



Brussels, 22 June 2017  
(OR. en)

10172/17

CRS/CRP 20

## SUMMARY RECORD

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Subject: 2630th meeting of the PERMANENT REPRESENTATIVES COMMITTEE  
held in Brussels on 31 May 2017

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### I. Adoption of the agenda

9692/17 OJ CRP1 20

9727/1/17 REV 1 OJ CRP2 20 COMIX 394

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 (**Environment**) on 19 June 2017

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

3. **Waste package (First reading) (Legislative deliberation)**

- a) Proposal for a Directive of the European Parliament and of the Council amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment
  - b) Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/31/EC on the landfill of waste
  - c) Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste
  - d) Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste
- = Presidency briefing 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 May 2017.

4. Proposal for a Directive of the European Parliament and of the Council on a system of inspections for the safe operation of **ro-ro ferry** and high-speed passenger craft in regular service and amending Directive 2009/16/EC of the European Parliament and of the Council on port State control and repealing Council Directive 1999/35/EC **(First reading) (Legislative deliberation)**
- = Presidency briefing 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 May 2017.

5. Proposal for a Directive of the European Parliament and of the Council on the recognition of **professional qualifications in inland navigation** and repealing Council Directive 96/50/EC and Council Directive 91/672/EEC **(First reading) (Legislative deliberation)**
- = Preparation for the trilogue
- 9500/17 TRANS 201 MAR 104 EDUC 250 SOC 417 ETS 41 MI 439  
CODEC 883

The Committee slightly revised and agreed on the mandate for the forthcoming trilogue.

6. 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 briefing on the outcome of the trilogue

The Committee was informed of the cancellation by the European Parliament of the trilogue meeting which had been foreseen for 30 May 2017.

7. Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) No 283/2014 as regards the **promotion of internet connectivity in local communities (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 29 May 2017.

8. Proposal for a Regulation of the European Parliament and of the Council on the **sustainable management of external fishing fleets**, repealing Council Regulation (EC) No 1006/2008 **(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 May 2017.

9. **Preparation** for the Council meeting (**Employment, Social Policy, Health** and Consumers) on 15 and 16 June 2017

1. Proposal for a Directive of the European Parliament and of the Council amending Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the **posting of workers** in the framework of the provision of services **(First reading) (Legislative deliberation)**

= General approach  
9434/17 SOC 407 EMPL 319 MI 436 COMPET 426 CODEC 854 JUSTCIV 120  
+ ADD 1  
6987/16 SOC 144 EMPL 97 MI 142 COMPET 118 CODEC 279

The Committee examined the Presidency compromise text with a view to reaching a general approach at Council. In view of all the delegations' substantive comments in many areas, the Presidency undertook to present a new text before the Council meeting.

2. Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the **accessibility** requirements for products and services **(First reading) (Legislative deliberation)**

= Partial general approach / Progress report  
9483/17 SOC 414 MI 438 ANTIDISCRIM 28 AUDIO 70 CODEC 875  
14799/15 SOC 700 MI 770 ANTIDISCRIM 15 (ADD 1 – ADD 8)

The Committee was informed of the Presidency's intention for this item to be a progress report. The Committee subsequently agreed to submit the Presidency's progress report to Council.

3. 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 (2nd package) (**First reading**)  
(*Legislative deliberation*)

= General approach

9045/17 SOC 325 EMPL 244 SAN 189 IA 82 CODEC 781

+ ADD 1

5251/17 SOC 12 EMPL 8 SAN 24 IA 4 CODEC 32

+ ADD 1–3

The Committee examined the Presidency compromise text with a view to reaching a general approach at Council.

4. Draft Council conclusions on the European **Court of Auditors' Special Report** No 5/2017 entitled "**Youth unemployment** – have EU policies made a difference? An assessment of the Youth Guarantee and the Youth Employment Initiative"  
(*Non-legislative activity*)

= Adoption

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])

9463/17 SOC 411 EMPL 322 ECOFIN 432 EDUC 246 JEUN 70 REGIO 60

FIN 317

The Committee agreed the text of the draft Council conclusions and forwarded them to Council for adoption.

5. Draft Council conclusions to contribute towards halting the rise in **childhood obesity**  
(*Non-legislative activity*)

= Adoption

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])

9575/17 SAN 213 AUDIO 75

The Committee slightly amended the text of the draft Council conclusions and forwarded them to Council for adoption.

6. Draft Council conclusions on Encouraging Member States driven **voluntary co-operation between health systems** (*Non-legislative activity*)

= Adoption

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure [proposed by the Presidency])

9519/17 SAN 209

The Committee agreed the text of the draft Council conclusions and forwarded them to Council for adoption.

Germany maintained a scrutiny reservation.

## **COREPER (PART 2)**

20. Preparation of the **EU-Ukraine Summit** (Kiev, 12-13 July 2017)

= Orientation debate

9658/17 COEST 111 CFSP/PESC 455 **EU RESTRICTED**

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

21. **Presentation of the agenda** of the Council meeting (**Foreign Affairs**) on 19 June 2017

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

22. **Presentation of the agenda** of the Council meeting (**General Affairs**) on 20 June 2017

The Presidency outlined the main agenda items.

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

= State of play of preparations

9539/17 COASI 61 ASIE 16 COPS 169 POLGEN 71

CSDP/PSDC 271 CFSP/PESC 449 RELEX 450 DEVGEN 115

CLIMA 144 TRANS 204 CONOP 38 WTO 119 ECOFIN 445

ENER 247 COMPET 435 RECH 205 JAI 523 CYBER 81

ENV 529 MIGR 80

The EEAS and Commission updated on the state of play in preparations of the Summit.

24. **EU-Japan Summit** (Brussels, tbc)

= Orientation debate

9622/17 COASI 63 ASIE 17 POLGEN 74 RELEX 456

CFSP/PESC 452 CSDP/PSDC 274 CONOP 39 ECOFIN 455

WTO 120 COMPET 441 RECH 208 ENER 252 DEVGEN 117

TRANS 208 AGRI 285 JAI 543 CYBER 87 MIGR 87 POLMAR 15

EDUC 261 ENV 539 CLIMA 147

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

25. **Presentation of the agenda** of the Council meeting (**Economic and Financial Affairs**) on 16 June 2017

The Presidency outlined the main agenda items.

26. **Draft general budget** of the European Union for **2018**

= Presentation by the Commission

The Committee took note of the presentation by the Commission.

27. **Preparation** of the Council meeting (**Justice and Home Affairs**) on 8-9 June 2017

- b) **ETIAS**: Proposal for a Regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399, (EU) 2016/794 and (EU) 2016/1624 (**First reading**)

= General approach

9580/1/17 REV 1 FRONT 240 VISA 197 DAPIX 205 DATAPROTECT 104  
CODEC 904 COMIX 378

9580/17 ADD 1 FRONT 240 VISA 197 DAPIX 205 DATAPROTECT 104  
CODEC 904 COMIX 378

The Committee took note of the outcome of the Mixed Committee. It finalised the text and agreed to submit it to the Council with a view to reaching a general approach.

- c) **Schengen Information System (SIS)**

i) Proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) **in the field of border checks**, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1987/2006 (**First reading**)

ii) Proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) **in the field of police cooperation and judicial cooperation in criminal matters**, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU (**First reading**)

iii) Proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) **for the return of illegally staying third-country nationals (First reading)**

= Policy debate/Progress Report

9595/17 JAI 536 SIRIS 96 SCHENGEN 32 ENFOPOL 265 COPEN 175  
FRONT 243 MIGR 85 COMIX 384 CODEC 908

The Committee took note of the outcome of the Mixed Committee. It took note of the progress report for the policy debate in Council.

28. (poss.) **Passive access to VIS for Bulgaria and Romania**

- Draft Council Decision of...2017 on the putting into effect of certain provisions of the Schengen acquis relating to the Visa Information System in the Republic of Bulgaria and in Romania

= Agreement in principle

9074/17 VISA 167 FRONT 209 COMIX 337

The above-mentioned item was withdrawn.

27. **Preparation** of the Council meeting (**Justice and Home Affairs**) on 8-9 June 2017

a) **Return Policy**<sup>1</sup>

- i) Implementation of Commission Recommendation on Return  
= State of play
- ii) Draft Council conclusions on enhancing return and readmission of illegally staying persons  
= Adoption  
9171/17 MIGR 74 COMIX 348  
9584/1/17 REV 1 MIGR 83 VISA 198 COMIX 379 **EU RESTRICTED**  
9571/17 MIGR 82 VISA 196 COMIX 377

The Committee agreed to submit the draft conclusions to the Council for adoption. It took note of the draft report on the mapping exercise regarding the Commission's recommendation on making returns more effective when implementing the Return Directive, which will be submitted to the Council for information. The Committee also agreed to modify the text of the Presidency paper (doc. 9584/1/17 REV 1) and to present it to delegations for final agreement through a silence procedure.

- e) **Digital agenda:** Supply of digital content: Proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the supply of digital content (**First reading**)  
= General approach  
9641/17 JUSTCIV 125 CONSOM 232 DIGIT 147 AUDIO 77 DAPIX 208  
DATAPROTECT 105 CULT 78 CODEC 913  
+ ADD 1

The Committee agreed to submit the text to the Council with a view to reaching a general approach.

Statement by the Czech Republic

"The Czech Republic welcomes and supports the objective of this directive to contribute to faster growth of the Digital Single Market, for the benefit of both consumers and businesses. We also believe that with a targeted full harmonisation approach we could eliminate the key contract law-related obstacles to cross-border supply of digital content. The Czech Republic has participated in the negotiations on the proposal in an active and constructive manner and we are pleased that some problems have been resolved to reach a balanced compromise. Nevertheless, we consider that some key elements of the proposal are unclear and only lead to legal uncertainty. Moreover, by accepting these provisions we would lower the level of consumer protection guaranteed by national law. In particular, we express our disappointment with regard to the ambiguous interpretation of the definition of "embedded digital content" (Article 2, para 12) as it is not clear what rules should apply to what digital content. We also regret that the wording of Article 5 has changed at the last stage of negotiation and the text was watered down.

Moreover, the Czech Republic is not satisfied that the principle of full harmonization, which we have supported in the long term, could not be maintained in Article 9a. Nevertheless, to compensate the minimum harmonization in Article 9a, we were of the opinion that at least the time limit for reversal burden of proof should be 2 years, i.e. the same length as the time limit for the supplier's liability for non-conformity.

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<sup>1</sup> Exceptionally, in the presence of the Schengen Associated States.

Finally, as we were pleading to maintain the level of protection for the Czech consumers we regret that our proposal for the recital concerning Article 12 para 2 was not accepted to ensure for the consumer legal certainty when establishing for us so problematic “reasonable time” for bringing the digital content and service into conformity by the supplier."

#### Statement by Portugal

"Portugal reserves the right to seek improvement in the future interinstitutional negotiations with the European Parliament and expects that trilogue will lead to a more ambitious directive in favour of consumer protection within the European Union, notably in the provisions concerning the reversal of burden of proof on the supplier.

The compromise proposed by the Presidency in one year maximum harmonisation, is not in alignment with the two years minimum harmonisation set out for the time limit of the liability of the supplier (legal guarantee), thus unjustifiably hindering the protection of our consumers in relation to typically very complex digital content or digital services.

It is not reasonable to expect consumers can fully understand that digital content or services and even less for them to be able to prove when non-conformity occurs after one year from one-off supplies.

In the case of Portugal, the maximum harmonisation of one year for the reversal of burden of proof and the lack of alignment with the proposed two-year time limit for the responsibility of the supplier (legal guarantee) will represent a strong setback for consumer protection."

d) **EPPO: Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office**

= General approach

9476/17 EPPO 17 EUROJUST 76 CATS 52 FIN 318 COPEN 165 GAF 20  
CSC 107

9545/17 EPPO 18 EUROJUST 77 CATS 54 FIN 321 COPEN 169 GAF 21  
CSC 109

The Committee agreed to submit the text to the Council with a view to reaching a general approach.

f) **Protection of children in migration**

i) (poss.) Draft conclusions of the Council of the European Union and the representatives of the governments of the Member states on the protection of children in migration

= Adoption

8702/1/17 REV 1 FREMP 52 ASIM 44 COHOM 53 DEVGEN 74  
CFSP/PESC 372 JEUN 56 EDUC 162 SOC 297 EMPL 223  
CULT 49 CATS 36 COSI 87 VISA 151 SCHENGEN 18 COCON 10  
COPEN 123 FRONT 187 ANTIDISCRIM 20 DROIPEN 53  
JUSTCIV 92

9561/17 FREMP 68 ASIM 56 COHOM 66 DEVGEN 116 CFSP/PESC 450  
JEUN 73 EDUC 253 SOC 421 EMPL 328 CULT 74  
CATS 56 COSI 114 VISA 195 SCHENGEN 27 COCON 17  
COPEN 173 FRONT 239 ANTIDISCRIM 29 DROIPEN 69  
JUSTCIV 124

The Committee finalised the text of the conclusions and agreed to forward them to the Council for adoption.



ii) Protection of children in migration

= Policy debate

9452/17 FREMP 64 ASIM 53 COHOM 64 DEVGEN 109 CFSP/PESC 437  
JEUN 69 EDUC 245 SOC 409 EMPL 320 CULT 68  
CATS 49 COSI 108 VISA 189 SCHENGEN 25 COCON 15  
COPEN 161 FRONT 234 ANTIDISCRIM 25 DROIPEN 65  
JUSTCIV 121

The Committee took note of the discussion paper for the Council debate.

g) Other items in connection with the Council

The Presidency updated delegations on the agenda and handling of the upcoming Council.

29. **EASO**: Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010  
**(First reading)**

= State of play and guidance for further work

9563/17 ASILE 36 CODEC 896 CSC 111  
+ COR 1

The Committee provided guidance for negotiations with the European Parliament.

30. **Blue Card**: Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment **(First reading)**

= Mandate for negotiations with the European Parliament

9570/17 MIGR 81 SOC 423 CODEC 900

The above-mentioned item was withdrawn.

31. Proposal for a Regulation of the European Parliament and of the Council on the European Fund for **Sustainable Development (EFSD)** and establishing the EFSD Guarantee and the EFSD Guarantee Fund

= Preparation for the trilogue

9680/17 DEVGEN 120 ACP 56 RELEX 460 ECOFIN 461 CODEC 919  
CADREFIN 63 ASIM 59 MAMA 96 COEST 112 COAFR 151

The above-mentioned item scheduled for the meeting of the Committee on 1st June 2017 was withdrawn.

#### **IV. Any other business**

##### **COREPER (PART 1)**

The Committee took note of the Polish delegation's request to the Commission to delete from recital 14 the sentence "The current systemic threat to the rule of law creates legal uncertainty" of its Country Specific Recommendations (CSRs).

##### **COREPER (PART 2)**

None.

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

10. Draft minutes of the following Council meetings  
 = Approval
- a) 3522nd meeting of the Council of the European Union (Environment), held in Brussels on 28 February 2017  
 6835/1/17 PV CONS 10 ENV 214 CLIMA 50 REV 1  
 + REV 1 COR 1  
 + REV 1 COR 2 (et)  
 + ADD 1 REV 1

**Joint statement by Poland and Hungary**

"The Republic of Poland and Hungary are fully aware of the necessity of a response to the threat of climate change in line with the Paris Agreement, which requires revision of the Directive 2003/87/EC ('ETS revision'). Nevertheless, we would like to draw attention to the need of transparency of the process of adopting measures aimed at achieving the abovementioned goal. Thus, it is important to properly reflect the course of the discussion that accompanied the adoption of a general approach to the ETS revision, which took place at the 3522nd meeting of the Council of the European Union (Environment) held in Brussels on 28 February 2017.

It should be noted that, during the discussion on the agenda of the abovementioned meeting, we reminded that on 3rd June 2016 Poland had requested the ETS revision to be adopted in accordance with the qualified majority as defined in Article 3(3) of the Protocol No. 36 on transitional arrangements to the Treaty on the Functioning of the European Union ('Protocol').

In addition, it should be recorded, that the Council voted on two different compromise texts. The first compromise text was opposed by 11 Member States (HU, PL, RO, BG, LV, LT, CY, HR, NL, LU, CZ) accounting for 22,09% of the population of the Union and representing 114 votes. The second compromise text was opposed by 9 Member States (HU, PL, RO, BG, LV, LT, CY, HR and IT) accounting for 28,56% of the population of the Union and representing 114 votes. Poland asked whether these Member States form blocking minority in accordance with Article 3(3) of the Protocol. Presidency following the advice of the Legal Service of the Council stated that the formal vote on the proposal will take place after 31 March 2017.

We emphasise that according to the Article 3(2) of the Protocol, "between 1 November 2014 and 31 March 2017, when an act is to be adopted by qualified majority, a member of the Council may request that it be adopted in accordance with the qualified majority as defined in paragraph 3 [of this Article]". The timeframe established in Article 3(2) refers solely to the request of a Member State to apply to a specific legislative proposal the pre-Lisbon method of qualified majority voting calculation.

If the request was timely made, the old method should be consistently applied throughout the legislative process. Therefore pre-Lisbon rules apply even if the final vote takes place after 31 March 2017. Otherwise, the method ultimately used would depend solely on the date on which the vote is scheduled, and this being beyond the control of a requesting member state.

We would like to emphasize that adoption of a general approach is a significant phase of the legislative procedure and establishes the mandate for the Presidency to negotiate with the Parliament. Thus, it is important to adopt such an act in the proper procedure. Since Poland made a request in application of the Article 3 (2) of the Protocol in due time, general approach should be adopted in accordance with the rules of voting determined therein. This would ensure higher transparency and the proper context for Member States to accept responsibility for the legislation adopted."

b) 3529th meeting of the Council of the European Union (Agriculture and Fisheries), held in Luxembourg on 3 April 2017

8070/17 PV CONS 17 AGRI 190 PECHE 144

+ COR 1

+ COR 2

+ ADD 1

11. Case before the Court of Justice of the European Union  
Case C-151/17 (The Queen on the application of Swedish Match AB)  
Request for preliminary ruling  
= Information note for the Permanent Representatives Committee (Part 1)  
9586/17 JUR 258 SAN 215
12. Selection panel and the monitoring and advisory panel for the "European Capital of Culture"  
= Replacement of the Hungarian member  
8910/17 CULT 52
13. Preparation for the 211th of the ICAO Council (Montreal, Canada, 5-23 June 2017)  
European Union coordination of a common position – non-environmental issues  
= Approval  
9678/17 AVIATION 73 RELEX 459
14. Commission Regulation (EU) .../... of XXX amending [the Appendices to] Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards CMR substances  
= Decision not to oppose adoption  
9661/17 COMPET 445 ENV 543 CHIMIE 53 MI 451 ENT 135 SAN 218  
CONSOM 234  
7868/17 COMPET 232 ENV 319 CHIMIE 38 MI 309 ENT 91 SAN 133  
CONSOM 124  
+ ADD 1

#### Statement by Germany

"Germany assumes that the German version of the recitals will be corrected as follows: In recital the expression "der Verkauf" will be replaced by "die Verwendung zur Bereitstellung".

Furthermore, Germany assumes that the German version of the annex will be changed as follows:

Under 3 (a) in the first column of the list entry regarding “Brodifacoum (ISO) ” the semicolon at the end of the cell will be deleted.

Under 4 (a) in the first column of the list entry regarding “Difenacoum (ISO) ” the semicolon at the end of the cell will be deleted.

Under 4 (a) in the first column of the list entry regarding “Perfluorononan-1-säure [1]” the substance name will be changed from “Perfluorononan-1-säure [1]” into “Perfluornonan-1-säure [1]”.

Under 4 (b) the substance name will be changed from “Flumioxazin (ISO), N-(7-Fluor-3,4-dihydro-3-oxo-4-prop-2-ynyl-2H-1,4-benzoxazin-6-yl)cyclohex-1-en-1,2-dicarboxamid” into “Flumioxazin (ISO), N-(7-Fluor-3,4-dihydro-3-oxo-4-prop-2-ynyl-2H-1,4-benzoxazin-6-yl)cyclohex-1-en-1,2-dicarboxamid” in the text as well as in the list entry."

15. Draft 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'

= Adoption

9425/17 ENV 523 COMPET 424

+ ADD 1

8430/17 ENV 375 COMPET 264

#### Statement by Poland

"Assessment of HP 14 based on calculation method is not appropriate as it may lead to either overestimation or underestimation of hazardous waste stream. Consequently, it could negatively influence transition to circular economy, as well as achievement of targets in waste management as regards application of waste hierarchy and cause problems with availability of facilities for hazardous waste treatment (insufficient capacity).

Thus, Poland is of the opinion that this issue should be addressed by an expert group and new proposal for assessing HP 14 property should be developed. The method should be cost-effective, practical and not lead to overestimation of some waste stream."

16. Proposal for a Council Decision as regards the extension of the period of entitlement to audiovisual co-productions as provided for in Article 5 of the Protocol on Cultural Cooperation to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part

= Adoption

9505/17 AUDIO 73 RELEX 442 COMER 72

#### Statement by the Commission

"The Commission considers that the change in the legal basis of the Council decision constitutes a violation of EU law."

17. Proposal for a Regulation of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Convention Area of the South Pacific Regional Fisheries Management Organisation (SPRFMO) **(First reading)** **(Legislative deliberation)**  
= Mandate for negotiations with the European Parliament  
8672/17 PECHE 179 CODEC 692  
8625/2/17 REV 2 PECHE 176 CODEC 678
18. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1059/2003 as regards the territorial typologies (Tercet) **(First reading)** **(Legislative deliberation)**  
= Mandate for negotiations with the European Parliament  
9351/17 STATIS 29 REGIO 58 CODEC 840  
15597/16 STATIS 105 REGIO 111 CODEC 1902
19. Draft Regulation of the European Parliament and of the Council on cross-border portability of online content services in the internal market **(First reading)** **(Legislative deliberation)**  
= Adoption of the legislative act  
9494/17 CODEC 881 PI 68 RECH 201 EDUC 248 COMPET 427 SAN 207  
AUDIO 71 CULT 71 DIGIT 143  
PE-CONS 9/17 PI 19 RECH 47 EDUC 57 COMPET 107 SAN 68 AUDIO 16  
CULT 17 DIGIT 29 CODEC 237

## **COREPER (PART 2)**

32. Transparency - Public access to documents  
Confirmatory application No 11/c/01/17  
7948/17 INF 66 API 50
33. Draft amending budget No 2 to the general budget for 2017: Entering the surplus of the financial year 2016  
9436/17 FIN 315 PE-L 20
34. EU strategic approach to international cultural relations  
- Activation of the Friends of the Presidency Group and Terms of Reference  
9676/17 CULT 79 RELEX 458 DEVGEM 119 COMPET 448  
ENFOCUSTOM 140 EDUC 270 COHOM 70
35. Relations with Uzbekistan
- a) Draft Council Decision on the signing, on behalf of the European Union and its Member States, and provisional application of the 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, to take account of the accession of the Republic of Croatia to the European Union  
= Adoption
- b) 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, to take account of the accession of the Republic of Croatia to the European Union
- c) Draft Council Decision on the conclusion, on behalf of the European Union and its Member States, of the 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, to take account of the accession of the Republic of Croatia to the European Union  
= Agreement in principle  
= Preparation for the request for consent of the European Parliament
- d) Draft Council Decision approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the 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, to take account of the accession of the Republic of Croatia to the European Union  
= Adoption  
9642/17 COEST 110 ELARG 41 ATO 25  
9016/17 COEST 96 ELARG 33  
9079/17 COEST 99 ELARG 36  
9021/17 COEST 97 ELARG 34  
9191/17 COEST 100 ELARG 37

36. Draft Council Decision amending Decision 2010/413/CFSP concerning restrictive measures against Iran  
and  
Draft Council Regulation amending Council Regulation (EU) No 267/2012 concerning restrictive measures against Iran  
= Adoption  
9461/17 CORLX 242 CFSP/PESC 438 RELEX 439 CONUN 114  
MOG 38 CONOP 37 COARM 135 FIN 316  
9117/17 CORLX 227 CFSP/PESC 406 CONUN 103 MOG 32  
CONOP 33 COARM 129 FIN 300  
9154/17 CORLX 231 CFSP/PESC 410 RELEX 400 CONUN 107 MOG 35  
CONOP 35 COARM 131 FIN 302
37. Revised Guidelines for the EU Strategy for Combating Radicalisation and Recruitment to Terrorism  
= Adoption  
9572/17 CT 50 ENFOPOL 262 COSI 115 COTER 42  
9646/17 CT 52 ENFOPOL 269 COSI 119 COTER 44
38. Draft Council conclusions on the creation of an informal network of experts competent in the field of Disaster Victim Identification  
= Adoption  
9478/17 ENFOPOL 256 PROCIV 47  
9477/17 ENFOPOL 255 PROCIV 46
39. Report from the Maltese Presidency on the main achievements at EU level in the field of civil protection  
9179/17 PROCIV 44 JAI 427
40. Draft Council Implementing Decision on the launch of automated data exchange with regard to Vehicle Registration Data (VRD) in Croatia  
= Adoption  
9406/17 DAPIX 191 CRIMORG 104 ENFOPOL 240 ENFOCUSTOM 127  
JAI 505  
5318/17 JAI 34 DAPIX 26 CRIMORG 16 ENFOPOL 34 ENFOCUSTOM 19  
14621/16 JAI 962 DAPIX 205 CRIMORG 150 ENFOPOL 415  
ENFOCUSTOM 193



41. New Psychoactive Substances

- a) 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
- b) 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**)
  - Confirmation of the final compromise text with a view to agreement  
9565/17 CORDROGUE 61 DROIPEN 70 CODEC 897 JAI 529 SAN 210  
9566/17 CORDROGUE 62 DROIPEN 71 CODEC 898 JAI 530 SAN 211  
9567/17 CORDROGUE 63 DROIPEN 72 CODEC 899 JAI 531 SAN 212

Statement by Austria

"We support the main goal, that is "to extend the application of the Union criminal law provisions that apply to illicit drug trafficking to new psychoactive substances posing severe public health and, where applicable, social risks" (recital 7).

However, we think that not all provisions of Framework Decision 2004/757/JHA should apply to new psychoactive substances.

Among the conduct described in sub-paragraphs (a), (c) and (d) of Art. 2 paragraph 1 of FD 2004/757, we think that Member States should be given the discretion if the conduct described under (c) – possession or purchase – should be criminalized or not. As the Directive contains minimum standards, any Member State is free to go further – but Member States should not be obliged, by virtue of Union Law, to criminalize such behaviour.

Such a more limited approach of the Union legislator would be in line with the principle of subsidiarity in general and also with the conditions foreseen by the Treaties for legislating in criminal law:

"The European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis." (Art. 83 paragraph 1 TFEU)

We think that the possession or purchase of new psychoactive substances in itself do not fulfil the cited (highlighted) criteria of the Treaty".

42. Draft Council conclusions on the Eurojust Annual Report 2016

= Adoption

9602/17 COPEN 176 CATS 59 EUROJUST 80 EJM 38  
+ COR 1

43. Draft Council Decision amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea
- = Adoption
    - 9733/17 CORLX 252 CFSP/PESC 458 COASI 64 COARM 141  
CONUN 122 FIN 330
    - 7577/17 CORLX 172 CFSP/PESC 277 COASI 41 COARM 100  
CONUN 78 FIN 211
44. Planning and conduct arrangements for non-executive EU military missions
- = Draft Council Decision determining the planning and conduct arrangements for EU non-executive military CSDP missions and amending Council Decisions 2010/96/CFSP, 2013/34/CFSP and (CFSP) 2016/610
  - = Draft European Union Military Staff (EUMS) Terms of Reference and Organisation
    - 9389/17 CORLX 241 CFSP/PESC 433 CSDP/PSDC 263 RELEX 432  
CONUN 113 EUTM RCA 8 EUTM SOMALIA 9 EUTM MALI 6  
CSC 105
    - 8737/17 CFSP/PESC 375 CSDP/PSDC 226 COPS 143 POLMIL 43 EUMC 55
    - 7592/17 CORLX 174 CFSP/PESC 279 RELEX 263 CONUN 80 EUTM RCA 4  
EUTM SOMALIA 5 EUTM MALI 2 CSC 69 CSDP/PSDC 264
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