

Brussels, 16 May 2019  
(OR. en)

9290/19  
CRS CRP 16

## **SUMMARY RECORD**

### **PERMANENT REPRESENTATIVES COMMITTEE (Part 2)**

2 May 2019

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

8881/19 OJ CRP2 16

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**

##### **Foreign Affairs**

2. EU-Japan Summit (Brussels, 25 April 2019)  
*Debriefing*

The Committee was debriefed on the above-mentioned Summit.

##### **Economic and Financial Affairs**

3. High-level Group of Wise Persons on the European financial  
architecture for development - Presentation of Work Programme  
*Debriefing* 8643/19

The Committee took note of the information provided by the Chair of the High-level Group of Wise Persons.

4. Meeting of the Council (Economic and Financial Affairs) on  
17 May 2019: Preparation  
Other items in connection with the Council meeting

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

The Legal Service drew attention to the recent withdrawal by the ECB of a Recommendation on amending Article 22 of the ECB Statute in order to grant the ECB powers on clearing systems for financial services, in the context of the «relocation policy» of clearing houses. The Legal Service informed that the withdrawal took place on the very same day where the provisional political agreement between EP and Council was approved by Coreper and the corresponding letter was sent to the EP, thus preventing the adoption of the act. In its letter informing the co-legislators on the withdrawal, the ECB claimed that the changes made to its Recommendation by the co-legislators would “*seriously distort its proposal (...) in a manner which (would prevent) achievement of the objectives pursued (...) and (would deprive) the Recommendation of its raison d’être*”. That is the wording used in point 83 of the Court judgment of 2015 in Case C-409/13, Council/Commission, on the withdrawal of a Commission proposal. Beyond the key question of whether or not the changes were serious enough to reach the threshold set by the above case law, this withdrawal raises important institutional issues and has a transversal impact: first, whether a withdrawal affecting the powers of the Council as legislator - at such a late stage, without any early warning - was within the spirit of sincere cooperation among institutions; second, whether the right of initiative of the ECB enjoys the same Treaty guarantees as that of the Commission. For those reasons, the Legal Service invited the Committee to reflect and decide on the appropriate follow-up to this issue, suggesting three possible options for the Council: first, no action; second, a statement in its minutes expressing its misgivings when adopting EMIR- which is not affected anyway by the withdrawal; third, an action against the ECB before the Court of Justice.

### **General Affairs**

5. Meeting of the Council (General Affairs) on 21 May 2019:  
Agenda

The Presidency presented the main items on the agenda.

6. Relations with the EP (April II 2019)  
*Debriefing*

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

7. Legislative transparency 7888/19  
*Exchange of views*

The Committee held an exchange of views on the basis of the note from the general secretariat and agreed to revert to this issue at one of its forthcoming sessions.

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

Council offices in Strasbourg

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

Prüm/Brexit

The Committee took note of the information provided by the Austrian Delegation.

**"I" items approved**

8. Case C-241/19 P (George Haswani v. Council) [Appeal - Syria restrictive measures regime] 8689/19  
JUR  
*Information note for the Permanent Representatives Committee (Part 2)*

**Institutional Affairs****Appointments**

9. Convening of a Conference of the Representatives of the 8767/19  
Governments of the Member States - Appointment of Judges of COUR  
the General Court  
*Approval*

**Economic and Financial Affairs**

10. New Estonian Commemorative Coin for 2019 8466/19  
UEM
11. New Estonian Commemorative Coin for 2020 8470/19  
UEM
12. Conclusions on European Fund for Strategic Investments (ECA 8510/19 + COR 1  
SR No 3/2019) 8511/19  
*Adoption* ECOFIN
13. Conclusions on fighting fraud in EU spending (ECA SR 8646/19  
No 1/2019) GAF  
*Adoption*
14. Council Implementing Decision authorising Italy to apply 8822/19  
reduced rates of taxation to gas oil and LPG for heating in 8253/19  
accordance with Article 19 of Directive 2003/96/EC FISC  
*Adoption*

**General Affairs**

15. EP Resolutions and decisions (April II 2019) 8525/1/19 REV 1  
PE-RE
16. IIA on Better Law-Making – International agreements - 8515/19  
Council Statement INST  
*Approval*

## **Justice and Home Affairs**

- |     |   |  |
|-----|---|--|
| 17. | Cooperation Agreement Eurojust - Denmark<br><i>Adoption</i>   | 8599/19<br>7770/19<br>COPEN                |
| 18. | Council Decision on the conclusion of the Protocol between the EU and the Kingdom of Denmark regarding access to Eurodac for law enforcement purposes, and its Annex<br><i>Adoption</i> | 8826/19<br>15822/18<br>15823/18<br>EURODAC |

## **Foreign Affairs**

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| 19. | Conclusions on Policy Coherence for Development<br><i>Adoption</i>   | 8529/19<br>DEVGEN                              |
| 20. | Council Decision on the EU Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) - extension<br><i>Adoption</i>                  | 8753/19<br>8004/19<br>CORLX                    |
| 21. | Syria restrictive measures - draft replies to delisting requests<br><i>Approval</i>  | 8695/19<br>CORLX                               |
| 22. | DRC restrictive measures: letter of reply regarding designated persons<br><i>Approval</i>  | 8759/19<br>CORLX                               |
| 23. | Council Decision and Implementing Regulation Restrictive measures to combat terrorism - Common Position 2001/931/CFSP - New listing<br><i>Adoption</i> | 8757/19 + ADD 1<br>8632/19<br>8634/19<br>CORLX |

The above-mentioned item was withdrawn.

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| 24. | Council Decision concerning EUCAP Sahel Mali - amendment<br><i>Adoption</i>  | 8761/19<br>8384/19<br>CORLX |
| 25. | Consultation of the Council on three Commission non-disputing party interventions in ISDS proceedings under the ECT          | 8803/19<br>FDI              |
| 26. | (poss.) Conclusions of the 51st European Economic Area (EEA) Council, 20 May 2019<br><i>Establishment of the EU position</i> | 8824/19<br>EEE              |

The above-mentioned item was withdrawn.

## **Internal Market and Industry**

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| 27. | Nomination of the President of the Board of the European<br>Financing Reporting Advisory Group (EFRAG)<br><i>Approval of a letter</i> | 8477/19<br>DRS |
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## **Transport**

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| 28. | Joint declaration on regional transport cooperation within the<br>Eastern Partnership<br><i>Decision to use the written procedure for the authorisation</i> | 8779/19<br>TRANS |
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