

Brussels, 3 May 2019
(OR. en)

9032/19
CRS CRP 14

SUMMARY RECORD

PERMANENT REPRESENTATIVES COMMITTEE (Part 2)

11 April 2019

I. Adoption of the agenda

8317/1/19 REV 1 OJ CRP2 14

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)

Foreign Affairs

2. Meeting of the Council (Foreign Affairs) on 8 April 2019:
Follow-up

The above-mentioned item was withdrawn.

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

The Committee took note of the state of play and agreed to revert to this at its next session.

46. EU-China Summit, Brussels, 9 April 2019
Debriefing

The EEAS and the Commission debriefed the Committee on the above-mentioned Summit.

4. EU-US trade relations 8194/19
WTO
- a) Council Decision on opening negotiations on the 6052/19 + ADD 1
elimination of tariffs for industrial goods and related
negotiating directives
- b) Council Decision on opening negotiations on conformity 6053/19 + ADD 1
assessment and related negotiating directives
Preparation for the adoption

The Committee approved the texts of the two Council Decisions and the related negotiating directives and agreed to include them as A-items for adoption by the Council (AGRIFISH) on 15 April 2019. The Committee also agreed to recommend to the Council to make the negotiating directives public after their adoption.

General Affairs

5. Meeting of the Council (General Affairs) on 9 April 2019:
Follow-up

The above-mentioned item was withdrawn.

IV. Any other business

COREPER (PART 2)

Trade matters

The Committee took note of the information provided by the Commission regarding cases in WTO dispute settlement.

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

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| 6. | Case T-160/19 (LTTE v. Council)
<i>Information note for the Permanent Representatives Committee</i>
<i>(Part 2)</i> | 8157/19
JUR |
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Institutional Affairs**Appointments**

- | | | |
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| 7. | Eleven members (BE, EL, FR, MT) and twenty-two alternate members (BE, EL, FR, MT) in the Advisory Committee on Safety and Health
<i>Adoption</i> | 7391/1/19 REV 1
+ REV 1 COR 1
7390/19
SOC |
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Letters

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| 8. | Reply to the European Parliament regarding the absence of Council position on the proposal for a recast of the Dual-Use Regulation
<i>Approval of a letter</i> | 8234/19
COMER |
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Transparency

- | | | |
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| 9. | Public access to documents
Confirmatory application No 07/c/01/19
<i>Adoption</i> | 7367/19
INF
API |
| 10. | Public access to documents
Confirmatory application No 08/c/01/19
<i>Adoption</i> | 7394/19
INF
API |

Economic and Financial Affairs

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| 11. | Joint statement on the dates for the budgetary procedure and modalities for the functioning of the Conciliation Committee in 2019
<i>Approval</i> | 8153/19
FIN |
| 12. | Joint statement on ACER, EIOPA, ENISA, ELA, ESMA, eu-LISA, EUROPOL, CEPOL, FRONTEX and EFSA
<i>Approval</i> | 8154/19
FIN |

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| 45. | Council Decision amending the Protocol on the Statute of the European Investment Bank
<i>Adoption</i> | 6895/19
6518/19 |
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General Affairs

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| 13. | Council Decision entrusting certain powers concerning staff to PMO
<i>Adoption</i> | 8027/19
8044/19
STAT |
| 14. | Council Decision concerning the dock dues in the French outermost regions
<i>Adoption</i> | 8028/19
5975/19
REGIO |
| 15. | EP Resolutions and decisions (April I 2019) | 8305/19
PE-RE |

Justice and Home Affairs

- | | | |
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| 16. | Strategy for the future customs law enforcement co-operation
<i>Endorsement</i> | 7806/19
ENFOCUSTOM |
| 17. | Schengen evaluation Recommendation - Latvia return policy
<i>Adoption</i> | 8216/19
8215/19
SCH-EVAL |
| 18. | Schengen evaluation Recommendation - Finland visa policy
<i>Adoption</i> | 8218/19
8217/19
SCH-EVAL |
| 19. | Schengen evaluation Recommendation - Finland external border
<i>Adoption</i> | 8220/19
8219/19
SCH-EVAL |
| 20. | Directive on Digital Content (DCD)
<i>Adoption of the legislative act</i> | 8084/19
PE-CONS 26/19
JUSTCIV |
| 21. | Directive on Contracts for the Sales of Goods (DSG)
<i>Adoption of the legislative act</i> | 8087/19
PE-CONS 27/19
JUSTCIV |

Foreign Affairs

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| 22. | Council Decision on decommitted funds from the 10th EDF to replenish the African Peace Facility
<i>Adoption</i> | 8078/19
7921/19
ACP |
| 23. | Statement to the Energy Charter Treaty notifying the adoption of the Financial Responsibility Regulation (No 912/2014)
<i>Approval</i> | 7830/19
FDI |
| 24. | Council Decision on Union support for activities leading up to the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)
<i>Adoption</i> | 8343/19
7988/19
CORLX |
| 25. | Syria restrictive measures - pre-notifications
<i>Adoption</i> | 8358/19
CORLX |

Delegated or Implementing Acts

Economic and Financial Affairs

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| 26. | Commission Delegated Regulation (EU) No .../.. of 13 March 2019 on the model financial regulation for public-private partnership bodies referred to in Article 71 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council
<i>Delegated act - Intention not to raise objections</i> | 7512/19 + ADD 1
8165/19
FIN |
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Foreign Affairs

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| 27. | Commission Delegated Regulation (EU) .../... of 12.3.2019 amending Regulation (EU) 2016/1076 of the European Parliament and of the Council in order to include the Independent State of Samoa in Annex I
<i>Delegated act - Intention not to raise objections</i> | 7488/19
7487/19
WTO |
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Transport

28. Commission Delegated Regulation (EU) .../... of 12.3.2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems
Delegated act - Intention not to raise objections 8167/19
7586/19 + ADD 1
AVIATION
29. Commission Delegated Regulation (EU) .../... of 12.3.2019 amending Regulation (EU) No 748/2012 as regards the inclusion of risk-based compliance verification in Annex I and the implementation of requirements for environmental protection
Delegated act - Intention not to raise objections 8168/19
7814/19 + ADD 1
AVIATION

Environment

30. Commission Delegated Regulation (EU) .../... of 7.3.2019 amending Annexes I and II to Regulation (EU) No 510/2011 of the European Parliament and of the Council as regards the monitoring of CO2 emissions from new light commercial vehicles type-approved in a multi-stage process
Delegated act - Intention not to raise objections 8105/19
7371/19 + ADD 1
CLIMA
31. Commission Delegated Regulation (EU) .../... of 12.3.2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards the functioning of the Union Registry
Delegated act - Intention not to raise objections 8107/19
7494/19 + ADD 1
CLIMA
32. Commission Delegated Regulation (EU) .../... of 12.3.2019 amending Regulation (EU) No 389/2013 as regards the technical implementation of the second commitment period of the Kyoto Protocol
Delegated act - Intention not to raise objections 8108/19
7497/19
CLIMA
33. Commission Delegated Regulation (EU) .../... of 13.3.2019 amending Commission Delegated Regulation [C(2019) 1841 of 12 March 2019] supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards the functioning of the Union Registry under Regulation (EU) 2018/842 of the European Parliament and of the Council
Delegated act - Intention not to raise objections 8110/19
7498/19 + ADD 1
CLIMA

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| <p>34. Commission Delegated Regulation (EU) .../... of 26.2.2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council with regard to the operation of the Innovation Fund
<i>Delegated act - Intention not to raise objections</i></p> | <p>8117/19
7186/19 + COR 1
+ ADD 1- 2
CLIMA</p> |
| <p>35. Commission Delegated Regulation (EU) .../... of 6.3.2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards measures adopted by the International Civil Aviation Organisation for the monitoring, reporting and verification of aviation emissions for the purpose of implementing a global market-based measure
<i>Delegated act - Decision to request an extension of the time-limit</i></p> | <p>8244/19
7252/19 + COR 1
CLIMA</p> |

Internal Market and Industry

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| <p>36. Commission Delegated Regulation (EU) .../... amending Regulation (EU) No 540/2014 of the European Parliament and of the Council on the sound level of motor vehicles and of replacement silencing systems
<i>Decision not to oppose adoption</i></p> | <p>8243/19
7343/19 + ADD1
MI</p> |
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EU positions for international negotiations

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| <p>37. Council Decision on the EU position at COP 9 to the Rotterdam Convention on amendments of Annex III
<i>Adoption</i></p> | <p>7949/19
7103/19
ENV</p> |
| <p>38. Council Decision on the EU position at the 14th COP to the Basel Convention on amendments of Annexes II, VIII and IX
<i>Adoption</i></p> | <p>7950/19
7863/19
ENV</p> |
| <p>39. Council Decision on the EU position at COP 9 to the Stockholm Convention on amendments of Annexes A and B
<i>Adoption</i></p> | <p>7951/19
7893/19
ENV</p> |

Agriculture

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| <p>40. Conclusions on the mid-term review of the EU Forest Strategy
<i>Adoption</i></p> | <p>7709/19
FORETS</p> |
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Energy

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| <p>41. Revision of the Gas Directive
<i>Adoption of the legislative act</i></p> | <p>8089/19
PE-CONS 58/19
ENER</p> |
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Environment

42. Regulation on CO2 standards for cars and vans (recast)
Adoption of the legislative act

8091/19 + ADD 1
PE-CONS 6/19
CLIMA

Statement by the Commission

"on Article 14

During the review provided for in Article 14 and when proposing, if appropriate, a legislative amendment to this Regulation, the Commission will carry out the relevant consultations in accordance with the Treaties. It will, in particular, consult the European Parliament and the Member States in that context.

As part of that review, the Commission will also examine the appropriateness of the cap of 5% specified in point 6.3 of Part A of Annex I in view of the need to accelerate the promotion of zero - and low-emission vehicles in the concerned Member States."

Internal Market and Industry

43. Directive on Copyright in the Digital Single Market
Adoption of the legislative act

7986/19 + ADD 1
PE-CONS 51/19
PI

Joint statement by the Netherlands, Luxembourg, Poland, Italy and Finland

"The objectives of this Directive were to enhance the good functioning of the internal market and to stimulate innovation, creativity, investment and production of new content, also in the digital environment. The signatories support these objectives. Digital technologies have radically changed the way content is produced, distributed and accessed. The legislative framework needs to reflect and guide these changes.

However, in our view, the final text of the Directive fails to deliver adequately on the above-mentioned aims. We believe that the Directive in its current form is a step back for the Digital Single Market rather than a step forward.

Most notably we regret that the Directive does not strike the right balance between the protection of right holders and the interests of EU citizens and companies. It therefore risks to hinder innovation rather than promote it and to have a negative impact the competitiveness of the European Digital Single Market.

Furthermore, we feel that the Directive lacks legal clarity, will lead to legal uncertainty for many stakeholders concerned and may encroach upon EU citizens' rights.

We therefore cannot express our consent with the proposed text of the Directive."

Statement by Estonia

"Estonia has always supported the objective of the Directive, namely better access to content online, the functioning of key exceptions in the digital and cross-border environment and the better and balanced functioning of the copyright marketplace.

However, Estonia considers that the final text of the Directive does not strike a sufficient balance between different interests in all aspects.

Furthermore, Estonia has recently had parliamentary elections and our new government and parliament have not been able to give their position on the final compromise text."

Statement by the Commission

"The Commission acknowledges the importance of sports events organisations and their role in financing of sport activities in the Union. In view of the societal and economic dimension of sport in the Union, the Commission will assess the challenges of sport event organisers in the digital environment, in particular issues related to the illegal online transmissions of sport broadcasts."

44. Directive on SatCab
Adoption of the legislative act

8088/19 + ADD 1
PE-CONS 7/19
PI

Statement by the Commission

"The Commission takes note that the text adopted by the European Parliament and the Council of the Directive laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes and amending Council Directive 93/83/EEC replaces the legal basis retained in its proposal (Article 114 of the Treaty on the Functioning of the European Union, TFEU) with the combined legal basis of Articles 53(1) and 62 TFEU. The Commission considers that Articles 53(1) and 62 TFEU provide a specific legal basis, and can thus be considered 'lex specialis', for directives concerning access to activities of self-employed persons. Legislation exceeding that scope should more properly be based on the general legal basis related to the achievement of the internal market (Article 114 TFEU). The two legal bases (Article 114, and Articles 53(1) and 62 TFEU) could also have been used in conjunction, if necessary.

In a spirit of compromise and with a view to the immediate adoption of the proposal by the Union, the Commission supports the final text. However, it regrets the removal of Article 114 TFEU as the legal basis of the Directive and reaffirms that that provision of the TFEU shall be used in future internal market legislation concerning issues other than access to activities of self-employed persons."