing costs without significant benefits for the environment are caused to prove the opposite.

In our understanding an opportunity of establishing harmonised test methods for wastes with regard to the hazardous property HP 14 ('Ecotoxic') has been missed. This regulation allows Member States to apply their own relevant test methods to assess waste for the hazardous property HP 14 ('Ecotoxic'). Hence, the assessment of ecotoxicity of wastes will remain fragmented across the European Union instead of a harmonization of test methods. The addition to recital (7) and exchange of best practices is a good starting point, but does not lead to a harmonisation of test methods.

In the light of the newly defined hazardous property HP 14 ('Ecotoxic') Austria and the Czech Republic think that a review and adjustment of the European List of Waste seems even more indispensable."

13. IMO – Draft Union submission to be submitted to the 71st session of the Marine Environment Protection Committee (MEPC 71) of the IMO in London from 3 - 7 July 2017 concerning a new work programme item in relation to a proposal to amend Annex 1 of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001

= Endorsement

6884/17 MAR 48 OMI 9 ENV 222 CLIMA 53

Statement by the Commission

"The Commission considers that the above mentioned "Union submission" to be submitted to the IMO is covered by EU exclusive competence. Submission of proposals to the IMO on issues of EU competence is an act of external representation and should be made by the Commission on behalf of the EU to IMO and should therefore be sent to the IMO by the Commission.

In the view of the Commission, the procedural arguments against presenting submissions to the IMO by the Commission on behalf of the EU are not convincing as there is no evidence to suggest that the IMO, as a specialized agency of the United Nations, would be in a position to reject such a submission.

The Commission thus maintains its position that the Treaty provisions on external representation of the Union should be applied and, consequently, to present the submission in question to the IMO by the European Commission on behalf of the European Union is the only legally correct way forward. In case of non-respect of the above rules, the Commission reserves all its rights in this regard."

14. Draft Council Decision on the signing, on behalf of the European Union, and provisional application of an amendment to the Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety

= Adoption

6671/1/17 REV 1 AVIATION 34 RELEX 171 USA 12 6697/17 AVIATION 35
RELEX 177 USA 14

7236/17 AVIATION 42 RELEX 227 USA 17

15. Draft 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**)

= Adoption of the legislative act

7050/17 CODEC 329 ENER 102 IA 37

+ ADD 1

PE-CONS 3/17 ENER 8 IA 14 CODEC 54

COREPER (PART 2)

23. Provisional Application of International Agreements
6974/17 RELEX 207 POLGEN 22 COMER 32 PECHE 88 TRANS 91 ENV 225
JUR 129
+ COR 1
24. EU-Turkey Statement of 18 March 2016 - Orders of the General Court of 28 February 2017 dismissing, on the ground of lack of jurisdiction, the annulment actions brought against the European Council (Cases T 192/16, NF v. European Council; T 193/16, NG v. European Council and T-257/16, NM v. European Council)
7035/17 JUR 119 JAI 198 ASILE 13 MIGR 30 POLGEN 25
25. Case before the General Court of the European Union
T-834/16 QC v. European Council
7066/17 JUR 121 JAI 202 ASILE 14 MIGR 32 POLGEN 27
26. Reply to the letter of the President of the European Parliament on delegated and implementing acts
= Approval of a letter
7161/1/17 REV 1 JUR 125 INST 103
27. Draft Council Decision appointing an alternate member, proposed by the Portuguese Republic, of the Committee of the Regions
= Adoption
6616/17 CDR 25
6615/17 CDR 24
28. Draft Council Decision appointing a member, proposed by the Federal Republic of Germany, of the Committee of the Regions
= Adoption
6987/17 CDR 31
6986/17 CDR 30
29. Draft Council Decision appointing a member and an alternate member, proposed by the Federal Republic of Germany, of the Committee of the Regions
= Adoption
7013/17 CDR 38
7012/17 CDR 37
30. Draft Council Decision appointing an alternate member, proposed by the Kingdom of Spain, of the Committee of the Regions
= Adoption
6999/17 CDR 34
6998/17 CDR 33
31. Transparency - Public access to documents
Confirmatory application No 01/c/01/17
5963/17 INF 12 API 7
5962/17 ADD 1 INF 11 API 6

32. Recommendation for a Council Recommendation on the economic policy of the euro area
6335/17 ECOFIN 97 UEM 23 SOC 94 EMPL 64 COMPET 96 ENV 138
EDUC 49 RECH 42 ENER 46 JAI 117
5757/17 ECOFIN 53 UEM 16 SOC 57 EMPL 43 COMPET 55 ENV 84
EDUC 27 RECH 24 ENER 21 JAI 75
33. European Court of Auditors' Special Report No 31: "Spending at least one euro in every five from the EU budget on climate action: ambitious work underway, but serious risk of falling short"
= Draft Council conclusions
6994/17 ECOFIN 178 ENV 228 CLIMA 57
6993/17 ECOFIN 177 ENV 227 CLIMA 56
34. Proposal for a Regulation of the European Parliament and of the Council on establishing a Union programme to support specific activities enhancing the involvement of consumers and other financial services end-users in Union policy making in the field of financial services for the period of 2017-2020 (**First reading**)
= Confirmation of the final compromise text with a view to agreement
6968/17 EF 40 ECOFIN 176 CONSOM 68 CODEC 320
35. Draft Council Implementing Decision authorising the Republic of Estonia to apply a special measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax
= Adoption
7033/17 FISC 57 ECOFIN 180
6493/17 FISC 50 ECOFIN 111
36. Eurojust's intention to enter into negotiations with a view to concluding a Memorandum of Understanding with the European Judicial Training Network (EJTN)
– Eurojust's proposal
5732/17 EUROJUST 13 COPEN 41
37. Enlargement
Accession negotiations with Montenegro
– Fulfilment of an opening benchmark on Chapter 27: Environment and climate change
7122/17 ELARG 24
38. Draft Council Decision on the conclusion of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part, amending the Agreement in order to extend the provisions of the Agreement to bilateral trade in textiles, taking account of the expiry of the bilateral textiles Agreement
= Adoption
7094/17 STIS 3 WTO 58 COEST 62 NIS 3
16384/1/10 REV 1 WTO 377 STIS 17 COEST 354 NIS 132
16388/10 WTO 379 STIS 19 COEST 356 NIS 135

39. Draft Council Decision on the position to be adopted on behalf of the European Union within the EU Mexico Joint Committee relating to amendments to Annex III to Decision No 2/2000 of the EC Mexico Joint Council of 23 March 2000 concerning the definition of the concept of originating products and methods of administrative cooperation (certain product-specific rules of origin for chemicals)
and
Draft Council Decision on the position to be adopted on behalf of the European Union within the EU Mexico Joint Committee relating to amendments to Annex III to Decision No 2/2000 of the EC Mexico Joint Council of 23 March 2000 concerning the definition of the concept of originating products and methods of administrative cooperation (Andorra and San Marino, and certain product-specific rules of origin for chemicals)
= Adoption
6145/17 COLAC 11 PVD 2 WTO 28 UD 24
6146/17 COLAC 12 PVD 3 WTO 29 UD 25
6412/17 COLAC 16 PVD 6 WTO 36 UD 37
+ COR 1 (es)
40. Draft Council Decision concerning the signing and conclusion of the Agreement between the European Union and the Republic of Moldova on security procedures for exchanging and protecting classified information
= Adoption
7016/17 CFSP/PESC 228 CSC 57 JAI 194 COEST 59 CORLX 146
5342/17 CORLX 16 CSC 10 COEST 12 CFSP/PESC 28 JAI 39
6191/17 CORLX 93 CSC 44 COEST 33 CFSP/PESC 131 JAI 106
41. Political and Security Committee Decision on the appointment of the EU Operation Commander for the European Union military operation in Bosnia and Herzegovina and repealing Decision BiH/21/2014 (BiH/24/2017)
= Authorisation for publication in the Official Journal
6985/17 CSDP/PSDC 114 CFSP/PESC 225 BIH 3 PSC DEC 6 COWEB 40
6399/17 CSDP/PSDC 77 CFSP/PESC 158 BIH 2 PSC DEC 5 COWEB 29
42. Draft Council Regulation amending Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya
and
Draft Council Implementing Decision implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya
and
Draft Council Implementing Regulation implementing Article 21(5) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya
– Transposition of UN listings updates
6432/17 CORLX 117 CFSP/PESC 162 RELEX 144 MAMA 34 COARM 75
FIN 122
6856/17 CORLX 134 CFSP/PESC 203 RELEX 196 MAMA 40 COARM 82
FIN 155
6015/17 CORLX 62 CFSP/PESC 97 MAMA 23 COARM 37 FIN 76
6019/17 CORLX 66 CFSP/PESC 101 RELEX 99 MAMA 25 COARM 41 FIN 80

43. Draft Council Decision amending Decision 2011/173/CFSP concerning restrictive measures in view of the situation in Bosnia and Herzegovina
 = Adoption
 7026/17 CORLX 147 CFSP/PESC 229 COWEB 41 FIN 175
 6879/17 CORLX 140 CFSP/PESC 214 COWEB 37 FIN 161
44. Draft Council Decision amending Decision 2014/129/CFSP promoting the European network of independent non-proliferation think tanks in support of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction
 = Adoption
 7034/17 CORLX 148 CFSP/PESC 230 CONOP 16 CODUN 13 ATO 9
 6966/17 CORLX 143 CFSP/PESC 222 CONOP 15 CODUN 12 ATO 8
45. Council Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism
 – Amended statements of reasons
 = Adoption
 6970/17 CORLX 144 COTER 14 COMET 1 CFSP/PESC 223 RELEX 206
 FIN 170
 + COR 1
 + COR 2
 + ADD 1
 + ADD 1 COR 1
46. Draft Council Decision amending 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
 = Adoption
 7140/1/17 REV 1 CORLX 151 CFSP/PESC 237 RELEX 218 MAMA 47
 FIN 183
 6870/17 CORLX 136 CFSP/PESC 209 MAMA 43 FIN 157
 6873/17 CORLX 138 CFSP/PESC 211 RELEX 199 MAMA 45 FIN 159