



Brussels, 19 February 2018

6294/18  
CRS CRP 5

## **SUMMARY RECORD**

### **PERMANENT REPRESENTATIVES COMMITTEE (Part 2)**

7 February 2018

#### **I. Adoption of the agenda**

5871/18 OJ CRP2 4 + COR 1

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)**

#### **Foreign Affairs**

2. Meeting of the Council (Foreign Affairs) on 26 February 2018:  
Agenda

The EEAS presented the main points on the agenda. A number of delegations requested the addition of an item on Venezuela.

3. Meeting of the Council (Foreign Affairs/Defence) on 6 March  
2018: Agenda

The EEAS presented the main points on the agenda.

#### **Economic and Financial Affairs**

4. Meeting of the Council (Economic and Financial Affairs) on  
20 February 2018: Preparation

Other items in connection with the Council meeting

The Presidency provided further information with regard to the Council.

## **General Affairs**

5. Meeting of the Council (General Affairs) on 27 February 2018:  
Agenda

The Presidency presented the main points on the agenda.

## **IV. Any other business**

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

- Western Balkans Strategy

The Committee took note of the Commission's presentation of its Western Balkans Strategy.

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**"I" items approved**

**COREPER (PART 2)**

**Judicial Affairs**

6. Case C-592/17 5762/18  
*Information note for the Permanent Representatives Committee (Part 2)*
7. Case C-11/18 P 5669/18  
*Information note for the Permanent Representatives Committee (Part 2)*

**General Affairs**

8. Judgment of 23 January 2018 in case T-639/16 P 5819/18  
*Information note for the Permanent Representatives Committee (Part 2)*

**Institutional Affairs**

Appointments

9. Appointment of a member to the Committee of the Regions (IT) 5667/18  
*Adoption* 5666/18

**Economic and Financial Affairs**

10. European Court of Auditors' Special Report No 22/2017 5674/18  
*Designation of a Working Party*
11. European Court of Auditors' Special Report No 1/2018 5752/18  
*Designation of a Working Party*
12. Malta derogation on common system of value added tax 5881/18  
*Adoption* 5610/18

**Justice and Home Affairs**

13. (poss.) Status agreement between EU and Albania in the context of European Border and Coast Guard Agency (EBCGA) operations 5781/18  
*Confirmation of the final compromise text with a view to agreement* 5782/18 **R-UE**

The above-mentioned item was withdrawn.

## Foreign Affairs

14. EU Capacity Building Mission in Somalia (EUCAP Somalia) - extension - Decision 5685/18  
5568/18  
*Adoption*

### Statement by the Commission

"In light of the rules of the Treaties, a CFSP decision cannot be used as a means to confer power on the Council to enact a derogation from the procurement rules defined in the Financial Regulation given that such power is attributed to the Commission. Moreover, any derogation from the rules on participation in the procurement procedures for the EU Capacity Building Mission in Somalia (EUCAP Somalia) cannot be of generic and unlimited nature and must be duly justified in each specific case.

The Commission considers that the derogating provisions on procurement in the CFSP Decision can only be interpreted as a purely enabling clause. The Commission continues to exercise its competences in the implementation of the budget related to the Mission as stemming from the Treaties and in accordance with the rules and procedures of the Financial Regulation."

15. TDI Modernisation 5810/18  
15530/17  
*Confirmation of the final compromise text with a view to agreement*

### Statement by the Netherlands

"The Netherlands can support the final agreement on the Modernisation of Trade Defence Instruments (MTDI). However, the Netherlands remains very concerned about the newly created possibility to enforce trade defense measures to be applied on the continental shelf by the Customs Authorities.

The Netherlands wants to make sure that this element of the MTDI proposal will be implemented only when the Union legislation has been amended in such a way as to facilitate the levying and collecting of duties and the necessary changes have been made to the customs IT systems in order to allow these systems to perform this new task. These changes need to be effected as part of the broader IT developments of the Multi Annual Strategic Plan (MASP) and the Union Customs Code IT work program. These conditions will have to be met in the further deliberations on the implementing act in the relevant Council working parties before its adoption."

### Statement by Cyprus

"Cyprus can support the final agreement on the Modernisation of Trade Defence Instruments (MTDI).

However, Cyprus would like to express concerns as to the risks involved in the implementation and the enforcement of Trade Defence instruments on the Continental Shelf by Customs Authorities.

It is considered that this element of the MTDI proposal will be implemented when the customs IT systems are properly amended in order to perform the new task for levying and collecting of duties."

### Joint statement by Malta and Denmark

"We note that the outcome on the Trade Defence Instruments Modernisation dossier is overall balanced and acceptable. Whilst accepting this outcome, we are nevertheless expressing our concern with the inclusion of the possibility of applying duties on the continental shelf.

This element was not part of the Commission proposal or the original Council position. It is disproportionate to the problem it aims to address and risks becoming an unreasonable administrative burden for certain Member States, in the form of practical monitoring, surveillance, costs and enforcement by the Customs Authorities.

In view of the work on this element, we would like to stress the need for a mechanism that is the least burdensome possible, both from the perspective of administration as well as of costs and call on the Commission to provide clarity at the earliest. The Commission should also not submit a proposal for an implementing act until all Member States are satisfied that the new provisions will be manageable in practice."

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| 16. | Council Decision on the conclusion of a PCA with Iraq<br><i>Request for the consent of the European Parliament</i>           | 5813/18 + COR 1<br>10209/1/12 REV 1<br>+ REV 1 COR 1 |
| 17. | EU-New Zealand - Partnership Agreement on Relations and<br>Cooperation<br><i>Adoption</i>                                    | 5832/18<br>5516/18                                   |
| 18. | Extension of the appointment of the CEUMC WG<br><i>Approval</i>  | 5750/18  |
| 19. | Council conclusions on European Court of Auditors Special<br>Report No 9/2017<br><i>Adoption</i>                             | 5707/18  |
| 20. | EU position for the 16th meeting of the EU-Kazakhstan<br>Cooperation Council (Brussels, 26 February 2018)<br><i>Approval</i> | 5822/18  |

### **Delegated or Implementing Acts**

#### **Transport**

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| 21. | Commission Regulation (EU) .../... of XXX amending<br>Regulation (EU) No 1178/2011 laying down technical<br>requirements and administrative procedures related to civil<br>aviation aircrew pursuant to Regulation (EC) No 216/2008 of<br>the European Parliament and of the Council<br><i>Decision not to oppose adoption</i> | 5793/18<br>15646/17 + ADD 1 |
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#### **Space**

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| 22. | UNISPACE +50: Thematic Priority 1, Future roles of COPUOS<br>and UNOOSA and EU status as permanent Observer within<br>COPUOS<br><i>Endorsement</i> | 5684/18 + COR 1 |
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