



Brussels, 29 May 2020
(OR. en)

8392/20
CRS CRP 23

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
13, 14 and 15 May 2020

I. Adoption of the agenda

7915/1/29 REV 1 OJ CRP2 19 + CM 2230/20
7835/20 OJ CRP1 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 2)

WEDNESDAY 13 MAY 2020

Foreign Affairs

2. EU-Western Balkans videoconference of 6 May 2020:
Follow-up

The Committee took note of the information provided.

3. Informal videoconference of the Ministers of Foreign
Affairs/Defence on 12 May 2020: Follow-up

The EEAS presented the main discussions at the informal videoconference.

4. Informal videoconference of the Ministers of Foreign Affairs on 15 May 2020: Preparation

The Committee held an exchange of views in preparation of the informal videoconference of the Ministers of Foreign Affairs and agreed to the text of a Statement of the EU Foreign Ministers on the situation in the Eastern Mediterranean.

Economic and Financial Affairs

5. Council Regulation on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak 7277/20

Decision to use the written procedure for the adoption

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

6. Informal videoconference of the Ministers of Economy and Finance on 19 May 2020: Preparation

The Committee held an exchange of views in preparation of the informal videoconference of the Ministers of Economy and Finance.

FRIDAY 15 MAY 2020

Economic and Financial Affairs

5. Council Regulation on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak 7277/20

Decision to use the written procedure for the adoption

The Committee agreed on the use of the written procedure for the adoption of the abovementioned Council Regulation.

COREPER (PART 1)

THURSDAY 14 MAY 2020

Competitiveness

27. Informal videoconference of Ministers in charge of Internal Market and Industry on 15 May 2020: *Preparation*

The Committee held an exchange of views in preparation of the informal videoconference of the Ministers of Internal Market and Industry.

Education, Youth, Culture and Sport

28. Informal videoconference of Ministers of Education on 18 May 2020: *Preparation*

The Committee held an exchange of views in preparation of the informal videoconference of the Ministers of Education.

29. Informal videoconference of Culture/Audiovisual Ministers on 19 May 2020: *Preparation*

The Committee held an exchange of views in preparation of the informal videoconference of the Ministers of Culture/Audiovisual.

30. Informal videoconference of Ministers of Youth on 19 May 2020: *Preparation*

The Committee held an exchange of views in preparation of the informal videoconference of the Ministers of Youth.

Education

31. Conclusions on European teachers and trainers for the future 7624/20 + COR 1
Preparation for the adoption
Decision to use the written procedure

The Committee agreed on the draft text of the Council Conclusions and decided on the use of the written procedure for the adoption of the text.

Culture/Audiovisual Matters

32. Conclusions on media literacy in an ever-changing world 7684/20 + COR 1
Preparation for the adoption
Decision to use the written procedure

The Committee agreed on the draft text of the Council Conclusions and decided on the use of the written procedure for the adoption of the text.

33. Conclusions on risk management in the area of cultural heritage 7680/20
Preparation for the adoption
Decision to use the written procedure

The Committee agreed on the draft text of the Council Conclusions and decided on the use of the written procedure for the adoption of the text.

34. Conclusions amending the Work Plan for Culture (2019-2022) 7681/20
Preparation for the adoption
Decision to use the written procedure

The Committee agreed on the draft text of the Council Conclusions and decided on the use of the written procedure for the adoption of the text.

Youth

35. Conclusions on raising opportunities for young people in rural 7807/20
and remote areas
Preparation for the adoption
Decision to use the written procedure

The Committee agreed on the draft text of the Council Conclusions and decided on the use of the written procedure for the adoption of the text.

IV. Any other business

COREPER (PART 2)

Conference on the Future of Europe

The Committee took note of the information provided by the Presidency and agreed to revert to this issue at one of its forthcoming sessions.

European Initiative Supporting Tourism

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

COREPER (PART 1)

COVID-19 related initiatives in the tourism sector

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

COVID-19 related initiatives

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

Follow-up to the Informal videoconference of Ministers of Energy on 28 April 2020

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

Follow-up to the Informal videoconference of Ministers of Employment and Social Policy on 5 May 2020

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

"I" items approved**COREPER (PART 2)****Judicial Affairs**

- | | | |
|----|--|------------------------|
| 7. | Case C-930/19: X v Belgian State (Referring Court: Conseil du Contentieux des Etrangers - Belgium)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 7738/20
JUR
MIGR |
| 8. | Case T-180/20: JE v Council and conference of the representatives of the governments of the Member States - Action for annulment
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 7781/20
JUR |
| 9. | Cases T-198/20: Shindler e.a. c/ Conseil, T-231/20 and T-231/20 R: Price c/Conseil
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 7836/20
JUR |

Institutional Affairs**Appointments**

- | | | |
|-----|--|---------------------------|
| 10. | An alternate member (IT) of the Committee of the Regions
<i>Adoption by silence procedure</i> | 7611/20
7610/20
CDR |
|-----|--|---------------------------|

Transparency

- | | | |
|-----|---|---|
| 11. | Public access to documents
Confirmatory application No 09/c/01/20
<i>Decision to use the written procedure for the adoption</i> | 7052/20
+ ADD 1 REV 1
7801/20
INF
API |
|-----|---|---|

Economic and Financial Affairs

- | | | |
|-----|---|-------------------|
| 12. | Decision on Macro-financial assistance in the context of the COVID-19
<i>Decision to use the written procedure for the adoption of the legislative act</i>
<i>Decision to derogate from the 8-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU</i> | 7795/20
ECOFIN |
|-----|---|-------------------|

- | | | |
|-----|---|--------------------------------------|
| 13. | Council position on DAB No 4/2020 (Mobilisation EU Solidarity Fund)
<i>Decision to use the written procedure for the adoption</i> | 7765/20
7766/20
7671/20
FIN |
| 14. | Decision on the mobilisation of the EU Solidarity Fund to provide assistance to Portugal, Spain, Italy and Austria
<i>Approval</i>
<i>Decision to use the written procedure</i> | 7768/20
7769/20
FIN |
| 15. | European Court of Auditors' Special Report No 08/2020 on EU spending for cultural sites
<i>Designation of a Working Party</i> | 7647/20
FIN |
| 16. | Conclusions on the 2020 in-depth reviews and the implementation of the 2019 Country Specific Recommendations
<i>Decision to use the written procedure for the adoption</i> | 7700/20
7727/20
ECOFIN |

General Affairs

- | | | |
|-----|--|-----------------------------|
| 17. | Common Position on use of ICT for criminal purposes
<i>Approval</i> | 7809/20
7677/20
CYBER |
|-----|--|-----------------------------|

Foreign Affairs

- | | | |
|-----|---|--|
| 18. | HR SatCen Report 2014-2019
<i>Endorsement</i> | 7833/20
13699/19
CFSP/PESC |
| 19. | (poss.) Joint Statement of the members of the EEA Council
<i>Approval of text of statement</i> | 7718/20
EEE |
| 20. | Council Decision on the European Union Capacity Building Mission in Somalia (EUCAP Somalia)
<i>Decision to use the written procedure for the adoption</i> | 7654/20
7592/20
CORLX |
| 21. | Council Decision amending Decision (CFSP) 2019/2110 on the European Union CSDP Advisory Mission in the Central African Republic (EUAM RCA)
<i>Decision to use the written procedure for the adoption</i> | 7735/20
7663/20
CORLX |
| 26. | Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in Syria
<i>Decision to use the written procedure for the adoption</i> | 7866/20
7634/20
7637/20
CORLX |

EU positions for international negotiations

- | | | |
|-----|--|---|
| 22. | Council Decision on the EU position within the CETA Joint Committee regarding the adoption of a decision setting out the administrative and organisational matters regarding the functioning of the Appellate Tribunal
<i>Decision to use the written procedure for the adoption</i> | 7037/1/20 REV 1
13025/19
6964/20
FDI |
| 23. | Council Decision on the EU position within the CETA Joint Committee regarding the adoption of a decision on the procedure for the adoption of interpretations in accordance with Articles 8.31.3 and 8.44.3(a) of CETA as Annex to its Rules of Procedure
<i>Decision to use the written procedure for the adoption</i> | 7038/1/20 REV 1
7038/1/20 REV 1
ADD 1
13028/19
6965/20
FDI |

Statement by Belgium

"Belgium reiterates its support to the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part.

Belgium welcomes the positive economic effects observed for all parties since its provisional application. Belgium underlines the importance of and values the excellent economic relations between the EU, its Member States and Canada.

Belgium wishes to emphasize the importance of monitoring the implementation of Free Trade Agreements in order to enable citizens and economic operators to fully benefit from the opportunities they offer.

Belgium reaffirms its commitment to the ongoing reform of investment dispute resolution and the shared objective of the European Union and its Member States to achieve the establishment of a multilateral investment court, which shall become the responsible legal institution to resolve conflicts between investors and states. Belgium continues to support the Commission's ongoing efforts in this regard.

Belgium believes that the opinion of the Court of Justice of the EU on the compatibility of ICS (as envisaged in CETA) with EU treaties (Opinion 1/17) has contributed to further clarify the legal framework in which an ICS can be established and paves the way for further work. Belgium underlines that CETA reaffirms the parties' right to regulate within their territories to achieve legitimate policy objectives. As confirmed by the Court of Justice of the EU in its Opinion 1/17, the ICS Tribunal and Appellate Tribunal have no jurisdiction to call into question the level of protection of public interest determined by a Party following a democratic process.

Belgium recalls that, as stated in the Statement number 36 made by the Commission and the Council at the time of signature of CETA :

- CETA aims at a major reform of investment dispute resolution, based on the principles common to the courts of the European Union and its Member States and of Canada, as well as to international courts recognised by the European Union and its Member States and Canada, such as the International Court of Justice and the European Court of Human Rights, as a step forward in reinforcing respect for the rule of law.

- The investment court system (ICS) constitutes a step towards the establishment of a multilateral investment court which will, in the long term, become the body responsible for resolving disputes between investors and States.

Belgium restates its commitment to the impartiality of the judges and mediators to be guaranteed by the code of conduct and the transparency of the selection procedures by the Member states.

Belgium recalls that the Joint Interpretative Instrument on CETA provides, in the sense of Article 31 of the Vienna Convention on the Law of Treaties, a clear and unambiguous statement of what Canada and the European Union and its Member States agreed in a number of CETA provisions that have been the object of public debate and concerns and provides an agreed interpretation thereof. This includes, in particular, the impact of CETA on the ability of governments to regulate in the public interest, as well as the provisions on investment protection and dispute resolution, and on sustainable development, labour rights and environmental protection.

In order to ensure that Tribunals in all circumstances respect the intent of the Parties as set out in CETA, CETA includes provisions that allow Parties to issue binding notes of interpretation (Articles 8.31.3 and 8.44.3(a) of CETA).

In line with the Joint Interpretative Instrument on CETA and the requirement of independence, Canada and the European Union and its Member States are committed to using these provisions to avoid and correct any misinterpretation of CETA by Tribunals.

Belgium stresses that CETA reconfirms the longstanding commitment of Canada and the European Union and its Member States to sustainable development and is designed to foster the contribution of trade to this objective. Belgium also recalls that European Union and its Member States and Canada attach the highest priority to ensuring CETA delivers tangible outcomes in these areas, thereby maximising the benefits the agreement will bring for both parties, notably for workers and for the environment. In this regard, the role of the Trade and Sustainable Committee set up under CETA should be given particular importance.

In this light, Belgium underlines the need to ensure full coherence with this commitment when adopting binding notes of interpretation in accordance with Articles 8.31.3 and 8.44.3(a) of CETA.

Belgium recalls that the European Union and its Member States and Canada are committed to seeking regularly the advice of stakeholders to assess the implementation of CETA. They support their active involvement, including through the establishment of a CETA Civil Society Forum established under Article 22.5 of CETA and in accordance with Article 22.2, in order to express the views of the stakeholders."

- | | | |
|-----|---|---|
| 24. | Council Decision on the EU position within the CETA Committee on Services and Investment regarding the adoption of a code of conduct for Members of the Tribunal, the Appellate Tribunal and mediators
<i>Decision to use the written procedure for the adoption</i> | 7039/1/20 REV 1
13031/19
6966/20
FDI |
| 25. | Council Decision on the EU position within the CETA Committee on Services and Investment regarding the adoption of rules for mediation for use by disputing parties in investment disputes
<i>Decision to use the written procedure for the adoption</i> | 7040/1/20 REV 1
13034/19
6967/20
FDI |

COREPER (PART 1)

Institutional Affairs

Written questions

36. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure 7820/20
PE-QE
- a) Anna Júlia Donáth (Renew), Sophia in 't Veld (Renew), Ska Keller (Verts/ALE), Ramona Strugariu (Renew), Fabienne Keller (Renew), Irina Von Wiese (Renew), Dragoş Tudorache (Renew), Jan-Christoph Oetjen (Renew), Michal Šimečka (Renew), Maite Pagazaurtundúa (Renew) and Moritz Körner (Renew))
"Hearing of 16 September 2019 as part of the rule of law procedure against Hungary under Article 7(1) TEU" 7762/20
- b) Filip De Man (ID)
"Naval mission in the Mediterranean to combat arms smuggling to Libya" 7435/20

Judicial Affairs

37. Case T-116/20 (Società Agricola Vivai Maiorana e.a. v. European Commission)
Information note for the Permanent Representatives Committee (Part I) 7889/20
JUR

EU positions for international negotiations

38. Council Decision on the EU position at the IMO/MEPC 75/MSC 102 as regards adoption of amendments
Decision to use the written procedure for the adoption 7475/20
6956/20
MAR

Statement by the Commission

"Adoption by the IMO of the proposed amendments to Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL), to Chapter II-1 to the International Convention for the Safety of Life at Sea and to the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels affects existing Union legislation. As such, these amendments fall within the exclusive external competence of the Union. Furthermore, in accordance with established case-law, in particular case C-600/14, the EU external competence is not limited to exclusive competence. The Union position established in respect of those amendments cannot be limited in scope and must be understood as covering them in their entirety."

- | | | |
|-----|---|---|
| 39. | Council Decision on the EU position within the Port State Control Committee of the Paris Memorandum of Understanding on Port State Control
<i>Decision to use the written procedure for the adoption</i> | 7750/20
+ COR 1 REV 1
7462/20
7465/20
MAR |
|-----|---|---|

Transport

- | | | |
|-----|--|---------------------|
| 40. | Directive amending Directive (EU) 2016/797 and Directive (EU) 2016/798 as regards the extension of the transposition period of 4th Railway Package
<i>Decision to use the written procedure for the adoption of the legislative act</i>
<i>Decision to derogate from the 8-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU</i> | 7799/20
TRANS |
| 41. | Regulation amending Regulation (EC) 1008/2008 on common rules for the operation of the air services in the Community in view of the COVID-19 pandemic
<i>Decision to use the written procedure for the adoption of the legislative act</i>
<i>Decision to derogate from the 8-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU</i> | 7798/20
AVIATION |
| 42. | Regulation amending Regulation (EU) 2017/352 in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak
<i>Decision to use the written procedure for the adoption of the legislative act</i>
<i>Decision to derogate from the 8-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU</i> | 7796/20
TRANS |
| 43. | Regulation on measures concerning the validity of certificates, licences, authorisations and postponement of checks and trainings in view of COVID-19 outbreak
<i>Decision to use the written procedure for the adoption of the legislative act</i>
<i>Decision to derogate from the 8-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU</i> | 7797/20
TRANS |

Research

- | | | |
|-----|--|----------------------------|
| 44. | Conclusions on the SME Instrument in action (CoA SR No 02/2020)
<i>Decision to use the written procedure for the adoption</i> | 7782/20
7517/20
RECH |
|-----|--|----------------------------|

- | | | |
|-----|--|-------------------------|
| 45. | Council approval of opening of negotiations between the Commission and the People's Republic of China on a non-binding EU-China Joint Roadmap for Future Science, Technology and Innovation Cooperation
<i>Approval</i>
<i>Decision to use the written procedure</i> | 7616/20 + COR 1
RECH |
|-----|--|-------------------------|

Delegated or Implementing Acts

Agriculture

- | | | |
|-----|---|----------------------------|
| 46. | Commission Delegated Regulation (EU) .../... of 4.5.2020 derogating in respect of the year 2020 from Commission Delegated Regulation (EU) 2017/891 as regards the fruit and vegetables sector and from Commission Delegated Regulation (EU) 2016/1149 as regards the wine sector in connection with the COVID-19 pandemic
<i>Delegated act - Intention not to raise objections</i>
<i>Decision to use the written procedure</i> | 7861/20
7737/20
AGRI |
|-----|---|----------------------------|
-