



Brussels, 6 December 2019
(OR. en)

14913/19
CRS CRP 40

SUMMARY RECORD

PERMANENT REPRESENTATIVES COMMITTEE

20 and 22 November 2019

I. Adoption of the agenda

13980/19 OJ CRP1 40

14257/2/19 REV 2 OJ CRP2 40

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 20 NOVEMBER 2019

Transport, Telecommunications and Energy

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

1. Regulation on rail passenger's rights and obligations
General approach

14047/19

The Committee prepared this item for the Council.

2. Regulation on streamlining measures for the realisation of the trans-European transport network (TEN-T) 13984/19
General approach

The Committee prepared this item for the Council.

Statement by Germany

"Deutschland geht davon aus, dass die im vorliegenden Entwurf enthaltenen Vorschriften zur Verfahrensbeschleunigung lediglich auf den Verfahrensablauf und die formelle Verfahrensorganisation abzielen und die sich aus den Vorgaben des materiellen Rechts ergebenden inhaltlichen Prüfmaßstäbe unberührt lassen.

Insbesondere geht Deutschland davon aus, dass die in Artikel 6 Absatz 1 des Entwurfs der Allgemeinen Ausrichtung vorgesehene grundsätzliche Befristung der Durchführungsdauer von Genehmigungsverfahren auf vier Jahre weder im Rahmen der Umsetzung der Richtlinienvorgaben in nationales Recht noch im Rahmen der richtlinienkonformen Anwendung des nationalen Rechts eine inhaltliche Begrenzung des umweltschutzbezogenen Prüfumfangs oder eine Absenkung der im Rahmen des Verfahrens zu beachtenden umweltschutzbezogenen Prüfstandards erfordert noch auch nur rechtfertigen kann."

Courtesy translation

"Germany assumes that the procedural acceleration provisions contained in the present proposal only aim to regulate the course and the formal organisation of the administrative procedures concerned and are without prejudice to the substantive criteria to be applied when taking an authorising decision, which result from the requirements of substantive law.

Germany assumes, in particular, that the four-year time limit for permit-granting procedures, envisaged in Article 6 (1) of the proposal of the general approach, can neither be seen as necessitating nor may be used to justify, neither in the context of the transposition of the Directive into national law nor in the context of the application of national law in conformity with the Directive, any limitation of the scope of assessment with regard to the requirements of environmental protection nor any lowering of the substantive criteria for environmental protection to be applied when taking an authorizing decision."

3. Digital transport services for people: The next steps for sustainable European solutions 14063/19
Policy debate

The Committee prepared this item for the Council.

4. Directive amending Directive 1999/62 on Eurovignette (road charging Directive) 14059/19
General approach

The Committee prepared this item for the Council.

5. Future of the Single European Sky 13782/19
Policy debate

The Committee prepared this item for the Council.

Transport

3. Mobility package I

- a) Regulation on access to the profession and access to the haulage market 14049/19
+ ADD 1-3
 - b) Regulations on rest time periods and on tachographs
 - c) Directive on enforcing social rules and on lex specialis for posting of drivers
- Preparation for the trilogue*

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

Transport, Telecommunications and Energy

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

- 6. Smart sector integration: Promoting clean energy 13854/19
Policy debate

The Committee prepared this item for the Council.

- 7. The new Commission's energy policy priorities 14060/19
Exchange of views

The Committee prepared this item for the Council.

- 8. Follow-up to the Communication on the draft national energy and climate plans "United in delivering the Energy Union and climate action" 14062/19
Exchange of views

The Committee prepared this item for the Council.

Employment, Social Policy, Health and Consumer Affairs

4. Meeting of the Council (Employment, Social Policy, Health and Consumer Affairs) on 9 and 10 December 2019: Agenda

The Presidency presented the main points on the agenda.

Employment and Social Policy

5. 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 18 November 2019.

Competitiveness

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

1. Directive on representative actions 13943/19
General approach

The Committee prepared this item for the Council.

Joint statement by Cyprus, Czechia, Latvia, Luxembourg and the Slovak Republic

"In order to protect consumers against illegal or unfair practices by traders, it is important to provide them with effective redress procedures in each Member State. We therefore welcome the objectives of the Commission proposal and the compromise text of the Finnish Presidency. It should provide consumers an affordable alternative to mostly expensive individual legal proceedings available today. The adoption of the compromise text will also allow unblocking the negotiations in the Council after one and a half years and opening the trilogues with the European Parliament in view of a final deal.

However, we regret that the compromise text has been weakened significantly compared to the initial Commission proposal with regard to the level of harmonisation, legal certainty and ease of access for consumers. In that respect, the text does not provide additional clarity with respect to the cross-border functioning of collective redress, especially since the Member States would always be able to apply their own admissibility criteria and procedures on top of the provisions of the Directive. Even though the compromise text provides for detailed and strict eligibility criteria, there is a lack of mutual recognition of qualified entities between the Member States, which creates legal uncertainty for all parties involved.

Since it is crucial to further promote consumer confidence in the Single Market, offline and online, we hope that these issues can be addressed, and that the text can be improved accordingly, in the upcoming trilogues with the European Parliament. The buy-in of European consumers and businesses to cross-border collective procedures will depend on their efficiency and reliability."

2. Directive amending Directive 2013/34/EU as regards disclosure of income tax information 14038/19
(poss.) General approach

The Committee prepared this item for the Council.

3. External dimension of European competitiveness 14055/1/19 REV 1
Policy debate

The Committee prepared this item for the Council.

4. Regulation on European Institute of Innovation and Technology (EIT) 14023/1/19 REV 1
Partial general approach

The Committee prepared this item for the Council.

5. Decision on Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT) 14024/1/19 REV 1
Partial general approach / Progress report

The Committee prepared this item for the Council as a progress report.

6. Horizon Europe package: Regulation on Framework Programme for Research and Innovation 2021-2027 14016/19
a) Recitals
b) Annex IV (synergies)
Partial general approach

The Committee prepared this item for the Council.

7. Euratom programme complementing Horizon Europe 14057/19
Partial general approach / Progress report

The Committee prepared this item for the Council as a partial general approach.

Internal Market and Industry

7. Regulation on Single Market Programme
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 18 November 2019.

FRIDAY 22 NOVEMBER 2019

Transport

8. Regulation on electronic freight transport information (eFTI) 14002/19 + ADD 1
Preparation for the trilogue

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

Energy

9. Regulation on tyre labelling 14152/19
Analysis of the final compromise text with a view to agreement

The Committee endorsed the text of the final compromise and, subject to revision by the legal linguists, the Council will adopt its position at first reading.

Environment

10. Directive on drinking water (recast)
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 November 2019.

Education

11. Regulation on Erasmus
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 November 2019.

Fisheries

12. Regulation on the European Maritime and Fisheries Fund
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 November 2019.

Transport, Telecommunications and Energy

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

9. Regulation on ePrivacy 14068/19 + COR 1
(*poss.*) *General approach*

The Committee prepared this item for the Council as a progress report.

Statement by the Netherlands

"The Netherlands supports the objectives set in the E-Privacy regulation and therefore supports the text for a general approach discussed on the 22nd of November 2019. Nevertheless, the Netherlands would like to point out its objection towards the explanation that is given to the term 'necessity' in recital 21 of the current proposal, specifically where that explanation indicates that tracking cookies can be 'necessary' to provide a service that is mainly or fully funded by advertising.

In the General Data Protection Regulation (article 6(1)(b)), personal data can be processed when this is 'necessary to perform a contract'. According to the European Data Protection Board Guidelines on this processing ground, this should be interpreted narrowly.¹ Therefore it cannot be used to process all sorts of personal data that is of convenience to the controller, for example personal data that could be used to personalize advertisements. This is also not the case when the business model of the controller (partially) relies on the collection of personal data. As a consequence, companies often have to ask for 'consent' of the data subject to place cookies. This leaves European citizens with much-needed control over who tracks their internet behaviour.

Recital 21 discusses when it is 'necessary' to place cookies (article 8 of the proposal). The Netherlands agrees that there are multiple good reasons that make it 'necessary' to place cookies, for example in order to take necessary security measures. However, the current text of the recital makes it possible for companies to place tracking cookies because it is 'necessary' to provide a service mainly or fully funded by advertising. In the current wording, this could possibly also include that tracking cookies are 'necessary' because companies use the personal data in their business model. Consequently, they would no longer need to ask data subjects to give their explicit consent before tracking their behaviour, thereby circumventing the current norms laid down in the GDPR.

Therefore we see that this explanation of 'necessity' in the text of the general approach is at odds with the explanation of this term in the GDPR. Thus seriously undermining the level of protection that citizens can rely on under the GDPR. The Netherlands does not support this erosion and has consequently proposed to delete the specific paragraph in recital 21, that starts with "In some cases" and ends with "has accepted such use".

¹ https://edpb.europa.eu/sites/edpb/files/consultation/edpb_draft_guidelines-art_6-1-b-final_public_consultation_version_en.pdf; p. 10

10. European Union as a hub for ethical data use 14070/19
Policy debate

The Committee prepared this item for the Council.

11. Conclusions on the significance of 5G to the European Economy and the need to mitigate security risks linked to 5G 14147/19
Adoption

The Committee prepared this item for the Council.

COREPER (PART 2)

WEDNESDAY 20 NOVEMBER 2019

Justice and Home Affairs

23. Meeting of the Council (Justice and Home Affairs) on
2 - 3 December 2019: Preparation

- a) Environmental crime - Final report of the 8th round of mutual evaluations 14065/19
Presentation and exchange of views

The Committee prepared this item for the Council.

- b) Implementation of the Strategic Agenda 2019 - 2024 in
the field of Justice and Home Affairs

- i) Conclusions on Victims' Rights 14056/19
Adoption

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

- ii) Conclusions on Alternative Measures to Detention 14075/19
Adoption

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

- c) EPPO - Setting up of the European Public Prosecutors Office 14064/19
State of play

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.

Economic and Financial Affairs

29. Meeting of the Council (Economic and Financial
Affairs/Budget) on 15 November 2019: Follow-up

The Committee took note of the main outcomes of the Council and next steps.

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

- a) Conclusions on strengthening the European financial
architecture for development
Adoption

13678/1/19 REV 1
14154/19

The Committee held an exchange of views on the above-mentioned topic and agreed to revert to it at one of its forthcoming sessions.

- b) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

Foreign Affairs

26. Meeting of the Council (Foreign Affairs/Development) on
25 November 2019: Preparation

- a) Current affairs

The Committee prepared this item for the Council.

- b) Future financial architecture for sustainable development
and neighbourhood
Exchange of views

The Committee prepared this item for the Council.

- c) EU and Member States working better together to support
the development of countries in transition - the cases of
Ethiopia and Sudan
Exchange of views

The Committee prepared this item for the Council.

- d) Other items in connection with the Council meeting

The EEAS provided further information regarding the Council meeting. The Committee agreed that the Future financial architecture for sustainable development and neighbourhood would take place in public session.

27. Meeting of the Council (Foreign Affairs) on 9 December 2019:
Agenda

The EEAS presented the main points on the agenda. Delegations requested the addition of items on Human Rights and the Arctic.

28. EU-ASEAN relations
State of play

The Committee held an exchange of views on the above-mentioned subject and agreed to revert to this issue at one of its forthcoming sessions.

General Affairs

24. Meeting of the Council (General Affairs) on 19 November 2019:
Follow-up

The above-mentioned item was withdrawn.

25. Meeting of the Council (General Affairs) on 10 December 2019:
Agenda

The Presidency presented the main items on the agenda. The Commission requested the addition of an item on the state of play as regards the Rule of Law in Poland / Article 7(1) TEU Reasoned Proposal.

Justice and Home Affairs

31. Appointment of the European Data Protection Supervisor 14020/19
(EDPS)
Hearings of candidates

The Committee heard the candidates for European Data Protection Supervisor.

Institutional Affairs

Appointments

32. Council Decision adopting the list of the other persons whom
the Council proposes for appointment as Members of the
Commission, and repealing and replacing Decision (EU)
2019/1393
Information from the Presidency

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

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Justice and Home Affairs

31. Appointment of the European Data Protection Supervisor (EDPS) 13891/19
Preparatory process within the Council

The Committee determined its ranking of the three candidates included on the shortlist.

Institutional Affairs

Appointments

32. Council Decision adopting the list of the other persons whom the Council proposes for appointment as Members of the Commission, and repealing and replacing Decision (EU) 2019/1393 14405/19
Preparation for the adoption

The Committee prepared this item for adoption by the Council.

Statement by the United Kingdom

"The United Kingdom:

- reiterates that it does not intend or wish to stop the EU proceeding with the formation of a new Commission at the earliest possible moment, and is prepared to cooperate to enable this to be achieved;
- recalls this is without prejudice to its position in respect of the matters referred to in recitals 6 to 9 therein."

Justice and Home Affairs

23. Meeting of the Council (Justice and Home Affairs) on 2 - 3 December 2019: Preparation

d) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting. The Committee agreed to add item for the adoption of conclusions on the future of civil justice cooperation.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

Strengthening the European Union financial architecture for development

The Committee took note of the information provided by Portugal.

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

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| 13. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 14052/19
PE-QE |
| a) | Matt Carthy (GUE/NGL)
"Mercosur ratification process" | 13777/19 |
| b) | Jude Kirton-Darling (S&D) and Inma Rodríguez-Piñero (S&D)
"The EU's position at the fifth session of the OEIGWG " | 13454/19 |
| 14. | Minutes of Council meetings
<i>Approval</i> | |
| a) | TTE 20.09.2019 | 12579/19 |
| b) | TTE (Energy) 24.09.2019 | 12580/19 + ADD 1 |
| c) | COMPET 26-27.09.2019 | 12581/19 + ADD 1 |
| d) | ENV 4.10.2019 | 12911/19 |

Appointments

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| 15. | One alternate member (ES) of the Management Board of the European Foundation for the Improvement of Living and Working Conditions
<i>Adoption</i> | 13338/19
SOC |
| 16. | One member (SE) of the Advisory Committee on Safety and Health at Work
<i>Adoption</i> | 13923/1/19 REV 1
SOC |

Judicial Affairs

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| 17. | Case C-733/19 (Kingdom of the Netherlands v Council of the European Union and European Parliament)
<i>Information note for the Permanent Representatives Committee (Part I)</i> | 13857/19
JUR |
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| 18. | Case C-565/19 P (Armando Carvalho v European Parliament and Council of the European Union)
<i>Information note for the Permanent Representatives Committee (Part 1)</i> | 14143/19
JUR |
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EU positions for international negotiations

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| 19. | Council Decision on the EU position in ICAO in respect of the revision of Annex 17 (Security)
<i>Adoption</i> | 13940/1/19 REV 1
+ REV 1 COR 1
13944/19
+ ADD 1 REV 1
AVIATION |
| 20. | Council Decision on the EU position on Swiss ETS linking (amendments to Annexes)
<i>Adoption</i> | 13683/19
13327/19
CLIMA |

Transport

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| 21. | Conclusions on the EU's regulation for the modernisation of air traffic management (CoA SR No 11/2019)
<i>Adoption</i> | 13466/1/19 REV 1
AVIATION |
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Delegated of Implementing Acts

Internal Market and Industry

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| 22. | Commission Delegated Regulation (EU) .../...of 4.10.2019 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No. 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures and correcting that Regulation
<i>Delegated act - Intention not to raise objections</i> | 13972/2/19 REV 2
12919/19 + ADD 1
COMPET |
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The above-mentioned item was withdrawn.

COREPER (PART 2)

WEDNESDAY 20 NOVEMBER 2019

Judicial Affairs

33. Case T-580/19 14144/19
Authorisation to produce a copy of or an extract from a Council document for use in legal proceedings

Institutional Affairs

34. **Minutes of Council meetings**
Approval
- a) FAC 15.07.2019 11266/19 + ADD 1
REV 1
PV CONS
- b) GAC 18.07.2019 11267/19 + ADD 1
PV CONS

Appointments

35. An alternate member (IT) of the Committee of the Regions 13797/19
Adoption 13796/19
CDR
36. Five members and one alternate member (PL) of the Committee 13887/19
of the Regions 13885/19
Adoption CDR

Transparency

37. Public access to documents 12960/19
Confirmatory application No 32/c/01/19 INF
Adoption API

Economic and Financial Affairs

38. VAT implementing rules on e-commerce 14043/19
- a) Directive on provisions for distance sales of goods and 8010/19
certain domestic supplies of goods
- b) Council Implementing Regulation on supplies of goods or 8011/19
services via electronic interfaces FISC
Adoption

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| 39. | Macro-financial assistance to the Hashemite Kingdom of Jordan
Decision
<i>Mandate for negotiations with the European Parliament</i> | 14149/19 + COR 1
11988/19 + ADD 1
ECOFIN |
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General Affairs

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| 40. | EP Resolutions and decisions (November I 2019) | 13542/19
PE-RE |
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Justice and Home Affairs

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| 42. | Regulation amending Regulation (EC) No 862/2007 on statistics on migration and international protection
<i>Revised mandate for negotiations with the European Parliament</i> | 13450/19
14117/19 |
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Statement by Austria

"Austria supports negotiations with the European Parliament on the basis of the latest compromise proposal (doc. 13450/19) for a Regulation amending Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection due to the improved text. Nevertheless, an issue of concern remains the collectability and comparability of additional data collections that could be introduced by the European Commission through pilot studies and implementing measures. Should additional data collections be introduced, the collectability and comparability of the data must be ensured."

Statement by Malta

"Malta welcomes the efforts of the Presidency in seeking to address some of the concerns raised by the Member States on the basis of the latest compromise text in relation to the proposal for a Regulation amending Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection (as per doc. 13450/19). Nonetheless, concerns remain in relation to the substance of the changes being proposed, the extent of which is changing the scope of the Commission's proposal. Priority and focus on this subject should be given to added-value data that feed into the overarching policy-making processes. Unless justified, substantial increases in costs and burden on Member States should be avoided and hence the need for proper impact assessments at the early stages of the legislative procedures."

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| 43. | Functioning of the Schengen evaluation and monitoring mechanism
<i>Approval</i> | 14129/19
13244/2/19 REV 2
SCH-EVAL |
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| 44. | Conclusions on widening the scope of passenger name record (PNR) data legislation
<i>Adoption</i> | 14061/19
DAPIX |
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Statement by Poland

"Being aware of the potential benefits in the fight against crime, including the fight against terrorism, regarding the possibility of widening the scope of the use of PNR data to transport forms other than air traffic, Poland wishes to emphasize that there are numerous doubts concerning this issue.

Poland would like to underline that the initiated discussion must not prejudice the support on the widening the scope of the use of PNR data to transport forms other than air traffic.

Therefore, Poland hopes that the numerous doubts of the majority Member States stressed in the draft Council Conclusions would be taken into account having regard the impact assessment conducted by the European Commission. Especially, the analysis should take into account the costs for small and medium-sized transport enterprises, in terms of meeting the potential new requirements."

Foreign Affairs

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| 45. | Conclusions on implementation of the EU Gender Action Plan II in 2018
<i>Adoption</i> | 13993/19
DEVGEN |
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Statement by Poland

"Poland remains dedicated to respond to the challenges to achieve full equality between women and men. International agreements guide us in this respect, however not all significant issues are addressed by international instruments. As the term "sexual and reproductive health and rights" lacks any internationally recognized definition, Poland interprets its scope in line with the definition restrictions included in the 1994 Programme of Action of the International Conference on Population and Development (section 8.25) and the 1995 Beijing Platform for Action (section 106K)."

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| 46. | Conclusions on Humanitarian assistance and International Humanitarian Law
<i>Adoption</i> | 14077/19 + COR 1
COHAFA
COJUR |
| 47. | EU CFSP Exercises Programme 2019–2023
<i>Approval</i> | 14109/19
CFSP/PESC |
| 48. | ASEM Foreign Ministers Meeting - Draft Chair's Statement
<i>Approval</i> | 14135/19 + COR 1
COASI |
| 49. | 21st EU Annual Report on Arms Exports
<i>Approval</i> | 14166/19
14167/19
+ ADD 1 - 6
COARM |

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| 50. | Crisis Management Concept (CMC) for a civilian CSDP Advisory Mission in the Central African Republic (EUAM RCA)
<i>Adoption</i> | 14136/19
14091/19
13300/19
CIVCOM
CSDP/PSDC |
| 51. | Restrictive measures to combat terrorism - Common Position 2001/931/CFSP - pre-notification of updated statement of reasons
<i>Adoption</i> | 14239/19 + ADD 1
CORLX |
| 52. | Restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine - pre-notifications
<i>Adoption</i> | 14240/19
CORLX |
| 53. | Restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine - pre-notifications
<i>Adoption</i> | 14242/19 + COR 1
CORLX |
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<u>EU positions for international negotiations</u> | | |
| 54. | Council Decision on the EU position on pan-Euro-Mediterranean preferential rules of origin
<i>Adoption</i> | 14037/19
13592/19
UD |
| 55. | Council Decision on the EU position within the WTO General Council regarding the review of the Bali TRQ administration decision
<i>Adoption</i> | 13661/19
13662/19
WTO |
| 56. | Council Decision on the EU position in the Council of Members of the IOC as regards trade standards
<i>Adoption</i> | 14076/19
14078/19
PROBA |

FRIDAY 22 NOVEMBER 2019

Foreign Affairs

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| 57. EU position on the adoption by the Council of Members of the IOC of the IOC Headquarters Agreement
<i>Establishment of the EU position</i> | 14266/19 + ADD 1
PROBA |
| 58. EU and MS statement for the 33rd International Conference of the Red Cross and Red Crescent Movement
<i>Adoption</i> | 14316/19 + COR 1
COHAFA
COJUR |
| 59. Compilation of EU and MS pledges for the 33rd International Conference of the Red Cross and Red Crescent Movement
<i>Adoption</i> | 14324/19
14367/19
COJUR |
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