



Brussels, 6 December 2019
(OR. en)

14910/19
CRS CRP 39

SUMMARY RECORD

PERMANENT REPRESENTATIVES COMMITTEE

13 and 15 November 2019

I. Adoption of the agenda

13953/19 OJ CRP1 39 + COR 1
13986/19 OJ CRP2 39 COMIX 522

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)

WEDNESDAY 13 NOVEMBER 2019

Transport, Telecommunications and Energy

2. Meeting of the Council (Transport, Telecommunications and Energy) on 2, 3 and 4 December 2019: Agenda

The Presidency presented the main points on the agenda.

Transport

3. Regulation on electronic freight transport information (eFTI)
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 7 November 2019.

Energy

4. Regulation on tyre labelling 13741/19 + COR 1
Preparation for the trilogue

The Committee agreed on a revised mandate for the forthcoming trilogue.

Telecommunications

5. Regulation establishing the European Cybersecurity
Competence Centre and the Network of Coordination Centres 13798/19
Guidance for further work

The Committee provided guidance for future work.

Employment and Social Policy

6. Revision of Regulations on coordination of social security
systems (883/04 and 987/09)
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 11 November 2019.

Education, Youth, Culture and Sport

7. Meeting of the Council (Education, Youth, Culture and Sport) on 21 and 22 November 2019:
Preparation
1. Resolution on the cultural dimension of sustainable
development 13336/19
Adoption

The Committee prepared this item for the Council.

2. Strengths, innovation potential and global competitiveness
of the European cultural, creative and audiovisual
industries 13341/19
Policy debate

The Committee prepared this item for the Council.

3. Conclusions on combatting corruption in sport 13349/19 + COR 1
Adoption

The Committee prepared this item for the Council.

4. Conclusions on safeguarding children in sport 13351/1/19 REV 1
Adoption

The Committee prepared this item for the Council.

5. Promoting good governance in sport 13355/19
Policy debate

The Committee prepared this item for the Council.

6. Conclusions on digital youth work 12681/19 + COR 1
Adoption

The Committee prepared this item for the Council.

7. Conclusions on education and training of youth workers 13595/1/19 REV 1
Adoption

The Committee prepared this item for the Council.

8. A vision for youth work in Europe – climate change, 13398/19
young people and youth work
Policy debate

The Committee prepared this item for the Council.

Competitiveness

8. Meeting of the Council (Competitiveness (Internal Market, Industry, Research and Space)) on 28 and 29 November 2019

1. Agenda

The Presidency presented the main points on the agenda.

Competitiveness

8. (continuation) Meeting of the Council (Competitiveness (Internal Market, Industry, Research and Space)) on 28 and 29 November 2019

2. Preparation

- 2.1. Conclusions on "Space solutions for a sustainable Arctic" 13788/19
Adoption

The Committee prepared this item for the Council.

- 2.2. Fostering a sustainable space economy 13787/19
Policy debate

The Committee prepared this item for the Council.

- 2.3. Conclusions on the updated EU bioeconomy strategy 13744/19
Adoption

The Committee prepared this item for the Council.

Environment

9. Directive on drinking water 13781/19 + COR 1
Preparation for the trilogue

The Committee agreed on a revised mandate for the forthcoming trilogue.

10. Regulation on water reuse
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 12 November 2019.

Youth

11. Regulation on the European Solidarity Corps (ESC) 2021 to 2027
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 12 November 2019.

Education

12. Regulation on Erasmus 13719/19
Preparation for the trilogue

The Committee agreed on a revised mandate for the forthcoming trilogue.

Culture/Audiovisual Matters

13. Regulation on Creative Europe 2021-2027 13743/19
Preparation for the trilogue

The Committee agreed on a revised mandate for the forthcoming trilogue.

Energy

4. (continuation) Regulation on tyre labelling
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 13 November 2019.

14. Appointment of three members and two alternate members of 13509/19 + ADD 1
the Administrative Board of the Agency for the Cooperation of
Energy Regulators (ACER)
Examination and selection of candidatures

The Committee examined the candidatures for the Administrative Board and established a list of three members and two alternate members (for 4 years) and one alternate member (for 2 years) to be presented to the Council for adoption.

COREPER (PART 2)

Justice and Home Affairs

31. Conclusions on the functioning of the Schengen evaluation and monitoring mechanism 13873/19
Preparation for the adoption

The Committee held an exchange of views. The Presidency noted the lack of agreement and informed the Committee it will present a Presidency report.

32. Meeting of the Council (Justice and Home Affairs) on 2-3 December 2019: Preparation
Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

General Affairs

33. Meeting of the Council (General Affairs) on 19 November 2019: Preparation

- a) Multiannual Financial Framework 2021-2027
Information from the Presidency

The Committee prepared this item for the Council.

- b) Preparation of the European Council on 12-13 December 2019: Annotated Draft Agenda 13778/19
Exchange of views

The Committee took note of the annotated draft agenda of the European Council on 12-13 December 2019.

- d) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting. The Committee agreed to invite the director of the Fundamental Rights Agency for an exchange of views under the item on the evaluation of the Rule of Law dialogue and to have that exchange of views in public session.

Economic and Financial Affairs

34. Meeting of the Council (Economic and Financial Affairs) on 8 November 2019: Follow-up

The above-mentioned item was withdrawn.

35. Meeting of the Council (Economic and Financial Affairs) on 5 December 2019: Agenda

The Presidency presented the main items on the agenda.

36. Preparation Conciliation Committee and Ecofin/Budget Council on 15 November 2019

The Committee prepared the meeting of the Conciliation Committee and the meeting of the Ecofin/Budget Council.

General Affairs

33. Meeting of the Council (General Affairs) on 19 November 2019: Preparation

- c) Enlargement and Stabilisation and Association process
State of play

The Committee prepared this item for the Council.

Foreign Affairs

37. Meeting of the Council (Foreign Affairs) on 11-12 November 2019: Follow-up

The above-mentioned item was withdrawn.

38. Meeting of the Council (Foreign Affairs/Trade) on 21 November 2019: Preparation

- a) WTO reform and state of preparations for the 12th World Trade Organization Ministerial Conference
State of play

The Committee prepared this item for the Council.

- b) Trade relations with the US
State of play

The Committee prepared this item for the Council.

- c) Implementation of trade agreements, including 3rd annual FTA Implementation report
Policy debate 13110/19 + ADD 1

The Committee prepared this item for the Council.

- d) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

39. Restrictive measures in view of Turkey's unauthorised drilling activities in the Eastern Mediterranean
Designation of a Working Party 13955/19

The Committee designated the RELEX Working Party, reinforced as appropriate by regional experts, to deal with this file.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

Motor vehicles insurance

The Committee took note of the information provided by Luxembourg and supported by 8 other delegations.

Trilogue on illegal content online

The Committee took note of the information provided by France.

"I" items approved**COREPER (PART 1)****Institutional Affairs****Written questions**

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| 15. | Replies to questions for written answer submitted to the Council
by Members of the European Parliament
<i>Adoption by silence procedure</i> | 13849/19
PE-QE |
| a) | Olivier Chastel (Renew)
"Eastern Partnership" | 12979/19 |
| b) | Niyazi Kizilyürek (GUE/NGL)
"Introduction of Turkish as an official EU language" | 13095/19 |
| c) | Jorge Buxadé Villalba (ECR)
"Inclusion of the Committees for the Defence of the
Republic in the region of Catalonia (Spain) as a terrorist
organisation" | 13097/19 |

Sport

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| 16. | Replacement of two EU representatives in the WADA
Foundation Board
<i>Approval</i> | 13853/19 + COR 1
SPORT |
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EU positions for international negotiations

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| 17. | ICAO-EU Coordination for the 218th session of the ICAO
Council (Montreal, 18-28 November 2019)
<i>Approval</i> | 13850/19
AVIATION |
| 18. | Council Decision on the EU position at Minamata CoP 3 on
thresholds for mercury waste
<i>Adoption</i> | 13705/19
13479/19
ENV |
| 19. | Council Decision on the EU position at Minamata CoP 3 on
dental amalgam
<i>Adoption</i> | 13706/19
13480/19
ENV |

Internal Market and Industry

20. Directive on cross-border conversions, mergers and divisions
Adoption of the legislative act

13691/19 + ADD 1
+ ADD 1 COR 1
PE-CONS 84/19
DRS

Statement by Estonia

"Estonia welcomes the aim of the directive on cross-border mergers, conversions and divisions to provide a legal and administrative environment, which is both conducive to growth and adapted to face the new economic and social challenges of a globalised and digital world, while ensuring the protection of employees, creditors and minority shareholders. Estonia acknowledges the potential benefit of such a legal framework. It has been a unique opportunity to create the much-needed legal framework to unleash the full potential of the single market and stimulate jobs, growth and investment.

Estonia, however, regrets that the aforementioned aims have not been fully achieved in the outcome of the interinstitutional negotiations. We remain deeply concerned that directive contains unclear and cumbersome obligations, which do not allow for the use of the full potential of the single market and might even have a deterring effect on companies, especially on SMEs. Moreover, the rules laid down in the directive do not take into account neither the rapidly developing business landscape nor the digital economy. In this context, Estonia particularly regrets the unequal treatment of companies established under different legal theories despite their legitimacy and equal status under Article 54 TFEU and settled case law (cases Polbud, C-106/16, paras 34 and 62, National Grid Indus, C-371/10, paras 26-27, Daily Mail, C-81/87, para 21). Taking this into account, it is not comprehensible why one system should be disadvantaged compared with the other. By creating a presumption whereby the absence of abuse or fraudulent behaviour by companies, which have their effective management and economic activity in the Member State of registration, is assumed, we are essentially creating a presumption that contemporary and global digital companies are, in fact, fraudulent or "shell companies". This incentivizes progressive companies to register themselves outside of the single market, in countries with more modern and flexible legal environment. Therefore, we fear that such complex rules will result in companies searching for alternatives, bearing unpredictable consequences to employees, creditors and minority shareholders.

Furthermore, the directive on cross-border mergers has been well-functioning in practice for more than ten years. Thus, it remains unclear why the rules on cross-border mergers were not taken as a basis for cross-border conversions and divisions in the first place. Moreover, it is worrisome that the existing rules on cross-border mergers have been changed beyond what is necessary to solve the few practical problems detected. By making too many changes, we risk making the existing well-functioning rules on cross-border mergers ineffective, cumbersome and less attractive."

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| 21. Regulation on European business statistics (FRIBS)
<i>Adoption of the legislative act</i> | 13695/1/19 REV 1
+ ADD 1
PE-CONS 81/19
STATIS |
| 22. Conclusions on the circular economy in the construction sector
<i>Adoption</i> | 13814/19
ENT |

Fisheries

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| 23. Regulation on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement with Senegal
<i>Adoption</i> | 13497/19
13485/19
PECHE |
| 24. Council Decision on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement with Senegal
<i>Agreement in principle</i>
<i>Request for the consent of the European Parliament</i> | 13497/19
13484/19 + COR 1
PECHE |

Statement by the Commission

"By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the decisions on the signing and provisional application as well as on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the Republic of Senegal and the European Union, the Commission regrets the Council's amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph), and therefore maintains its initial proposal."

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| 25. | Council Decision on the signing and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement with Senegal
<i>Adoption</i> | 13497/19
13477/19
13483/19
PECHE |
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Statement by the Commission

"By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the decisions on the signing and provisional application as well as on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the Republic of Senegal and the European Union, the Commission regrets the Council's amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph), and therefore maintains its initial proposal."

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| 26. | Council Decision on the conclusion of the Protocol to amend the International Convention for the Conservation of Atlantic Tuna (ICCAT)
<i>Agreement in principle</i>
<i>Request for the consent of the European Parliament</i> | 13730/19
13447/19
PECHE |
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Statement by the Commission

"By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the decisions on the signing and provisional application as well as on the conclusion of the Protocol to amend the International Convention for the Conservation of Atlantic Tunas, the Commission regrets the Council's amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph), and therefore maintains its initial proposal."

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| 27. | Council Decision on the signing and the provisional application of the Protocol to amend the International Convention for the Conservation of Atlantic Tuna (ICCAT) | 13730/19
13445/19
13446/19 |
| | <i>Adoption</i> | PECHE |

Statement by the Commission

"By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the decisions on the signing and provisional application as well as on the conclusion of the Protocol to amend the International Convention for the Conservation of Atlantic Tunas, the Commission regrets the Council's amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph), and therefore maintains its initial proposal."

Transport

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| 28. | Council Decision on the signing of the Accession Protocol of the Republic of Bulgaria, Croatia and Romania to the Cooperation Agreement on a Civil Global Satellite Navigation System (GNSS) with Ukraine | 13800/19
13318/19
13343/19 |
| | <i>Adoption</i> | TRANS |

Delegated or Implementing Acts

Transport

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| 29. | Commission Delegated Directive (EU) .../... of 2.8.2019 supplementing Directive (EU) 2017/2397 of the European Parliament and of the Council as regards the standards for competences and corresponding knowledge and skills, for the practical examinations, for the approval of simulators and for medical fitness | 13802/19
11607/19 + ADD 1 |
| | <i>Delegated act - Intention not to raise objections</i> | TRANS |

Internal Market and Industry

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| 30. | Commission Regulation (EU) .../... of XXX amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards the percentage of registration dossiers to be selected for compliance checking | 13751/19
12635/19 |
| | <i>Decision not to oppose adoption</i> | COMPET |

COREPER (PART 2)

Economic and Financial Affairs

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| 40. | New Italian Commemorative Coins | 13346/19
UEM |
| 41. | Transfer No DEC 24/2019 (Section III - Commission)
<i>Approval</i> | 13770/19
FIN |
| 42. | Transfer No DEC 25/2019 (Section III - Commission)
<i>Approval</i> | 13771/19
FIN |

General Affairs

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| 43. | Multiannual Financial Framework 2021-2027 - PIF provisions
<i>Endorsement</i> | 13523/19
CADREFIN |
| 44. | Conclusions on Oceans and Seas
<i>Adoption</i> | 13845/19
POLGEN
POLMAR |

Justice and Home Affairs

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| 45. | Election of a vice-president of Eurojust
<i>Approval</i> | 13789/19
COPEN |
| 46. | Schengen evaluation Recommendation - Estonia SIS
<i>Adoption</i> | 13818/19
13817/19 R-UE
SCH-EVAL |
| 47. | Union Civil Protection Mechanism Decision
<i>Partial general approach</i> | 13792/19
PROCIV |

Foreign Affairs

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| 48. | Conclusions on the fourth progress report on the action plan on nutrition
<i>Adoption</i> | 13722/19
DEVGEN |
| 49. | Council Decision and Implementing Regulation concerning restrictive measures against ISIL (Da'esh) and Al-Qaeda and persons, groups, undertakings and entities associated with them - new listing
<i>Adoption</i> | 13994/19
13963/19
13670/19
13672/19
CORLX |

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| 50. | Restrictive measures Tunisia - review: pre-notifications
<i>Adoption</i> | 14001/19
CORLX |
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EU positions for international negotiations

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| 51. | Council Decision on the EU position in the ACP-EU Committee of Ambassadors regarding transitional measures to the ACP-EU Partnership Agreement
<i>Adoption</i> | 13772/19
13756/19
ACP |
| 52. | Council Decision on the EU position in EU-Central Africa EPA Committee regarding adoption of rules of procedure for mediation and arbitration and code of conduct for arbitrators
<i>Adoption</i> | 13773/19
12346/19
ACP |
| 53. | Council Decision on the EU position in EU-Central Africa EPA Committee regarding adoption of list of arbitrators
<i>Adoption</i> | ☒ 13774/19
12350/19
ACP |

Other items

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| 54. | 2020 EU security assessment visit programme
<i>Approval</i> | 13068/19
CSC |
| 55. | Withdrawal of the approval of second-party crypto products
<i>Approval</i> | 13507/19
CSCI
CSC |