



Brussels, 16 July 2018
(OR. en)

10890/1/18
REV 1
CRS CRP 23

SUMMARY RECORD

PERMANENT REPRESENTATIVES COMMITTEE

19, 20, 21 and 25 June 2018

I. Adoption of the agenda

10074/4/18 REV 4 OJ CRP2 23 COMIX 319 + CM 3433/18 + CM 3454/18
10224/1/18 REV 1 OJ CRP1 23 + REV 1 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)

TUESDAY 19 JUNE 2018

Justice and Home Affairs

4. Schengen Information System (SIS) 9146/18 + COR 1
- a) SIS Return Regulation
 - b) SIS Border Checks Regulation
 - c) SIS Police Cooperation Regulation
- Confirmation of the final compromise text with a view to agreement*

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.

Statement by Belgium

"Belgium welcomes the confirmation of the political agreement that has been found on the three instruments regarding SIS. The Schengen Information System of the third generation will improve the functioning of the system and will contribute to enhancing the internal security in the Member States.

The ambitious goals and the new functionalities of the SIS need to be implemented in the Member States. This will result in a considerable amount of preparatory work. Specifically in the case of the SIS-return regulation, this means for Belgium that it should be prepared to enter approximately 35.000 return decisions in the Schengen Information System each year. As this is a totally new functionality, Belgium, would have preferred to have more time to implement this new obligation. It also regrets the current provisions on the entry into operations, whereby the COM will have to set a date after three years of entry into force of the regulations, when the underlying conditions are fulfilled. If those conditions are not fulfilled within the three years' deadline, COM will need to present a legislative proposal to amend this provision. Belgium believes that a more flexible solution to deviate from the intended start of operations if the conditions are not fulfilled on time, would have been preferable, taking into account also the experiences and lessons learned with the entry into operations of previous IT-Systems in the field of asylum and migration (in particular SIS II)."

5. Regulation amending the Community Code on Visas 10124/18
(Visa Code)
Mandate for negotiations with the European Parliament

The Committee agreed on a mandate for negotiations with the European Parliament.

3. Regulation amending the Schengen Border Code as regards 9852/18
temporary reintroduction of control at internal borders
Mandate for negotiations with the European Parliament

The Committee agreed on a mandate for negotiations with the European Parliament.

7. Qualification Regulation 10010/18 + ADD 1
*Conditional confirmation of the final compromise text with a
view to agreement*

The Committee discussed the above-mentioned item and concluded that work would continue under the incoming Presidency.

Economic and Financial Affairs

9. Regulation on a Pan-European Pension Product (PEPP) 9975/18
Mandate for negotiations with the European Parliament

The Committee agreed on a mandate for negotiations with the European Parliament and agreed the issue of Institutions for Occupational Retirement Provision (IORPs) will be revisited during the trilogue stage.

Statement by the Czech Republic

"The Czech Republic understands the objectives of the proposal for Regulation on a Pan-European Pension Product (PEPP), in particular the effort to create an effective market for third pillar products in those Member States where these products are not sufficiently developed. However, since the proposal is based on the existing sectoral EU regulation for financial institutions, it does not allow for non-harmonised national third pillar systems to participate. In this respect, the Czech Republic considers it important to point out also the potential negative impact of the regulation on existing national third pillar schemes. There is a potential risk that the functioning of well-established existing national systems of third pillar products with high participants' coverage might be impaired and already accumulated assets transferred without reasonable effect."

WEDNESDAY 20 JUNE 2018

Justice and Home Affairs

2. Migration: state of play¹
Debrief of IPCR Roundtable

The Committee was debriefed of the latest IPCR Roundtable and held an exchange of views.

6. Reception Conditions Directive 10009/1/18 REV 1
Conditional confirmation of the final compromise text with a view to agreement 10009/18 ADD 1

The Committee discussed the above-mentioned item and concluded that work would continue under the incoming Presidency.

8. Resettlement Framework Regulation 10018/18 + ADD 1
Conditional confirmation of the final compromise text with a view to agreement

The Committee discussed the above-mentioned item and concluded that work would continue under the incoming Presidency.

¹ Exceptionally, in the presence of the Schengen Associated States

Economic and Financial Affairs

10. Meeting of the Council (Economic and Financial Affairs) on 22 June 2018: Preparation

- a) VAT "quick-fix" 10204/18
 - i) Directive as regards harmonising and simplifying certain rules in the VAT system and introducing the definitive system for the taxation of trade between Member States
 - ii) Regulation as regards certain exemptions for intra-Community transactions
 - iii) Regulation as regards the certified taxable person
- General approach*

The Committee prepared this item for the Council. The Commission indicated it would be making the following statement for the minutes of the Council meeting, should the Council agree to include Article 137a and recital 7a into the compromise text of its general approach on this dossier: "The optional VAT exemption for cost-sharing arrangements where services acquired by independent group of persons, can be supplied exempt of VAT to members of the group if the services are directly necessary for the exercise of an exempt activity of the member, was not part of the Commission proposal and has been introduced only recently into the negotiations. The right of initiative of the Commission under Article 17(2) of the Treaty on European Union would require the agreement of the Commission to introduce this amendment to its proposal. However, the optional nature of the exemption and its limitation to members of the group established in the territory of the same Member State would impede the proper functioning of the internal market. For these reasons, the Commission cannot accept this amendment of its proposal and in light of this it will be withdrawing its proposal. If the Commission were to await the adoption by the Council after which the legal act could be attacked in front of the Court of Justice of the European Union, that would disrupt the internal market and create much legal uncertainty. It is therefore not a valid option."

- b) Council Recommendations on the National Reform Programmes 2018 to each Member State and Council 9512/18 + COR 1
Opinions on the updated Stability or Convergence Programmes 9454/18
Approval 10017/18

The Committee prepared this item for the Council and agreed to forward the Country Specific Recommendations to the Council for approval.

- c) Council Decisions and Recommendations on the implementation of the Stability and Growth Pact
Adoption
- 9758/18
9759/18
9760/18
9761/18

The Committee prepared this item for the Council and agreed to forward the Decisions Recommendations to the Council for adoption.

- d) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

11. Meeting of the Council (Economic and Financial Affairs) on
13 July 2018: Agenda

The incoming Presidency presented the main items on the agenda.

12. Facility for Refugees in Turkey - Financing of the second
tranche
Political endorsement

The Committee discussed the above-mentioned item.

Foreign Affairs

15. Meeting of the Council (Foreign Affairs) on 25 June 2018:
Preparation

- a) Security and Defence
Exchange of views
Conclusions
Adoption

10172/18

The Committee prepared this item for the Council and agreed to revert to the conclusions at the continuation of its session.

- b) EU-NATO cooperation (with NATO SG Stoltenberg)
Exchange of views

The Committee prepared this item for the Council.

- c) Current affairs

The Committee prepared this item for the Council.

- d) Horn of Africa/Red Sea
Exchange of views
Conclusions
Adoption

9969/18

The Committee prepared this item for the Council.

- e) EU Global Strategy - Progress report
Exchange of views

The Committee prepared this item for the Council.

- f) Jordan
Exchange of views

The Committee prepared this item for the Council.

- g) Other items in connection with the Council meeting

The EEAS provided further information regarding the Council meeting.

16. Post-Cotonou - Negotiating mandate
Preparation for the adoption

9426/18
8938/18
+ ADD 1 REV 3
8094/18
8095/18

The Committee discussed the above-mentioned item and agreed to return to it at the continuation of its session.

Justice and Home Affairs

13. Eurojust Regulation
Confirmation of the final compromise text with a view to agreement

10089/18

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.

14. Freezing and Confiscation Regulation
Confirmation of the final compromise text with a view to agreement

10114/18

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.

General Affairs

17. Meeting of the Council (General Affairs) on 26 June 2018: Preparation

- a) Enlargement and Stabilisation and Association Process
Exchange of views
Conclusions
Adoption

9824/1/18 REV 1

The Committee discussed the above-mentioned item and agreed to return to the draft conclusions at the continuation of its session.

- b) European Semester: integrated country-specific recommendations
Approval
Transmission to the European Council

10133/18

The Committee prepared this item for the Council.

- c) IIA implementation
State of play

9895/18

The Committee prepared this item for the Council.

- d) Rule of Law in Poland / Article 7(1) TEU Reasoned Proposal
Hearing of Poland in accordance with Article 7(1) TEU

9997/18

The Committee prepared this item for the Council.

- e) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

18. MFF (2021-2027) - Work within the Council in the first semester 2018 *Progress report*

9928/18

The Committee took note of the progress report.

19. Relations with the EP (June 2018) *Debriefing*

The above-mentioned item was withdrawn.

THURSDAY 21 JUNE 2018

Foreign Affairs

15. Meeting of the Council (Foreign Affairs) on 25 June 2018:
Preparation (*continuation*)

- a) Security and Defence
Exchange of views
Conclusions
Adoption

10172/18

The Committee agreed to forward the draft conclusions to the Council for adoption.

- d) Horn of Africa/Red Sea
Exchange of views
Conclusions
Adoption

9969/18

The Committee decided to revert to the draft conclusions and to amend the draft to be presented to the Council as set out in 10016/1/18 REV 1.

16. Post-Cotonou - Negotiating mandate
Preparation for the adoption

9426/18
8938/18
+ ADD 1 REV 3
8094/18
8095/18

The Committee agreed on the draft negotiating mandate and decided to submit it to the Council for adoption.

Statement by Poland

"The issue of sexual and reproductive health and rights (SRHR) is a very delicate matter for Poland, seen our national legislation on abortion. Crucial element for us is that the proposed wording is combined with the relevant qualifier, that is explicit references to the International Conference on Population and Development and the Beijing Declaration and Platform for Action. These qualifiers are crucial for us as they clearly state that the abortion, which cannot be promoted as one of the methods of family planning, is a matter of national competences."

General Affairs

17. Meeting of the Council (General Affairs) on 26 June 2018:
Preparation (*continuation*)

- f) Preparation of the European Council on 28-29 June 2018: 8147/18
Conclusions
Exchange of views

The Committee discussed the draft conclusions. In this context, the Committee took note of the information provided on the Euro Summit.

- g) European Council follow-up
State of play

The Committee prepared this item for the Council.

MONDAY 25 JUNE 2018

Foreign Affairs

15. Meeting of the Council (Foreign Affairs) on 25 June 2018:
Preparation (*continuation*)

- a) Security and Defence
Exchange of views
Conclusions
Adoption

10172/1/18 REV 1

The Committee decided to revert to the draft conclusions and to further amend the draft to be presented to the Council as set out in 10174/1/18 REV 1.

General Affairs

17. Meeting of the Council (General Affairs) on 26 June 2018:
Preparation (*continuation*)

- a) Enlargement and Stabilisation and Association Process
Exchange of views
Conclusions
Adoption

9824/2/18 REV 2

The Committee continued its examination of the draft conclusions and agreed to revert to them at the continuation of its session.

General Affairs

17. Meeting of the Council (General Affairs) on 26 June 2018:
Preparation (*continuation*)

- a) Enlargement and Stabilisation and Association Process
Exchange of views
Conclusions
Adoption

9824/3/18 REV 3

The Committee finalised its preparation of this item and agreed to submit the conclusions as set out in 9824/3/18 REV 3 to the Council.

COREPER (PART 1)

Employment, Social Policy and Health

63. Meeting of the Council (Employment, Social Policy, Health and Consumer Affairs) on 21 and 22 June 2018: Preparation

European Semester 2018
Policy debate

10015/18 + COR 1

- a) Recommendations on the 2018 National Reform Programmes to each Member State and Draft explanatory note
Approval

10023/18
9512/18 + COR 1
9454/18

- b) Assessment of the 2018 Country-specific Recommendations (CSRs) and the implementation of the 2017 CSRs: Opinions of the EMCO and the SPC Committees
Endorsement

9931/18 + ADD 1
+ ADD 2

The Committee prepared the items for the Council.

Internal Market and Industry

64. Regulation on fertilisers
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 19 June 2018.

Research

65. Regulation establishing the European High Performance Computing Joint Undertaking (HPC)
Preparation for a general approach

9919/1/18 REV 2
9920/18 + COR 1
+ COR 2

The Committee prepared the item and forward it to the Environment Council on 25 June to be approved as an "A" item.

Statement by Poland, supported by Czech and Slovak delegations

"Poland advocates for a possibility to use structural funds to invest in the total cost of ownership of research infrastructures, being in this case IT HPC. Structural Funds used for this purpose, as they are managed by Member States and regions, should be recognized as national contributions to the development of the HPC. It will also allow countries with smaller financial potential to play an appropriate role in the HPC, in line with their policy in the domain of development of supercomputers.

Such solution will contribute to the decrease in the "innovation divide" which we have to face in Europe creating conditions for a faster growth of the level of innovativeness of the EU.

This action will be fully complementary with efforts undertaken by the Union within the framework of the Framework Programmes supporting research and innovation, especially the future programme HORIZON EUROPE."

Youth

66. European Solidarity Corps 10131/18
Analysis of the final compromise text with a view to agreement

The above-mentioned item was withdrawn.

Internal Market and Industry

67. Directive on empowering national competition authorities: 10033/18
ECN Plus
Analysis of the final compromise text with a view to agreement

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.

Statement by Denmark

"Denmark supports the proposal and the overall aim of empowering the national competition authorities. Effective competition rules are crucial for ensuring a well-functioning Single Market and growth as competition encourages innovation, efficiency and guarantees consumers the best choice.

However, Denmark finds that, as point of principle, the choice of applicable procedural law should remain a matter for the Member States, who can thereby ensure that proceedings are in line with their rules and legal traditions. Therefore, Denmark strongly regrets the wording of Article 13 of this Directive.

Although it does not change Denmark's position on this matter, Denmark welcomes the references in Article 3 and recital 13 of this Directive, to the general principles of EU law and the Charter of Fundamental Rights of the European Union, in particular Article 47. These references make it clear that those rules apply in all proceedings concerning infringements of Articles 101 and 102 TFEU, including non-criminal judicial proceedings."

Statement by the Commission

"The Commission takes note of the text of Article 10 agreed by the European Parliament and the Council on interim measures.

Interim measures can be a key tool for competition authorities to ensure that competition is not harmed while an investigation is on-going.

With a view to enabling competition authorities to deal more effectively with developments in fast-moving markets, the Commission commits that it will undertake an analysis of whether there are means to simplify the adoption of interim measures within the European Competition Network within two years from the date of transposition of this Directive. The results of this will be presented to the European Parliament and the Council."

68. Regulation on the Single Digital Gateway 10069/18
Analysis of the final compromise text with a view to agreement

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.

Agriculture

69. Regulation on medicated feed
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 19 June 2018.

Energy

70. Regulation on Governance of the Energy Union
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 19 June 2018.

71. Directive on gas 10228/18
Guidance for further work

The Committee examined the file, in particular its scope and whether the proposal is appropriate to achieve the security of gas supply in the European Union without going beyond the limits of what is necessary, and handed it to the incoming Austrian Presidency.

IV. Any other business

COREPER (PART 2)

MFF external instruments

The Committee took note of the information provided by the Commission.

MFF JHA instruments

The Committee took note of the information provided by the Commission.

EU-Ukraine Summit

The Committee took note of the information provided by the Presidency and the EEAS.

Ombudsman's Special Report on the Council's Legislative
Accountability

The Committee took note of the information provided by the Danish delegation and by the
Council Legal Service.

Informal Leaders' meeting on 24 June 2018

The Committee took note of the information provided by the Commission.

COREPER (PART 1)

MFF linked proposal on horizontal state aid rules
Information from the Commission

The Committee took note of the information provided by the Commission.

"I" items approved**COREPER (PART 2)****WEDNESDAY 20 JUNE 2018****Judicial Affairs**

20. Case T-274/18 (Klymenko v. Council) 9970/18
Information note for the Permanent Representatives Committee JUR
(Part 2)

Institutional Affairs**Appointments**

21. Appointment of a member to the Committee of the Regions (ES) 9979/18 + COR 1
Adoption 10223/18
CDR

Other

22. European Council Decision on the composition of the European Parliament 9926/18
Adoption EUCO 7/1/18
REV 1
CO-EUR PREP

Statement by Hungary

"Hungary remains concerned about the clear contradiction between the wording of the report of the European Parliament and the wording of the Treaty on the European Union. Article 14 (2) of the Treaty on the European Union clearly states that the European Parliament shall be composed of representatives of the Union's citizens, whereas the proposal of the European Parliament calculates the number of seats on the basis of Member States' population.

Hungary highlights the fact that the number of citizens and the population of Member States may differ significantly. This disparity stemming from the population-based calculation clearly affects Member States that acceded after 2004 negatively, mostly due to the internal mobility of workforce within the Union. Moreover, non-citizen migrants in pre-2004 Member States may also be included in the population (according to Regulation 1260/2013 of 20 November 2013 on European demographic statistics) and thus constitute a basis for the allocation of seats, whereas the Treaties stipulate that members of the European Parliament represent citizens of the Union (Article 10 (2) TEU). In addition, only residents in Member States may participate in the EP elections, meaning that Member States receive mandates after non-nationals living in their territories, who may not even have the right to vote.

Therefore, Hungary is of the opinion that the only legally sound option would be to use the calculation method on the basis of Union's citizens present on the territory of the Member States which would be in line with the Treaty. It means that the seats of the European Parliament shall be allocated according to the number of citizens of the Member States."

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| 23. | Regulation on Comitology revision
<i>Progress report</i> | 10127/18
POLGEN
INST |
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Transparency

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| 24. | Public access to documents
Confirmatory application No 11/c/01/18
<i>Adoption</i> | 8905/18
INF
API |
| 25. | Public access to documents
Confirmatory application No 12/c/01/18
<i>Adoption</i> | 8908/18
INF
API |

Economic and Financial Affairs

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| 26. | Council Decision approving the external auditors of the
Lietuvos bankas
<i>Adoption</i> | 9595/18
9602/18
UEM |
| 27. | Cross-Border Distribution of Funds package
<i>Mandate for negotiations with the European Parliament</i> | 9910/18 + ADD 1 +
ADD 2
EF |

Statement by the Commission

"The Commission thanks the Presidency for its extensive efforts to progress quickly on the file and to reach a general approach in the Council.

However, the Commission is concerned that the current text of the general approach especially regarding the definition and conditions of pre-marketing lacks sufficient safeguards and information/transparency measures to enable proper supervision and enforcement and prevent circumvention of the AIFMD. By widening the scope of pre-marketing to established funds, the Council risks creating the possibility to circumvent the AIFMD and its rules on passporting. In order to mitigate this risk, proper safeguards are needed, including strong transparency requirements regarding pre-marketing activities without which competent authorities will not be able to properly supervise and enforce the rules.

The Commission also has concerns regarding the amendments introduced on the rules for de-notification. In particular, the Commission is concerned about the unlimited discretion for host Member States to accept 'other reasons' for de-notification, as this significantly undermines the harmonisation of these rules, as intended by the Commission."

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| 28. | Decision on the mobilisation of the European Globalisation Adjustment Fund (EGF/2017/009 FR/Air France)
<i>Adoption</i> | 9302/18
FIN |
| 29. | Transfer No DEC 10/2018 (Section III - Commission)
<i>Approval</i> | 9303/18
FIN |
| 30. | Macro-financial assistance to Ukraine Decision
<i>Adoption of the legislative act</i> | 10071/1/18 REV 1
+ REV 1 ADD 1
REV 1
PE-CONS 27/18
ECOFIN |
| 31. | Conclusions on CoA SR No 10/2018 - Basic Payment Scheme
<i>Adoption</i> | 9981/18
AGRI |

General Affairs

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| 32. | EP Resolutions and decisions (May II 2018) | 10011/18
PE-RE |
| 33. | Amendments to the Rules of Procedure of the General Court
<i>Approval</i> | 9916/18
9851/18
JUR |
| 34. | FoP IPCR/SCI Presidency report | 10132/18
IPCR |

Justice and Home Affairs

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| 35. | Council Decision on full implementation of SIS in BG/RO
<i>Adoption</i> | 10140/18
15820/1/17 REV 1
SCH-EVAL |
| 36. | Council Decision on the conclusion of the EU-Swiss Confederation Agreement for financial support for external borders and visa (ISF 2014-2020)
<i>Adoption</i> | 10039/18
6222/18
FRONT
VISA |
| 37. | Council Decision on the conclusion of the EU-Iceland Agreement for financial support for external borders and visa (ISF 2014-2020)
<i>Adoption</i> | 10058/18
9228/17 + COR 1
FRONT
VISA |

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| 38. | Insolvency Regulation - Amendment Annexes -
BE/BG/HR/LV/PT
<i>Adoption of the legislative act</i> | 10070/18 + ADD 1
PE-CONS 25/18
JUSTCIV |
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Statement by Slovenia

"The Republic of Slovenia opposes to the inclusion of the Law for the Extraordinary Administration of Companies with Systemic Importance for the Republic of Croatia (hereinafter referred to as EA Law) to Annexes A and B to the Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings.

On the 14 March 2018 the Supreme Court of the Republic of Slovenia declared that EA Law violates public order.

When it comes to notification of EA Law the question arises as to whether it is possible to include in the Regulation a law which violates the fundamental principles of the civil law, insolvency law and EU law in general. EA Law is an expression of state interventionism or economic protectionism, as it is intended to rescue a company which has exceptional importance for the Croatian economy because of its size. Therefore it could be disputed from the aspect of sincere cooperation between the Member States as well as from the aspects of the internal market rules. EA Law violates the fundamental principle of equal treatment of creditors and strives for concentration, not the coordination of proceedings in cases of insolvency. We also have to highlight the dominant role of the state in the appointment of an extraordinary commissioner and the non-existence of effective legal remedy for creditors against a decision to launch insolvency proceedings.

The Republic of Slovenia has presented all the arguments in the document WK 4276/2018.

Moreover, the Republic of Slovenia calls on the Commission that future proposals for notification should be verified more thoroughly; especially any possible negative consequences for the functioning of the internal market should be assessed."

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| 39. | EPPO Regulation: Implementation
<i>Adoption</i> | 10044/18
EPPO |
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The above-mentioned item was withdrawn.

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| 40. | Conclusions on EU external cyber capacity building guidelines
<i>Adoption</i> | 10072/18
CYBER |
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| 41. | Conclusions on EU coordinated response to large-scale cybersecurity incidents and crises
<i>Adoption</i> | 10085/18
CYBER |
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| 42. | Council Decision on the signing of amended Convention 108 on data protection
<i>Adoption</i> | 10129/18
10130/18 |
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Foreign Affairs

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| 43. | Council Decision on the conclusion of the Protocol to the Partnership and Cooperation Agreement with Uzbekistan to take account of the accession of Croatia
<i>Adoption</i> | 8809/18
9021/17
COEST |
| 44. | Council Decision on opening Article XXVIII negotiations on the apportioning of the EU's TRQs in view of Brexit
<i>Adoption</i> | 8945/18 + COR 1
8946/18 + ADD 1
WTO |

Statement by the Commission

"The Commission confirms that, throughout the negotiations with the WTO Members referred to in this Decision, it will act in the general interest of the Union in accordance with its obligations under Article 17 of the Treaty on European Union."

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| 45. | Conclusions on EU cooperation with cities and local authorities in third countries
<i>Adoption</i> | 8556/18
DEVGEN |
| 46. | (poss.) African Peace Facility - Amendment No 3 to the 2017-2018 Action Programme
<i>Approval</i> | 10048/18
ACP |

The above-mentioned item was withdrawn and later reinserted as item 98.

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| 47. | Conclusions on Sahel/Mali
<i>Adoption</i> | 9971/18
COAFR |
| 48. | Council Decision on the signing of the EU-Japan Strategic Partnership Agreement
<i>Adoption</i> | 10066/18
8461/18
8463/18
COASI |

Statement by Portugal

"On the basis of the respect of the competences allocated between the European Union and its Member States, as defined by the Treaties, the Decision of the Council on the signing, on behalf of the European Union, and provisional application of the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Japan, of the other part, shall not affect the autonomy of decision of Portugal on the issues of its national competence, whose decision to be bound by the Agreement depends on the conclusion of the internal ratification procedures and on the entry into force of the Agreement in the international legal system, in accordance with the Constitutional principles and rules."

Statement by the Commission

"The Commission welcomes the adoption of the Council Decision on the signing and provisional application of the EU-Japan Strategic Partnership Agreement (SPA).

However, the Commission maintains its view that the text introduced by the Council in Article 4(1) of the Council Decision is legally incorrect, in particular where it is premised on the understanding that the Articles to which it refers, cover areas of shared competence, and for that reason these Articles should be provisionally applied only to the extent that such shared competence has been exercised internally.

The SPA does not cover areas of shared but rather parallel competence. Its legal bases are Article 212(1) TFEU on economic, financial and technical cooperation with third countries, and Article 37 TEU on CFSP. The Council interpretation would produce an effect already declared in breach of the Treaties by the Court, by construing the agreement to "be based on another provision as well as on the provision relating to that policy whenever the agreement touches on a specific matter[; this] would in practice amount to rendering devoid of substance the competence and procedure [...]" under Article 212(1) TFEU. (see Case C-377/12 Commission v Council (Philippines agreement), ECLI:EU:C:2014:1903, para 38 and case law cited). Moreover, the Council reconstructs the scope of the SPA in the context of provisional application by implying the existence of a multitude of underlying legal bases. This is again not in line with the case law of the Court (Philippines agreement, para 34 and case law cited). 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."

Statement by the Council Legal Service

"The Council Legal Service does not agree with the statement of the Commission on the provisional application of the Japanese SPA. In particular, it notes that:

- Under Article 218(5) TFEU it is fully within the discretion of the Council to decide whether, and to what extent, an agreement is to be provisionally applied by the Union.
- It is open to the Council to define this by reference to those matters for which the Union has, as matter of fact, already exercised its competence internally. It is equally open to the Council to make clear that articles are provisionally applied to the extent that the Union has competence under CFSP.
- This does not as the Commission claims imply "the existence of a multitude of underlying legal bases" and the elements cited from judgment C377/12 are not relevant."

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| 49. | Council Decision within the EEA Joint Committee amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget Line 02.03.01 Internal Market and Budget line 02.03.04 Internal Market Governance Tools)
<i>Adoption</i> | 9268/18
9267/18
AELE |
| 50. | Council Decision within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget Line 33.02.03.01 Company Law)
<i>Adoption</i> | 9271/18
9270/18
AELE |

- | | |
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| 51. Council Decision within the EEA Joint Committee, concerning an amendment to Protocol 30 (on specific provisions on the organization of cooperation in the field of statistics) to the EEA Agreement
<i>Adoption</i> | 9274/18
9273/18
AELE |
| 52. Council Decision on the signing of a Protocol to the Euro-Mediterranean agreement with Israel to take account of the accession of the Republic of Croatia to the EU
<i>Adoption</i> | 10107/18
9546/18
9548/18
MAMA |
| 53. Council Decision on the conclusion of a Protocol to the Euro-Mediterranean agreement with Israel to take account of the accession of the Republic of Croatia to the EU
<i>Request for the consent of the European Parliament</i> | 10107/18
9547/18
9548/18
MAMA |
| 54. Council Decision on the amendment to Protocol 3 to the Euro-Mediterranean Agreement with Jordan concerning the definition of the concept of 'originating products' and methods of administrative cooperation
<i>Adoption</i> | 10146/18
10147/18
MAMA |
| 55. Conclusions on Yemen
<i>Adoption</i> | 10191/18
MOG |
| The Committee agreed to revert to this item at its meeting on Thursday 21 June and agreed to submit the amended conclusions as set out in 10238/18 to the Council for adoption. | |
| 56. Implementation of Action 1 of the Joint Framework on countering hybrid threats
<i>Report by the Presidency</i> | 10189/18
HYBRID |
| 57. EUCAP Sahel Niger Mission - no-cost extension - Decision
<i>Adoption</i> | 9874/18
9668/18
CORLX |
| 58. Permanent Structured Cooperation (PESCO) - governance rules - Decision
<i>Adoption</i> | 9833/18
9660/18
CORLX |

- | | | |
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| 59. | EU Special Representative in Kosovo - mandate extension -
Decision
<i>Adoption</i> | 9873/18
8835/18
CORLX |
| 60. | Venezuela restrictive measures - new listings - Decision and
Implementing Regulation
<i>Adoption</i> | 9877/18 + COR 1
9741/1/18 REV 1
9743/1/18 REV 1
CORLX |

Other items

- | | | |
|-----|---|------------------------------------|
| 61. | Approval of a crypto product
<i>Approval</i> | 9745/18 R-UE
CSCI
CSC |
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THURSDAY 21 JUNE 2018

Foreign Affairs

- | | | |
|-----|--|------------------|
| 94. | Military Requirements for Military Mobility
<i>Approval</i> | 10312/18
EUMC |
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Culture/Audiovisual Matters

- | | | |
|-----|---|--------------------------|
| 95. | Report on certain elements of the future EU strategic approach
to international cultural relations | 9952/18
CULT
RELEX |
|-----|---|--------------------------|

MONDAY 25 JUNE 2018

Transparency

- | | | |
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| 96. | Transparency Register: Complaint 1272/2017/ANA
<i>Approval of a letter</i> | 10359/18
OMBUDS |
|-----|---|--------------------|

Economic and Financial Affairs

- | | | |
|-----|--|----------------|
| 97. | Regulation on Cross Border Payments
<i>Decision to consult an institution or body</i> | 10367/18
EF |
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Foreign Affairs

- | | | |
|-----|---|-----------------|
| 98. | African Peace Facility - Amendment No 3 to the 2017-2018
Action Programme
<i>Approval</i> | 10049/18
ACP |
|-----|---|-----------------|

COREPER (PART 1)

Institutional Affairs

Appointments

72. Seven members (BE, CZ, DK, ES, HU, IE, RO) of the Management Board of the European Food Safety Authority
Endorsement 9419/18
10126/18
AGRILEG

Other

73. List of Working Parties which will be officially organised in Austria under the Austrian Presidency (second half of 2018)
Information note for the Permanent Representatives Committee (Part 1) 9416/18
POLGEN

EU positions for international negotiations

74. Demarche by the EU and its Member States joining Brazil in support of the creation of a South Atlantic Whale Sanctuary
Approval 10168/18
ENV

Statement by the Commission

"The Commission takes note of the inclusion of what we understand as being the Member State holding the Council Presidency at the time of the sending of the letter, acting on behalf of Member States, as co-signatory of the cover letter of the EU demarche. The Commission recalls that this issue is currently sub judice in the Weddell Sea cases (C-626/15 and C-659/16) and that consequently some restraint should be observed on all parts until the Court determines the matter.

Additionally and as already stated on previous occasions, the Commission recalls that the European Union has exclusive competence in the field of the conservation of the marine biological resources pursuant to the provisions of Article 3(1)(d) in conjunction with Article 38 and Annex I of the Treaty and thus of all living aquatic resources under the Common Fisheries Policy pursuant to Council Regulation (EU) No 1380/2013. The fact that this demarche is carried out jointly by the EU and EU Member States is without prejudice for any future negotiations about the conservation and management of marine biological resources under the common fisheries policy."

75. 79th session of the Policy Commission of the World Customs Organisation (WCO) (Brussels, 25-27 June 2018)
European Union coordination of a common position
Approval 10254/18
UD

- | | |
|---|----------------|
| 76. 132nd session of the Customs Co-operation Council of the World Customs Organisation (WCO)
(Brussels, 28-30 June 2018)
European Union coordination of a common position
<i>Approval</i> | 10255/18
UD |
|---|----------------|

Telecommunications

- | | |
|---|--------------------|
| 77. Directive on Public Sector Information (PSI)
<i>Decision to consult an institution or body</i> | 9607/18
TELECOM |
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Transport

- | | |
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| 78. Participation of Tunisia in the EU Long-Range Identification and Tracking of Ships Co-operative Data Centre
<i>Endorsement</i> | 10219/18
MAR |
| 79. Council Decision on the signature of an Agreement with China on civil aviation safety
<i>Adoption</i> | 9989/18
9698/18
9702/18
AVIATION |
| 80. Council Decision on the signing of the Agreement with China on certain aspects of air services
<i>Adoption</i> | 9986/18
9682/18
9685/18
AVIATION |
| 81. EASA Basic Regulation
<i>Adoption of the legislative act</i> | 10063/18
+ ADD 1 REV 1
PE-CONS 2/18
AVIATION |

Statement by the Commission

"In the view of the Commission, services consisting of the emission of signals by satellites of core constellations of global navigation satellite systems (GNSS), such as the system established under the Galileo programme and other similar systems, are as such not to be considered as air traffic management and air navigation services (ATM/ANS) as defined in Article 3, read in conjunction with the corresponding recital, of new Regulation of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency and repealing Regulation (EC) No 216/2008 of the European Parliament and of the Council. This view is based, in particular, on the fact that those signals are not primarily or exclusively emitted for the purpose of air navigation, but are used for that purpose only through services that augment those signals, which are expressly covered by the definition of ATM/ANS."

Environment

82. Regulation on monitoring and reporting of CO2 emissions for heavy duty vehicles
Adoption of the legislative act 10062/18 + ADD 1
PE-CONS 20/18
CLIMA

Employment and Social Policy

83. Revision of Directive 96/71 on Posting of Workers
Adoption of the legislative act 9383/18 + ADD 1
PE-CONS 18/18
SOC

Internal Market and Industry

84. Directive on a proportionality test before adoption of new regulation of professions
Adoption of the legislative act 10061/18
PE-CONS 19/18
COMPET
85. Regulation on General safety of motor vehicles
Decision to consult an institution or body 9936/18
ENT
86. Regulation on Suspensions on certain agricultural and industrial products
Adoption 10092/18
9641/18
UD
87. Regulation on Quotas for certain agricultural and industrial products
Adoption 9985/18
9604/18
UD

Fisheries

88. Regulation amending Regulation (EU) 2018/120 as regards certain fishing opportunities
Adoption 10091/18
9618/18
PECHE
89. Council Decision to open negotiations to accede to the Convention for the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean
Adoption 10082/18 + ADD 1
9731/18 + ADD 1
PECHE

Statement by the Commission

"The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis."

Delegated or Implementing Acts

Environment

90. Commission Delegated Regulation (EU) .../... of 30.4.2018 supplementing Regulation (EU) No 1143/2014 of the European Parliament and of the Council with regard to risk assessment in relation to invasive alien species 9992/18 + ADD 1
8532/18 + ADD 1
ENV
Delegated act - Intention not to raise objections

Statement by Denmark, supported by Greece

"The Danish Government firmly believes that risk assessments in relation to invasive alien species must contain information from all EU Member States (Article 4(6) and recital 12), including sufficient estimates, to the furthest possible extent, of the potential costs of damage (cf. point (g) of Article 5(1) in the Regulation on invasive alien species) as well as a description of the known uses for the species and social and economic benefits deriving from those uses (cf. point (h) of Article 5(1)).

The Danish Government puts strong emphasis on these elements being shown as a critical part of the risk assessments since the economic aspects are included in the consideration on whether a species should be listed. In light of recent experiences related to the risk assessment of American mink, Denmark is extremely worried that a risk assessment may be approved by the Scientific Forum without the significant economic consequences of a listing having been estimated or reflected in the conclusion. The Danish Government does not believe that there are sufficient specific requirements relating to the social and economic benefits to be derived from using a species in the proposal put forward by the Commission. Consequently, the Danish Government would strongly argue that risk assessments must disclose and display, for example, the turnover as well as derived effects and number of jobs from using a particular species. Only in this way can we be sure that the damage caused by a species and the socioeconomic consequences of a listing are weighed up against each other and that the Committee on Invasive Alien Species can make an informed decision about listing a species.

Denmark will continue to work for a more formalised process regarding risk management so that evidence of the economic aspects in Article 4(3) and (6) of the Regulation on invasive alien species are collected and transferred to the Committee on Invasive Alien Species. The Danish Government wants to see Member State obligations balanced in relation to the actual risks and potential damage caused by the particular invasive alien species on one hand and the resource implications of listing on the other. The Danish Government believes that it is a critical situation that a subsequent formalised process for the collection of adequate and consolidated information on the socioeconomic consequences still does not exist.

Based on the concerns and views set out in this statement, the Danish Government, with the support of Greece, objects to the approval of the abovementioned Delegated Regulation."

Health

91. Commission Regulation (EU) .../... of XXX amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards the inclusion of pyroligneous distillate in the Union list of flavourings
Decision not to oppose adoption

9982/18
9586/18 + ADD 1
DENLEG

Transport

92. Commission Regulation (EU) No .../.. of XXX amending Regulation (EU) No 1178/2011 as regards declared training organisations
Decision not to oppose adoption

10077/18
8306/18 + ADD 1
TRANS
