



Brussels, 25 February 2020
(OR. en, fr)

6287/20
CRS CRP 8

SUMMARY RECORD

PERMANENT REPRESENTATIVES COMMITTEE

5 and 7 February 2020

I. Adoption of the agenda

5579/20 OJ CRP1 5

5720/2/20 REV 2 OJ CRP2 5

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)

Competitiveness

2. Meeting of the Council (Competitiveness (Internal Market, Industry, Research and Space)) on 27 and 28 February 2020: Agenda

The Presidency presented the main items on the agenda.

Education, Youth, Culture and Sport

3. Meeting of the Council (Education, Youth, Culture and Sport) on 20 February 2020: Preparation

1. Resolution on education and training in the European Semester
Adoption 5536/20

The Committee prepared this item for the Council.

2. Brain circulation – a driving force for the European
Education Area
Policy debate

5512/20

The Committee prepared this item for the Council.

Employment and Social Policy

4. Regulation on the European Globalisation Adjustment Fund
(EGF)
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 4 February 2020.

Transport

5. Regulation on streamlining measures for the realisation of the
trans-European transport network (TEN-T)
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 3 February 2020.

Environment

6. Directive on drinking water (recast)
Analysis of the final compromise text with a view to agreement

5565/20 + COR 1-2

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.

Statement by the Commission

"Declaration by the Commission on delegated acts

The Commission regrets the decision of the co-legislators to limit its empowerment to modify the annexes of the revised Drinking Water Directive to Annex III, whereas the Commission had sought an empowerment to modify Annexes I to IV in its original proposal.

The Commission specifically regrets that the co-legislators did not agree on an empowerment to amend Annex II, which is particularly necessary in light of the need to update the monitoring requirements set out in Annex II to scientific and technical progress."

"Declaration by the Commission on the procedure of adopting implementing acts

The Commission underlines that it is contrary to the letter and to the spirit of Regulation (EU) No 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke point (b) of the second subparagraph of Article 5(4), without proper justification. Recourse to this provision must respond to a specific need to depart from the rule of principle, which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established in Article 5(4), it cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified."

Statement by Cyprus, Czechia, Denmark, France, Germany, Hungary, Malta, and the Netherlands regarding recital 27

"The abovementioned Member States support the adoption of the Drinking Water Directive, which will not only ensure high standards of safety of drinking water for our citizens, but will also indirectly improve the smooth functioning of the internal market.

However, we consider it entirely inappropriate to include, in the statement of reasons of a legal act concerned with drinking water, general wording about the Commission taking action regarding access to justice in Member States. It is understood that this wording was inserted at the last minute during the trilogue negotiations, and had therefore not been previously examined by Member States.

Compliance with the Aarhus Convention, to which the Member States are parties in their own right, is a matter that we take seriously. Member States' compliance with the Aarhus Convention can best be addressed, in accordance with the principle of subsidiarity, at Member State level. The real challenge to be addressed, however, remains the Union's own compliance with the Aarhus Convention, as referred to in Council Decision 2018/881 and in the findings of the Aarhus Convention Compliance Committee in case ACCC/C/2008/32. Notwithstanding the completion of the study requested by the Council, and the Commission's statement in its Communication on the European Green Deal of 11 December 2019 that it would "consider revising the Aarhus Regulation" (Regulation 1367/2006), we note that no such proposal has been mentioned in the Commission's work programme for 2020.

Although we are prepared to support the adoption of this Directive in view of the wider benefits it will bring, we will nevertheless be vigilant in ensuring that such language on access to justice in Member States will not be included in future legislative acts in the environment field."

Statement by Luxembourg

"Dans un esprit de compromis, le Luxembourg est en mesure d'accepter l'accord sur la proposition de directive du Parlement européen et du Conseil relative à la qualité des eaux destinées à la consommation humaine (refonte), qui donne aussi une suite favorable à l'initiative Right2Water.

Le Luxembourg regrette cependant la solution peu ambitieuse retenue pour les métabolites de pesticides et regrette que faute d'une étude d'impact détaillée les conséquences de l'application des dispositions sur les matériaux en contact n'ont pas été suffisamment analysées au regard des charges et coûts incombant aux acteurs concernés."

COREPER (PART 2)

WEDNESDAY 5 FEBRUARY 2020

General Affairs

15. Council position on the Conference on the Future of Europe 5675/20
Guidance for further work

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

Justice and Home Affairs

16. JHA Strategic Guidelines 5636/20
Exchange of views

The Committee held an exchange of views and agreed to revert to this issue at a forthcoming session.

General Affairs

17. Council Decision authorising the opening of the negotiations for 5721/20 + ADD 1
a new partnership with the UK
Exchange of views

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

FRIDAY 7 FEBRUARY 2020

General Affairs

18. Meeting of the Council (General Affairs) on 25 February 2020:
Agenda

The Presidency presented the main items on the agenda.

19. Meeting of the Council (General Affairs) on 17 February 2020:
Preparation
Other items in connection with the Council meeting

The Presidency provided further information regarding the meeting.

Economic and Financial Affairs

20. Meeting of the Council (Economic and Financial Affairs) on
18 February 2020: Preparation
Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

IV. Any other business

COREPER (PART 1)

Coronavirus (2019-nCoV)

Information from the Presidency and the Commission

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

COREPER (PART 2)

Coronavirus (2019-nCoV)

The Committee took note of the information provided by the Presidency, the Commission, and the EEAS.

EP questionnaire on Dublin implementation

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

Friends of Cohesion Summit

The Committee took note of the information provided by Portugal.

Recent law enforcement actions

The Committee took note of the information provided by Denmark.

Blue Dot Network Initiative

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

"I" items approved**COREPER (PART 1)****Institutional Affairs****7. Minutes of Council Meetings***Approval*

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|----|------------------------|--|
| a) | EYCS 21-22.11.2019 | 14422/19 + ADD 1
PV CONS |
| b) | COMPET 28-29.11.2019 | 14881/19 + ADD 1
PV CONS |
| c) | TTE 2-4.12.2019 | 14883/1/19 REV 1
+ ADD 1 REV 1
PV CONS |
| d) | EPSCO 9-10.12.2019 | 14940/19
PV CONS |
| e) | AGRIFISH 16-17.12.2019 | 15189/19
PV CONS |

Transport

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| 8. | Council Decision on the conclusion of the agreement with China
on certain aspects of air services
<i>Adoption</i> | 5296/20
11033/19
9685/18
AVIATION |
| 9. | IMO - Union submission - ISWG-GHG 7 on alternative fuels
<i>Endorsement</i> | 5606/20
MAR |

Statement by the Commission

"The Commission considers that the above mentioned "Union submissions" to be submitted to the IMO are covered by EU exclusive competence. The Commission considers that only an EU submission can be made on this subject matter. The Commission does not consider the above mentioned submissions by the Member States under their own competences as compatible with Union law. The Commission cannot be associated as a co-sponsor in such submissions.

Submission of proposals to the IMO on issues of EU competence is an act of external representation and should be made by the Commission on behalf of the EU to the IMO. It should therefore also be sent to the IMO by the Commission.

In the view of the Commission, the procedural arguments against presenting submissions to the IMO by the Commission on behalf of the EU are not convincing. This is because there is no evidence to suggest that the IMO, as a specialised agency of the United Nations, would be in a position to reject such a submission.

The Commission thus maintains its position that the Treaty provisions on external representation of the Union should be applied. Consequently, the only legally correct way forward is to present the submissions in question to the IMO as submissions falling under exclusive Union competence, submitted by the European Commission on behalf of the European Union. The Commission reserves all its rights in this regard."

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| 10. | IMO - Union submission - MEPC 75 on underwater vessel noise
<i>Endorsement</i> | 5589/20
MAR |
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Environment

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| 11. | Regulation on water reuse
<i>Political agreement</i> | 5554/20
ENV |
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Statement by Slovakia

"The Slovak Republic is aware of the fact that some Member States have to face the problem of water scarcity and droughts as a result of climate change. However, according to the reports of the Intergovernmental Panel on Climate Change, climate change affects the spread and multiplication of various diseases, harmful substances and pathogens transmitted through water, food, eg Salmonella, which affect the health of the population. Therefore, the use of such reused water for agricultural irrigation must not endanger the health of the final consumer as a result of insufficient water quality criteria on reused water and must take into account the future development.

During the negotiations on this reused water, we have consistently called for an ambitious proposal with regard to the objective of ensuring the efficient and equal functioning of the internal market (movement of goods) by imposing uniform requirements for reused water for all Member States and with regard to the objective of protecting the environment, human and animal health. We regret that this was not reflected in the final text.

We are also disappointed that the proposal on mandatory labelling has not been incorporated, which we regard as misleading the end consumer and suppressing his right to information. This goes against the principle of transparent information to the final consumer and in particular against various vulnerable groups, eg elderly people, children, people with weak immune system.

Similarly, our proposals to tighten the quality parameters of the Regulation as regards the inclusion of several quality parameters such as Salmonella have not been accepted. We emphasized the high level of health protection, food quality and strictly set criteria in the Annex. In the current wording, we do not consider the protection of the health of the final consumer to be sufficiently addressed.

At the same time, we have reservations on the wording of Article 2.2, which does not allow a Member State to apply for a derogation on a neutral way on the basis of one or more of the criteria set out in the Regulation. The current wording gives the European Commission too much discretion to decide on a derogation on the basis of all the criteria mentioned in the Regulation.

Given our health and food concerns, we are not in a position to agree with this regulation and therefore we abstain from voting."

Delegated or Implementing Acts

Environment

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| 12. | Commission Decision of XXX amending Decision 2014/312/EU in order to extend the derogation for zinc oxide to allow its use as a preservative stabilizer to cover "in-can preservation" and preservation of "tinting pastes" | 5552/20
14838/19
ENV |
| | <i>Decision not to oppose adoption</i> | |

Agriculture

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| 13. Commission Delegated Regulation (EU) .../... of 17.12.2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for surveillance, eradication programmes, and disease-free status for certain listed and emerging diseases
<i>Delegated act - Intention not to raise objections</i> | 5622/20
15265/19 + ADD 1
AGRILEG |
| 14. Commission Delegated Regulation (EU) .../... of 17.12.2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health requirements for movements within the Union of terrestrial animals and hatching eggs
<i>Delegated act - Intention not to raise objections</i> | 5620/20
15206/19 + ADD 1
AGRILEG |

COREPER (PART 2)

WEDNESDAY 5 FEBRUARY 2020

Institutional Affairs

21. Minutes of Council meetings

Approval

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|-------------------------------|-----------------------------------|
| a) FAC Trade 21.11.2019 | 14423/19 + ADD 1
+ ADD 1 COR 1 |
| b) FAC Development 25.11.2019 | 14513/19 + ADD 1 |
| c) JHA 2-3.12.2019 | 14884/1/19 REV 1
+ ADD 1 REV 1 |
| d) ECOFIN 5.12.2019 | 14886/19 + ADD 1 |
| e) FAC 9.12.2019 | 14941/19 + ADD 1 |

Economic and Financial Affairs

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| 22. Regulation on Sustainable Finance - taxonomy
<i>Political agreement</i> | 5487/20 + ADD 1
EF |
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Joint statement by the Czech Republic, Hungary, Slovakia and Slovenia

"The Czech Republic, Hungary, Slovakia and Slovenia appreciate the endurance and the efforts of the Presidency dedicated to the taxonomy proposal. In view of further work as regards the energy related provisions, the Czech Republic, Hungary, Slovakia and Slovenia stress the need to respect technological neutrality as one of the underlying principles of the proposal.

The Czech Republic, Hungary, Slovakia and Slovenia acknowledge that climate change needs to be tackled swiftly, while safeguarding the security, stability, and affordability of the energy supply in the long term. Achieving climate neutrality requires low-carbon as well as transitional energy sources and infrastructure and we welcome that this is now clearly enshrined in the taxonomy framework. It is well acknowledged by the world's expert community that the nuclear energy is necessary to tackle climate change. The Czech Republic, Hungary, Slovakia and Slovenia consider nuclear energy as a sustainable and safe energy source in the long term. The maintaining of current nuclear capacities and their future development, while respecting the high safety and security standards, is the basic precondition for reaching climate neutrality not only in the Czech Republic, Hungary, Slovakia and Slovenia, but also at the EU level. This is confirmed also by IPCC and international energy organizations and reflected in the documents of the Commission as well. We rely on the Commission to ensure a fully transparent process of elaboration of the relevant Delegated Acts – a credible, evidence-based process based on expertise, scientific inputs and proper Member States involvement in order to undertake a fully informed and objective assessment of sustainability of all available energy technologies on a non-discriminatory basis.

The Czech Republic, Hungary, Slovakia and Slovenia support the objective of climate neutrality of the EU by 2050. In order to achieve this goal, Member States need to have all necessary tools to reach this ambitious objective in a cost-effective way and ensure credibility of our climate efforts."

Statement by Austria

"We share the objective to establish a credible taxonomy that will guide investors in identifying environmentally sustainable activities. We still believe that the taxonomy should be adopted as quickly as possible. Substantial progress was already achieved within the trilogue. However, any taxonomy that would allow for nuclear power to be qualified as sustainable, or even as a "transition" or "enabling activity", would be inherently flawed and could give rise to severe criticism, as it would send the wrong signals and incentives to financial market participants and investors. The outcome of the negotiations is not able to remove our concern that the proposed framework could leave the door open to diverting financial resources away from environmentally sustainable activities and into technologies that cannot be considered either safe or sustainable, such as nuclear power."

Statement by Poland

"Poland expresses gratitude for the Finnish Presidency for its efforts to finalize work on the taxonomy. Poland fully supports the objectives of the regulation, in particular, support for informed business decisions for investments in environmentally sustainable activities.

We are on the position that the current text leaves too much room for interpretation on key issues. They are left to be decided in Level 2 acts, which will also be adopted with too little involvement of the Member States.

We take a negative view of the fact that there is no guarantee in the regulation that natural gas is recognized as a transition activity. Poland points out that natural gas is an essential bridge fuel used to replace coal and, at the same time, to secure the dynamic development of renewable energy sources. What is more, the practical implementation of the principle of 'Leaving no one behind' in Poland nowadays are investments in natural gas. Without these investments, Poland's energy transformation will slow down significantly, to be potentially harmful to the EU's climate policy.

The text of the regulation does not directly reflect the role of nuclear energy. Nuclear energy is essential to achieve climate neutrality, which has been confirmed both by reports and analyses of recognized international organizations and above all by documents of the European Commission or by the latest resolution of the European Parliament on COP 25 (rec. 56).

Moreover, considering the controversial issue of nuclear power within the framework of negotiations on the text of the regulation, the decision on its inclusion in the taxonomy should not be left to the lower level acts.

Poland expects that in the light of the compromise which was adopted in the field of nuclear energy and gas, the works on delegated acts will respect the principle of technological neutrality.

Poland agrees with the idea of creating legal framework that would encourage financing sustainable growth. However, in our view such actions should be consistent with other actions undertaken at the European Union level as well as they should ensure proportionality.

In our opinion introducing the additional disclosures obligations with regard to sustainability in the Taxonomy regulation, which are parallel to those foreseen in disclosure regulation, without conducting any deep analysis when preparing legislative proposal by the European Commission, can result in raising the capital outside capital market. Therefore, such situation can be contradictory to the actions foreseen within Capital Markets Union. Moreover, the adopted approach concerning regulating disclosures obligation with regard to sustainability simultaneously in two legal acts (Taxonomy and disclosures regulation) leads to the lack of the transparency of the provisions and to the interpretational doubts on the side of entities to whom the provisions are directed.

Considering the above, we call on the European Commission to take duly into account, while adopting delegated acts, the rules of proportionality and coherence in order to ensure as well fulfilling the goals of Capital Markets Union. We also call on the European Commission to take into account, when undertaking legislative proposals in the future, the existing connection between this regulation and disclosure regulation.

In view of the above, Poland does not oppose the adoption of the Regulation on Sustainable Finance - taxonomy, but cannot support it."

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| 23. | ECA SR No 2/2020 on Innovation in SMEs
<i>Designation of a Working Party</i> | 5560/20
FIN |
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General Affairs

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| 24. | EP Resolutions and decisions (January II 2020) | 5111/20
PE-RE |
| 25. | EU LTT in view of UN OEWG February 2020
<i>Approval</i> | 5577/20
CYBER |
| 26. | Access to ISAA reports on Novel Coronavirus
<i>Approval</i> | 5685/20
IPCR |

Justice and Home Affairs

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| 27. | EU Japan PNR Agreement: Council Decision authorising the opening of negotiations
<i>Adoption</i> | 5365/20 + ADD 1
5378/20 + ADD 1
IXIM |
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Statement by Ireland

"The Irish delegation notes that it is intended that Coreper/Council will make a decision authorising the opening of negotiations for an Agreement between the European Union and Japan for the transfer and use of Passenger Name Record less than 3 months after presentation of this proposed decision to the Council.

In these exceptional circumstances, mindful of the importance of the proposed Council Decision and in acknowledgement of the need to allow its speedy adoption, the Irish delegation will not insist, in this instance, upon its right to have 3 months within which to exercise Ireland's option to notify the President of the Council of its wish to participate in the adoption and application of the proposed Council Decision in accordance with the provisions of Article 3 of Protocol 21 on the Position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union."

Statement by the Commission

"The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis."

Foreign Affairs

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| 28. | 10th World Urban Forum: EU opening statement
<i>Endorsement</i> | 5564/20
DEVGEN |
| 29. | Regulation setting up a Union regime for dual-use items
<i>Mandate for negotiations with the European Parliament</i> | 5650/20
COMER |
| 30. | South Sudan restrictive measures - review
<i>Adoption</i> | 5718/20
CORLX |

Other items

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| 31. | Interim approval of a cryptographic product
<i>Approval</i> | 5553/20 R-UE
CSCI
CSC |
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FRIDAY 7 FEBRUARY 2020

General Affairs

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| 33. | Reply to EP LIBE Committee questionnaire
<i>Approval of a letter</i> | 5869/20
INST |
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