

Brussels, 16 July 2019
(OR. en)

11285/19
CRS CRP 25

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
3 and 4 July 2019

I. Adoption of the agenda

10824/2/19 REV 2 OJ CRP2 25
10815/19 OJ CRP1 25

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)

WEDNESDAY 3 JULY 2019

General Affairs

2. Presidency priorities
Presentation by the Presidency

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

3. Meeting of the Council (General Affairs) on 18 July 2019:
Agenda

The Presidency presented the main items on the agenda. The Committee also took note of the intervention by the Polish delegation.

Foreign Affairs

4. EU-Ukraine Summit (Kyiv, 8 July 2019)

State of play

The Committee held an exchange of views on the state of play and agreed on the draft Joint Statement, as amended during the meeting.

5. EU-Canada Summit (Montreal, 17-18 July 2019)

State of play

The Committee held an exchange of views on the state of play and agreed to revert to this issue at its next session.

Institutional Affairs

Appointments

6. Decision on the non-replacement of Members of the Commission

10770/19

10712/1/19 REV 1

Exchange of views

The Committee held an exchange of views and concluded that no unanimity could be found on the basis of the proposal. The Committee agreed to invite the Council to confirm this outcome.

Economic and Financial Affairs

7. Meeting of the Council (Economic and Financial Affairs) on 9 July 2019: Preparation

- a) Own resources

10653/19

State of play

The Committee prepared this item for the Council.

8. Meeting of the Council (Economic and Financial Affairs/Budget) on 24 July 2019: Agenda

The Presidency presented the main item on the agenda and announced that if agreement is reached at the level of the Committee, the Council session would not need to take place.

THURSDAY 4 JULY 2019

Economic and Financial Affairs

7. Meeting of the Council (Economic and Financial Affairs) on 9 July 2019: Preparation

b) Presentation of the Presidency Work Programme *Exchange of views*

The Committee prepared this item for the Council.

c) European Semester: Country-Specific Recommendations 9955/19 *Adoption* 10182/19

The Committee prepared this item for the Council. It agreed to amend the first sentence of Recital 17 of the CSRs for Hungary and agreed to forward the CSRs, as amended, to the Council for adoption. The Presidency and several delegations noted the importance of holding meetings of Council preparatory bodies only in their normal setting

Statement by Hungary

on the Council Recommendation on the 2019 National Reform Programme of Hungary and delivering a Council opinion on the 2019 Convergence Programme of Hungary

"The statements on the Hungarian judicial system are politically motivated, biased and do not reflect the reality as the relevant legislative environment has not changed in the reporting period. In addition, the text fails to establish the direct relevance of the highlighted issues for the objectives of the European Semester, thus undermining the credibility of the process.

Consequently the recommendations related to judicial independence and access to information are unjustified, unsubstantiated and therefore unacceptable. They cannot serve as the basis of a meaningful economic policy dialogue and are not conducive to genuine political ownership.

Such recommendations do not serve the purposes of the semester process and must be avoided in the future.

It is regrettable that the Finnish Presidency did not modify the text despite the clear explanation and suggestions of the Council Legal Service that was supported by the concerned Member State and regardless of the fact that no delegation raised objection to include those modifications. As a result, the Presidency, at its own discretion, submits a text to the Council which does not allow Hungary to support the adoption of its own recommendations given that is not in line with the content and legal constraints of the Semester."

d) (poss.) Council Decisions/Recommendations on the implementation of the Stability and Growth Pact *Adoption*

The Committee agreed to withdraw this item from the Council agenda.

- e) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

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| 50. Council Recommendation on the appointment of the President
of the European Central Bank | 10916/19
10682/19 |
| <i>Adoption</i> | |

The Committee approved the text of the draft Recommendation and agreed to add it to the agenda of the Council (Economic and Financial Affairs) on 9 July 2019.

In the margins of Coreper:

WEDNESDAY 3 JULY 2019

**MEETING OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE
27 MEMBER STATES ¹**

Economic and Financial Affairs

Regulation on measures concerning the implementation and financing
of the general budget of the Union in 2019 in relation to the withdrawal
of the United Kingdom from the Union

- Common Understanding

Endorsement

The representatives of the governments of the 27 Member States meeting in the Committee endorsed a Common Understanding establishing the dedicated practical arrangements referred to in the Council Regulation on measures concerning the implementation and financing of the general budget of the Union in 2019 in relation to the withdrawal of the United Kingdom from the Union, as set out in 11072/19.

The Commission indicated its agreement to accept the mandate given under that Common Understanding.

¹ Belgium, Bulgaria, Czechia, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden.

COREPER (PART 1)

Other

31. Work programme of the Finnish Presidency
Information from the Presidency

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

Employment, Social Policy and Health

32. Meeting of the Council (Employment, Social Policy, Health and Consumer Affairs) on 8 July 2019: Preparation

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| 1. | Economy of Wellbeing | 10416/19 |
| | <i>Policy debate</i> | 10414/19 + COR 1 |
| | | + ADD 1 |

The Committee prepared this item for the Council.

2. European Semester 2019

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|----|---|-----------|
| a) | Recommendations on the 2019 National Reform | 10687/19 |
| | Programmes to each Member State | 10182/19 |
| | <i>Approval</i> | 9955/19 |
| b) | Assessment of the 2019 Country-Specific | 10688/19 |
| | Recommendations (CSRs) and the implementation | + ADD 1-2 |
| | of the 2018 CSRs: Opinions of the EMCO and the | |
| | SPC Committees | |
| | <i>Endorsement</i> | |
| c) | Council Decision on guidelines for the employment | 9134/19 |
| | policies of the Member States | 10475/19 |
| | <i>Adoption</i> | |

The Committee prepared this item for the Council.

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| 3. | Clean Planet for all: Strategic long-term vision for a | 10467/19 |
| | climate neutral economy - employment aspects | |
| | <i>Policy debate</i> | |

The Committee prepared this item for the Council.

Transport

33. Commission Delegated Regulation (EU) .../... of 13.3.2019 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the deployment and operational use of cooperative intelligent transport systems (C-ITS) 10661/19 + ADD 1
7510/19 + ADD 1-5
+ ADD 9
- Consideration of a possible objection to a delegated act*

The Committee recommended to the Council to adopt a decision to raise objection to the delegated act.

Statements by the Commission

- Emergency situations

"Under Article 30 of the Delegated Regulation, the Commission is empowered to adopt interim measures only when an emergency situation has a severe direct impact on road safety, cyber security or the availability and integrity of C-ITS service. In short, it is about situations in which swift reaction is of the essence. Nevertheless, the Commission intends to consult Member States and the expert group referred to in Article 29(2) whenever materially possible, having regard to the degree of urgency. Furthermore, it follows from Article 30 that interim measures are strictly limited to containing the risks on road safety, cyber security and the availability and integrity of C-ITS services linked to the emergency situation observed. Such interim measures would not suspend or alter the application of any element of the Delegated Regulation that is not linked to the emergency situation. For example, should one of the cryptographic algorithms provided for in the Delegated Regulation be broken or hacked, an interim measure may provisionally forbid the use of this algorithm. Other algorithms or indeed other elements of the Delegated Regulation would not be affected.

All this is without prejudice to the preparations for a revision of the Delegated Regulation, to be commenced immediately following an emergency situation. Using the same example, these preparations could be aimed at the inclusion of alternative cryptographic algorithms and possibly other requirements to prevent similar emergency situations from occurring in the future."

- Fee-based revenue source for the Commission

"Annex III, section 9.1, points 371 and 373, suggests that root certification authorities pay fees to the "C-ITS certificate policy authority", the "trust list manager" and the "C-ITS point of contact". However, these passages are manifestly not drafted as legal basis for the imposition of fees by Union institutions or bodies. They must therefore not be misunderstood as covering the Commission acting in its capacity as holder of any of these three functions, i.e. during the period until dedicated entities will have been established. Instead, they are intended for future situations, should the Commission's role end and alternative solutions to ensure these central roles have been agreed upon. By the same token, they do not encroach upon future legislative acts.

The fact that fee financing of Commission activities is not intended is also confirmed by section 5 of the Explanatory Memorandum. That section clearly implies that the tasks allocated to the Commission during the period in question are to be funded by the Union budget, notably through the 'Security architecture for connected infrastructure and vehicles in Europe' support action in the context of Commission Implementing Decision C(2016) 1966."

- Technologies and Funding

"The Commission recalls its policy as set out in the 5G Action Plan, in particular its ambition to promote early deployment of 5G infrastructure along major transport paths and to support 5G testing and deployment. It stresses that 5G technologies will operate in co-existence with technologies already being deployed. The fact that the Regulation currently relies on a particular technology, the only one available today for the purposes in question, is entirely without prejudice to future developments.

Hence, future deployment and related EU funding of the kind will continue to work from the hybrid model approach, whereby ever more services can be provided by ever more technologies. The aim will be to develop a full and interoperable ecosystem that facilitates cooperative connected and automated mobility.

The Commission calls upon Member States and industry to use all EU funding instruments to progress on connected and automated mobility, including the Connecting Europe Facility funding in the Transport and Digital sectors which will continue to support the pre-deployment of innovative new ITS services and new technologies (e.g. 5G) or a combination of both in oncoming calls. The Commission also calls upon Member States and industry to test future mobility solutions and demonstrate the complementarity of different connectivity and automation technologies. The "living lab" under preparation by the Commission Joint Research Centre in ISPRA and the 5G corridors are available for this."

IV. Any other business

COREPER (PART 2)

EU-Mercosur trade agreement

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

Turkish drilling activities

The Committee took note of the information provided by the Commission and the EEAS and agreed to revert to this issue at its next session.

G20 debrief

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

Intra-EU BITs

The Committee took note of the information provided by the Commission as regards the follow-up to the relevant ECJ ruling. The Committee also took note of the intergovernmental nature of the process which entails the absence of a role for the Council or its preparatory bodies.

Working methods

The Committee took note of the intervention by the Polish delegation.

COREPER (PART 1)

None.

"I" items approved**COREPER (PART 2)****WEDNESDAY 3 JULY 2019****Judicial Affairs**

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|-----|---|-----------------|
| 9. | Case T-279/19 (Front Polisario v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 10695/19
JUR |
| 10. | Case T-286/19 (Mykola Yanovych Azarov v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 10748/19
JUR |
| 11. | Case T-289/19 (Sergej Arbuzov v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 10749/19
JUR |
| 12. | Case T-256/19 (Bashar Assi v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 10760/19
JUR |
| 13. | Case T-257/19 (Khaldoun Al Zoubi v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 10761/19
JUR |
| 14. | Case T-258/19 (Samer Foz v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 10762/19
JUR |
| 15. | Case T-259/19 (AMAN DAMASCUS JSC v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 10763/19
JUR |
| 16. | Case T-260/19 (Mazen Al-Tarazi v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 10765/19
JUR |

Institutional Affairs

Appointments

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|-----|---|--------------------------|
| 17. | Convening of a Conference of the Representatives of the Governments of the Member States - Appointment of Judges of the General Court and of one Judge of the Court of Justice
<i>Approval</i> | 10643/19
COUR |
| 18. | Convening of a Conference of the Representatives of the Governments of the Member States - Appointment of one Judge of the General Court
<i>Approval</i> | 10469/1/19 REV 1
COUR |

Economic and Financial Affairs

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| 19. | ECA SR No 11/2019 on the EU's regulation for the modernization of air traffic management
<i>Designation of a Working Party</i> | 10666/19
FIN |
| 20. | Regulation on measures concerning the implementation and financing of the general budget of the Union in 2019 in relation to the withdrawal of the United Kingdom from the Union
<i>Adoption</i> | 10614/19
6823/1/19 REV 1
FIN |

General Affairs

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| 21. | Discounting 20 December-10 January from 8 week period for national parliaments
<i>Approval of a letter</i> | 10722/19
PARLNAT |
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Foreign Affairs

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| 22. | 15th EU-Central Asia Foreign Ministers' Meeting - Joint Communiqué
<i>Endorsement</i> | 10623/19
COEST |
| 23. | PSC Decision EUPOL COPPS/1/2019 - extension of the mandate of the Head of Mission
<i>Decision to publish in the Official Journal</i> | 10758/19
9522/19
PSC DEC |
| 24. | PSC Decision EU BAM Rafah/1/2019 - Extension of the mandate of the HoM
<i>Decision to publish in the Official Journal</i> | 10701/19
9678/19
PSC DEC |

THURSDAY 4 JULY 2019

Foreign Affairs

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| 25. | 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 (Company Law)
<i>Adoption</i> | 9742/19
9741/19
AELE |
| 26. | 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 (Social Security)
<i>Adoption</i> | 9736/19
9735/19
AELE |
| 27. | 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 (Internal Market and Internal Market Governance Tools)
<i>Adoption</i> | 9739/19
9738/19
AELE |
| 28. | Council Decision concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget line 02 04 77 03 - Preparatory action for defence research)
<i>Adoption</i> | 9821/19
9820/19
AELE |
| 29. | 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 12.02.01 - Financial services)
<i>Adoption</i> | 10120/19
10119/19
AELE |

COREPER (PART 1)

Institutional Affairs

Written questions

34. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure 10533/19
PE-QE
- a) Charles Goerens (ALDE) 9843/19
'Transaction costs for migrants' remittances
- b) Daciana Octavia Sârbu (S&D) 9851/19
'Pancreatic Cancer'
- c) Pascal Arimont (PPE) 9835/19
'Illegal and uncontrolled waste dumps in Asian countries'

Appointments

35. One member (AT) of the Advisory Committee on Freedom of Movement for Workers 10451/19
Adoption SOC
36. One alternate member (AT) of the Advisory Committee on Freedom of Movement for Workers 10680/19
Adoption SOC
37. One member (MT) of the Management Board of the European Centre for the Development of Vocational Training (Cedefop) 10505/19 + COR 1
Adoption SOC
38. One alternate member (MT) of the Management Board of the European Centre for the Development of Vocational Training (Cedefop) 10672/19
Adoption SOC
39. One member (LT) and one alternate member (LT) of the Management Board of the European Centre for the Development of Vocational Training (Cedefop) 10501/19
10500/19
Adoption SOC
40. One member (HU) of the Management Board of the European Agency for Safety and Health at Work 10499/19
10497/19
Adoption SOC
41. Three members (IT) and six alternate members (IT) of the Advisory Committee on Safety and Health at Work 10061/19
10060/19
Adoption SOC

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| 42. | Two members (FR, HU) and two alternate members (FR, HU) of the Management Board of the European Foundation for the Improvement of Living and Working Conditions (Eurofound)
<i>Adoption</i> | 10315/1/19 REV 1
10314/19
SOC |
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Judicial Affairs

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| 43. | Judgement in Case C-264/18 - Preliminary reference (public procurement procedures)
<i>Information note for the Permanent Representatives Committee (Part I)</i> | 10470/19
JUR |
| 44. | Case C-336/19 (Centraal Israëlitisch Consistorie van België v Vlaams Gewest): Request for a preliminary ruling from the Grondwettelijk Hof (Constitutional Court, Belgium)
<i>Information note for the Permanent Representatives Committee (Part I)</i> | 10631/19
JUR |
| 45. | Case T-153/19 (European Union Copper Task Force v European Commission)
<i>Information note for the Permanent Representatives Committee (Part I)</i> | 10660/19
JUR |

Energy

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| 46. | Council Decision authorising the entering into negotiations on the modernisation of the Energy Charter Treaty
<i>Adoption</i> | 10738/19
10745/19 + ADD 1
ENER |
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Statement by Poland, the Czech Republic, Slovakia and Lithuania

"Polska, Republika Czeska, Słowacja i Litwa popierają konieczność modernizacji Traktatu Karty Energetycznej w zgodzie ze współczesnymi standardami odzwierciedlonymi w zreformowanej strategii UE w zakresie ochrony inwestycji. Jesteśmy przekonani, że Traktat Karty Energetycznej powinien zawierać jasne odniesienia do zrównoważonego rozwoju, w tym celów w zakresie zmiany klimatu i przejścia na czystą energię zgodnie z Porozumieniem Paryskim, aby lepiej odzwierciedlać nowe realia sektora energii, w szczególności rosnącą potrzebę zacieśnienia regionalnej i globalnej współpracy na rzecz ochrony środowiska.

Zgodnie z przygotowanym przez Komisję uzasadnieniem niniejszej decyzji (COM(2019) 231 final) Polska, Republika Czeska, Słowacja i Litwa rozumieją że zmodernizowane postanowienia Traktatu Karty Energetycznej w zakresie zrównoważonego rozwoju i społecznej odpowiedzialności biznesu, jak wynika ze zreformowanej strategii UE w zakresie ochrony inwestycji, będą miały niewiążący charakter. Zatem wzywamy Komisję do przyjęcia tego samego podejścia i zwracania się do Państw Członkowskich po wytyczne w przedmiocie każdej propozycji tekstu przedłożonej w ramach procesu modernizacji Traktatu Karty Energetycznej."

Courtesy translation

"Poland, Czech Republic, Slovakia and Lithuania support the necessity of modernising the Energy Charter Treaty in line with the modern standards as reflected in the EU's reformed approach on investment protection. We also believe that the Energy Charter Treaty should contain sound references on sustainable development, including on climate change and clean energy transition in line with the Paris Agreement to better reflect the new realities of the energy sector, especially the growing need for enhanced regional and global cooperation on environmental protection.

In accordance with the Commission's explanatory memorandum (COM(2019) 231 final), Poland, Czech Republic, Slovakia and Lithuania understand that, as it stems from the EU reformed approach on the investment protection, the modernised provisions of the Energy Charter Treaty in the area of sustainable development and corporate social responsibility will have non-binding nature. Thus, we call upon the Commission to follow this approach and to seek guidance of the Member States on each and every text proposal submitted in the process of modernisation of the Energy Charter Treaty."

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| 47. | Decision of the Member States authorising the European Commission to negotiate an Agreement on the modernisation of the Energy Charter Treaty
<i>Adoption</i> | 10738/19
10747/19
ENER |
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Fisheries

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| 48. | Council Decision authorising the opening of negotiations for a Sustainable Fisheries Partnership Agreement (SFPA) and Protocol with Mauritania
<i>Adoption</i> | 10402/19
10231/19 + ADD 1
PECHE |
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Delegated or Implementing Acts

Health

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| 49. | Commission Regulation (EU) .../... of XXX correcting certain language versions of Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives
<i>Decision not to oppose adoption</i> | 10651/19
9865/19
DENLEG |
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