



Brussels, 4 April 2019  
(OR. en)

8178/19  
CRS CRP 11

## **SUMMARY RECORD**

PERMANENT REPRESENTATIVES COMMITTEE (Part 1)

18 and 20 March 2019

### **I. Adoption of the agenda**

7501/19 OJ CRP1 11 + ADD 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**

#### **MONDAY 18 MARCH 2019**

##### **Research**

2. Regulation establishing Horizon Europe - Framework Programme  
*Presidency debriefing on the outcome of the trilogue*

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 14 March 2019.

3. Decision implementing Horizon Europe - Specific Programme 7476/19  
*Preparation for a partial general approach*

The Committee agreed on a revised text and agreed to forward it to Council in view of reaching a partial general approach.

## **WEDNESDAY 20 MARCH**

### **Transport**

4. Regulation on railway safety and connectivity: "Brexit" 7180/19 + COR 1  
contingency + ADD 1  
*Preparation for the adoption of the legislative act*  
*Decision to use the written procedure for the adoption*

The Committee agreed to the European Parliament's position and decided on the use of the written procedure for the Council's approval.

### **Employment and Social Policy**

5. Revision of Regulations on coordination of social security systems (883/04 and 987/09)  
*Presidency debriefing on the outcome of the trilogue*

The Committee took note of the information provided by the Presidency on the outcome of the trilogues of 12 and 19 March 2019.

### **Internal Market and Industry**

6. Regulation on Union action following accession to the Geneva 7237/19  
Act (Geographical Indications)  
*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 13 March 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.

7. Directive on cross-border conversions, mergers and divisions  
*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, 12 and 13 March 2019.

8. Directive on the modernisation of EU consumer protection rules 7474/19  
*Preparation for the trilogue*

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

## **Telecommunications**

9. Regulation establishing the European Cybersecurity Competence Centre and the Network of Coordination Centres  
*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 13 March 2019.

## **Internal Market and Industry**

10. Regulation on general safety of vehicles 7405/19  
*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 14 March 2019 and agreed on a revised mandate for the forthcoming trilogue.

## **Environment**

11. Regulation on LIFE 7479/19  
*Progress report*  
*Confirmation of the common understanding*

The Committee confirmed the common understanding as modified during the meeting without prejudice to the final outcome of the negotiations on the full text.

### **Statements by the Commission**

"- on the duration of the programme

The Commission underlines that its proposal identifies the budget of the LIFE programme for the period 2021-2027 in line with the corresponding multiannual financial framework, while leaving open-ended the duration of the Programme. This will enhance certainty about continuity of funding under the LIFE Regulation. The Commission confirms that the open-ended duration for the programme is without prejudice to the prerogative of the Commission to present a LIFE successor programme for the next MFF, for full consideration by the co-legislators."

"- on the programme-specific logo

The Commission regrets that the co-legislators decided to maintain the LIFE logo. This runs counter to the horizontal approach of not having programme-specific logos under the future long-term budget. The Commission's intention is to make sure that Europeans can relate to the Union as a whole thanks to the use of the single European emblem by its different programmes.

This emblem is common to all EU Institutions and will be an important part of the simple, coherent and binding communication and visibility requirements across programmes.

For the sake of reaching overall agreement on the programme, the Commission can accept to maintain the LIFE logo under the condition that it remains limited to the LIFE programme in the concerned programming period.

The Commission remains convinced that communication and visibility of EU action towards a broad public is more effective without programme-specific logos. The Commission remains at the co-legislators' disposal to demonstrate this well ahead of the negotiations of the subsequent programming period."

"- on the 'no-opinion' clause

The Commission recalls that where the legislator departs from the criteria set out in Article 2 of the Regulation 182/2011, its choice for a different procedure should be justified. The Commission considers that the condition for having recourse to examination procedure which is that the implementing act has "substantial implications" relates to the amount of the budget involved and that this condition is not fulfilled in the case of the LIFE programme.

In addition, the Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5 § 4, subparagraph 2, point b) in a systematic manner. 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 by Article 5 (4) recourse to subparagraph 2, point b) 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 Poland

"Poland supports reaching the objectives of the LIFE programme in all Member States. The proposed text of the LIFE regulation will not ensure the achievement of the expected state of the environment in the EU. This is the reason why Poland is opposed to the adoption of the regulation in its current form. In particular:

- Poland considers that art. 1 should include dates for the applicability of the LIFE programme. This is a solution that ensures Member States would have an influence over the form and functioning of the LIFE programme. Given the unsatisfactory nature of the current provisions of the regulation, Poland wants to keep the possibility to return to a discussion on the functioning of the LIFE programme in the next periods.
- Bearing in mind the objectives of the LIFE programme defined in art. 3, while quality would serve as the leading criterion, the European Commission should pursue geographical balance across the EU. The proposed compromised text in point 26a of the preamble and in art. 8 para 2c does not guarantee that the programme will be implemented in a way that brings all Member states to achieve the objectives of the LIFE programme and ensure the expected state of the environment in the EU.
- Poland wants to see the funds available in the LIFE programme to be spent as much as possible on financing concrete projects and therefore requests that in art. 8 para 2a 85% of the budget is spent only on projects defined in art. Para 2 and 5."

#### **IV. Any other business**

European Semester - updated roadmap  
*Information from the Presidency*

12451/2/18 REV 2

The above-mentioned item was withdrawn.

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**"I" items approved****MONDAY 18 MARCH 2019****Research**

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|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 12. | Council Decision on the renewal of the agreement on cooperation in science and technology with Russia<br><i>Request for the consent of the European Parliament</i> | 7477/19<br>RECH |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|

**WEDNESDAY 20 MARCH****EU positions for international negotiations**

- |     |                                                                                                                                                                                                                                                           |                                     |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 13. | Council Decision on the EU position in the Joint Committee established by the EU-Japan Strategic Partnership Agreement in relation to the Rules of Procedure of the Joint Committee<br><i>Decision to use the written procedure for the adoption</i>      | 7395/19<br>7340/19 + ADD 1<br>COASI |
| 14. | Council Decision on the EU position on UK accession to the North-East Atlantic Fisheries Convention (NEAFC)<br><i>Confirmation of the final compromise text with a view to agreement</i><br><i>Decision to use the written procedure for the adoption</i> | 7544/19<br>7533/19<br>PECHE         |

**Transport**

- |     |                                                                                                                                             |                                          |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 15. | Council Decision on the conclusion of Amendment 1 to the Memorandum of Cooperation NAT-I-9406 between the USA and the EU<br><i>Adoption</i> | 7384/19<br>5800/18 + COR 1-2<br>AVIATION |
| 16. | Council Decision on the EU-USA agreement on cooperation in the regulation of civil aviation safety<br><i>Adoption</i>                       | 7383/19<br>7482/18<br>AVIATION           |
| 17. | Council Decision on the conclusion on maritime transport agreement EU-China-Croatia<br><i>Adoption</i>                                      | 7490/19<br>5083/15<br>5880/15<br>MAR     |

## **Internal Market and Industry**

18. Regulation on European business statistics (FRIBS)  
*Confirmation of the final compromise text with a view to agreement* 7416/19  
STATIS

## **Economic and Financial Affairs**

19. Regulation on SME growth markets  
*Confirmation of the final compromise text with a view to agreement* 7349/19 + ADD 1  
EF
20. Directive and Regulation on Covered Bonds  
*Confirmation of the final compromise text with a view to agreement* 7274/19 + ADD 1-2  
EF
21. Directive and Regulation on investment firms supervision  
*Confirmation of the final compromise text with a view to agreement* 7460/19 + ADD 1-2  
EF

## **Delegated or Implementing Acts**

### **Energy**

22. Commission Regulation (EU) .../... of XXX laying down ecodesign requirements for electronic displays pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EC) 642/2009  
*Decision not to oppose adoption* 7112/19  
6246/19 + ADD 1  
ENER
23. Commission Regulation (EU) .../... of XXX laying down ecodesign requirements for light sources and separate control gears pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulations (EC) No 244/2009, (EC) No 245/2009 and (EU) No 1194/2012  
*Decision not to oppose adoption* 7107/19  
6195/19 + ADD 1  
ENER

### Statement by the United Kingdom

"We will not support the compromise text on the EMIR 2.2 proposal due to the following key concerns.

First, we object to article 25 (7)(f) where third country regulators are required to agree procedures to "assure" the enforcement of ESMA's decisions as part of a memorandum of understanding. This could mean that ESMA's decisions may be binding on third country supervisors. It could require a supervisor to enforce a decision which may conflict with its own domestic requirements and could increase financial stability risks in a stress scenario. This proposal is unprecedented in supervisory cooperation and is not a workable solution for cross border supervisory and regulatory cooperation for internationally active CCPs. It could become a barrier to market access in the future as third countries are very unlikely to bind their independent supervisors in this way. Given the significant supervisory toolkit available to ESMA under EMIR in relation to third country CCPs – including on-site inspections, fines and withdrawal of recognition – it is unnecessary to require a third-country supervisor to agree to enforce decisions that could potentially conflict with their own statutory objectives.

As drafted, our concern is that ESMA will be bound by level one text to require something that is not achievable in practice. In order to avoid jeopardising existing recognition decisions when they are reassessed and to allow the agreement of new ones, it is imperative that the level one text gives ESMA the flexibility to sign workable MoUs with third country supervisors, while ensuring third country supervisors cooperate with ESMA to the maximum extent possible.

Second, we do not support the proposal for European central banks to have standalone powers to impose additional requirements on third country CCPs 'in exceptional situations'. This could cause regulatory overlaps and conflicts, compromising effective supervisions or the operation of systemically important CCPs and increasing risks to financial stability, particularly at a time of crisis. This requirement also goes far beyond what the EU is expecting of its own supervisory authorities as European central banks' powers do not extend to EU CCPs.

Finally, we remain concerned about the proposals for location policy and dual supervision for systemically important third country CCPs. As agreed by the G20, resilient global financial infrastructure deliver significant financial stability and efficiency benefits and for CCPs, these benefits grow with scale. The introduction of location policy could lead to market fragmentation, unwinding the post-crisis reforms by the G20 and reducing the benefits provided by the global nature of clearing. As for dual supervision, we remain concerned that there could be regulatory overlap between ESMA and third country authorities, leading to conflicting requirements imposed on CCPs. The framework for 'comparable compliance' has not yet been specified, and we believe developing this framework should be a priority going forward."

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