



Brussels, 8 January 2020
(OR. en)

5085/20
CRS CRP 1

SUMMARY RECORD

PERMANENT REPRESENTATIVES COMMITTEE

4 and 6 December 2019

I. Adoption of the agenda

14384/19 OJ CRP1 42

14748/1/19 REV 1 OJ CRP2 42 COMIX 567 + CM 5100/19

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)

Employment, Social Policy, Health and Consumer Affairs

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

1. Conclusions on inclusive labour markets: Improving employment of people in a vulnerable position in the labour market
Adoption 14520/19 + COR 1

The Committee prepared this item for the Council.

2. Future of the EU social acquis relating to employment and industrial relations
Policy debate 14340/19

The Committee prepared this item for the Council.

3. Conclusions on a new EU Strategic Framework on Health and Safety at Work: Enhancing the implementation of occupational safety and health in the EU
Adoption 14256/19

The Committee prepared this item for the Council.

4. EMCO Review of the implementation of the Youth Guarantee - key messages
Endorsement 14347/19
+ ADD 1-3

The Committee prepared this item for the Council.

Environment

3. 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 2 December 2019.

Culture/Audiovisual Matters

4. Regulation on Creative Europe 2021-2027
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 26 November 2019.

Youth

5. Regulation on the European Solidarity Corps (ESC) 2021-2027
Preparation for the trilogue 14373/19 + COR 1

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

Education

6. Regulation on Erasmus
Preparation for the trilogue 14409/19

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

Fisheries

7. Regulation on the European Maritime and Fisheries Fund
Preparation for the trilogue 14553/19

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

COREPER (PART 2)

WEDNESDAY 4 DECEMBER 2019

Justice and Home Affairs

24. Regulation of the European Parliament and of the Council on the False and Authentic Documents Online (FADO) system and repealing the Joint Action 98/700/JHA 14397/19
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.

25. Meeting of the Council (Justice and Home Affairs) on 2-3 December 2019: Follow-up

The above-mentioned item was withdrawn.

Economic and Financial Affairs

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

- a) Conclusions on strengthening the European financial architecture for development 13678/3/19 REV 3
Adoption

The Committee prepared this item for the Council, agreed on the draft Council conclusions and agreed to forward them to the Council for adoption.

- b) Council Decisions and Recommendations on the implementation of the Stability and Growth Pact 14176/19
14177/19
Adoption 14178/19
14179/19

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

- c) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

Statement by Germany

"Deutschland unterstützt die Ratsschlussfolgerungen zur strategischen Priorität der Bekämpfung von Geldwäsche und Terrorismusfinanzierung unter Berücksichtigung des nachstehenden Verständnisses vollumfänglich.

Im Hinblick auf Nummer 16 ist aus der Sicht Deutschlands erforderlich, klarstellend auf das Verständnis hinzuweisen, dass die Umsetzung der Richtlinien (EU) 2019/1153 und (EU) 2015/849 in der durch die Richtlinie (EU) 2018/843 geänderten Fassung sowie ihre jeweiligen Auswirkungen aufgrund der Umsetzungen bei neuen Legislativvorschlägen berücksichtigt werden müssen.

Nummer 16 sollte deshalb wie folgt verstanden werden:

Die Kommission soll bei der Unterbreitung von Legislativvorschlägen auch die Auswirkungen der Richtlinie (EU) 2019/1153 zur Festlegung von Vorschriften zur Erleichterung der Nutzung von Finanz- und sonstigen Informationen für die Verhütung, Aufdeckung, Untersuchung oder Verfolgung bestimmter Straftaten und zur Aufhebung des Beschlusses 2000/642/JI des Rates sowie der Richtlinie (EU) 2015/849 zur Verhinderung der Nutzung des Finanzsystems zum Zwecke der Geldwäsche und der Terrorismusfinanzierung, zur Änderung der Verordnung (EU) Nr. 648/2012 des Europäischen Parlaments und des Rates und zur Aufhebung der Richtlinie 2005/60/EG des Europäischen Parlaments und des Rates und der Richtlinie 2006/70/EG der Kommission in der Fassung der Richtlinie (EU) 2018/843 Änderung der Richtlinie (EU) 2015/849 zur Verhinderung der Nutzung des Finanzsystems zum Zwecke der Geldwäsche und der Terrorismusfinanzierung und zur Änderung der Richtlinien 2009/138/EG und 2013/36/EU, jeweils einschließlich der Auswirkungen der jeweiligen Umsetzungen in nationales Recht, berücksichtigen.

Diese Klarstellung ist notwendig um sicherzustellen, dass Nummer 16 der Ratsschlussfolgerungen explizit im Lichte von Nummer 2 verstanden wird."

Courtesy translation

"Germany fully supports the council conclusions on strategic priorities on anti--money laundering and countering the financing of terrorism considering the following understanding.

Regarding para. 16 clarification is needed from GER's perspective that the transposition of directive (EU) 2019/1153 and (EU) 2015/849 in the modified version of directive (EU) 2018/843 as well as the impact resulting from their implementation have to be taken into account when proposing new legislative acts.

Para. 16 should therefore be understood as follows:

When proposing legislative acts the Commission has also to take into account the impact of the Directive (EU) 2019/1153 of the European Parliament and of the Council of June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA and the Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC, including the impact of the transposition into national law.

The purpose of this clarification would be to ensure consistency of paragraph 16 of the Council conclusions with the context referred to in paragraph 2."

27. Council Implementing Decision authorising the United Kingdom to continue to apply a VAT derogation in relation to certain hired or leased cars
Preparation for the adoption

14634/1/19 REV 1

The Committee agreed on the draft Council Implementing Decision and agreed to forward it to the Council for adoption.

General Affairs

29. Meeting of the Council (General Affairs) on 10 December 2019:
Preparation

- a) Multiannual Financial Framework 2021-2027
Policy debate

14518/19 + COR 1

The Committee prepared this item for the Council.

Foreign Affairs

30. Meeting of the Council (Foreign Affairs) on 9 December 2019:
Preparation

- a) Current Affairs

The Committee prepared this item for the Council.

- b) EU-Africa relations, with a view to preparations for the forthcoming EU-AU ministerial and summit-level meetings
Exchange of views

The Committee prepared this item for the Council.

- c) Promoting and protecting human rights in the world, particularly in view of the Human Rights Day
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.

General Affairs

29. Meeting of the Council (General Affairs) on 10 December 2019: Preparation

- b) Preparation of the European Council on 12-13 December 13905/19
2019: Conclusions
Exchange of views

The Committee discussed the draft conclusions.

- c) European Council follow-up
State of play

The Committee prepared this item for the Council.

- d) European Semester 2020 - Roadmap 12642/19
Presentation by the incoming Presidency

The Committee prepared this item for the Council.

- e) (poss.) Legislative programming - Commission's Work 14612/19
Programme for 2020 and multiannual programming
Exchange of views

The Committee prepared this item for the Council.

- f) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

FRIDAY 6 DECEMBER 2019

Economic and Financial Affairs

81. Regulation on Sustainable Finance - taxonomy *Debriefing of the trilogue*

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

IV. Any other business

COREPER (PART 1)

Roadmap for the European Semester 2020

12642/19

Presentation by the Presidency and the incoming Presidency

The Presidency and the incoming Presidency informed about the Roadmap for the European Semester 2020.

COREPER (PART 2)

Benin

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

Preparation of the Euro Summit

The Committee was informed on the preparations of the Euro Summit.

"I" items approved

COREPER (PART 1)

Institutional Affairs

Written questions

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| 8. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 14635/19
PE-QE |
| a) | Izaskun Bilbao Barandica (Renew)
"Climate change, road transport and TEN-T investments" | 14432/19 |
| b) | Patrick Breyer (Verts/ALE)
"Restricted communications data retention" | 13826/19 |
| c) | Leopoldo López Gil (PPE)
"EU response to human rights violations in Venezuela" | 13878/19 |

Other

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| 9. | List of Working Parties officially organised in Croatia under the Croatian Presidency (first half of 2020)
<i>Information note for the Permanent Representatives Committee (Part I)</i> | 13604/19
POLGEN |
| 10. | Appointment of the Chairperson of a Board of Appeal of the European Union Intellectual Property Office (EUIPO)
<i>Approval of a letter</i> | 14589/19
PI |

Transport

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| 11. | Council Decision on the conclusion of an Agreement with China on civil aviation safety
<i>Request for the consent of the European Parliament</i> | 11022/19
14185/19
9702/18
AVIATION |
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Statement by the Commission

"The Commission attaches great importance to the continuity of the application of the Bilateral Aviation Safety Agreements. Consequently, it commits to consult the Member States prior to taking action in the situations referred to in Article 5 of the Council Decision as is the practice under the existing Bilateral Aviation Safety Agreements."

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| 12. | Council Decision on the conclusion of the Euro-Mediterranean
Aviation Agreement with Jordan
<i>Request for the consent of the European Parliament</i> | 13828/19
14209/19
14366/10
AVIATION |
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Statement by Spain

"España declara que la aprobación de esta Decisión no modifica su posición legal en la disputa sobre la soberanía sobre el territorio en el que está situado el Aeropuerto de Gibraltar. España recuerda que el 20 de noviembre de 2012 comunicó a la Comisión que ya no consideraba en vigor la Declaración de Córdoba, por lo que, a partir de esa fecha, no podía considerar aceptable que se siguiera haciendo referencia en la reglamentación de la Unión Europea en materia de aviación civil a la Declaración Ministerial de 18 de septiembre de 2006 sobre el Aeropuerto de Gibraltar (Declaración de Córdoba) y solicitaba, en consecuencia, que en las propuestas de nueva reglamentación se volviese a la situación anterior a 18 de septiembre de 2006."

Courtesy translation

"Spain declares that the approval of this Decision does not change its legal position in the sovereignty dispute over the territory on which the Gibraltar Airport is located. Spain calls attention to the fact that on 20 November 2012 it notified the Commission that it no longer considered the Cordoba Statement to be in force, and that, therefore, as of that date, Spain could not consider it acceptable for EU regulations on civil aviation to continue referring to the Ministerial Statement of 18 September 2006 on the Airport of Gibraltar (Cordoba Statement) and, consequently, Spain requested that proposals for new regulations refer to the situation prior to 18 September 2006."

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| 13. | Council Decision on the conclusion of the Common Area
Aviation Agreement with Moldova
<i>Request for the consent of the European Parliament</i> | 13823/19
14205/19
8185/12
AVIATION |
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Statement by Spain

"España declara que la aprobación de esta Decisión no modifica su posición legal en la disputa sobre la soberanía sobre el territorio en el que está situado el Aeropuerto de Gibraltar. España recuerda que el 20 de noviembre de 2012 comunicó a la Comisión que ya no consideraba en vigor la Declaración de Córdoba, por lo que, a partir de esa fecha, no podía considerar aceptable que se siguiera haciendo referencia en la reglamentación de la Unión Europea en materia de aviación civil a la Declaración Ministerial de 18 de septiembre de 2006 sobre el Aeropuerto de Gibraltar (Declaración de Córdoba) y solicitaba, en consecuencia, que en las propuestas de nueva reglamentación se volviese a la situación anterior a 18 de septiembre de 2006."

Courtesy translation

"Spain declares that the approval of this Decision does not change its legal position in the sovereignty dispute over the territory on which the Gibraltar Airport is located. Spain calls attention to the fact that on 20 November 2012 it notified the Commission that it no longer considered the Cordoba Statement to be in force, and that, therefore, as of that date, Spain could not consider it acceptable for EU regulations on civil aviation to continue referring to the Ministerial Statement of 18 September 2006 on the Airport of Gibraltar (Cordoba Statement) and, consequently, Spain requested that proposals for new regulations refer to the situation prior to 18 September 2006."

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| 14. | Council Decision on the conclusion of the EU-Moldova Agreement concerning the Croatia Protocol
<i>Request for the consent of the European Parliament</i> | 13909/1/19 REV 1
7047/15
7048/15
AVIATION |
| 15. | Council Decision on the conclusion of the Euro-Mediterranean Aviation Agreement with Israel
<i>Request for the consent of the European Parliament</i> | 13825/19
14207/19
16828/12 + COR 2
AVIATION |

Statement by Spain

"España declara que la aprobación de esta Decisión no modifica su posición legal en la disputa sobre la soberanía sobre el territorio en el que está situado el Aeropuerto de Gibraltar. España recuerda que el 20 de noviembre de 2012 comunicó a la Comisión que ya no consideraba en vigor la Declaración de Córdoba, por lo que, a partir de esa fecha, no podía considerar aceptable que se siguiera haciendo referencia en la reglamentación de la Unión Europea en materia de aviación civil a la Declaración Ministerial de 18 de septiembre de 2006 sobre el Aeropuerto de Gibraltar (Declaración de Córdoba) y solicitaba, en consecuencia, que en las propuestas de nueva reglamentación se volviese a la situación anterior a 18 de septiembre de 2006."

Courtesy translation

"Spain declares that the approval of this Decision does not change its legal position in the sovereignty dispute over the territory on which the Gibraltar Airport is located. Spain calls attention to the fact that on 20 November 2012 it notified the Commission that it no longer considered the Cordoba Statement to be in force, and that, therefore, as of that date, Spain could not consider it acceptable for EU regulations on civil aviation to continue referring to the Ministerial Statement of 18 September 2006 on the Airport of Gibraltar (Cordoba Statement) and, consequently, Spain requested that proposals for new regulations refer to the situation prior to 18 September 2006."

Fisheries

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| 16. | Council Decision authorising the opening of negotiations for a Sustainable Fisheries Partnership Agreement (SFPA) and Protocol with Denmark and Greenland
<i>Adoption</i> | 13912/19
14158/19 + ADD 1
PECHE |
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Delegated or Implementing Acts

Internal Market and Industry

17. Commission Regulation (EU) .../... of XXX amending
Regulation (EC) No 1126/2008 adopting certain international
accounting standards in accordance with Regulation (EC)
No 1606/2002 of the European Parliament and of the Council as
regards International Accounting Standards 39, International
Financial Reporting Standards 7 and 9
Decision not to oppose adoption 14396/19
13879/19 + ADD 1
DRS
18. Commission Delegated Regulation (EU) .../... of 29.10.2019
amending Regulation (EC) No 1272/2008 of the
European Parliament and of the Council on classification,
labelling and packaging of substances and mixtures
as regards information relating to emergency health response
Delegated act - Intention not to raise objections 14466/19
13598/19 + ADD 1
COMPET

Statement by Germany

"Deutschland geht davon aus, dass die deutsche Sprachfassung des Rechtsaktes und des Anhangs wie nachstehend aufgeführt geändert wird.

Dokument [...]“(13598/19):

Die Begründung wird unter „2. Konsultationen vor Erlass des Rechtsakts“ in Absatz 8 wie folgt geändert:

In Satz 2 wird das Wort „anzumeldendes“ durch das Wort „mitteilungspflichtiges“ und das Wort „angemeldet“ durch das Wort „mitgeteilt“ ersetzt.

In Satz 3 wird das Wort „angemeldet“ durch das Wort „mitgeteilt“ ersetzt und das Wort „Anmeldung“ durch das Wort „Mitteilung“ ersetzt.

In Satz 4 wird das Wort „Anmeldungen“ durch das Wort „Mitteilungen“ ersetzt und das Wort „angemeldet“ durch das Wort „mitgeteilt“ ersetzt.

Der Rechtsakt wird in Artikel 1 Absatz 2 wie folgt geändert:

Die Wörter „dafür optieren,“ werden gestrichen und das Wort „darzustellen“ wird durch das Wort „darstellen“ ersetzt.

Dokument [...], ANNEX“ (13598/19 ADD 1):

In Punkt (2) (b) wird das Wort „Bezeichnung“ durch das Wort „Name“ ersetzt und das Wort „beschaffen“ durch das Wort „erhalten“ ersetzt.

In Punkt (2) (d) wird das Wort „gegebenenfalls“ durch die Wörter „falls verfügbar,“ ersetzt, das Wort „gelieferten“ durch die Wörter „in Verkehr gebrachten“ ersetzt und die Wörter „wird dies begründet“ durch die Wörter „sind die Gründe dafür anzugeben“ ersetzt.

In Punkt (2) (i) wird das Wort „vorhanden“ durch das Wort „verfügbar“ ersetzt.

In Punkt (2) (n) werden die Wörter „einer der Gefahrenkategorien gemäß Abschnitt 3.4.1 aufgeführt“ durch die Wörter „eine der im Abschnitt 3.4.1 angeführten Gefahrenkategorien eingestuft“ ersetzt.

In Punkt (3) (a) wird in der Überschrift das Wort „Bezeichnung“ durch das Wort „Identifizierung“ ersetzt.

In Punkt (3) (b) wird im 2. Anstrich das Wort „gegebenenfalls“ durch die Wörter „falls verfügbar“ ersetzt, das Wort „gelieferten“ durch die Wörter „in Verkehr gebrachten“ ersetzt und die Wörter „wird dies begründet“ durch die Wörter „sind die Gründe dafür anzugeben“ ersetzt."

Courtesy translation

"Germany assumes that the German version of the documents will be corrected as follows:

Document „C(2019) 7611 final“ (13598/19):

The statement of reasons under point 2. is cahnged in para 8 (page 2) as follows:

- in the 2nd sentence the expression „anzumeldendes“ is replaced by the expression „mitteilungspflichtiges“ and the expression „angemeldet“ is replaced by the expression „mitgeteilt“.
- in the 3rd sentence the expression „angemeldet“ is replaced by the expression „mitgeteilt“ and the expression „Anmeldung“ is replaced by the expression „Mitteilung“.
- in the 4th sentence the expression „Anmeldungen“ is replaced by the expression „Mitteilungen“ and the word „angemeldet“ is replaced by the word „mitgeteilt“.

The legal act is corrected in Artikel 1 Absatz 2 as follows:

The words „dafür optieren,“ are deleted and the expression „darzustellen“ is replaced by the expression „darstellen“.

Document „C(2019) 7611 final, ANNEX“ (13598/19 ADD 1):

In Point (2) (b) the expression „Bezeichnung“ is replaced by the expression „Name“ and the expression „beschaffen“ is replaced by the expression „erhalten“.

In Point (2) (d) the expression „gegebenenfalls“ is replaced by the expression „falls verfügbar,“ the expression „gelieferten“ is replaced by the words „in Verkehr gebrachten“ and the words „wird dies begründet“ are replaced by the words „sind die Gründe dafür anzugeben“.

In Point (2) (i) the expression „vorhanden“ is replaced by the expression „verfügbar“.

In Point (2) (n) the words „einer der Gefahrenkategorien gemäß Abschnitt expression.4.1 aufgeführt“ are replaced by the words „eine der im Abschnitt 3.4.1 angeführten Gefahrenkategorien eingestuft“.

In Point (3) (a) in the heading, the expression „Bezeichnung“ is replaced by the expression „Identifizierung“.

In Point (3) (b) in the 2. intend the expression „gegebenenfalls“ is replaced by the words „falls verfügbar“, the expression „gelieferten“ is replaced by the words „in Verkehr gebrachten“ and the words „wird dies begründet“ are replaced by the words „sind die Gründe dafür anzugeben“."

Agriculture

19. Commission Regulation (EU) .../... of XXX establishing a list of intended uses of feed intended for particular nutritional purposes and repealing Directive 2008/38/EC
Decision not to oppose adoption

14602/19
13841/19 + ADD 1
AGRILEG

COREPER (PART 2)

WEDNESDAY 4 DECEMBER 2019

Judicial Affairs

31. Case C-662/19 P, Appeal brought by NRW.Bank against the judgement delivered on 26 June 2019 by the General Court (Eighth Chamber) in Case T-466/16
Information note for the Permanent Representatives Committee (Part 2) 14561/19
JUR

Institutional Affairs

Appointments

32. Renewal of the Committee of the Regions 2020-2025
Adoption 14327/19
14233/19
CDR

Transparency

33. Public access to documents
Confirmatory application No 33/c/01/19
Adoption 13354/19
INF
API
34. Public access to documents
Confirmatory application No 34/c/02/19
Adoption 13555/19
INF
API
35. Public access to documents
Confirmatory application No 36/c/01/19
Adoption 13650/19
INF
API
36. Public access to documents
Confirmatory application No 37/c/02/19
Adoption 13656/19
INF
API

Economic and Financial Affairs

37. Macro-financial assistance to the Hashemite Kingdom of Jordan
Decision
Confirmation of the final compromise text with a view to agreement 14565/19 + COR 1
11988/19 + ADD 1
ECOFIN
RELEX
38. ECA SR No 21/2019 on antimicrobial resistance in the animal sector
Designation of a Working Party 14539/19
FIN

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| 39. | Transfer No DEC 26/2019 (Section III - Commission)
<i>Approval</i> | 14663/19
FIN |
| 40. | Decision on the mobilisation of the EGF (EGF/2019/001
BE/Carrefour) and Transfer No DEC 18/2019 (Section III -
Commission) | 14673/19
FIN |
| 41. | CCP Recovery and Resolution Regulation
<i>Mandate for negotiations with the European Parliament</i> | 14540/19 + ADD 1
EF |

General Affairs

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| 42. | Multiannual Financial Framework 2021-2027 - Letter to the EP
<i>Approval of a letter</i> | 14556/19
CADREFIN |
| 43. | EP Resolutions and decisions (November II 2019) | 13544/19
PE-RE |
| 44. | Council Decision on the update of the population figures of the
Union
<i>Adoption</i> | 14639/19
14588/19
14666/19
JUR |
| 45. | Conclusions on ECA Report No 13/2019 on ethical frameworks
of the audited EU institutions
<i>Adoption</i> | 14548/19
STAT |
| 46. | EU Common Position on Chapter 4, Serbia
<i>Adoption</i> | 14633/19
ELARG |
| 47. | Enlargement - Accession negotiations with Montenegro
Fulfilment of opening benchmarks on Chapter 8
<i>Adoption</i> | 14781/19
ELARG |
| 48. | Conclusions on Commission Opinion on Bosnia and
Herzegovina's application for membership of the European
Union
<i>Adoption</i> | 14631/19
ELARG
COWEB |
| 61. | Conclusions on building a sustainable Europe by 2030
<i>Adoption</i> | 14626/19
SUSTDEV |

Justice and Home Affairs

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| 49. | Regulation amending Regulation (EC) No 862/2007 on statistics on migration and international protection
<i>Confirmation of the final compromise text with a view to agreement</i> | 14597/19
13193/19
MIGR |
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Joint statement by Malta and Slovakia

"We acknowledge the efforts of the Presidency to reach a compromise with the European Parliament on the draft Regulation of the European Parliament and of the Council amending Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection. However, we cannot accept the compromise as stated in document 14597/19.

Our concerns on this draft regulation, as already expressed during several Council Working Parties on Statistics, and during COREPER of 20 November 2019 and also through the silence procedure that was launched, have not been addressed. The lack of real and relevant justification for the additional data and their added value for policy making persists, and the double-reporting problem has not been adequately catered for but left unclear. Furthermore, the change to recital 11, wherein requesting the prioritization of the inclusion of data requirements in the legal architecture of the regulation, has exacerbated our problem on the process since this is enabling the circumvention of an appropriate impact assessment vis-à-vis their policy-needs and creating unsubstantiated high resource and administrative constraints for Member States."

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| 50. | Schengen evaluation Recommendation - Poland visa policy
<i>Adoption</i> | 14648/19
14647/19
SCH-EVAL |
| 51. | Schengen evaluation Recommendation - Greece external border
<i>Adoption</i> | 14652/19
14651/19
SCH-EVAL |
| 52. | Schengen evaluation Recommendation - Estonia external border
<i>Adoption</i> | 14655/19
14654/19
SCH-EVAL |
| 53. | Schengen evaluation Recommendation - Czech Republic external border
<i>Adoption</i> | 14660/19
14659/19
SCH-EVAL |
| 54. | Schengen evaluation Recommendation - Czech Republic data protection
<i>Adoption</i> | 14662/19
14661/19
SCH-EVAL |

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| 55. | Accession by Nicaragua to the 1965 and 2007 Hague Conventions
<i>Adoption</i> | 13380/19
JUSTCIV |
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Joint statement by Czechia, France and Germany

"Czechia, France and Germany abstain from a vote on an EU recommendation to the accession of Nicaragua to the Hague Convention of 1965 on the Service of Documents (Hague Service Convention).

Czechia, France and Germany have remaining doubts whether a recommendation for a line to be taken by the Council of the European Union with regard to the accession of Nicaragua to this convention as laid down in Document 13380/19 is necessary and correct. It implicitly states that the European Union has exclusive external competence in this field of law, which is doubtful at least in the light of the discussions within the Council.

It is therefore important that a Council recommendation is limited to the matters the EU has external competences already accepted by the Member States, which it is not in the current text.

In this form the recommendation will serve as an undesirable precedent for any other accessions to the Hague Service Convention and other measures of the European Union that aim to regulate comparable subject matters, where exclusive external competence of the European Union could play a role but has not yet agreed upon by the Member States. Czechia, France and Germany do not support such a development."

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| 56. | Appointment of the European Data Protection Supervisor (EDPS)
<i>Adoption</i> | 14302/19 + COR 1
13951/19
EDPS |
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Foreign Affairs

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| 57. | 17th EU-Kyrgyz Republic Cooperation Council (Brussels, 9 December 2019)
<i>Establishment of the EU position</i> | 14387/19
COEST |
| 58. | 8th EU-Tajikistan Cooperation Council (Brussels, 10 December 2019)
<i>Establishment of the EU position</i> | 14388/19
COEST |
| 59. | Conclusions on the EU Arctic policy
<i>Adoption</i> | 14636/19
COEST |
| 60. | Council Decision on the conclusion of the Agreement amending the trade preferences for poultry meat and poultry meat preparations provided for by the Association Agreement with Ukraine
<i>Adoption</i> | 14637/19
10720/19
COEST |

62.	Conclusions on DRC <i>Adoption</i>	14106/19 COAFR
63.	Conclusions on Sudan <i>Adoption</i>	14557/19 COAFR
65.	Council Decision on the conclusion of an Agreement on the allocation of the TRQ for non-hormone Beef imports from the US <i>Adoption</i>	14617/19 10681/19 + COR 2 10678/19 + COR 1 + COR 2 WTO
66.	Conclusions on the implementation of the Civilian CSDP Compact <i>Adoption</i>	14610/19 CIVCOM CSDP/PSDC
67.	PSC Decision EUTM Mali/2/2019 - appointment of EU Mission Force Commander <i>Decision to publish in the Official Journal</i>	14010/19 13880/19 PSC DEC
68.	PSC Decision EUBAM Libya/1/2019 - extension of the mandate of the Head of Mission <i>Decision to publish in the Official Journal</i>	14551/19 13959/19 PSC DEC
69.	Council Decision on the European Union CSDP Advisory Mission in the Central African Republic (EUAM RCA) <i>Adoption</i>	14578/1/19 REV 1 14263/19 CORLX
70.	Council Decision in support of strengthening biological safety and security in Latin America in line with the implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery <i>Adoption</i>	14638/19 14414/19 CORLX
71.	Council Decision in support of OPCW on the destruction of Syrian chemical weapons - no-cost extension <i>Adoption</i>	14687/19 14476/19 CORLX
72.	Council Decision in support of SEESAC disarmament and arms control activities in South East Europe - budget <i>Adoption</i>	14690/19 14437/19 CORLX
73.	Council Decision in support of SEESAC disarmament and arms control activities in South East Europe - no-cost extension <i>Adoption</i>	14691/19 14537/19 CORLX

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| 74. | Egypt restrictive measures - pre-notifications
<i>Adoption</i> | 14754/19
CORLX |
| 75. | Written contribution of the European Union on the draft guidelines on provisional application of treaties as well as on the draft model clauses
<i>Endorsement</i> | 14697/19 R-UE
COJUR |
| 76. | Council Decision authorising the opening of negotiations to amend the International Sugar Agreement, 1992
<i>Adoption</i> | 14370/19
14380/19
PROBA |

EU positions for international negotiations

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| 77. | Council Decision on the EU position on the Harmonization of Frontier Controls of Goods
<i>Adoption</i> | 14101/19
14067/19
UD |
| 78. | Council Decision on the EU position in Ghana-EU EPA Committee regarding adoption of Protocol 1 (Rules of origin)
<i>Adoption</i> | 14534/19
12184/19
ACP |
| 79. | Council Decision on the EU position regarding the adoption of the Rules of Procedure of the EU-Armenia Partnership Council and other bodies established under EU-Armenia CEPA - CFSP legal basis
<i>Approval</i> | 14146/19
11977/19
COEST |

Statement by the Commission

"The Commission welcomes the adoption of the Council Decision on the position to be adopted on behalf of the European Union in the Partnership Council established by the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part, as regards the adoption of decisions on the rules of procedure of the Partnership Council, the Partnership Committee and those of specialised subcommittees or any other body.

However, the Commission maintains its view that the substantive Common Foreign and Security Policy ('CFSP') legal basis introduced by the Council in the Decision is legally incorrect, in particular given that it departs from the application of the predominance test for the determination of the legal basis of Union acts that concern international agreements, as reaffirmed by the Court in case C-244/17 Commission v Council (Kazakhstan). The Commission considers that there is no basis in the Court's case law to consider that even if the CFSP provisions are separable from, and not inextricably linked to the non-CFSP provisions, they should be treated as free standing, rather than ancillary, and therefore requiring the inclusion of a separate legal basis.

On the contrary, in accordance with the long-standing case law of the Court of Justice, the choice of the legal basis of a Union measure is to be made on the basis of the centre of gravity test that requires the examination of the aim and content, as well as context of the international instrument. According to this test, the single legal basis of EU measures is the rule, while multiple legal bases are an exception¹. Moreover, the measure must be founded on multiple legal bases if it is established that the measures simultaneously pursue a number of objectives, or have several components, which are inextricably linked without one being incidental to the other. It is equally noted that it is not the procedure that defines the legal basis of a measure but the legal basis of a measure that determines the procedure to be followed in adopting it².

The main objective and content of the envisaged Comprehensive and Enhanced Partnership Agreement ('CEPA') relates to trade, development cooperation and transport. The limited number of CFSP provisions are not such as to constitute a distinct aim or component so as to require an additional legal basis. Rather, they are incidental to the CEPA predominant component. What is more, the number and nature of CEPA's CFSP provisions are comparable to those of the Agreement with Kazakhstan and of other agreements on which decisions based on non-CFSP legal bases were adopted after the Kazakhstan judgment. Therefore, the CFSP provisions of CEPA do not constitute a distinct component and/or aim and the legal bases of the Council Decision should be Articles 91, 100(2), 207 and 209 in conjunction with Article 218(9) TFEU.

Following the Council's interpretation the measure would also be based on Article 37 TEU merely because it touches on CFSP matters that are allegedly separable, which would amount to rendering devoid of substance the principles set out in the Court ruling in case C-244/17 *Commission v Council (Kazakhstan)*. Given that the latter judgment was rendered after the Council Decision on the signing and provisional application of the Agreement had been adopted (see Council Decision 2018/104 of 20 November 2017), the fact that that Council Decision was based also on Article 37 TEU is no longer of relevance.

The Commission reserves all its rights."

¹ See most recently Case C-244/17 *Commission v. Council ('Kazakhstan')* ECLI:EU:C:2018:662, paras 36-7.

² Case C-130/10, *European Parliament v. Council* ECLI:EU:C:2012:472, para. 80 and Case C-658/11 *European Parliament v Council ('Mauritius')*, para. 58.

Statement by the Czech Republic

"The Czech Republic would like to reiterate its full political support for the implementation of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part and the Republic of Armenia, of the other part (EU-Armenia CEPA) and more specifically for the adoption of the Rules of Procedure of the EU-Armenia Partnership Council and other bodies established under CEPA.

Nevertheless, as far as internal legal matters of the Union are concerned, in light of the Kazakhstan judgement of the Court of Justice of the EU (C-244/17), the Czech Republic perceives as legally incorrect to make use of Art. 37 TEU as a legal basis for one of the Council Decisions in question. The Czech Republic therefore cannot vote in favour of adoption of the said Decision and has decided to be constructive and abstain.

Finally, the Czech Republic reserves its right to consider any further legal steps in possible future legal proceedings brought before the Court of Justice of the EU in this regard."

Statement by Hungary

"Without questioning the political importance of the implementation of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part and the Republic of Armenia, of the other part (EU-Armenia CEPA), Hungary wishes to express its reservations with regard to the adoption of two separate decisions on the EU position regarding the adoption of the Rules of Procedure of the EU-Armenia Partnership Council and other bodies established under EU-Armenia CEPA.

Hungary maintains its position expressed at Coreper on 9 October 2019 and thus abstains."
