



Brussels, 9 June 2020
(OR. en)

8680/20
CRS CRP 24

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
20 May 2020

I. Adoption of the agenda

8036/20 OJ CRP1 20

8076/1/20 REV 1 OJ CRP2 20

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)

Transport

2. 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 18 May 2020.

3. Directive amending Directive (EU) 2016/797 and Directive (EU) 2016/798 as regards the extension of the transposition period of 4th Railway Package 8068/20

Preparation for the adoption of the legislative act

Preparation for the 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

Decision to use the written procedure

The Committee agreed to accept the European Parliament's position as voted in first reading on 15 May 2020, to use the written procedure for the adoption of the text and to derogate from the 8-week rule for the consultation of national parliaments.

4. 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 8057/20 + ADD 1

Preparation for the adoption of the legislative act

Preparation for the 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

Decision to use the written procedure

The Committee agreed to accept the European Parliament's position as voted in first reading on 15 May 2020, to use the written procedure for the adoption of the text and to derogate from the 8-week rule for the consultation of national parliaments.

Competitiveness

5. Informal videoconference of Ministers responsible for tourism on 20 May 2020: *Preparation*

The Committee held an exchange of views in preparation of the informal videoconference of the Ministers responsible for Tourism on 20 May 2020.

COREPER (PART 2)

General Affairs

15. Exceptional measures on the continuation of decision-making in the Council 8044/20

Approval

Decision to use the written procedure

The Committee agreed on the exceptional measures to be taken and agreed to use the written procedure for the adoption of the respective Council Decision.

17. Informal videoconference of the Ministers of European Affairs
on 26 May 2020: Preparation

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

Foreign Affairs

18. Informal videoconference of the Ministers of Foreign Affairs on
15 May 2020: Follow-up

The EEAS presented the main discussions at the informal videoconference.

19. Action Plan on Human Rights and Democracy 2020-2024 7029/20 + ADD 1
Exchange of views 7030/20 + ADD 1

The Committee held an exchange of views and gave guidance for further work.

IV. Any other business

COREPER (PART 1)

Follow up to the informal videoconference of Ministers of Internal Market and Industry on 15 May 2020

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

COVID-19 related initiatives

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

European Semester - Country-specific recommendations 2020

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

COREPER (PART 2)

Informal videoconference of the Ministers of Foreign Affairs on 29 May 2020

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

Informal videoconference of the Ministers of Trade on 9 June 2020

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

Informal videoconferences of the Ministers of Justice on 4 June 2020 and the Ministers of Home Affairs on 5 June 2020

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

European Semester: Country-specific recommendations 2020

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

Anti-Money-Laundering List of High-Risk Third Countries

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

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

7. Replies to questions for written answer submitted to the Council by Members of the European Parliament 7998/20
PE-QE
Adoption by silence procedure

Ondřej Kovařík (Renew), Ondřej Knotek (Renew) 7481/20
"State of play of accession of Romania and Bulgaria to the Schengen Area"

Appointments

8. One member (SE) of the Management Board of the European Centre for the Development of Vocational Training 7926/20
7922/20
SOC
Decision to use the written procedure for the adoption
9. One alternate member (AT) of the Management Board of the European Agency for Safety and Health at Work 8023/20
8020/20
SOC
Decision to use the written procedure for the adoption

Judicial Affairs

10. Case T-251/18 (IFSUA v. Council) 7929/20
Information note for the Permanent Representatives Committee (Part I) JUR

Energy

11. Conclusions on EU action on ecodesign and energy labelling 7894/20
(CoA SR No 01/2020) 7944/20
Decision to use the written procedure for the adoption ENER

Transport

12. Council Decision amending Decision to open negotiations on a comprehensive air transport agreement between the EU and its Member States and the Association of Southeast Asian Nations (ASEAN) Member States as regards matters falling within the exclusive Union competence 7381/20
7787/20
AVIATION
Decision to use the written procedure for the adoption

Statement by the Commission

"The Commission takes note of the intention of the Council to adopt a decision amending the Council Decision of 7 June 2016 authorising the Commission to open negotiations with the ASEAN Member States only as regards matters falling within the exclusive Union competence. The Commission also notes that the Representatives of the Governments of the Member States, meeting within the Council, have the intention to adopt a decision amending the Decision of the Representatives of the Governments of the Member States, meeting within the Council of 7 June 2016 authorising the European Commission to negotiate, on behalf of the Member States, the provisions of a comprehensive air transport agreement between the European Union and its Member States and the Association of Southeast Asian Nations (ASEAN) Member States on matters that do not fall within the exclusive Union competence. The Commission considers that the Union is competent to negotiate and conclude comprehensive agreements in the field of air transport, such as the agreement with ASEAN, in all their parts. It also recalls that, in accordance with the jurisprudence of the Court, as reflected in Case C-459/03 (points 92 to 95), the existence of the Union's external competence is not in principle contingent on the adoption of measures of secondary law covering the area in question. Therefore, the Commission does not agree that the Union can participate in the negotiations only 'as regards matters falling under the exclusive Union competence', nor with the Council's approach whereby authorisations to negotiate on matters covered by Union competence, even if only shared and not yet exercised, could in any way 'affect' Member State competences. The Commission considers moreover that the negotiation of a comprehensive air transport agreement by the Union alone is the most effective way to achieve the objectives of the Common Transport Policy, in particular as regards a common treatment to be granted within the Union to air carriers established in third countries and a common treatment to be granted by third countries to Union air carriers. In order for the benefits from international aviation agreements, such as the agreement with ASEAN, to be reaped without undue delay, they should apply as soon as possible after their signature. The current practice shows that the participation of Member States in such agreements causes considerable delays in their entry into force. This is contrary to the interest of the Union. The duty of sincere cooperation (Article 4(3) TEU) requires the institutions and Member States to do everything possible to facilitate the exercise of the Union's powers and to abstain from any measure which could jeopardise the attainment of the objectives of the Treaties.

The Commission considers moreover that the time limitation of the authorisation(s) is incompatible with the Treaties, and in particular with Article 218(3) TFEU. The Commission considers that such a time limitation can only be part of negotiating directives addressed by the Council to the Commission under Article 218(4) TFEU and thus merely constitute guidance for the negotiator, inviting him to use its best endeavour to conclude negotiations within the respective timeframe.

The Commission maintains its view that Article 218(3) and (4) TFEU provide a sufficient legal basis for the Council Decision, without any substantive legal base being necessary.

The Commission reserves its right to make use, if necessary, of all the legal means at its disposal to ensure the respect of the provisions of the Treaties."

Internal Market and Industry

13. Regulation on temporary measures concerning the general meetings of European companies (SE) and of European Cooperative Societies (SCE) 7979/20
7648/20
DRS
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
Decision to use the written procedure for the adoption of the legislative act

Agriculture

14. Decision amending Council Decision 2003/17/EC as regards the equivalence of cereal seed produced in Ukraine 7871/20 + ADD 1
AGRILEG
Mandate for negotiations with the European Parliament

COREPER (PART 2)

Judicial Affairs

21. Case C-180/20 (European Commission v. Council of the European Union) 7937/20
Information note for the Permanent Representatives Committee JUR
(Part 2)

Institutional Affairs

Appointments

22. A member and an alternate member (ES) of the Committee of the Regions 7822/20
Adoption by silence procedure 7821/20
CDR

Transparency

23. Public access to documents 7958/20 + ADD 1
Confirmatory application No 11/c/01/20 7959/20
Decision to use the written procedure for the adoption INF
API
24. Public access to documents 7298/20 + COR 1
Confirmatory application No 12/c/01/20 7911/20
Decision to use the written procedure for the adoption INF
API

Economic and Financial Affairs

25. Regulation and Directive on Crowdfunding 7746/20 + ADD 1
Political agreement + ADD 2
EF

Statement by Austria

"Österreich hat ernsthafte Bedenken, dass sich der in der Verordnung vorgesehene harmonisierte Rechtsrahmen für europäische Crowdfunding-Dienstleister insbesondere für zahlreiche der kleinen innerstaatlich tätigen Anbieter als unverhältnismäßig erweisen und deren Fortbestehen ernsthaft gefährden wird. Aus diesem Grund hat Österreich wiederholt eine Ausnahme von Crowdfunding-Dienstleistern gefordert, die keine grenzüberschreitenden Tätigkeiten erbringen, um solchen Anbietern die Fortführung ihrer Aktivitäten unter den bestehenden nationalen Rechtsordnungen zu erlauben und den Grundsätzen der Subsidiarität und Proportionalität Rechnung zu tragen. Da eine solche Ausnahme jedoch in den nun vorliegenden Kompromisstext keinen Eingang gefunden hat, muss dieser abgelehnt werden."

Courtesy translation:

"Austria has serious concerns that the harmonised legal framework provided by the Regulation would prove excessively burdensome for many of the small national service providers and could put their viability in peril. It is for this reason that Austria has repeatedly called for an exemption of crowdfunding service providers without cross-border activities to allow those providers to continue operating under their current national regime and take into account the principles of subsidiarity and proportionality. As such an exemption has not been included, the present compromise text must be rejected."

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| 26. | Conclusions on the future evolution of administrative cooperation in the field of taxation in the EU
<i>Decision to use the written procedure for the adoption</i> | 7941/20
7940/20
FISC |
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General Affairs

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| 27. | EP Resolutions and decisions (May 2020) | 7924/20
PE-RE |
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Justice and Home Affairs

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| 28. | Council Decision on the conclusion of the EU - Belarus - Readmission Agreement
<i>Decision to use the written procedure for the adoption</i> | 7927/20
12158/3/19 REV 3
MIGR |
| 29. | Council Decision on the conclusion of the Visa Facilitation Agreement with Belarus
<i>Decision to use the written procedure for the adoption</i> | 7846/20
12362/2/19 REV 2
VISA |
| 30. | Council Decision on the conclusion of the Status Agreement with Montenegro on actions carried out by EBCG Agency in Montenegro
<i>Decision to use the written procedure for the adoption</i> | 7928/20
6847/1/19 REV 1
6846/19
FRONT |

Statement by Hungary

"Hungary can fully support that fact the European Border and Coast Guard Agency (Frontex) may coordinate operational cooperation between Member States and third countries and provide technical and operational assistance to third countries in the context of European integrated border management. In this regard we welcome and we are ready to support the conclusion of the Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro.

However, we would like to highlight that Regulation 2019/1896 of the European Parliament and of the Council on the European Border and Coast Guard ensures the possibility for the Agency to carry out actions, without geographical limitations, related to European integrated border management on the territory of a third country subject to the agreement of that third country. Hungary regrets to notice that the content of the current Agreement was not aligned with Regulation 2019/1896/EU on the European Border and Coast Guard and that it remains to limit the scope of support, provided by the Agency to the common border sections between Montenegro and the EU.

In line with this, the possibilities set out in the current EU legal framework will remain unused in the practice, despite the fact that the requests for assistance in the field of border management addressed to the Member States by Montenegro are not limited to the border sections common with the EU.

Taking into account the aforementioned Hungary would like to stress that in order to ensure the security of the European Union and to be able to effectively manage the external borders, the swift revision and amendment (in line with the Regulation 2019/1896/EU on the European Border and Coast Guard) of the Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro is of common interest both for the EU and Montenegro."

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| 31. | Council Decision on the conclusion of the Status Agreement with Serbia on actions carried out by EBCG Agency in Serbia
<i>Decision to use the written procedure for the adoption</i> | 7938/20 + COR 1
15581/1/18 REV 1
15579/1/18 REV 1
FRONT |
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Statement by Hungary

"Hungary can fully support that fact the European Border and Coast Guard Agency (Frontex) may coordinate operational cooperation between Member States and third countries and provide technical and operational assistance to third countries in the context of European integrated border management. In this regard we welcome and we are ready to support the conclusion of the Status Agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia.

However, we would like to highlight that Regulation 2019/1896 of the European Parliament and of the Council on the European Border and Coast Guard ensures the possibility for the Agency to carry out actions, without geographical limitations, related to European integrated border management on the territory of a third country subject to the agreement of that third country. Hungary regrets to notice that the content of the current Agreement was not aligned with Regulation 2019/1896/EU on the European Border and Coast Guard and that it remains to limit the scope of support, provided by the Agency to the common border sections between the Republic of Serbia and the EU.

In line with this, the possibilities set out in the current EU legal framework will remain unused in the practice, despite the fact that the requests for assistance in the field of border management addressed to the Member States by the Republic of Serbia are not limited to the border sections common with the EU.

Taking into account the aforementioned Hungary would like to stress that in order to ensure the security of the European Union and to be able to effectively manage the external borders, the swift revision and amendment (in line with the Regulation 2019/1896/EU on the European Border and Coast Guard) of the Status Agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the Republic of Serbia is of common interest both for the EU and the Republic of Serbia."

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| 32. | Accession by the Philippines to the 1965 Hague Convention
<i>Decision to use the written procedure for the adoption</i> | 7918/20 + COR 1
JUSTCIV |
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Joint statement by Czechia, France and Germany

"Czechia, France and Germany abstain from the vote on the EU recommendation to the accession by the Philippines to the Hague Convention of 1965 on the Service of Documents (Hague Service Convention).

Czechia, France and Germany have remaining doubts whether a recommendation for a line to be taken by the Council of the European Union with regard to the accession by the Philippines to this convention as laid down in Documents ST 7918 2020 INIT and ST 7918 2020 COR 1 is necessary and correct. It implicitly states that the European Union has exclusive external competence in this field of law, which is doubtful at least in the light of the discussions within the Council.

It is therefore important that a Council recommendation is limited to the matters the EU has external competences already accepted by the Member States, which it is not in the current text.

In this form the recommendation will serve as an undesirable precedent for any other accessions to the Hague Service Convention and other measures of the European Union that aim to regulate comparable subject matters, where exclusive external competence of the European Union could play a role but has not yet agreed upon by the Member States. Czechia, France and Germany do not support such a development."

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| 33. | Schengen evaluation Recommendation - Czech Republic return
<i>Decision to use the written procedure for the adoption</i> | 8003/20
8002/20
SCH-EVAL |
| 34. | Schengen evaluation Recommendation - France SIS
<i>Decision to use the written procedure for the adoption</i> | 8005/20
8004/20 R-UE
SCH-EVAL |
| 35. | Schengen evaluation Recommendation - Slovenia visa policy
<i>Decision to use the written procedure for the adoption</i> | 8007/20
8006/20
SCH-EVAL |
| 36. | EPPO: Consultation on the interim Administrative Director
<i>Decision to use the written procedure for the adoption</i> | 8009/20
8016/20
EPPO |

Foreign Affairs

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| 37. PSC Decision EUTM RCA/1/2020 - Acceptance of a third State's contribution to the European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA)
<i>Decision to publish in the Official Journal</i> | 8013/20
7817/20
PSC DEC |
| 38. Council Implementing Decision and Implementing Regulation concerning restrictive measures against the Central African Republic
<i>Decision to use the written procedure for the adoption</i> | 8040/20 + COR 1
7956/20 + ADD 1
7957/20 + ADD 1
CORLX |
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