



Brussels, 8 February 2019
(OR. en, fr)

6239/19
CRS CRP 3

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
23, 25 and 28 January 2019

I. Adoption of the agenda

5527/19 OJ CRP1 3 + COR 1 + ADD 1
5539/2/19 REV 2 OJ CRP2 3 COMIX 29 + CM 1411/19

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)

WEDNESDAY 23 JANUARY 2019

Internal Market and Industry

2. Goods package: Regulation on market surveillance and compliance

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 17 January 2019.

3. Regulation on explosives precursors

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 21 January 2019.

4. Directive on digital tools and process in company law
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 17 January 2019.

Transport

5. Directive amending Directive 92/106/EEC on common rules of combined transport of goods 5394/19
Preparation for the trilogue

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

6. Regulation on the Connecting Europe Facility (CEF)
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 22 January 2019.

Employment and Social Policy

7. Revision of Directive on carcinogens or mutagens at work (third batch) 5466/19
Presidency debriefing on the outcome of the trilogue
Preparation for the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 16 January 2019.

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

8. Regulation on establishing a European Labour Authority
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 15 January 2019.

Fisheries

9. Regulation amending certain provisions for fishing in the
General Fisheries Commission for the Mediterranean (GFCM)
Agreement area

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 22 January 2019.

10. Regulation on a multiannual recovery plan for Mediterranean
swordfish

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 22 January 2019.

Internal Market and Industry

11. Regulation on platforms-to-business relations 5382/19
Preparation for the trilogue

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

FRIDAY 25 JANUARY 2019

Environment

12. Regulation on CO2 standards for heavy-duty vehicles
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 22 January 2019.

Employment and Social Policy

13. 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 15 January 2019.

60. Directive on Work-Life Balance
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 24 January 2019.

14. Directive on transparent and predictable working conditions 5408/19
Presidency debriefing on the outcome of the trilogue
Preparation for the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 15 January 2019.

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

Transport

15. Directive amending Directive 2008/96/EC on road infrastructure safety management
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 23 January 2019.

16. Directive on the promotion of clean and energy-efficient road transport vehicles
Mandate for negotiations with the European Parliament

5351/19

The Committee agreed on a mandate for the first trilogue.

Statement by the Czech Republic

"Czechia fully recognizes the fact that decarbonisation of the transport sector is one of the main challenges this sector is facing. From the long-term perspective, there is a need to strive for zero-emission mobility. However, from the beginning of the negotiation of this Directive Proposal, we have had serious concerns about the Commission's approach to amend Directive 2009/33/EU.

We are persuaded that **the Commission did not properly take into account specific situation in area of clean mobility in the individual EU Member States** and current European legislative framework on the development of alternative fuels. Unfortunately, this **proposal is not fully in line with the key principle of technological neutrality, as it does not give the Member States enough possibility to use the CNG technology** to gradually reach the objectives of the Directive when it comes to light-duty vehicles.

While Czechia is fully aware of the fact that natural gas might not be as clean as some other alternatives from the emission-point of view, we are convinced that CNG has its potential to significantly contribute to low-emission mobility both in freight and passenger road transport.

It is undeniable that there are visible trends in Europe making natural gas more sustainable, namely the 2030 vision of European gas industry aiming at 30% share of renewable gas used in cars powered by gas. In addition, Czechia is ready to go even further. In this respect it is important to stress that biomethane is a carbon neutral fuel while representing an excellent example of circular economy when bio-waste can be used for producing fuel. **Therefore, Czechia is disappointed that the current definition of the clean light-duty vehicle based on tailpipe emissions approach does not enable to consider potential of the renewable gas.**

We also regret that with this **Directive Proposal we miss the opportunity to use all potential synergies that have been offered by the Directive 2014/94/EU on deployment of infrastructure for alternative fuels.** On the ground of the minimum infrastructure of CNG refuelling stations that have been already deployed, the market of the CNG vehicles in Czechia has been successfully developed and there might be a perspective of its further growth. From that perspective, we are convinced that it is better to improve the environment (especially as regards air quality) on step-by-step basis than to wait until the zero-emission mobility would become a reality.

Furthermore, Czechia has serious concerns about **the methodology chosen by the Commission to set up minimum procurement targets.** This methodology does not take into account particularities of the individual EU Member States, especially when it comes to different starting position in the development of the respective market of zero-emissions vehicles. Proposed targets seem to be questionable especially bearing in mind a lot of uncertainties with the current market of zero-emissions vehicles, in particular regarding prices of these vehicles. In this respect, we should not forget that prices of CNG vehicles are, at least for time being, much lower than zero-emission vehicles.

Since neither the Commission nor the Presidencies were willing to tackle those above-mentioned concerns, **Czechia is forced to vote against the decision of the Council to give the mandate to the Presidency to start the negotiation with the Parliament on this Directive Proposal.** We hope that our concerns expressed will be adequately addressed during the forthcoming negotiations between the Council and the European Parliament."

5. (continuation) Directive amending Directive 92/106/EEC on common rules of combined transport of goods
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 24 January 2019.

17. Regulation amending Regulation 391/2009 to prepare for "Brexit" (maritime transport/shipping inspections) 5352/19
Presidency debriefing on the outcome of the trilogue
Analysis of the final compromise text with a view to agreement

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 21 January 2019.

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.

18. Regulation establishing a European Maritime Single Window environment
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 21 January 2019.

Telecommunications

19. Directive on the re-use of public sector information (PSI)
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 22 January 2019.

Research

20. Regulation establishing Horizon Europe - Framework Programme 5315/19
Preparation for the trilogue

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

COREPER (PART 2)

WEDNESDAY 23 JANUARY 2019

Justice and Home Affairs

28. Regulation amending the European Border and Coast Guard Regulation
Guidance for further work 5358/19

The Committee provided guidance for further work on the maximum capacity of the standing corps and the executive powers of statutory staff.

29. Amended proposal for the EU Agency for Asylum Regulation (EU) No 439/2010
Mandate for negotiations with the European Parliament 5454/19

The Committee discussed the above-mentioned item and agreed to return to this issue at a forthcoming session.

30. Qualification Regulation
State of play and guidance for further work 5456/19

The Committee discussed the above-mentioned item.

31. Reception Conditions Directive (recast)
State of play and guidance for further work 5458/19

The Committee discussed the above-mentioned item.

Foreign Affairs

32. Meeting of the Council (Foreign Affairs) on 21 January 2019:
Follow-up

The Committee took note of the main outcomes of the Council meeting.

General Affairs

33. IIA on Better Law-Making – International agreements
Guidance for further work

The Committee discussed the above-mentioned item.

34. Relations with the EP (January 2019)
Debriefing

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

35. Free and fair European elections
Presidency debriefing on the outcome of the trilogue
Analysis of the final compromise text with a view to agreement
- 5436/19 + COR 1
+ ADD 1
+ ADD 1 COR 1
+ ADD 1 COR 2
12321/1/18 REV 1
+ REV 1 COR 1

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

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

Statement by Hungary

"Hungary is strongly committed to the European values enshrined in the Treaties and forming part of the European *acquis*. The protection of these fundamental rights, such as the rule of law, freedom of association, freedom of expression and information, the right to vote and to stand as a candidate at elections to the European Parliament are the cornerstones of the democratic system the EU is built on.

Hungary appreciates the efforts made by the co-legislators during the trilogues aiming to create a legal framework that ensures free and fair legal environment for the future European elections. Therefore Hungary can accept the final outcome of these negotiations.

Nevertheless, Hungary would also like to express its view that the final compromise does not fully guarantee the objective of the proposal, hence there is still a risk that the agreed mechanism will not guarantee the full compliance with the principle of subsidiarity and the respect of the procedural rights of the actors concerned. Hungary considers that certain provisions of the agreed text are lacking legal certainty (legal basis, sufficient consideration of the GDPR, detailed procedural guarantees in the process of the committee of eminent persons). Moreover, other provisions should have been included *expressis verbis* in the final text (e.g. concrete reference to the fact that the European Authority can exclusively proceed based on the decision of the competent national authorities in the Member States and avoid the possibility of collecting information based on "other reasonable grounds")."

Justice and Home Affairs

36. (poss.) Amending Regulation 2018/1806 to prepare for Brexit - visa 5430/19
Mandate for negotiations with the European Parliament

The above-mentioned item was withdrawn.

37. Directive on whistleblowers 5453/19
Mandate for negotiations with the European Parliament

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

Statement by Austria

"Austria fully supports the aim of the proposed Directive on the protection of persons reporting on breaches of Union law. Nevertheless Austria would like to emphasize that the proposed Directive according to its recital 74bis should not undermine the protection of trade secrets as regulated by Directive (EU) 2016/943. A strict standard must therefore be applied when assessing whether a disclosure of a trade secret falling in the scope of this Directive is to be considered allowed by Union law according to Article 3(2) of Directive (EU) 2016/943, especially when assessing whether a person had reasonable grounds to believe that the reporting or disclosure was necessary for revealing a breach pursuant to this Directive."

Statement by Bulgaria

"The Republic of Bulgaria supports the aim of the *Directive of the European Parliament and of the Council on the Protection of Persons Reporting on Breaches of Union Law* to improve the system in the areas of the EU sectoral legislation where violations can seriously harm the public interest.

At the same time, we maintain our concerns in view of the mandatory three-tiered reporting system, as we express our preference to provide the reporting persons with enough flexibility in choosing the most appropriate channels for reporting. With regard to the public disclosure we advise more balanced approach as far as the public interest is concerned, taking also into account the complementarity of this Directive to other existing EU instruments, in particular those in the area of financial services.

We hope that the above-stated position will be further accommodated during the negotiations with the European Parliament, thus strengthening the efficiency of the instrument."

Statement by Belgium

"La Belgique reconnaît l'importance de la proposition qui vise à assurer une protection aux lanceurs d'alerte qui dénoncent des infractions au droit de l'Union, et soutient ses objectifs. La Belgique regrette toutefois certains éléments du mécanisme de protection mis en place, et souhaite que ces points puissent être améliorés en cours des futures négociations interinstitutionnelles avec le Parlement européen.

La Belgique soutient ainsi un libre choix du lanceur d'alerte entre le canal de rapportage interne et externe. Nous estimons que cette approche est plus protectrice du lanceur d'alerte, qui est souvent le mieux placé pour évaluer si son signalement devrait être traité au sein de l'entreprise ou par le biais de l'autorité compétente.

Concernant l'obligation pour les entreprises de mettre en place des canaux de rapportage internes, la Belgique regrette que le seuil minimal d'employés qui déclenche cette obligation n'ait pas été revu à la hausse. Nous craignons que cette obligation ne représente une charge trop lourde pour les entreprises de taille moyenne, et aurions préféré un seuil de 250 employés à la place du seuil de 50 employés qui a été retenu."

Statement by Hungary

"Hungary considers that a *Directive on the protection of persons reporting on breaches of Union law*, with a broad material scope covering several areas with different legal bases in the Treaties, should properly reflect all legal bases in accordance with the applicable rules. In this regard, Hungary fully shares the analysis of the Council Legal Service as set out in doc. 14620/18.

Moreover, as regards the definition of "worker" in Article 2 (1) a) of the draft Directive, Hungary finds it necessary to follow a consistent approach by paying attention to the various definitions in other ongoing legislative files such as the Proposal for a Directive on transparent and predictable working conditions in the European Union as well as the Proposal for a Directive on work-life balance for parents and carers and repealing Council Directive 2010/18/EU."

38. Directive on law enforcement access to financial information 5464/19
Preparation for the trilogue

The Committee held an exchange of views and agreed to return to this issue at its next session.

Economic and Financial Affairs

39. Meeting of the Council (Economic and Financial Affairs) on
22 January 2019: Follow-up

The Committee took note of the main outcomes of the Council meeting.

40. Meeting of the Council (Economic and Financial Affairs) on
12 February 2019: Agenda

The Presidency presented the main items on the agenda.

MONDAY 28 JANUARY 2019

Foreign Affairs

54. Conclusions on Iran
Adoption

5748/19
MOG

The Committee held an exchange of views and agreed to return to this issue at its next session.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

Name agreement between Greece and the former Yugoslav Republic of Macedonia

The Committee took note of the information provided by the Greek delegation.

"I" items approved**COREPER (PART 1)****WEDNESDAY 23 JANUARY 2019****Institutional Affairs****Written questions**

- | | | |
|-----|--|------------------|
| 21. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 5400/19
PE-QE |
| a) | Bodil Valero (Verts/ALE)
'Council decision on launching a "common defence" policy' | 5294/19 |
| b) | Kostadinka Kuneva (GUE/NGL)
'How does Frontex protect migrants from abuse by traffickers?' | 15362/18 |
| c) | Margot Parker (EFDD)
'Sexual harassment' | 15122/18 |
| d) | Dariusz Rosati (PPE)
'Black and grey lists of tax havens in the context of Brexit' | 15588/18 |
| e) | Jörg Meuthen (EFDD)
'Cost of the Council Presidencies' | 15589/18 |
| f) | Marie-Christine Arnautu (ENF)
'A European defence system under US supervision' | 15586/18 |

Appointments

- | | | |
|-----|--|-----------------|
| 22. | One member (SE) in the category of representatives of employees' organisations of Governing Board of the European Centre for the Development of Vocational Training (CEDEFOP)
<i>Adoption</i> | 5200/19
EDUC |
|-----|--|-----------------|

Environment

- | | | |
|-----|---|------------------|
| 23. | Conclusions on carbon capture and storage (CCS) and renewables (CoA SR No 24/2018)
<i>Adoption</i> | 5367/19
CLIMA |
|-----|---|------------------|

Delegated or Implementing Acts

Environment

25. Commission Delegated Regulation (EU) .../... of 11.12.2018 amending Annexes I and V to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals
Delegated act - Intention not to raise objections
- 5314/19
15482/18 + ADD 1
ENV

Internal Market and Industry

26. Commission Delegated Regulation No. (EU) .../.. of 12.12.2018 supplementing of Directive 2014/53/EU of the European Parliament and of the Council with regard to the application of the essential requirements referred to in Article 3 (3) (g) of that Directive in order to ensure caller location in emergency communications from mobile devices
Delegated act - Intention not to raise objections
- 5374/19
15674/18
MI
27. Commission Regulation (EU) .../... of XXX amending Annex IV to Regulation (EC) No 661/2009 of the European Parliament and of the Council and Annexes I, III and IV to Directive 2007/46/EC of the European Parliament and of the Council as regards updating the references to and including certain Regulations of the United Nations Economic Commission for Europe on the type-approval of motor vehicles
Decision not to oppose adoption
- 5350/19
15054/18 + ADD 1
ECO

Internal Market and Industry

- | | | |
|-----|---|--|
| 24. | Regulation on the apportionment of tariff rate quotas after UK withdrawal from the EU
<i>Adoption of the legislative act</i> | 5197/19 + ADD 1
PE-CONS 71/18
UD |
|-----|---|--|

Statements by the Commission

1. "The Commission fully adheres to the principles of Better Regulation and to the commitments laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. It will therefore endeavour to put forward a legislative proposal to the Council and to the European Parliament at the earliest opportunity, with a view to aligning Regulation (EC) No 32/2000 to the legal framework introduced by the Lisbon Treaty."

2. "The Commission notes that the co-legislators have inserted in the chapeau of Article 3 of Regulation on the apportionment of tariff rate quotas after UK withdrawal from the EU wording requiring the Commission, when adopting delegated acts in order to take into account international agreements concluded by the Union under Article XXVIII of the GATT, to ensure consistency with certain conditions relating to the content of the agreement. The Commission considers that the insertion of such conditions in the present Regulation does not limit the power of the Commission to recommend and negotiate agreements under Articles 207 and 218 TFEU. The Commission reserves its right to propose amendments to Regulation on the apportionment of tariff rate quotas after UK withdrawal from the EU as appropriate to take into account the final international agreements to be concluded.

However, in view of the extreme urgency of adopting Regulation on the apportionment of tariff rate quotas after UK withdrawal from the EU as part of its Brexit preparedness policy, the Commission would not stand in the way of its adoption. The Commission underlines that this should not be regarded as a precedent."

COREPER (PART 2)

Judicial Affairs

- | | | |
|-----|---|----------------|
| 41. | Appeal in Case T-316/14 (Kurdistan Workers' Party (PKK)) -
request for production of documents
<i>Authorisation to produce a copy of or an extract from a Council
document for use in legal proceedings</i> | 5465/19
JUR |
| 42. | Case T-400/10 RENV (Hamas v. Council) - judgment of the
General Court of the EU
<i>Information note for the Permanent Representatives Committee
(Part 2)</i> | 5468/19
JUR |

Institutional Affairs

Appointments

- | | | |
|-----|---|---------------------------|
| 43. | A member (BE) of the Committee of the Regions
<i>Adoption</i> | 5235/19
5234/19
CDR |
| 44. | A member (IT) of the Committee of the Regions
<i>Adoption</i> | 5239/19
5238/19
CDR |
| 45. | An alternate member (DE) of the Committee of the Regions
<i>Adoption</i> | 5242/19
5241/19
CDR |
| 46. | A member (NL) of the European Economic and Social
Committee
<i>Adoption</i> | 5162/19
5160/19
CES |

Transparency

- | | | |
|-----|---|---------|
| 47. | Complaint 2011/2018/THH
Inspection by the Ombudsman of documents held by the
Council in the framework of her inquiry
<i>Approval of a letter</i> | 5417/19 |
|-----|---|---------|

Economic and Financial Affairs

- | | | |
|-----|--|----------------|
| 48. | ECA SR No 34/2018 on office accommodation of EU
institutions
<i>Designation of a Working Party</i> | 5142/19
FIN |
|-----|--|----------------|

General Affairs

- | | | |
|-----|--|---------------------|
| 49. | EP Resolutions and decisions (January 2019) | 5316/19
PE-RE 1 |
| 50. | Multiannual Financial Framework 2021-2027 - PIF provisions
<i>Endorsement</i> | 5418/19
CADREFIN |

Justice and Home Affairs

- | | | |
|-----|--|-------------------------------------|
| 51. | Schengen evaluation Recommendation - Latvia SIS
<i>Adoption</i> | 5290/19
5289/19 R-UE
SCH-EVAL |
|-----|--|-------------------------------------|

Foreign Affairs

- | | | |
|-----|--|---|
| 52. | Horizontal Bilateral Safeguard Regulation
<i>Adoption of the legislative act</i> | 5196/19 + ADD 1
PE-CONS 68/18
COMER |
| 53. | Council Decision on the conclusion of the amendment of
Protocols 1 and 4 to the Euro-Mediterranean agreement with
Morocco
<i>Adoption</i> | 5435/19 + ADD 1
10593/18
10597/18
MAMA |

Statement by Denmark, Finland, Germany and Ireland

"Denmark, Finland, Germany and Ireland stress the importance of a strong political and economic partnership between the European Union and the Kingdom of Morocco. Denmark, Finland, Germany and Ireland underline the importance of complying with EU law, of which international law may be considered an integral part when entering into bilateral agreements. We have taken careful note of the "Contribution of the Council Legal Service on the Draft Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part – consistency with the Court".

Denmark, Finland, Germany and Ireland have consistently emphasized that an agreement has to be consistent with the judgment of the Court of Justice handed down on 21 December 2016 in Case C-104/16 P.

We take the content and form of the Contribution as evidence that the Council Legal Service considers that entering into the presented agreement is fully consistent with the judgment of the Court of Justice handed down on 21 December 2016 in Case C-104/16 P and does not prejudice the status of Western Sahara. Denmark, Finland, Germany and Ireland continue to support the United Nations process to find a just, lasting and mutually acceptable political solution for Western Sahara.

On the basis of the above, Denmark, Finland, Germany and Ireland support the adoption of the Council decision on the conclusion of the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement."

- | | | |
|-----|--|----------------|
| 54. | (poss.) Conclusions on Iran
<i>Adoption</i> | 5457/19
MOG |
|-----|--|----------------|

The above-mentioned item was postponed to Friday, when it was transferred as a discussion item. The Committee agreed to revert to it at the continuation of its session on Monday 28 January 2019.

- | | | |
|-----|---|--|
| 55. | Council Decision on the conclusion of the EU-China Agreement
in relation to WTO Dispute Settlement case 492
<i>Adoption</i> | 5467/19
10882/18
10883/18
WTO |
| 56. | Council Decision on the EU position within the EU-Japan EPA
WG on wine
<i>Adoption</i> | 15723/18
15724/18
WTO |
| 57. | Libya restrictive measures - draft reply
<i>Approval</i> | 5266/19
CORLX |

Other items

- | | | |
|-----|--|------------------------------------|
| 58. | Interim approval of a cryptographic product
<i>Approval</i> | 5312/19 R-UE
CSCI
CSC |
|-----|--|------------------------------------|