



Council of the
European Union

Brussels, 25 April 2017
(OR. en)

7832/17

CRS/CRP 12

SUMMARY RECORD

Subject: 2622nd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
(Part 2) held in Brussels on 29 March and in Luxembourg on 3 April 2017

I. Adoption of the agenda

7708/17 OJ CRP2 12 + CM 2295/17

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 2)

Wednesday 29 March 2017

2. Preparation of the Council meeting (Foreign Affairs) on 3 April 2017

- (poss.) Turkey
- (poss.) Libya
- Other items in connection with the Council meeting

The Committee took note of further information given by the EEAS on the main items of the Council. The item on Turkey was withdrawn from the Council agenda.

3. **Presentation of the agenda** of the Council meeting (**General Affairs**) on 25 April 2017

The Presidency presented the main items on the agenda.

4. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 1303/2013 as regards specific measures to provide additional assistance to Member States affected by **natural disasters (First reading)**

= Mandate for negotiations with the European Parliament

7630/17 FSTR 19 FC 21 REGIO 30 SOC 224 EMPL 171 BUDGET 3
AGRISTR 27 PECHE 121 CADREFIN 34 CODEC 479

The Committee provided a mandate to the Presidency to start negotiations with the European Parliament on the basis of the Presidency compromise set out in 7630/17.

5. **Follow-up** to the Council meeting (**Justice and Home Affairs**) on 27/28 March 2017

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

6. 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 the trilogue

7625/17 CORDROGUE 40 SAN 116 ENFOPOL 150 RELEX 269

The Committee agreed to adjust the mandate for negotiations with the European Parliament.

Monday 3 April 2017

2. **Preparation** of the Council meeting (**Foreign Affairs**) on 3 April 2017

- Syria

- Draft Council conclusions on an EU Strategy

7650/17 MAMA 64 COPS 105 CFSP/PESC 290 COHAFA 17 RELEX 270 SY 2

The Committee examined the draft Council conclusions and agreed to forward them to the Council for adoption (doc. 7651/17).

- Yemen
 - Draft Council conclusions
7673/17 MOG 22 COPS 109 CFSP/PESC 296 COHAFA 20
RELEX 275 YEMEN 1

The Committee examined the draft Council conclusions and agreed to forward them to the Council for adoption (doc. 7674/17).

IV. Any other business

COREPER (PART 2)

None.

"I" items approved

COREPER (PART 2)

I

7. Draft Council Decision appointing a member, proposed by the Kingdom of Sweden, of the European Economic and Social Committee
= Adoption
7165/17 CES 10
+ COR 1
7164/17 CES 9
8. Draft Council Decision appointing five members and nine alternate members, proposed by Romania, of the Committee of the Regions
= Adoption
7458/17 CDR 55
+ COR 1
7457/17 CDR 54
+ COR 1
9. Draft Council Decision appointing five members and five alternate members, proposed by the United Kingdom, of the Committee of the Regions
= Adoption
7413/17 CDR 48
+ COR 1
7412/17 CDR 47
+ COR 1
10. Draft Council Decision appointing a member, proposed by the Kingdom of the Netherlands, of the Committee of the Regions
= Adoption
7452/17 CDR 51
7451/17 CDR 50
11. Transparency - Public access to documents
Confirmatory application No 05/c/01/17
6963/17 INF 34 API 27
12. Europa building
= Proposal for negotiation of the final price
7440/17 IMM 1

13. Draft Council conclusions on "International ocean governance: an agenda for the future our oceans"
 = Adoption
 7349/17 POLGEN 29 POLMAR 3 COMAR 10 AGRI 145 CLIMA 63 ENV 262
 PECHE 108 RELEX 239 TRANS 114
 7348/1/17 REV 1 POLGEN 28 POLMAR 2 COMAR 9 AGRI 144 CLIMA 62
 ENV 261 PECHE 107 RELEX 238 TRANS 113
14. Submission for approval of the new draft design of the French 2 euro commemorative coin
 7135/17 ECOFIN 191 UEM 65
 + COR 1
15. Proposal for a Decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund (EGF/2017/000 TA 2017 - Technical assistance at the initiative of the Commission)
 and
 Proposal for transfer of appropriations No DEC 02/2017 within Section III - Commission - of the general budget for 2017
 6922/17 FIN 167 INST 86 PE-L 9
16. Proposal for a Decision of the European Parliament and of the Council on the mobilisation of the European Union Solidarity Fund to provide assistance to the United Kingdom, Cyprus and Portugal
 7005/17 FIN 173
17. Draft amending budget No 1 to the general budget for 2017 accompanying the proposal to mobilise the European Union Solidarity Fund to provide assistance to the United Kingdom, Cyprus and Portugal
 7001/17 FIN 172 PE-L 10
18. Proposal for transfer of appropriations No DEC 03/2017 within Section III - Commission - of the general budget for 2017
 7355/17 FIN 198 INST 117 PE-L 13
19. Proposal for transfer of appropriations No DEC 04/2017 within Section III - Commission - of the general budget for 2017
 7356/17 FIN 199 INST 118 PE-L 14
20. Proposal for transfer of appropriations No DEC 05/2017 within Section III - Commission - of the general budget for 2017
 7357/17 FIN 200 INST 119 PE-L 15
21. Commission Delegated Regulation (EU) No .../.. of 2.3.2017 amending Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to the list of exempted entities
 = Intention not to raise objections to a delegated act
 7551/17 EF 56 ECOFIN 225 DELACT 56
 6921/17 EF 37 ECOFIN 171 DELACT 41

22. Commission Delegated Regulation (EU) .../... of 16.3.2017 amending Delegated Regulations (EU) 2015/2205, (EU) 2016/592 and (EU) 2016/1178 as regards the deadline for compliance with clearing obligations for certain counterparties dealing with OTC derivatives
 = Intention not to raise objections to a delegated act
 7576/17 EF 57 ECOFIN 227 DELACT 57
 7431/17 EF 52 ECOFIN 216 DELACT 53
23. Commission Delegated Regulation (EU) .../... of 8.3.2017 supplementing Regulation (EU) No 1286/2014 of the European Parliament and of the Council on key information documents for packaged retail and insurance-based investment products (PRIIPs) by laying down regulatory technical standards with regard to the presentation, content, review and revision of key information documents and the conditions for fulfilling the requirement to provide such documents
 = Intention not to raise objections to a delegated act
 7579/17 EF 58 ECOFIN 228 DELACT 58
 7121/17 EF 41 ECOFIN 189 DELACT 46
 + ADD 1
 + ADD 1 REV 1 (en, da, es, pt, fi, et, lt, mt, pl, sk, bg)
24. Draft Regulation of the European Parliament and of the Council laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas (**First reading**)
 = Adoption of the legislative act
 7525/17 CODEC 449 WTO 80 COMER 40 RELEX 256 UD 81
 + ADD 1
 + ADD 2
 PE-CONS 60/16 WTO 366 COMER 134 RELEX 1073 UD 274 CODEC 1896
25. Commission Delegated Regulation (EU) .../... of 24.2.2017 amending Council Regulation (EC) No 673/2005 establishing additional customs duties on imports of certain products originating in the United States of America
 = Intention not to raise objections to a delegated act
 7590/17 COMER 42 WTO 82 DELACT 61
 6704/17 COMER 27 WTO 43 DELACT 33
 + ADD 1
26. Commission Delegated Regulation (EU) .../... of 24.2.2017 amending Regulation (EU) 2015/755 of the European Parliament and of the Council as regards the removal of Kazakhstan from the list of countries in Annex I thereto
 = Intention not to raise objections to a delegated act
 7588/17 COMER 41 COEST 68 WTO 81 DELACT 60
 6898/17 COMER 29 COEST 57 WTO 54 DELACT 40
27. Draft Council conclusions on the Promotion and Protection of the Rights of the Child
 7533/17 COHOM 39 COPS 102 CFSP/PESC 271 DEVGEN 46 FREMP 34

28. EU Policy on Training for CSDP
7553/17 COPS 104 CIVCOM 44 POLMIL 26 EUMC 37 CFSP/PESC 275
CSDP/PSDC 153
5197/17 REV 2 COPS 5 CIVCOM 3 POLMIL 3 EUMC 3 CFSP/PESC 245
CSDP/PSDC 10
29. Somalia
- Draft Council conclusions
7611/17 COAFR 91 CFSP/PESC 284
30. Draft Council Decision amending Decision 2010/413/CFSP concerning restrictive measures against Iran
and
Draft Council Implementing Regulation implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran
= Adoption
7623/17 CORLX 179 CFSP/PESC 288 RELEX 268 CONUN 83
MOG 19 CONOP 20 COARM 104 FIN 218
31. Council Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria
and
Council Decision 2013/255/CFSP concerning restrictive measures against Syria
= Pre-notifications
7615/17 CORLX 177 CFSP/PESC 286 RELEX 266 COARM 103 MAMA 61
FIN 215
32. Draft Council Decision amending Decision 2013/184/CFSP concerning restrictive measures against Myanmar/Burma
= Adoption
7626/17 CORLX 180 CFSP/PESC 289 COASI 44 COARM 105 FIN 219
7385/17 CORLX 165 CFSP/PESC 263 COASI 37 COARM 95 FIN 201
33. Draft Council Decision on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Annex XX (Environment) to the EEA Agreement (CO2 Emissions)
= Adoption
6730/17 EEE 4 AELE 25 ENV 196 ENT 46 MI 162
6731/17 EEE 5 AELE 26 ENV 197 ENT 47 MI 163
34. Advisory Committee on Freedom of Movement for Workers
Appointment of Mr Nicolas KELLER, member for Germany, in place of Mr Alexander WILHELM, who has resigned
= Adoption
7397/17 SOC 199 EMPL 151

35. Advisory Committee on Freedom of Movement for Workers
 Appointment of Ms Salome KARJI BANI, member for Germany, in place of
 Mr Johannes RASCHKA, who has resigned
 = Adoption
 7400/17 SOC 200 EMPL 152
36. Advisory Committee on Safety and Health at Work
 Appointment of Mr Kai SCHÄFER, member for Germany, in place of Mr Michael KOLL,
 who has resigned
 = Adoption
 7499/17 SOC 209 EMPL 160
37. Advisory Committee on Safety and Health at Work
 Appointment of Mr Thomas VOIGTLÄNDER, alternate member for Germany, in place of
 Mr Kai SCHÄFER, who has resigned
 = Adoption
 7500/17 SOC 210 EMPL 161
38. Advisory Committee on Freedom of Movement for Workers
 Appointment of Mr Prodromos CHRYSANTHOU, alternate member for Cyprus, in place of
 Mr George SPYROU, who has resigned
 = Adoption
 7569/17 SOC 219 EMPL 168
39. Governing Board of the European Foundation for the Improvement of Living and Working
 Conditions
 Appointment of Ms Susanna RIBRANT, member for Sweden, in place of
 Mr Hedvig FORSSELIUS, who has resigned
 = Adoption
 7567/17 SOC 218 EMPL 167
40. Commission Regulation (EU) .../... of XXX amending Annex III to Regulation (EC)
 No 1333/2008 of the European Parliament and of the Council as regards the use of butane
 (E 943a), isobutane (E 943b) and propane (E 944) in colour preparations
 = Decision not to oppose adoption
 7279/17 DENLEG 20 AGRI 138 SAN 103
 7180/17 DENLEG 17 AGRI 131 SAN 95
 + ADD 1
41. Commission Regulation correcting the Bulgarian, Finnish, German, Portuguese and Spanish
 language versions of Regulation (EU) No 432/2012 establishing a list of permitted health
 claims made on foods, other than those referring to the reduction of disease risk and to
 children's development and health
 = Decision not to oppose adoption
 7288/17 DENLEG 21 AGRI 139 SAN 105
 7186/17 DENLEG 18 AGRI 132 SAN 96

42. 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 amendments to the IMO Exhaust Gas Cleaning Guidelines (2015)
= Endorsement
7584/17 MAR 63 OMI 14 ENV 284 CLIMA 70

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."

43. Draft Council Decision establishing the position to be adopted on behalf of the European Union within the Conference of the Parties with regard to amendments of Annex III to the Rotterdam Convention
= Adoption
7504/17 ENV 277 MI 253 WTO 79 CHIMIE 29
7243/17 ENV 251 MI 220 WTO 66 CHIMIE 22

44. Draft Directive of the European Parliament and of the Council amending Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement
(First reading)
= Adoption of the legislative act
7526/17 CODEC 450 DRS 14
+ ADD 1
PE-CONS 2/17 DRS 2 CODEC 31
+ REV 1 (cs)

Statement by Poland, Germany, Denmark and Luxembourg

"The Polish, German, Danish and Luxembourg delegations take note of the conclusion of the agreement in the first reading between the European Parliament and the Council on a *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 commend successive Council presidencies for their efforts aimed at achieving a balanced compromise on the proposal.

In line with the positions presented during the work on the proposal, the Polish, German, Danish and Luxembourg delegations interpret the provision of Article 3f paragraph 1 point a) of a *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* on the content of the policy of shareholder engagement as allowing institutional investors and assets managers to formulate the engagement policy in a way that they may choose the matters on which they monitor the investee companies and that they are not obliged to address in the engagement policy specifically each of the matters referred to in Article 3f paragraph 1 point a) of the proposal.

In the opinion of our delegations, the agreed text of the third sentence of recital 11 of the abovementioned proposal, which states: "*The policy on shareholder engagement should describe how institutional investors and asset managers integrate shareholder engagement in their investment strategy and which different engagement activities they choose to carry out and how they do it.*", confirms the correctness of this interpretation."

Statement by Luxembourg

"Luxembourg fully supports the objective of the Directive of the European Parliament and of the Council amending Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement to encourage the long-term engagement of the shareholders and to enhance transparency of institutional investors and asset managers. At the same time, as stated in the recitals, the Directive should be without prejudice to the provisions laid down in sectoral EU legislation regulating specific types of listed companies or specific types of entities, such as credit institutions, investment firms, asset managers, insurance companies and pension funds.

Consequently, it is the understanding of Luxembourg that with regard to articles 3g and 3h of the Directive where assets of an institutional investor are not managed on an individual basis but pooled together with assets of other investors and managed via a collective investment undertaking, the sectoral legislation applicable to collective asset management should prevail over the Directive to the extent that the requirements provided by the Directive contradict the requirements laid down in sectoral EU legislation. For example, the Directive should be without prejudice to the provisions governing the diversification of the portfolio of collective investment undertakings and the prohibition to acquire any shares carrying voting rights which would enable collective asset managers to exercise significant influence over the management of an issuing body."
