



Brussels, 6 July 2020
(OR. en)

9354/20
CRS CRP 28

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
17 June 2020

I. Adoption of the agenda

8832/1/20 REV 1 OJ CRP2 24 COMIX 257
8782/20 OJ CRP1 24

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)

General Affairs

2. Videoconference of Members of the European Council
Information from the Presidency

The Committee took note of the information given by the Presidency and the cabinet of the President of the European Council.

Foreign Affairs

5. Informal videoconference of the Ministers of Foreign Affairs on
15 June 2020: Follow-up

The EEAS presented the main discussions at the informal videoconference.

6. Informal videoconference of the Ministers of Foreign Affairs/Defence on 16 June 2020: Follow-up

The EEAS presented the main discussions at the informal videoconference

Statement by Poland

"Poland welcomes the adoption of Council Conclusions on Security and Defence with the following understanding of the first paragraph thereof:

Poland understands that the term 'independence' refers to the EU efforts to avoid potential dependencies on its international competitors who reject the values the Euro-Atlantic community is founded on. Therefore, the development of the CSDP in no way should undermine the value of transatlantic bond and the key role of NATO's for European security and defence. Likewise, the term of 'European independence' cannot be considered self-explanatory in further discussions on potential new initiatives within the CSDP. Moreover, it remains without prejudice to exclusive competences of the Member States."

Justice and Home Affairs

7. Criteria for the lifting of external border controls

Exchange of views

The Committee held an exchange of views and agreed on the way forward. It will revert to the issue at its next session.

8. JHA Strategic Guidelines

6746/2/20 REV 2

Endorsement

The Committee agreed to revert on this item at one of its next meetings.

Foreign Affairs

10. EU-China VTC: Preparation

The Committee held an exchange of views in preparation of the upcoming EU-China VTC.

COREPER (PART 1)

Agriculture and Fisheries

22. Informal videoconference of the Ministers of Agriculture and Fisheries on 29 June 2020:
Agenda
(For the items in the remit of the Permanent Representatives Committee)

The Presidency presented the main items on the agenda of the informal videoconference of the Ministers of Agriculture and Fisheries.

Fisheries

23. Regulation on the European Maritime and Fisheries Fund
(EMFF)
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 12 June 2020.

Environment

24. Informal videoconference of the Ministers of Environment on 23 June 2020: *Preparation*

Contribution of environmental and climate policies to the
recovery from COVID-19
(*Public discussion*)

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

Education, Youth, Culture and Sport

25. Informal videoconference of the Ministers of Education on 23 June 2020: *Preparation*

Countering the COVID-19 crisis in education and training,
lessons learnt and possible ways forward: Preparations for the
next school/academic year and looking beyond to possible
further innovation in education and training systems

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

Sport

26. Conclusions on the impact of the COVID-19 pandemic and the recovery of the sport sector 8697/20 + COR 1
Preparation for the approval
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 approval of the text and to publish the text in the Official Journal.

Health

27. Regulation on Health Technology Assessment (HTA) 8737/20
Progress report

The Committee took note of the progress report presented by the Presidency.

Transport

28. Regulation on streamlining measures for the realisation of the trans-European transport network (TEN-T) 8726/20
Analysis of the final compromise text with a view to agreement

The Committee endorsed the text of the final compromise.

Statement by Poland

"Polska przyjmuje do wiadomości polityczne porozumienie w sprawie wniosku dotyczącego Rozporządzenia w sprawie usprawnienia działań na rzecz realizacji transeuropejskiej sieci transportowej (TEN-T) osiągnięte między Radą a Parlamentem Europejskim w trakcie trzeciego trilogu, który odbył się w dniu 8 czerwca 2020 r.

Polska popiera ogólny cel proponowanego ustawodawstwa polegający na uproszczeniu i usprawnieniu procesu wdrażania transeuropejskiej sieci transportowej. Niemniej jednak Polska wyraża ubolewanie z powodu rozszerzenia zakresu stosowania proponowanego aktu ustawodawczego określonego w art. 1, co wykracza poza podejście ogólne uzgodnione w grudniu 2019 r.

Uważamy, że obecnie funkcjonujący system prawny w Polsce zapewnia już optymalne warunki dla efektywnej realizacji inwestycji w sieci TEN-T.

Polska poczyniła znaczne wysiłki w celu usprawnienia procedur inwestycyjnych na poziomie krajowym. Aby skutecznie i terminowo realizować projekty infrastrukturalne współfinansowane ze środków UE, Polska stworzyła sprzyjające otoczenie regulacyjne i wprowadziła skuteczne procedury administracyjne. Obecnie Polska jest jednym z największych placów budowy w Europie, a wartość programów drogowych i kolejowych przekracza 45 miliardów euro.

W związku z tym Polska chciałaby utrzymać w niezmienionej formie obowiązujące przepisy dotyczące pozwoleń na poziomie krajowym w celu terminowego ukończenia budowy sieci bazowej TEN-T.

W trakcie negocjacji Polska zaprezentowała bardzo konstruktywne podejście i elastyczność.

Polska poparła podejście ogólne, które opierało się m.in. na kompromisie dotyczącym zakresu aktu prawnego, który obejmował projekty będące częścią wcześniej zidentyfikowanych odcinków sieci bazowej TEN-T wymienionych w załączniku do projektu rozporządzenia Parlamentu Europejskiego i Rady ustanawiającego instrument „Łącząc Europę” (po jego przyjęciu), z wyjątkiem projektów związanych wyłącznie z aplikacjami telematycznymi, nowymi technologiami i innowacjami.

Ogólne podejście ograniczyło zakres proponowanych przepisów w porównaniu z pierwotnym wnioskiem Komisji, jednak państwa członkowskie zostały upoważnione do podjęcia decyzji o rozszerzeniu stosowania tej dyrektywy na inne projekty w sieci bazowej i kompleksowej transeuropejskiej sieci transportowej.

Porozumienie polityczne znacznie rozszerzyło zakres stosowania proponowanego rozporządzenia na inne projekty w korytarzach sieci bazowej, określonych zgodnie z art. 44 ust. 1 rozporządzenia (UE) nr 1315/2013, których całkowity koszt przekracza 300 mln EUR.

Ponieważ nowe przepisy będą miały zastosowanie do większej liczby projektów, rozwiązanie to najprawdopodobniej spowoduje niepotrzebne obciążenia administracyjne. W konsekwencji może to nawet prowadzić do rezultatu, który jest sprzeczny z pierwotnym celem wniosku Komisji.

Dlatego też Polska nie może poprzeć wniosku w jego obecnej formie i wstrzymuje się od głosu.

Jednocześnie Polska wnosi o włączenie tego oświadczenia do protokołu posiedzenia COREPER I, które odbyło się w dniu 17 czerwca 2020 r. oraz do protokołu Rady, na której zostanie przedłożone porozumienie do zatwierdzenia."

Courtesy translation

"Poland takes note of the political agreement on the proposal for the Regulation on streamlining measures for advancing the realisation of the trans-European transport network (TEN-T) reached between the Council and European Parliament during the 3rd trilogue which took place on the 8th of June 2020.

Poland supports the general aim of the proposed legislation to simplify and streamline the process of implementation of the Trans-European Transport Network. Nevertheless, Poland regrets that the scope of the proposed legislative act defined in Article 1 has been extended and thus goes beyond the general approach agreed in December 2019.

In our opinion, the presently functioning legal system in Poland already provides optimal conditions for efficient implementation of investments on the TEN-T network.

Poland has made a strong efforts to streamline investment procedures at the national level. In order to implement infrastructural projects co-financed from EU funds in an effective and timely manner, Poland has created a supportive regulatory environment and introduced efficient administrative procedures. At the moment, Poland is one of the largest construction sites in Europe with the value of both road and railway programmes exceeding EUR 45 billion.

Therefore, Poland would like to maintain the existing permitting regulations at the national level unchanged, in order to ensure timely completion of the TEN-T network.

During the negotiations, Poland presented a very constructive approach and flexibility.

Poland supported general approach which was based, among other things, on the scope of the legislative act which was agreed to encompass projects that are part of pre-identified sections of TEN-T core network as listed in Annex of the draft Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility (once adopted) with the exception of projects exclusively related to telematic applications, new technology and innovation.

The general approach has limited the scope of the proposed legislation in comparison to the original proposal of the Commission, however Member States were empowered to decide to extend the application of this directive to other projects on the core and comprehensive network of the trans-European transport network.

The political agreement has significantly extended the scope of the proposed regulation to other projects on the core network corridors, as identified pursuant to Article 44, paragraph 1 of Regulation (EU) No. 1315/2013, with a total cost exceeding EUR 300 million.

Since the new legislation will apply to higher number of project, this solution will most probably create unnecessary administrative burden. In consequence it could even lead to the result that go against the initial aim of the proposal of the Commission.

Therefore, Poland cannot endorse the proposal in its current form and abstains from voting.

At the same time, Poland requests for this statement to be included in the minutes of the COREPER I held on 17/06/2020, as well as the minutes of the Council which will be adopting this political agreement."

29. Regulation on rail passengers' rights and obligations 8493/20 + COR 1
Preparation for the trilogue

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

30. Directive amending Directive 1999/62/EC on Eurovignette 8710/20
(road charging Directive)
Mandate for negotiations with the European Parliament

The Committee held an exchange of views and agreed to return to this file at a future meeting.

Internal Market and Industry

31. Directive on representative actions 8713/20
Preparation for the trilogue

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

IV. Any other business

COREPER (PART 2)

Court Case T-180/20

The Committee took note of the information given by the Council Legal service.

COREPER (PART 1)

Vaccines

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

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

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| 11. | Case T-203/20 (JM v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 8704/20
JUR |
| 12. | Case T-249/20 (SABRA v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 8708/20
JUR |
| 13. | Case T-269/20 (Viktor Pavlovych Pshonka v. Council of the EU)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 8770/20
JUR |

General Affairs

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| 14. | Regulation amending the Common Provisions Regulation: Technical adjustment 2020 (YEI)
<i>Mandate for negotiations with the European Parliament</i> | 8693/20
REGIO |
| 15. | European citizens' initiative in view of the COVID-19 outbreak
<i>Mandate for negotiations with the European Parliament</i> | 8731/20 |

Statement by Hungary

"Hungary welcomes the Commission's proposal on the modification of the regulation regarding the European citizens' initiative in view of the COVID-19 outbreak. Since the efficacy of this participatory democratic instrument should be preserved during the crisis, we deem the proposal both necessary and timely. For this reason we are ready to cooperate as for the adoption of the Commission's proposal in the spirit of loyal cooperation.

Nevertheless, we would like to reiterate our position and draw attention to some reservations regarding the current wording of the proposal. In our view, the possibility and feasibility of the retroactive application of the regulation to the ECI's for which the collection period was ongoing on 11 March 2020, but expired before the entry into force of the regulation is still unclear. Furthermore, we are convinced that the current format of Article 2 (1) puts these ECI's, the collection period of which ends between 11 March and 11 September, in a disadvantageous position. These concerns not only create legal uncertainties, but also result in an ambiguous situation as for the implementation of equality among the different ECIs.

Bearing in mind the above mentioned reservations, we hope that during the trilogues our concerns will be taken into consideration and the result of the process will reflect on these uncertainties. We are looking forward to the fruitful cooperation with the European Parliament on this matter as well and hope that we will be able to reach an accord in order to ensure the effective functioning of this participatory democratic instrument."

Statement by Romania

"Romania understands the intention of the European Commission to preserve the efficacy of the European citizens' initiative instrument during this pandemic and to provide reassurance and legal clarity to the organizers of initiatives with the collection, verification or examination still ongoing.

Romania considers that in this difficult situation there is a need to have a clear and sound policy applying to the European Citizens' Initiative, in order to preserve their important character of participative democracy and ensuring that the voice of European citizens can be heard.

Romania will not oppose, in the spirit of compromise, the proposal of the European Commission, but considers that some of the provisions do not provide legal certainty and equal treatment for the ECI. Romania considers that the most problematic is the application of the provisions that extend the collection period, which is unclear and could lead to discrimination between ECIs, especially in the case of those which finalized their collection period between 11 March and 11 September. Since the legal text provides the same extension for the collection of signatures without adapting it on a case by case basis, depending on the time elapsed in each case, such an approach will result in an unequal treatment between these ECI.

Romania's position is that, even in exceptional circumstances, a legal act needs to be legally sound and ensure fair and equal treatment to all that are impacted by it."

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| 16. | EU Lines to take for the OEWG
<i>Approval</i> | 8811/20
CYBER |
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Economic and Financial Affairs

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| 17. | Capital Requirements Regulation Quick Fix
<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> | 8652/20
EF |
| 40. | Council position on DAB No 5/2020 (Continuation of the support to refugees and host communities in response to the Syria crisis in Jordan, Lebanon and Turkey)
<i>Decision to use the written procedure for the adoption</i> | 8854/20
8855/20
8475/20
FIN |

Statement by Cyprus

"The Republic of Cyprus wishes to express its disagreement both with the procedure followed and the content of this draft Amending Budget proposal.

While Cyprus has fully supported and continues to support assistance to Syrian refugees, given, *inter alia*, its position as the closest geographically EU Member State to Syria, and the fact that, proportionately, it hosts a very large number of Syrian asylum seekers, we regret the manner in which the proposal was prepared, presented and brought forward to Coreper.

Regarding the procedure in particular, we are deeply disappointed that a Council political discussion did not precede the presentation of the proposal by the Commission. We also regret the fact that the proposal was drafted without taking into due consideration the wider geopolitical context, including the recent weaponization of refugees by Turkey, the fact that this country is a major conduit for illegal migrants to EU Member States, the country's negative role in Syria and Libya, and Turkey's overall attitude towards the EU and its Member States. Regrettably, Turkey did not take the necessary measures to prevent new sea or land routes for illegal migration from Turkey to the EU, and has not cooperated with Cyprus and other Member States to that effect. Furthermore, whereas the proposal was to be discussed at Coreper of 24 June, the process has been unjustifiably expedited in complete disregard of the views of a number of delegations which had asked for more time to examine the documentation.

With regards to the substance of the proposal, we are of the view that a more balanced approach should have been adopted, given that it provides for significantly larger support to refugees in Turkey, at the expense of Jordan and Lebanon, while these countries bear an equally important burden in hosting the largest number of refugees in the world relative to their populations.

In view of these considerations, Cyprus expresses its disagreement with the Council Position on DAB No 5/2020 (Continuation of the support to refugees and host communities in response to the Syria crisis in Jordan, Lebanon and Turkey) and the Decision to use the written procedure for the adoption thereof. Cyprus also expresses its disagreement with the Decision of the European Parliament and of the Council on the mobilisation of the Contingency Margin in 2020 to continue humanitarian support to refugees in Turkey and the Decision to use the written procedure for the adoption thereof."

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| 41. | Decision of the European Parliament and of the Council on the mobilisation of the Contingency Margin in 2020 to continue humanitarian support to refugees in Turkey | 8856/20
8857/20
FIN |
| | <i>Approval</i> | |
| | <i>Decision to use the written procedure for the adoption</i> | |

Justice and Home Affairs

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| 18. | Regulation amending the Visa Information System (VIS) Regulation
<i>Mandate for negotiations with the European Parliament</i>
<i>Approval of a letter</i> | 8516/20 + COR 1
VISA |
| 19. | Frontex Programming Document 2021-2023
<i>Approval of a letter</i> | 8600/20
FRONT |

Foreign Affairs

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| 20. | Force Catalogue 2020 | 8690/20
CSDP/PSDC |
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Delegated or Implementing Acts

Economic and Financial Affairs

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| 21. | Commission Delegated Regulation (EU) .../...of 28.5.2020
amending Delegated Regulation (EU) 2016/101 of 26 October
2015 supplementing Regulation (EU) No 575/2013 of the
European Parliament and of the Council with regard to
regulatory technical standards for prudent valuation under
Article 105(14) of Regulation (EU) No 575/2013
<i>Delegated act - Intention not to raise objections</i>
<i>Decision to use the written procedure</i> | 8763/20
8413/20 + ADD1
8774/20
EF |
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COREPER (PART 1)

Institutional Affairs

Written questions

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| 32. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 8773/20
PE-QE |
| a) | Gianna Gancia (ID)
"EU plan to combat the COVID-19 emergency" | 7730/20 |
| b) | Sandra Pereira (GUE/NGL)
"Worsening situation for refugees amassed at the border between Greece and Turkey" | 8272/20 |
| c) | Lefteris Nikolaou-Alavanos (NI), Kostas Papadakis (NI)
"Developments in the refugee crisis and EU and Greek government policy" | 8276/20 |
| d) | Maite Pagazaurtundúa (Renew), Luis Garicano (Renew), María Soraya Rodríguez Ramos (Renew), Susana Solís Pérez (Renew), Adrián Vázquez Lázara (Renew)
"Plan to repatriate European citizens in third countries" | 8261/20 |
| e) | Pernando Barrena Arza (Verts/ALE), Diana Riba i Giner (Verts/ALE)
"Adoption of 'Corona bonds' and emergency economic measures by the European Council" | 8262/20 |

Appointments

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| 33. | Appointment of seven members of the Management Board of the European Food Safety Authority (EFSA)
<i>Decision to use the written procedure for the adoption</i> | 8513/20
8746/20
AGRILEG |
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Other

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| 34. | Appointment of the President of the Boards of Appeal of the European Union Intellectual Property Office (EUIPO)
<i>Approval of a letter</i> | 8723/20
PI |
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EU positions for international negotiations

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| 35. | Union Position on the reply to ICAO State letter on Sustainability Criteria for CORSIA Eligible Fuels | 8727/20 |
| | <i>Approval</i> | 8728/20 |
| | <i>Decision to use the written procedure</i> | AVIATION |

Health

- | | | |
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| 36. | Conclusions on addressing antimicrobial resistance (CoA SR No 21/2019) | 8679/20 |
| | <i>Approval</i> | 8706/20 |
| | <i>Decision to use the written procedure</i> | SAN |

Research

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| 37. | Council Decision on the adoption of the 2020-2023 high flux reactor supplementary research programme to be implemented by the Joint Research Centre for the European Atomic Energy Community | 8517/20 |
| | <i>Decision to use the written procedure for the adoption</i> | 8515/20 |
| | | RECH |

Agriculture

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| 38. | Regulation amending Regulation (EU) No 1305/2013 regarding exceptional EAFRD support in response to the COVID-19 outbreak | 8653/20 |
| | <i>Decision to use the written procedure for the adoption of the legislative act</i> | AGRI |
| | <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> | |

Statement by the Commission

"The Commission acknowledges the efforts of the European Parliament and of the Council to reach a rapid agreement but the Commission cannot support the amendment to increase the maximum percentage of the European Agricultural Fund for Rural Development that Member States can use for this measure from 1% to 2% of their envelopes. The additional impact on the level of payment appropriations in 2021 may negatively interfere with the on-going negotiations on the multiannual financial framework, and jeopardise other objectives of the Rural Development programmes."

Internal Market and Industry

39. Regulation amending Regulation (EU) 2016/1628 as regards its transitional provisions in order to address the impact of COVID-19 crisis 8699/20
MI
- Decision to use the written procedure for the adoption of the legislative act*
- 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*
-