



Brussels, 5 April 2016  
(OR. en)

7100/16

CRS/CRP 10

## SUMMARY RECORD

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Subject: 2578th meeting of the PERMANENT REPRESENTATIVES COMMITTEE  
held in Brussels on 16 March 2016

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### I. Adoption of the provisional agenda

7060/16 OJ CRP1 10

The Committee adopted the provisional 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)

9. Proposal for a Directive of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC  
(First reading) (Legislative deliberation)

= Preparation for the trilogue

6936/16 ENV 152 ENER 79 IND 47 TRANS 71 ENT 49 SAN 88 PARLNAT 56  
CODEC 272

The Committee discussed and agreed the mandate for the forthcoming trilogue.

10. Proposal for a Regulation of the European Parliament and of the Council on a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and the Mediterranean repealing Regulation (EC) No 302/2009 **(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 15 March 2016.**

11. Proposal for a Regulation of the European Parliament and of the Council establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 **(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 15 March 2016.**

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

None.

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"I" items approved

COREPER (PART 1)

2. Replies to written questions put to the Council by Members of the European Parliament  
= Adoption by silence procedure
  - a) E-014500/2015 - Miguel Urbán Crespo (GUE/NGL), Lola Sánchez Caldentey (GUE/NGL) and Tania González Peñas (GUE/NGL)  
40 years since the 'Green March'  
6293/16 PE-QE 75
  - b) E-014802/2015 - Stefan Eck (GUE/NGL)  
High-frequency trading  
6339/16 PE-QE 79
  - c) E-015383/2015 - Jasenko Selimovic (ALDE)  
Member States' lack of preparedness against antimicrobial resistance  
6369/16 PE-QE 81
  - d) E-015803/2015 - Claudia Tapardel (S&D)  
Designating 2018 as the European Year of Cultural Heritage and Tourism - follow-up  
6382/16 PE-QE 82
  - e) E-016129/2015 - Nikolay Barekov (ECR)  
Migrant quotas and guaranteeing national security  
6212/16 PE-QE 70
  - f) E-000002/2016 - Vilija Blinkevičiūtė (S&D)  
Quotas for women on the boards of listed companies  
6294/16 PE-QE 76
  - g) P-000176/2016 - Norbert Erdős (PPE)  
Problems caused by industrial honey imported into the EU  
6295/16 PE-QE 77
  - h) E-000307/2016 - Isabella Adinolfi (EFDD)  
Changing the symbols for people with disabilities  
6323/16 PE-QE 78
  - i) P-000647/2016 - Dominique Bilde (ENF), Steeve Briois (ENF) and Marie-Christine Boutonnet (ENF)  
Dutch Presidency's culture and education priorities  
6388/16 PE-QE 84
3. Draft minutes of the following Council meetings  
= Adoption
  - a) 3436th meeting of the Council of the European Union (Transport, Telecommunications and Energy), held in Brussels on 10 and 11 December 2015  
15257/1/15 PV/CONS 73 TRANS 409 TELECOM 233 ENER 427 REV 1  
+ ADD 1

- b) 3441st meeting of the Council of the European Union (Environment), held in Brussels on 16 December 2015

15343/15 PV/CONS 78 ENV 791 CLIMA 147

+ COR 1 (de)  
+ COR 2 (fi)  
+ ADD 1  
+ ADD 1 COR 1 (fi)

4. Governing Board of the European Centre for the Development of Vocational Training (CEDEFOP)

Appointment of Mr Eduard STAUDECKER (AT), member in the category of Government representatives and of Mr Michael ANTONIOU (CY), member in the category of Employers' representatives

= Adoption

6887/16 EDUC 76 SOC 139

5. Commission Regulation (EU) .../... of XXX amending Annexes VII and VIII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards skin corrosion/irritation, serious eye damage/eye irritation and acute toxicity

= Decision not to oppose adoption

6881/16 COMPET 113 ENV 150 CHIMIE 10 MI 134 ENT 48 SAN 85  
CONSOM 55

5215/16 COMPET 8 ENV 11 CHIMIE 1 MI 9 ENT 5 SAN 7 CONSOM 3  
+ ADD 1

6. Commission Delegated Directive (EU) .../... of 12.2.2016 amending, for the purposes of adapting to technical progress, Annex IV to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead, cadmium, hexavalent chromium, and polybrominated diphenyl ethers (PBDE) in spare parts recovered from and used for the repair or refurbishment of medical devices or electron microscopes

= Intention not to raise objections to a delegated act

6835/16 ENV 146 MI 129 DELACT 37

6184/16 ENV 72 MI 82 DELACT 21

+ ADD 1

7. Recommendation for a Council Decision authorising the opening of negotiations on behalf of the Union on a draft text of international legally-binding instrument under the UNCLOS on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction

= Decision to use the written procedure for the adoption (°)

6917/16 JUR 109 COMAR 6 COJUR 10 ENV 151

6862/16 JUR 107 COMAR 4 COJUR 8 ENV 148

+ ADD 1

## Statement by the Commission

The Commission welcomes the adoption of the Council Decision authorising the Commission to negotiate on behalf the European Union elements of draft text of an international legally-binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.

However, the Commission maintains its view that – in the absence of any draft text at this stage - Article 218(3) and (4) provide a sufficient legal basis for the Decision, without any substantive legal base being necessary, nor even possible to be determined on the basis of objective factors, taking into account the aim and the contents of the agreement.

In addition, since the negotiations in the UN Preparatory Committee concern primarily "the conservation and sustainable use" of marine biodiversity in areas beyond national jurisdiction, they are likely to cover issues which go beyond any single policy area, without it being possible to determine at this stage which policy area would be predominant in the sense of the Court's jurisprudence. In any event the Commission cannot agree on the limitation of the legal basis to a single policy area (environment) while leaving out other possible policy areas, in particular fisheries policy.

Furthermore, the Commission also recalls that, in accordance with the jurisprudence of the Court, as reflected in Case C-459/03 (point 94), the existence of the Union's external competence with regard to the protection of the marine environment is not in principle contingent on the adoption of measures of secondary law covering the area in question. Therefore the Commission does not agree that the Union can participate in the negotiations only "as regards matters falling within the Union's competence and for which the Union has adopted rules".

The Commission reserves its right to make use, if necessary, of all the legal means at its disposal to ensure the respect of the provisions of the Treaties.

8. Recommendation for a Council Decision authorising the Commission to open negotiations on behalf of the European Union for the renewal of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Mauritius
- = Adoption

6730/16 PECHE 62

+ ADD 1

6731/16 PECHE 63