



Brussels, 26 March 2019
(OR. en)

7815/19
CRS CRP 10

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
13 and 15 March 2019

I. Adoption of the agenda

7347/19 OJ CRP1 10

7362/2/19 REV 2 OJ CRP2 10 + REV 2 COR 1

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)

Telecommunications

2. Regulation establishing the European Cybersecurity Competence Centre and the Network of Coordination Centres 5324/6/19 REV 6
Preparation for the trilogue

The Committee agreed on a mandate for the forthcoming trilogue.

3. Regulation establishing the Digital Europe programme for the period 2021-2027 7058/19
Progress report
Confirmation of the common understanding

The Committee confirmed the common understanding contained in the progress report without prejudice to the final outcome of the negotiations on the full text.

Statement by the Commission

"The Commission cannot agree to the changes regarding the provision on transfers of resources allocated to Member States under shared management as agreed by the European Parliament and the Council in the common understanding on the Digital Europe programme.

The changes introduced to Article 9(5) raise questions of compatibility with other legislative proposals currently discussed by the European Parliament and the Council, in particular the Common Provisions Regulation (COM(2018)375). The top-up of a previously awarded grant would call into question the principles applicable to grants from the EU budget, in particular the principles of transparency and equal treatment that underpin the award of grants from the EU budget. As specific conditions attached by Member States to the transfers can imply State aid, Member States would be responsible for ensuring compliance with State aid rules.

The Commission calls on the co-legislators to ensure a horizontal approach on this issue in the negotiations on the next Multiannual Financial Framework."

Internal Market and Industry

4. Regulation on Union action following accession to the Geneva Act (Geographical Indications)

Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 11 March 2019.

5. Regulation on general safety of vehicles 7200/19
Preparation for the trilogue

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

Research

6. Regulation establishing Horizon Europe - Framework Programme 6918/19
Preparation for the trilogue

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

Environment

7. Regulation on LIFE
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 11 March 2019.

Transport

8. Regulation on the Connecting Europe Facility (CEF) 7207/19 + COR 1
Presidency debriefing on the outcome of the trilogue + ADD 1
Progress report
Confirmation of the common understanding

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 7 March 2019 and confirmed the common understanding contained in the progress report without prejudice to the final outcome of the negotiations on the full text.

Statement by the Commission

"The partial agreement reached on 7 March 2019 concerning the Connecting Europe Facility foresees an increase of the co-financing rate for missing links supported under the CEF cohesion envelope to 85%, in addition to the 85% exception for cross-border links proposed by the Commission.

The Commission expressed its reservation concerning such increase because it would potentially extend the 85% co-financing rate to most actions supported under the CEF cohesion envelope and thus introduce an inconsistency with the co-funding rates proposed for the Cohesion Fund in the Common Provisions Regulation.

The Commission regrets that a consistent approach could not be maintained and points out that the partial agreement reached on CEF shall not affect its position regarding the ongoing negotiations on the Common Provisions Regulation."

Statement by Poland, the Czech Republic, the Slovak Republic and Hungary

"Having regard to the importance of the overall aim of reinforcing smart, sustainable and inclusive growth as well as improving mobility across the European Union and considering the need for a geographical balance between the different territories, the Visegrad Member States recall their commitment to further ensure accessibility and connectivity to and within the region.

To that end, the Visegrad Prime Ministers emphasized in their joint declaration in June 2018 their willingness to deepen their cooperation in order to develop and improve within Central Europe rail connections with the aim to achieve a *High Speed Railway connection* between the capital cities.

In October 2018 the Visegrad Ministers in their declaration of intent established a joint expert group entrusted to prepare the project. The joint expert group started its work in January 2019 in particular by harmonising the technical feasibility studies undertaken by each Member State and seeking ways for further cooperation regarding international operations.

Taking into consideration the forthcoming revision of the Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU planned to begin in 2021, the Visegrad Member States stress the need to give particular importance to the development of the *High Speed Railway connection* between Warsaw, Prague, Bratislava and Budapest."

Space

9. Regulation establishing the space programme of the Union

7002/1/19 REV 1

Progress report

Confirmation of the common understanding

The Committee confirmed the common understanding contained in the progress report without prejudice to the final outcome of the negotiations on the full text.

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In the margins of Coreper:

MEETING OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

Employment and Social Policy

Procedure for the selection of the seat of the European Labour

7206/19

Authority

Approval

The Representatives of the Governments of the Member States approved the procedure for the selection of the seat of the European Labour Authority.

COREPER (PART 2)

WEDNESDAY 13 MARCH 2019

Foreign Affairs

15. Meeting of the Council (Foreign Affairs) on 18 March 2019:
Preparation

- a) Current Affairs

The Committee prepared this item for the Council.

- b) China
Exchange of views

The Committee prepared this item for the Council.

- c) Republic of Moldova
Exchange of views

The Committee prepared this item for the Council.

- d) Yemen
Exchange of views

The Committee prepared this item for the Council.

- e) Other items in connection with the Council meeting

The EEAS provided further information regarding the Council meeting.

16. Meeting of the Council (Foreign Affairs) on 8 April 2019:
Agenda

The EEAS presented the main items on the agenda.

General Affairs

17. Meeting of the Council (General Affairs) on 19 March 2019: Preparation

- a) Multiannual Financial Framework 2021-2027 6443/19
Policy debate 6444/19

The Committee held an exchange of views and agreed to revert on this item at the continuation of its session.

- b) Regulation establishing the Instrument for Pre-accession Assistance (IPA III) 7210/19
Partial general approach

The Committee agreed on the text of the draft partial general approach, as amended on the basis of the discussion, and agreed to submit it to the Council.

- c) Preparation of the European Council on 21-22 March 5157/19
2019: Conclusions
Exchange of views

The Committee discussed the draft conclusions.

- d) (poss.) European Council follow-up
State of play

The Committee prepared this item for the Council.

- e) European Semester
 - a) Synthesis report on Council contributions on the 2019 European semester 7137/19
Exchange of views
 - b) (poss.) Updated roadmap on the 2019 European semester 12451/2/18 REV 2
Presentation by the Presidency
 - c) Draft Recommendation on the economic policy of the euro area: transmission to the European Council
Transmission to the European Council

The Committee prepared this item for the Council and agreed to revert to the draft roadmap at the continuation of its session.

- f) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

18. Meeting of the Council (General Affairs) on 9 April 2019:
Agenda

The Presidency presented the main items on the agenda.

Foreign Affairs

19. (poss.) EU-Japan Summit (Brussels, date tbc)
State of play

The Committee held an exchange of views and agreed to revert on this item at the continuation of its session.

Economic and Financial Affairs

20. Meeting of the Council (Economic and Financial Affairs) on
12 March 2019: Follow-up

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

Justice and Home Affairs

21. Meeting of the Council (Justice and Home Affairs) on
7-8 March 2019: Follow-up

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

Justice and Home Affairs

22. Directive on whistleblowers 7242/19
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.

Statement by the Commission

"At the time of the review to be conducted in accordance with Article 21 of the Directive, the Commission will consider the possibility of proposing to extend its scope of application to certain acts based on Articles 153 TFEU and 157 TFEU, after consulting the social partners, where appropriate, in accordance with Article 154 TFEU."

Statement by Ireland

"Ireland is supportive of the efforts of the EU to provide comprehensive protections for persons reporting on breaches of the law. Whistleblowing can be a very effective way of preventing unlawful activity. Encouraging workers to speak up about wrongdoing in the workplace also benefits employers by giving them an opportunity to address problems at an early stage before they can lead to financial and reputational damage.

However, Ireland considers that the Directive should have a legal basis in accordance with the applicable rules for making EU legislation. In this regard, Ireland has a principled concern in relation to the inclusion in the Directive's material scope of certain areas that would ordinarily require a unanimous decision at Council. This is amplified by the fact that advice was provided by the Council Legal Service that it is inappropriate to include these areas in a single instrument subject to a qualified majority vote. Ireland regrets that this advice has not been followed and fears that some whistle-blowers, through no fault of their own, could be left unprotected if the legal basis of the Directive was challenged by their employer in court. "

General Affairs

17. (continuation) Meeting of the Council (General Affairs) on
19 March 2019: Preparation
- a) Multiannual Financial Framework 2021-2027 6443/19
Policy debate 6444/19

The Committee finalised the preparations of this item for the Council.

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| e) | European Semester | |
| a) | Synthesis report on Council contributions on the 2019 European semester
<i>Exchange of views</i> | 7137/19 |
| b) | (poss.) Updated roadmap on the 2019 European semester
<i>Presentation by the Presidency</i> | 12451/2/18 REV 2 |
| c) | Draft Recommendation on the economic policy of the euro area: transmission to the European Council
<i>Transmission to the European Council</i> | |

The Committee finalised the preparation of this item for the Council.

- f) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

Foreign Affairs

19. (continuation) (poss.) EU-Japan Summit (Brussels, date tbc)
State of play

The Committee agreed on the text of the draft statement to be used as a basis for negotiations.

24. 17th EU-Canada Summit (Montréal, 11-12 April 2019)
State of play

The Committee provided guidance for the continuation of negotiations and agreed to revert to the preparation of this Summit at one of its forthcoming sessions.

Economic and Financial Affairs

85. Proposal for a Regulation of the European Parliament and of the Council establishing the InvestEU Programme
Partial mandate for negotiations with the European Parliament

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

In the margins of Coreper:

Meeting of the Representatives of the Governments of the Member States

General Affairs

Reform of the Electoral Act
Guidance for further work

The representatives of the governments of Member States exchanged views on the state of play of approval by Member States of the Reform of the Electoral Act. It agreed that clarity on the legal framework applicable to this year's European elections is needed no later than 26 March 2019. In this context, the Council Legal Service confirmed that, in principle, the transposition into national law of the requirements of the reformed Electoral Act would not entail any legal effects contrary to the Electoral Act currently in force.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

US trade relations

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

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

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| 10. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 7247/19
PE-QE |
| a) | Miguel Viegas (GUE/NGL)
'IHRA definition of anti-Semitism' | 6534/19 |
| b) | Pavel Poc (S&D)
'Asbestos in European cities' | 6490/19 |
| c) | Jean Lambert (Verts/ALE) and Claude Moraes (S&D)
'Hotspots, proposed 'controlled centres' and respect for EU asylum law' | 6531/19 |
| d) | João Ferreira (GUE/NGL)
'IHRA definition of 'anti-Semitism' endorsed by the Council' | 6532/19 |
| 11. | Minutes of the Council meetings
<i>Approval</i> | |
| a) | AGRIFISH 17-18.12.2018 | 15640/18 + ADD 1 |
| b) | TTE 19.12.2018 | 15742/2/18 REV 2
+ ADD 1 REV 2 |
| c) | ENV 20.12.2018 | 15743/18 + ADD 1
+ ADD 1 COR 1 |

Environment

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| 12. | Council Decision on the EU submission to list methoxychlor in Annex A to the Stockholm Convention
<i>Adoption</i> | 7147/19
6920/19
ENV |
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Transport

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| 13. | Council Decision on the signing, on behalf of the Union and its Member States, of the Accession Protocol of the Republic of Bulgaria, Croatia and Romania to the Cooperation Agreement on a Civil Global Satellite Navigation System (GNSS) with the Republic of Korea
<i>Adoption</i> | 7211/19 + COR 1
6756/19
6738/19
TRANS |
| 14. | Participation of Georgia in the EU Long-Range Identification and Tracking (LRIT) Cooperative Data Centre for ships
<i>Endorsement</i> | 7228/19
MAR |

COREPER (PART 2)

WEDNESDAY 13 MARCH 2019

Judicial Affairs

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| 25. | Case T-75/19 (Comune di Milano v. European Parliament and Council of the European Union) and C-106/19 (Italian Republic v. Council of the European Union and European Parliament)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 7325/19
JUR |
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Institutional Affairs

Appointments

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| 26. | A member (ES) of the Committee of the Regions
<i>Adoption</i> | 7087/19
7086/19
CDR |
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Letters

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| 27. | Partial renewal of the Members of the European Court of Auditors
<i>Approval of a letter</i> | 7269/19
CMPT |
| 28. | Reply to EP on gender balance in the appointments to EU financial institutions
<i>Approval of a letter</i> | 7326/19
PE-L |

Transparency

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| 29. | Public access to documents
Confirmatory application No 02/c/01/19
<i>Adoption</i> | 6063/1/19 REV 1
INF
API |
| 30. | Public access to documents
Confirmatory application No 03/c/01/19
<i>Adoption</i> | 6192/19
INF
API |
| 31. | Public access to documents
Confirmatory application No 04/c/01/19
<i>Adoption</i> | 6883/1/19 REV 1
INF
API |

Economic and Financial Affairs

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| 32. | Council Decision approving the external auditors of Banque centrale du Luxembourg
<i>Adoption</i> | 6764/19
6085/19
UEM |
| 33. | New Greek Commemorative Coins | 7060/19
UEM |
| 34. | New German Commemorative Coins | 7061/19
UEM |
| 35. | Conclusions on office accommodation of EU institutions (CoA SR No 34/2018)
<i>Adoption</i> | 6867/19
FIN |
| 36. | European Council and Council estimates for 2020
<i>Approval</i> | 7098/19
6378/19
FIN |
| 37. | Transfer No DEC 02/2019 (Section III - Commission)
<i>Approval</i> | 7088/19
FIN |
| 38. | Transfer No DEC 03/2019 (Section III - Commission)
<i>Approval</i> | 7089/19
FIN |
| 39. | Transfer No DEC 04/2019 (Section III - Commission)
<i>Approval</i> | 7092/19
FIN |
| 42. | Sustainable Finance - benchmarks Regulation
<i>Confirmation of the final compromise text with a view to agreement</i> | 7311/19 + ADD 1
EF |

Statement by Poland

"We will not oppose the adoption of the Regulation amending Regulation (EU) 2016/1011 as regards EU Climate Transition Benchmarks and EU Paris-aligned Benchmarks, but we wish to reiterate our concerns with regards to exclusion of certain sectors from the scope of EU Paris-aligned Benchmark. Generally, we welcome and support the idea of an EU Paris-aligned Benchmark as it may positively contribute to fulfillment of the goals of the Paris Climate Agreement. However, we would like to point out that the proposed definition of a benchmark, mainly its construction, providing for sectoral exclusions, creates doubts whether the regulation creates appropriate and effective incentives for companies having in their portfolio e.g. fossil fuels (even temporarily) and aiming at undertaking sustainable initiatives in the future. Moreover, such exclusions could in the nearest future significantly limit those companies' access to private financing and thus create direct threats for their projects, for example those regarding limiting carbon footprint within certain economies, despite their potential for accomplishing the goals of sustainable growth and of the Paris Agreement.

Considering the above, we call on the European Commission to take duly into account, while adopting a delegated act concerning the minimum standards identifying sectors to be excluded because they do not have measurable and time-based carbon emission reduction objectives aligned with the long-term global warming target of the Paris Climate Agreement, the impact of such exclusion on selected companies from the sectors in question, which may not be included in Paris-aligned Benchmarks despite their potential for accomplishing the goals of sustainable growth and of the Paris Agreement."

Statement by Bulgaria

"The Republic of Bulgaria wishes to express its support for the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/1011 as regards EU Climate Transition Benchmarks and EU Paris-aligned Benchmarks, and the establishment of minimum standards and a common methodology for these new categories of benchmarks with the objective to make finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.

However, the Republic of Bulgaria would like to highlight its concern about enlarging the scope of the proposal with the introduction of requirements for all benchmarks and not only for the EU Climate Transition Benchmarks and EU Paris-aligned Benchmarks. The proposed compromise text goes also beyond the text of the Council general approach and the text proposed by the EP and sets an obligation with phase-in without any review, impact assessment and consultation with the relevant stakeholders if this obligation could be fulfilled.

For all benchmarks which are not pursuing carbon emission goals, it should be sufficient to clearly state in the benchmark statement that they do not pursue such objectives as stated in recital (24). In this regard the Republic of Bulgaria is of the view that an alignment of the text of the last subparagraph in paragraph 2a, inserted in Article 27 of the Regulation (Article 19b of the proposal) with recitals (19) and (24) could be considered during the corrigendum procedure."

General Affairs

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| 43. | Appointment of an official to a post of Director-General at the General Secretariat of the Council
<i>Adoption</i> | 6956/19
STAT |
| 45. | Conclusions on cybersecurity capacity and capabilities building in the EU
<i>Adoption</i> | 6866/19
CYBER |

Justice and Home Affairs

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| 46. | COSI Report to the European Parliament
<i>Approval of a letter</i> | 6921/19
6818/1/19 REV 1
COSI |
| 47. | Status Agreement with Montenegro on actions carried out by
EBCG Agency in Montenegro | 6857/19
FRONT |
| a) | Council Decision on the signing
<i>Adoption</i> | 6845/19
6846/19 |
| b) | Council Decision on the conclusion
<i>Request for the consent of the European Parliament</i> | 6847/19 |
| 48. | Regulation establishing the Justice programme
<i>Progress report</i>
<i>Confirmation of the Common Understanding</i> | 7248/1/19 REV 1
JAI |
| 49. | Regulation establishing the Rights and Values programme
<i>Progress report</i>
<i>Confirmation of the Common Understanding</i> | 7249/1/19 REV 1
JAI |

Statement by Bulgaria

"The Republic of Bulgaria supports the aim of the proposal for a *Regulation of the European Parliament and of the Council establishing the Rights and Values programme* to protect and promote rights and values as enshrined in the EU Treaties and in the EU Charter of Fundamental Rights, including by supporting civil society organisations, in order to sustain open, democratic and inclusive societies.

We acknowledge that combating all forms of violence against women and domestic violence should be supported by the Programme and that promoting prevention, protecting and supporting victims are priorities of the Union which help to fulfil individuals' fundamental rights.

At the same time, we note that the European Union has not acceded to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) and this Convention is not part of the EU law. Therefore, any reference to the Istanbul Convention in the Regulation cannot be construed as implying any commitments for the EU and the Member states of the EU to ratify and implement the Convention."

Foreign Affairs

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| 50. | 15th EU - Republic of North Macedonia Stabilisation and
Association Council
<i>Establishment of the EU position</i> | 7078/19
COWEB |
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51.	Council Decision concerning restrictive measures in view of the situation in Bosnia and Herzegovina - renewal <i>Decision to use the written procedure for the adoption</i>	7120/19 6908/19 CORLX
52.	Council Decision authorising the opening of negotiations for an agreement between the EU and the Socialist Republic of Vietnam establishing a framework for its participation in EU crisis management operations <i>Adoption</i>	7270/19 7070/19 CORLX
53.	Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in Egypt - review <i>Decision to use the written procedure for the adoption</i>	7332/19 7009/19 7010/19 CORLX
54.	South Sudan restrictive measures - review <i>Approval</i>	7350/19 CORLX
82.	Venezuela restrictive measures - reply and pre-notification letters <i>Approval</i>	7273/19 CORLX
55.	Exercise Specifications for the 2019 MILEX 19 <i>Approval</i>	7209/19 EUMC
56.	Council Decision within the EEA Joint Committee amending Annex IX (Financial Services) to the EEA Agreement [Capital Requirements Regulation (CRR) and Directive (CRD IV)] <i>Adoption</i>	6354/19 6353/19 AELE
57.	Conclusions on the transparency of EU funds implemented by NGOs (CoA SR 35/2018) <i>Adoption</i>	7244/19 COHAFA CODEV

Delegated or Implementing Acts

General Affairs

58.	Commission Delegated Regulation (EU) .../... of 7.2.2019 amending Commission Delegated Regulation (EU) No 481/2014 supplementing Regulation (EU) No 1299/2013 of the European Parliament and of the Council with regard to specific rules on eligibility of expenditure for cooperation programmes <i>Delegated act - Intention not to raise objections</i>	6822/19 6269/19 REGIO
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| <p>59. Commission Delegated Regulation (EU) .../... of 12.2.2019 amending and correcting Delegated Regulation (EU) No 480/2014 as regards the provisions on financial instruments, simplified cost options, audit trail, scope and content of audits of operations and methodology for the selection of the sample of operations and Annex III
<i>Delegated act - Intention not to raise objections</i></p> | <p>6824/19
6524/19
REGIO</p> |
| <p>60. Commission Delegated Regulation (EU) .../... of 14.2.2019 amending Delegated Regulation (EU) 2015/2195 on supplementing Regulation (EU) No 1304/2013 of the European Parliament and of the Council on the European Social Fund, regarding the definition of standard scales of unit costs and lump sums for reimbursement of expenditure by the Commission to Member States
<i>Delegated act - Intention not to raise objections</i></p> | <p>6827/19
6525/19 + ADD 1
REGIO</p> |
| <p>61. Commission Delegated Regulation (EU) .../... of 15.2.2019 supplementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council with regard to the form of financing which is not linked to costs of the relevant operations
<i>Delegated act - Intention not to raise objections</i></p> | <p>6990/19
6931/19 + ADD 1
REGIO</p> |

EU positions for international negotiations

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| <p>62. Council Decision on the EU position within the EU-Ukraine Association Council on the amendment of Annex XXVII of the EU-Ukraine Association Agreement
<i>Adoption</i></p> | <p>7042/19
6692/19
COEST</p> |
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Energy

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| <p>63. Conclusions on the first European topical peer review for nuclear safety
<i>Adoption</i></p> | <p>7073/19
ATO</p> |
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FRIDAY 15 MARCH 2019

Institutional Affairs

Appointments

64. A Member of the Executive Board of the ECB
Adoption 7083/19
6/19
CO EUR-PREP
UEM

Economic and Financial Affairs

transferred from Wednesday's meeting

40. (poss.) EMA's request to sub-let its London premises
Approval 7253/19
FIN

The above-mentioned item was withdrawn.

General Affairs

67. Free and fair European elections
Adoption of the legislative act 7129/19 + ADD 1
PE-CONS 14/19

Statement by Hungary

"Hungary is strongly committed to the European values enshrined in the Treaties and forming part of the European *aquis*. 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")."

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| 68. | Regulation in order to allow for the continuation of the territorial cooperation programmes PEACE IV (Ireland-UK) and UK-Ireland (Ireland-Northern Ireland-Scotland) in the context of the withdrawal of the UK from the EU
<i>Adoption of the legislative act</i> | 7134/19
PE-CONS 12/19 |
| 83. | EU line to take in view of the 5th meeting of the UN Intergovernmental Expert Group on Cybercrime
<i>Endorsement</i> | 7432/19
CYBER |

Foreign Affairs

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| 70. | Regulation for the export of certain dual-use items from the Union to the United Kingdom and Northern Ireland
<i>Adoption of the legislative act</i> | 7132/19
PE-CONS 23/19 |
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EU positions for international negotiations

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| 84. | (poss.) Council Decision on the EU position to be taken in the World Customs Organization in relation to the Harmonised System
<i>Adoption</i> | 7208/19
7138/19
UD |
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Education

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| 71. | Regulation on the Erasmus+ programme: "Brexit" contingency
<i>Adoption of the legislative act</i> | 7143/19 + ADD 1
PE-CONS 55/19 |
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Statement by the United Kingdom

"We note the substance of the measure, and ask the Council to note our position is that all such relevant contingency measures should apply in relation to Gibraltar, where Gibraltar has previously been covered by the relevant area of EU law."

Employment and Social Policy

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| 72. | Regulation on measures in the field of social security coordination: "Brexit" contingency
<i>Adoption of the legislative act</i> | 7163/19 + ADD 1
PE-CONS 62/19 |
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Statements by the Commission

"- on the coverage of third country nationals

The Regulation on establishing contingency measures in the field of social security coordination following the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union is based on Article 48 of the Treaty on the Functioning of the European Union (TFEU) as it concerns measures in the field of social security coordination. An extension of this Regulation to third-country nationals in the same legal act is not possible due to the incompatibility of the legal bases, as such an extension would need to be based on Article 79(2)(b) TFEU.

The Commission considers that third-country nationals covered by Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 should continue to benefit from the basic principles of social security coordination intended to be codified in the Regulation on establishing contingency measures in the field of social security coordination, based on the provisions of Regulation (EU) No 1231/2010 and of Regulations (EC) No 883/2004 and 987/2009, which remain in force.

The Commission will consider, however, if it becomes necessary at a later stage, to have the principles set out in this Regulation extended to third country nationals legally resident in a Member State who, pursuant to Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010, are or have been covered by the EU legislation on coordination of social security systems to confirm their entitlements in relation to the period when the United Kingdom was a Member State.

- on a coordinated approach to social security coordination

The Commission would like to express its concerns as regards the introduction of recital 4(a) and Article 5(a) to the proposal for a Regulation establishing contingency measures in the field of social security coordination following the withdrawal of the United Kingdom from the European Union. The Commission considers that it is not necessary to include these elements in the Regulation.

The Withdrawal Agreement is the best possible solution for safeguarding social security entitlements of the concerned persons. The Commission acknowledges that, in the absence of a Withdrawal Agreement, administrative arrangements remain essential for the implementation of the contingency Regulation, and therefore stands ready to fully support Member States in a coordinated approach to these arrangements with the United Kingdom. Furthermore, the Commission will work closely with Member States in order to achieve for the future a common approach to social security coordination with the United Kingdom."

Transport

73. Amending Regulation 1316/2013 to prepare for Brexit (CEF)
Adoption of the legislative act

7173/19
PE-CONS 22/19

Joint statement by Austria, Belgium, Denmark, Germany and Italy

"Austria, Belgium, Denmark, Germany and Italy support the objective of ensuring basic connectivity in road transport after the withdrawal of the United Kingdom from the European Union without a withdrawal agreement and welcome the proposed temporary measures enabling road haulage and coach and bus service operators licensed in the UK to carry goods and passengers to and from the EU Member States. These measures are necessary to prevent serious disruptions in the context of such operations immediately after the UK's withdrawal, also and especially with regard to public order.

Austria, Belgium, Denmark, Germany and Italy are concerned, however, that the extended scope with regard to a certain number of cabotage operations in road freight is not in line with the guidelines on contingency measures agreed by the European Council on EU 27 general conduct, as these operations are not strictly necessary to ensure basic connectivity between the UK and the EU 27. Our concerns will not be dispelled by the fact that the Regulation ceases to apply on 31 December 2019.

However, mindful of overarching economic concerns, Austria, Belgium, Denmark, Germany and Italy believe that the rights granted to UK hauliers under the condition of reciprocity are an appropriate way of responding to the unique situation of a Member State leaving the European Union. This Regulation will not rule out further negotiations with the UK or other third countries and will not be considered as a precedent. In order to ensure a formally and substantively legal framework as of 1 January 2020, we affirm our conviction that EU Member States will be able to negotiate bilateral agreements with the UK during the period of application of this Regulation."

Statement by the United Kingdom

"The United Kingdom (UK):

- Welcomes the intention of this proposal which will help ensure minimal disruption to citizens and businesses across Europe and beyond in the event of a no deal scenario. It is a pragmatic solution which would help to provide certainty for citizens and business, and the UK is prepared to grant reciprocal access to EU operators as the proposal requires.
- Regrets that Gibraltar has not been included in the scope of this measure and reiterates its intention that, when it comes to the future relationship with the EU, it will negotiate on behalf of the entire UK family, including its Overseas Territories.
- Welcomes Spanish Foreign Minister Borrell's statement to Spanish Congress in October 2018 that they "don't want to complicate anyone's life, don't want [to] put up or create difficulties, [and] don't want to close the border..." We are confident that all sides are committed to putting in place the appropriate measures [at all levels/in all fora] to protect citizens on both sides of the border and avoid disruption in a no-deal scenario.

Reiterates its certainty of its sovereignty over Gibraltar."

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| 75. | Regulation amending Regulation 391/2009 to prepare for "Brexit" (maritime transport/shipping inspections)
<i>Adoption of the legislative act</i> | 7172/19
PE-CONS 13/19 |
| 76. | Regulation on aviation safety: "Brexit" contingency
<i>Adoption of the legislative act</i> | 7145/19
PE-CONS 17/19 |
| 77. | Regulation on air connectivity: "Brexit" contingency
<i>Adoption of the legislative act</i> | 7165/19 + ADD 1
PE-CONS 68/19 |

Statement by the Commission

"The Commission concurs with the statements made in Article [1bis] and Recital [5a] as regards the effects of the Regulation on the division of competences between the Union and the Member States in accordance with Article 2(2) TFEU. The Commission recalls that that division is exhaustively dealt with in the Treaties, both for usual and exceptional circumstances.

Against this background, the Commission considers that this Regulation does not prejudice the nature of the future relationship with the United Kingdom in the area of aviation and that the exercise of competence in the Regulation is temporary and strictly limited to its period of validity. It will be for the Council to establish the terms of any decision authorising the opening of negotiations for a future relationship in accordance with Article 218(3) and (4) TFEU and generally with Union law, and in full respect of the division of competences between the Union and the Member States.

The Commission furthermore recalls the European Council Guidelines of 23 March 2018 on the future relation with the United Kingdom, established with a view to the opening of negotiations on the overall understanding of the framework for the future relationship. According to point 11 of those Guidelines, in the area of aviation the aim should be to ensure continued connectivity between the United Kingdom and the EU after the former's withdrawal from the Union; this could be achieved, inter alia, through an air transport agreement, combined with aviation safety and security agreements, while ensuring a strong level playing field.

Having regard to those Guidelines, the Commission intends to submit the relevant recommendation to the Council as soon as possible in due time."

Statement by the United Kingdom

"The United Kingdom (UK):

- Welcomes the intention of this proposal which will help ensure minimal disruption to citizens and businesses across Europe and beyond in the event of a no deal scenario. It is a pragmatic solution which would help to provide certainty for citizens and business, and the UK is prepared to grant reciprocal access to EU operators as the proposal requires.
- However, is clear that it does not accept the positions set out on Gibraltar.
- Reiterates its certainty over its sovereignty over Gibraltar (including the territory in which Gibraltar Airport is situated).
- As such, is clear and puts on the record that the UK rejects recital 7b which is not consistent with the legal position of the UK.
- Is adamant that, as this measure will be adopted while the UK is still a member state, the legal position of the UK should be reflected in the recitals.
- Makes clear that, in the process of finalising the text, it would be more appropriate to use the established language within the Regulation, which states: "This regulation is without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to the dispute over sovereignty over the territory in which the airport of Gibraltar is situated".
- Notes its regret that Gibraltar has not been included in the scope of this measure and reiterates its intention that, when it comes to the future relationship with the EU, it will negotiate on behalf of the entire UK family, including its Overseas Territories."

Fisheries

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| 78. | Regulation amending Regulation (EU) No 508/2014 on certain rules relating to the European Maritime and Fisheries Fund by reason of the withdrawal of the United Kingdom from the Union
<i>Adoption of the legislative act</i> | 7140/19 + ADD 1
PE-CONS 35/19 |
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Statement by the United Kingdom

"Gibraltar has never been covered by the Common Fisheries Policy. The United Kingdom, therefore, agrees the territorial scope of this Regulation and any reference to the United Kingdom therein does not include Gibraltar."

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| 79. | Regulation amending Regulation (EU) 2017/2403 as regards fishing authorisations for Union fishing vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters
<i>Adoption of the legislative act</i> | 7136/19 + ADD 1
PE-CONS 36/19 |
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Statement by the United Kingdom

"Gibraltar has never been covered by the Common Fisheries Policy. The United Kingdom, therefore, agrees the territorial scope of this Regulation and any reference to the United Kingdom therein does not include Gibraltar."