



Council of the
European Union

Brussels, 26 April 2017
(OR. en)

8394/17

CRS/CRP 13

SUMMARY RECORD

Subject: 2623rd meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 5 April 2017

I. Adoption of the agenda

7913/17 OJ CRP1 13 + COR 1
7964/17 OJ CRP2 13

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. Proposal for a Regulation of the European Parliament and of the Council concerning measures to safeguard the **security of gas supply** and repealing Regulation (EU) No 994/2010

(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 27 March 2017.

3. Proposal for a Regulation of the European Parliament and of the Council setting a framework for **energy efficiency labelling** and repealing Directive 2010/30/EU **(First reading)**
(Legislative deliberation)
= Analysis of the final compromise text with a view to agreement
7568/17 ENER 118 ENV 283 CONSOM 107 CODEC 464

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

4. Proposal for a Directive of the European Parliament and of the Council amending Directive 2004/37/EC on the **protection of workers** from the risks related to exposure to **carcinogens** or mutagens at work **(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 30 March 2017.

5. 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)**
= 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 4 April 2017 and of the interventions from a number of delegations. Some delegations asked the Commission to provide information on the implications of the proposed provision on limiting of the validity of allowances.

COREPER (PART 2)

17. **Follow-up** to the Council meeting (**Foreign Affairs**) on 3 April 2017

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

18. **Follow-up** to the **IIA on Better Law Making**

= Impact Assessment within the Council

7582/17 POLGEN 31 IA 50 INST 147 COMPET 206

The Committee endorsed the proposed approach for establishing an impact assessment capability for the Council for the cases foreseen under the Inter-Institutional Agreement on Better Law-Making.

19. **Preparation** of the Council meeting (**General Affairs**) on 25 April 2017

= Other items in connection with the Council meeting

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

20. **Preparation for the Eastern Partnership Summit** (Brussels, 24 November 2017)

= Orientation debate

7729/17 COEST 70

The Committee held an exchange of views on the basis of an orientation note.

21. **EU-China Summit** (Brussels, 2 June 2017)

= Orientation debate

7795/17 COASI 45 ASIE 8 COPS 113 POLGEN 35

CSDP/PSDC 165 CFSP/PESC 301 RELEX 281 DEVGEN 50

CLIMA 77 TRANS 130 CONOP 21 WTO 88 ECOFIN 241

ENER 124 COMPET 227 RECH 96 JAI 289 CYBER 46

ENV 305 MIGR 41

The Committee held an exchange of views on the basis of an orientation note.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

- Switzerland

The Commission and EEAS debriefed the Committee on the state of play of negotiations with Switzerland.

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

6. Replies to written questions put to the Council by Members of the European Parliament
 = Adoption by silence procedure
- a) E-008709/2016 - Daciana Octavia Sârbu (S&D) and Pavel Poc (S&D)
 Dual-quality foodstuffs
 7505/17 PE-QE 80
 - b) E-009507/2016 - Barbara Kappel (ENF)
 Bailout programme for Greece
 6153/17 PE-QE 47
 + AMD 1
 - c) E-000616/2017 - Marie-Christine Arnautu (ENF)
 Question marks over free trade
 7222/17 PE-QE 72
 - d) E-000651/2017 - Tokia Saïfi (PPE)
 Product safety and market surveillance
 7124/17 PE-QE 66
 - e) E-000662/2017 - Claude Rolin (PPE)
 Transatlantic relations following the election of Donald Trump
 7216/17 PE-QE 71
 - f) P-000905/2017 - Barbara Spinelli (GUE/NGL), Claude Moraes (S&D), Jan Philipp Albrecht (Verts/ALE) and Ana Gomes (S&D)
 Response to Parliament's resolution requesting protection for Edward Snowden
 7125/17 PE-QE 67
7. Case before the Court of Justice of the European Union
 Case C-128/17 (Republic of Poland v. European Parliament and Council of the European Union)
 = Information note for to Permanent Representatives Committee (Part 1)
 7789/17 JUR 164 ENV 302 ENER 125 IND 76 TRANS 131 ENT 84
 SAN 131 PARLNAT 106 CODEC 510
8. Governing Board of the European Centre for the Development of Vocational Training (CEDEFOP)
 Appointment of Ms Linda ROMELE (LV), member in the category of Employees' representatives
 = Adoption
 7787/17 EDUC 129 SOC 232

9. Draft Council Regulation amending Regulation (EU) 2015/2192 on the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania
= Decision to use the written procedure for the adoption
7548/17 PECHE 118
+ COR 1
7484/17 PECHE 114
10. Draft letter, on behalf of the European Union, to reject four late reservations to the amendments to Appendices I and II to CITES
= Decision to use the written procedure for approval
7895/17 ENV 322 WTO 91
11. Commission delegated Regulation (EU) No .../. of 24.02.2017 on the classification of horizontal settlement and short term water absorption performance for in-situ formed loose fill cellulose (LFCI) thermal insulation products under EN 15101-1 pursuant to Regulation (EU) No 305/2011 of the European Parliament and of the Council
= Intention not to raise objections to a delegated act
7733/17 MI 279 ENT 80 COMPET 217 DELACT 63
6757/17 MI 167 ENT 49 COMPET 152 DELACT 35
+ ADD 1
12. Commission Regulation (EU) .../. establishing a guideline on electricity transmission system operation
= Decision not to oppose adoption
7750/17 ENER 122
6668/17 ENER 88
+ ADD 1
- The above-mentioned item was withdrawn.
13. Draft Council conclusions on the United Nations Strategic Plan for Forests and with a view to the participation of the European Union and its Member States in the twelfth session of the United Nations Forum on Forests (UNFF 12)
= Adoption
7783/17 FORETS 11 ENV 301 RELEX 280 PROBA 5
+ ADD 1
14. Draft Regulation of the European Parliament and of the Council on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy and repealing Council Regulation (EC) No 199/2008 (recast) **(First reading) (Legislative deliberation)**
= Adoption of the legislative act
7781/17 CODEC 503 PECHE 125
PE-CONS 6/17 PECHE 24 CODEC 79

15. Draft Regulation of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008 **(First reading) (Legislative deliberation)**
= Adoption of the legislative act
7782/1/17 REV 1 CODEC 504 ENV 300 COMER 45 MI 285 ONU 49
SAN 130 IND 75
+ ADD 1
PE-CONS 4/17 ENV 30 COMER 5 MI 48 ONU 7 SAN 30 IND 8 CODEC 55
16. Draft 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)**
= Adoption of the legislative act
7784/17 CODEC 505 TELECOM 74 AUDIO 33 MI 286
PE-CONS 5/17 TELECOM 15 AUDIO 4 MI 59 CODEC 78

COREPER (PART 2)

22. Draft minutes for the following Council meetings
- Approval
 - a) 3513th meeting of the Council of the European Union (Foreign Affairs), held in Brussels on 16 January 2017
5364/17 PV CONS 1 RELEX 33
+ COR 1 (pl)
+ ADD 1
 - b) 3515th meeting of the Council of the European Union (Economic and Financial Affairs), held in Brussels on 27 January 2017
5711/17 PV CONS 3 ECOFIN 47
+ ADD 1
 - c) 3516th meeting of the Council of the European Union (Foreign Affairs), held in Brussels on 6 February 2017
5965/17 PV CONS 4 RELEX 88
+ COR 1 (pl)
+ COR 2 (fr)
 - d) 3520th meeting of the Council of the European Union (Economic and Financial Affairs), held in Brussels on 21 February 2017
6554/17 PV CONS 8 ECOFIN 139
+ ADD 1
23. Judgment of the Court of Justice in Case C-158/14, *A and others* (designation of Liberation Tigers of Tamil Eelam (LTTE) as a terrorist organisation)
7915/17 JUR 177 RELEX 288 CORLX 183 CFSP/PESC 308 COTER 23
24. Ad hoc release of classified documents to the Court of Auditors
7790/17 CSC 72
25. Draft joint statement on the dates for the budgetary procedure and modalities for the functioning of the Conciliation Committee in 2017
- Outcome of the trilogue on 27 March 2017
7734/17 FIN 221 INST 153
26. European Court of Auditors' Special Report No 35/2016 "The use of budget support to improve domestic revenue mobilisation in sub-Saharan Africa"
- Designation of Working Party
7867/17 FIN 231 DEVGEN 52 ACP 25 COAFR 96 RELEX 285
27. Draft Council conclusions on Special Report No 36/2016 by the European Court of Auditors "An assessment of the arrangements for closure of the 2007-2013 cohesion and rural development programmes"
- = Adoption
7802/17 FIN 224 FSTR 21 FC 22 REGIO 32 AGRIFIN 35 PECHE 126
CADREFIN 36

28. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC, Euratom) No 480/2009 establishing a Guarantee Fund for external actions **(First reading)**
and
Proposal for a Decision of the European Parliament and of the Council amending Decision No 466/2014/EU granting an EU guarantee to the European Investment Bank against losses under financing operations supporting investment projects outside the Union **(First reading)**
= Mandate for negotiations with the European Parliament
7398/17 ECOFIN 211 CODEC 419 RELEX 247 IA 55
13928/1/16 REV 1 ECOFIN 995 CODEC 1571 RELEX 908
13929/2/16 REV 2 ECOFIN 996 CODEC 1572 RELEX 909
29. Draft Directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons **(First reading)**
= Adoption of the legislative act
7778/17 CODEC 501 GENVAL 31 JAI 288 MI 284 COMPET 223
COMIX 233
+ ADD 1
PE-CONS 62/16 GENVAL 145 JAI 1108 MI 86 COMPET 667 COMIX 848
CODEC 1926

Statements by the Commission

"1) Declaration on most dangerous semi-automatic firearms and on collectors

The European Commission is satisfied that the co-legislators have reached an agreement on the revised firearm directive. These new rules will substantially reduce the likelihood of dangerous but legally held weapons falling into the hands of criminals and terrorists.

At the same time, the Commission regrets that some parts of the original proposal were not supported by the Parliament and the Council – in particular concerning semi-automatic firearms where the Commission had proposed a greater level of ambition with a complete ban of the most dangerous semi-automatic firearms, including all semi-automatic firearms of the AK47 or AR15 families. The Commission also regrets that the magazine size was not limited to 10 rounds for all semi-automatic firearms.

The Commission also stresses the importance of the proper implementation of the strict security rules relating to collectors.

2) Declaration on deactivation

The Commission recognises the importance of a well-functioning standard for deactivation, which contributes to improved levels of safety and gives authorities reassurance that deactivated weapons are properly and effectively deactivated.

The Commission will, therefore, accelerate the work on the revision of the deactivation criteria conducted by national experts in the Committee established under Directive 477/91/EEC in order to allow the Commission to adopt, by the end of May 2017, in accordance with the committee procedure established by directive 91/477/EEC, subject to a positive opinion by national experts, a Commission implementing Regulation amending Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable. The Commission calls on Member States to fully support the acceleration of this work."

Statement by Luxembourg

"Effective and proportionate action at EU level is essential to respond to complex threats to security and to protect our citizens. The terrorist attacks, including those in France and in Belgium, have revealed considerable gaps in the European regulatory framework on firearms.

To address those gaps, the reform of Directive 91/477/EC focuses on a number of areas: improved control of firearms trafficking, greater traceability and better deactivation of firearms, stricter rules for the acquisition and possession of firearms, a ban on civilian use of the most dangerous firearms and improved information exchange between Member States.

Throughout the negotiations, Luxembourg actively supported all those aspects of the original proposal for a directive and reiterated its commitment to maintaining the ambition of the reform at a level capable of responding to the security threats that Europe currently faces.

In that context, the ban on the most dangerous semi-automatic firearms based on objective specification criteria is a key part of the reform: a strict and harmonised ban on those firearms would have a direct impact on the security of all European citizens.

However, the compromise text resulting from the interinstitutional negotiations waters down any such strict and harmonised ban by making provision for excessively broad exemptions for certain categories of people (target shooters), that is to say exemptions for a significant percentage of those who possess firearms and apply for authorisations for them.

Given that the restrictions on the acquisition and possession of such firearms are insufficient, Luxembourg cannot support the compromise text to be formally adopted by the Council and the European Parliament and will vote against the text."

Statement by Czech Republic

"The Czech Republic welcomes the fact that work has started on an amendment of Council Directive 91/477/EEC on control of the acquisition and possession of weapons with a view to enabling the European Union and the individual Member States to better respond to current security threats, and in particular to terrorism. We have participated in the negotiations on the proposal in an active and constructive manner and are pleased that some problems have been resolved.

Nevertheless, we consider certain key elements of the proposal to be inappropriate in substance, legally unclear and, sometimes, markedly disproportionate. In some cases, the Directive advocates discriminatory treatment. In particular, we would express our disappointment with regard to the unclear and unnecessary prohibition of certain semi-automatic firearms. Together with the ill-thought-out grandfathering clause, these measures may even worsen the security situation in the medium and long term. They cannot and will not achieve the declared goals of the Directive.

We consider the proposed implementation period to be unreasonably short, since a large number of national laws will need to be amended significantly. Moreover, it should be noted that the national legislator will have to accommodate Commission implementing and delegated acts in national legislation in an even shorter period of time.

For these and other reasons, the Czech Republic cannot endorse the draft Directive."

30. Draft Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union
= Adoption
7595/17 WTO 83 AGRI 156 UD 84 COLAC 28
13037/16 WTO 283 AGRI 543 UD 206 COLAC 86
13038/16 WTO 284 AGRI 544 UD 207 COLAC 87
31. Relations with the ACP States
– Preparation of the 42nd session of the ACP-EU Council of Ministers (Brussels, Belgium, 5 May 2017)
= Draft Annotated Agenda
7760/17 ACP 23 FIN 222 PTOM 8
32. Political and Security Committee Decisions on the appointment of the EU Force Commander for the European Union military operation in Bosnia and Herzegovina and repealing Decision (CFSP) 2016/332 (BiH/25/2017)
= Authorisation for publication in the Official Journal
7821/17 CSDP/PSDC 167 CFSP/PESC 302 BIH 7 PSC DEC 10 COWEB 46
7302/17 CSDP/PSDC 137 CFSP/PESC 246 BIH 6 PSC DEC 7 COWEB 45
33. Political and Security Committee Decision on the appointment of the EU Force Commander for the European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation Sophia) and repealing Decision (CFSP) 2016/1079 (EUNAVFOR MED operation Sophia/1/2017)
= Authorisation for publication in the Official Journal
7599/17 CSDP/PSDC 154 CFSP/PESC 281 MAMA 60 RELEX 264
CONUN 82 CSC 70 EUNAVFOR MED 8 PSC DEC 9
7318/17 CSDP/PSDC 139 CFSP/PESC 249 MAMA 51 RELEX 233 CONUN 73
CSC 64 EUNAVFOR MED 7 PSC DEC 8
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