

Brussels, 14 July 2020
(OR. en)

9530/20
CRS CRP 29

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
22, 24, 26, 29 and 30 June 2020

I. Adoption of the agenda

8981/5/20 REV 5 OJ CRP2 25 COMIX 275 + CM 2838/1/20 REV 1
8948/20 OJ CRP1 25 + COR 1 + ADD 1 REV 1

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)

MONDAY 22 JUNE 2020

General Affairs

2. Conference on the Future of Europe 5675/3/20 REV 3
Approval

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

Justice and Home Affairs

3. Lifting of travel restrictions at the external borders
Exchange of views

This item was held in restricted session.

General Affairs

4. Videoconference of Members of the European Council on 19 June 2020: Follow-up

This item was held in restricted session.

WEDNESDAY 24 JUNE 2020

Justice and Home Affairs

3. Lifting of travel restrictions at the external borders

Exchange of views

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

15. Comprehensive EU leverage mechanism 8954/20

Approval

The Committee held an exchange of views and agreed to revert to this issue at the continuation of its meeting as a I-item.

General Affairs

8. Legislative package for Cohesion Policy 2021-2027 8760/20 + ADD 1-4
Report by the Presidency

The Committee took note of the report by the Presidency.

9. Regulation establishing the Just Transition Fund 8502/1/20 REV1
Partial Mandate for negotiations with the European Parliament

The Committee agreed on a mandate for negotiations with the European Parliament.

6. Conclusions on EU-UK relations 8907/20
Approval 8908/20

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.

Foreign Affairs

10. Meeting of the Council (Foreign Affairs) on 13 July 2020:
Agenda

The EEAS presented the main items on the agenda.

12. Eastern Partnership Leaders' VTC on 18 June 2020
Debriefing

The Committee took note of the main outcomes of the abovementioned meeting.

54. EU-China VTC on 22 June 2020
Debriefing

The Committee took note of the main outcomes of the abovementioned meeting.

Economic and Financial Affairs

13. Informal videoconference of the Ministers of Economy and Finance on 10 July 2020 (date tbc): Agenda

The incoming Presidency presented the main items on the agenda of the informal videoconference of the Ministers of Economy and Finance.

14. Draft general budget of the EU for the financial year 2021
Presentation by the Commission

The Committee took note of the presentation by the Commission.

General Affairs

5. Multiannual Financial Framework 2021-2027 and Recovery Package
Exchange of views 9016/20

The Committee held an exchange of views on the basis of a set of guiding questions related to this issue.

2. Conference on the Future of Europe
Approval 5675/3/20 REV 3

The Committee agreed on a mandate for the Conference on the Future of Europe.

FRIDAY 26 JUNE 2020

Justice and Home Affairs

3. Recommendation on the gradual lifting of the temporary restriction on non-essential travel to the EU 9047/20
FRONT
Approval
Decision to use the written procedure

The Committee held an exchange of views and agreed on the use of the written procedure for the adoption of the Recommendation.

General Affairs

5. Multiannual Financial Framework 2021-2027 and Recovery Package 9016/20
9062/20
Exchange of views

The Committee held an exchange of views on the basis of a set of guiding questions related to this issue.

85. Meeting of the Council (General Affairs) on 15 July 2020:
Agenda

The incoming Presidency presented the main items on the agenda.

86. Accession negotiations:
Draft EU Common Position for Chapter 8, Montenegro 8949/20
Adoption
Draft EU Common Position for Chapter 2, Serbia 8950/20
Exchange of views ELARG

The Committee approved the EU common position as regards Chapter 8 for Montenegro and held an exchange of views on the draft EU common position as regards Chapter 2 for Serbia.

Foreign Affairs

11. Conclusions on Africa 8942/20
Approval 8938/20
Decision to use the written procedure COAFR

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.

Statement by Hungary

"The adoption of the Programme of Action of the International Conference on Population and Development (ICPD) and the Beijing Platform for Action of the Fourth World Conference on Women marked a remarkable consensus. They placed the enjoyment of human rights at the heart of development and important gains in the fields of health, equality between men and women and education have been achieved since their adoption. These fields are at the core of the 2030 Agenda for Sustainable Development incorporating as founding principles the universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination.

Hungary remains dedicated to its human rights commitments, including the protection and promotion of women's rights and equality between men and women. Hungary is deeply committed to the implementation of the ICPD Programme of Action and Beijing Platform for Action as well as the 2030 Agenda, serving also as basic references in the fields of sexual and reproductive health and reproductive rights. Hungary notes, that the term of "sexual and reproductive health and rights (SRHR)" and related issues, like "sexual rights", "comprehensive sexuality education", "modern methods of contraception", "emergency contraception", are lacking consensual definition at international level, including within the European Union. These issues are interpreted and promoted by Hungary in the context of the 2030 Agenda, the ICPD Programme of Action and the Beijing Declaration and Platform for Action and in line with its national legislation."

Statement by Hungary

"Hungary strongly confirms its view that institutionalization of unauthorized migration is unacceptable and is contrary to the right of states to control the entry of foreigners into their territory and a nation's exclusive right to decide who they wish to live with.

In all cases, it must be taken into account that regulating the access to the national labour market shall remain in national competence, and Hungary can, under no circumstances, accept any pressure or enforcement in this regard.

Hungary firmly believes that legal migration can never be the primary and appropriate solution to address economic and labour market challenges and cannot be used to address the socio-economic consequences linked to the COVID-19 pandemic. Measures to counter the economic impact of the COVID-19 pandemic shall be based on national priorities and shall aim the reintegration of newly unemployed people within the EU into the labour market. It must be also highlighted that in the present epidemic situation migration can also bring along serious public health related risks and challenges."

Statement by Poland

"Poland remains dedicated to respond to challenges to achieve full equality between women and men. International agreements guide us in this respect, however not all significant issues are addressed by the international instruments. As the term of "sexual and reproductive health and rights" lacks any internationally recognized definition, Poland interprets its scope in line with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action."

16. Council Decision establishing the general conditions under which third States could exceptionally be invited to participate in individual PESCO projects
Preparation for the adoption

The Committee held an exchange of views.

MONDAY 29 JUNE 2020

General Affairs

92. Legislative programming - Joint Declaration on legislative priorities
Information from the Presidency

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

COREPER (PART 1)

WEDNESDAY 24 JUNE

Agriculture and Fisheries

55. Informal videoconference of the Ministers of Agriculture and Fisheries on 29 June 2020:
Preparation

Communication "Towards more sustainable fishing in the EU:
State of play and orientations for 2021"

The Committee held an exchange of views in preparation of the informal videoconference of the Ministers of Agriculture and Fisheries.

Fisheries

56. Regulation amending Council Regulations as regards fisheries control 8729/20 + COR 1
Progress report

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

57. Council Regulation amending Regulation 2019/1838 fixing for 2020 the fishing opportunities in the Baltic Sea and amending Regulation 2020/123 fixing for 2020 the fishing opportunities in the Atlantic and North Sea (2nd amendment) 8873/20
8799/20 + COR 1
Preparation for the adoption
Decision to use the written procedure

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

Statement by Denmark

"Fishing opportunities for sprat in Skagerrak/Kattegat and in the North Sea 2020/2021

Denmark welcomes that fishing opportunities for sprat in Skagerrak/Kattegat and in the North Sea have been set for 2020/2021 in time for the fishery to start on 1 July 2020. Denmark can agree to the text as part of a compromise on the 2nd Amendment to the fishing opportunities 2020.

Concerning the question of a long-term allocation for sprat between the Skagerrak/Kattegat and the North Sea, Denmark finds that the allocation of the fishing opportunities for 2020/2021 is an ad hoc solution. This view is in line with the view expressed by the Norwegian Delegation, which in the Agreed Record of 12 June 2020 noted that the allocation for 2020/2021 is an ad hoc decision for the fishery season 2020/2021, and that it will be necessary to revisit the issue of allocation next year.

In order to ensure long-term sustainable solutions, and a joint management of our joint stocks, a long-term allocation agreement should include all stakeholders. The EU should therefore engage in discussions of the long-term allocation of sprat between the North Sea and

Skagerrak/Kattegat, with all relevant stakeholders, as soon as possible next year.

Denmark reiterates that an agreement allocating 18,3% to Skagerrak/Kattegat is at the expense of the North Sea, which will lose fishing opportunities in absolute terms, even though the stock is increasing. We have also shown openness to discuss an allocation, based on TACs, however based on a shorter period (2014-2018), which would allocate 14% to 3a.

Denmark will consider, when a long-term agreement on the allocation is found between all stakeholders, how to ensure that the fishing opportunities are best utilised."

Transport

58. Regulation on rail passengers' rights and obligations
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 23 June 2020.

59. Decision on a European Year of Rail (2021) 8853/20
Mandate for negotiations with the European Parliament

The Committee agreed on a mandate for negotiations with the European Parliament.

Energy

60. Conclusions on the response to the COVID-19 pandemic in the 8382/2/20 REV 2
EU energy sector – road to recovery
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 its approval.

Statement by Malta

"Malta is committed to a climate-neutral Europe by 2050 and is taking various measures in this regard. With a view to maintain and sustain EU competitiveness, we support an instrument that addresses the issue of carbon leakage. With reference to the development of a Carbon Border Adjustment Mechanism, Malta stresses that an impact assessment should also analyse the economic and social impact of a future instrument, notably on the peripheral economies of the EU Member States, including islands, which are heavily dependent on importation. A future instrument should address the differences in the economic structure of Member States and consider implications on competitiveness for each respective Member State, whilst ensuring that it does not disproportionately increase the cost of living of citizens on the basis of location.

This would ensure a more equitable solution."

Internal Market and Industry

61. Directive on representative actions
Presidency briefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 22 June 2020. The Committee agreed to analyse the final compromise text at its meeting on 30 June 2020.

62. Regulation amending Regulation (EU) 2016/1628 as regards its transitional provisions in order to address the impact of COVID-19 crisis 8812/20
State of play and guidance for further work

The Committee held an exchange of views and provided guidance for further work. The Committee agreed to return to this file at its meeting on 30 June 2020.

TUESDAY 30 JUNE 2020

Telecommunications

88. Regulation establishing the European Cybersecurity Competence Centre and the Network of Coordination Centres
Presidency briefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 25 June 2020.

Internal Market and Industry

61. (continuation) Directive on representative actions 9059/20
Analysis of the final compromise text with a view to agreement

The Committee endorsed the text of the final compromise.

Statement by Estonia

"Estonia welcomes the aim of the Directive on representative actions for the protection of the collective interests of consumers to strengthen the mechanism for protection of collective interests of consumers in an increasingly globalised and digitalised marketplace.

Estonia, however, regrets that this sector specific Directive undermines Member States' civil procedural law and autonomy by introducing several rules that are horizontal in nature and exist already in all Member States. Such rules are, for example, the loser pays principle, res judicata, lis pendens, dismissal of an action. In our view, the procedural autonomy is of great value and should be respected when creating civil procedural law instruments.

Estonia is one of the Member States who supported the view that a Union procedure should cover cross-border situations, enabling the Member States to set up national systems themselves. We still believe that this would have been the proper approach. Union rules should be introduced only in situations where Member States cannot solve the problem on

their own. In our view, the creation of a national system for representative actions is not such an issue.

Rules for funding of national qualified entities and its examination should be in the competence of a Member State. Unfortunately, the rules for funding in the final text are of horizontal nature. To this end, we would have preferred the General Approach, which concerned only the funding of cross-border qualified entities.

We are very concerned about the fact that the wording of Article 7 (1) does not distinguish between domestic and cross-border actions. Therefore, Estonia sees that the text does not preclude an interpretation according to which the forum Member State's national rules may make it impossible for a qualified entity of another Member State funded by a third party to file an action based only on the fact of a third party funding without even assessing the possible extent of the influence by funders. This is a result we cannot agree to. Such restriction is not in line with the objectives of the Directive and would make it unreasonably difficult and financially burdensome for small Member States to find cross-border qualified entities other than public bodies.

Estonia is of the view that determining the scope of a consumer law directive through a list of 68 instruments, including both directives and regulations, is unclear and overwhelmingly difficult to apply in practice. For example, we struggle to understand how to determine the scope in case of a minimum harmonising directive that has been transposed into national law where national rules go further than the ones in the Directive.

Furthermore, we are disappointed that the time for transposition and application of the Directive have been shortened substantially in comparison with the General Approach. The periods are not sufficient for a small Member State, such as Estonia, who does not have a system for representative actions in place, to set up this complex system.

In the context outlined above, Estonia will place a negative scrutiny reservation on the compromise text as set out in the Annex to document 9059/20 and will communicate its final position by the time of adoption in the Council."

Statement by Ireland

"Ireland has two main areas of concern with the text of the agreement.

Firstly, in relation to article 7.1 of the text which deals with funding of representative actions for redress by 3rd parties who are not necessarily associated with the request to launch a representative action. Funding of civil litigation by 3rd parties is not permitted in the Irish legal system and the introduction of this principle for representative actions presents us with significant legal challenges. We flagged our concerns with this issue during the most recent discussions on the file both at the attaché working party meetings and at COREPER 1 on 17 June last. We indicated that we would have considerable difficulties with accepting this wording due to the nature of our common law system. We now have to deal with these implications in applying this article as part of the transposition process. However, we would like this Committee to take note that the domestic challenges which we will face will require extensive analysis, consultation and making changes to our legal system in due course. These changes will not be completed quickly or easily, and it may well take longer than the transposition period allowed for in the text of the political agreement. On a wider point, we believe that we are being placed at a disadvantage at EU level in the context of negotiations on legal instruments such as this Directive where we operate on a common law system rather than a codified judicial system. Such issues will arise again, and we would like to believe that

our concerns with making fundamental changes to our common law system would be listened to by this Committee in the future.

Secondly, regarding article 15 of the draft political agreement which deals with assistance for qualified entities. Ireland has difficulty accepting any proposal that obliges the Member State to provide certain types of assistance to 3rd party organisations, in this instance to qualified entities. Ireland has been consistent in registering its opposition to being legally obliged to apply such a provision thereby placing a burden on the public finances and creating a new precedent for funding organisations engaged in civil litigation. However, while the provisions in the current text of article 15.1 refers to ‘procedural costs’ not posing a barrier to qualified entities seeking to exercise their rights under article 5, the new Presidency text at article 15.1a further leverages this obligation on Member States. The new text adds that this assistance may take the form of (1) public funding including structural support for the qualified entities, (2) the limitation of applicable court or administrative fees or (3) access to legal aid. These are significant structural interventions that are required of the Member State, and one which Ireland will find difficult to meet, particularly now with added pressures on our public finances. Ireland asks the Committee to take note of our opposition to the text at article 15.1a and our significant concerns that this will place pressures on our public finances that have not been accurately modelled, costed or assessed.

In relation to article 15.1b, we believe that this is a regressive step. The legislative provision here provides for the Member State to allow qualified entities to require modest entry fees or similar participation charges from those consumers who have expressed their willingness to be represented by a qualified entity within a particular representative action. Ireland has indicated on several occasions that it does not support putting financial obligations on consumers who wish to participate in a representative action. The matter of accessing a representative action should be made as straightforward as possible for our consumers and the current text serves as a disincentive to that aim. We believe that consumers should be encouraged to get involved in representative actions where an infringement of their consumer rights has taken place and that no financial barriers should be put in the way. This will, we believe, make it more difficult to encourage consumers to exercise their new rights under this Directive and become involved in representative actions.

Throughout this process, we voiced real concerns about certain legislative provisions in this text, which were clearly not heard. This is not a conducive environment in which to encourage Member States and their officials to fully participate in the drafting of legislation which is designed to protect European consumers and ensure that all businesses are required to operate to the same standards of consumer protection."

62. (continuation) Regulation amending Regulation (EU) 2016/1628 9043/20
as regards its transitional provisions in order to address the
impact of COVID-19 crisis
Mandate for negotiations with the European Parliament

The Committee agreed on a revised mandate for negotiations with the European Parliament. The Committee confirmed that should the European Parliament agree with the use of the urgent procedure and approve the Commission's proposal, as amended, the Council would approve the European Parliament's position, resulting in the adoption of the Regulation in the form of the Commission's proposal, as amended. The Committee authorised the Presidency to inform the European Parliament accordingly.

IV. Any other business

COREPER (PART 2)

Post-Cotonou negotiations

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

COREPER (PART 1)

Informal videoconference of the Ministers of Agriculture and Fisheries on 29 June 2020

The Committee, at its meeting of 30 June 2020, took note of the information provided by the Presidency.

"I" items approved

COREPER (PART 2)

WEDNESDAY 24 JUNE 2020

Judicial Affairs

17. Joined cases C-148/20 to C-150/20, Deutsche Lufthansa and others
(Referring court: Amtsgericht Köln - Germany)
Information note for the Permanent Representatives Committee (Part 2)
- 8609/20
JUR
JAI

Institutional Affairs

Appointments

18. Appointment of an official to a post of Director-General at the General Secretariat of the Council
Approval
Decision to use the written procedure
- 8714/20
STAT

Transparency

19. Public access to documents
Confirmatory application No 08/c/01/20
Decision to use the written procedure for the adoption
- 8689/20
8928/20 + ADD1
INF
API
20. Public access to documents
Confirmatory application No 15/c/01/20
Decision to use the written procedure for the adoption
- 8752/20
8939/20
INF
API

Economic and Financial Affairs

21. VAT e-commerce - Deferral of the application of the rules
Decision to use the written procedure for the adoption
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
- 8611/20 + ADD 1
8612/20
FISC

- | | | |
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| 22. | Structure of excise duties on alcohol: Amendments to the Council Directive
<i>Decision to use the written procedure for the adoption</i> | 8946/20
FISC |
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Statement by the Commission

"The Commission recalls that the general objectives behind this initiative include ensuring the protection of human health in Union policies and activities in line with Article 168 of the TFEU.

The Commission disagrees with the introduction of an excise duty exemption or reduced rates for private production of ethyl alcohol for home consumption or sale due to the health risks associated with methanol poisoning, the possible increase in the consumption of spirits with the liberalisation of private distillation.

Based on information from the Member States, the Commission will report to the Council about the impact of this provision within three years from the date of entry into application."

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| 23. | Implementation of the Council Conclusions on strengthening the European financial architecture for development
<i>Progress report</i> | 8883/20
8884/20
ECOFIN |
| 24. | ECA SR No 10/2020 on EU transport infrastructures
<i>Designation of a Working Party</i> | 8919/20
FIN |
| 25. | ECA SR No 13/2020 on Biodiversity on farmland
<i>Designation of a Working Party</i> | 8914/20
FIN |
| 26. | Transfer No DEC 11/2020 (Section III - Commission)
<i>Approval</i>
<i>Decision to use the written procedure</i> | 8923/20
8608/20
FIN |
| 27. | Transfer No DEC 12/2020 (Section III - Commission)
<i>Approval</i>
<i>Decision to use the written procedure</i> | 8924/20
8827/20
FIN |

General Affairs

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| 28. | EP Resolutions and decisions (JUNE 2020) | 8917/20
PE-RE |
| 29. | Country-specific recommendations 2020
<i>Approval</i>
<i>Decision to use the written procedure</i> | 8592/20
8593/20 |
| 30. | Regulation establishing the Instrument for Pre-accession Assistance (IPA III)
<i>Progress report</i> | 8900/20
ELARG |

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| 33. | Presidency progress report on the FoP IPCR/SCI activities and extension of the group's mandate
<i>Report by the Presidency</i> | 8936/20
IPCR |
| 34. | Conclusions on Implementing Cohesion policy: comparatively low costs, but insufficient information to assess simplification savings (ECA SR No 7/20)
<i>Approval</i>
<i>Decision to use the written procedure</i> | 8837/20
REGIO |
| 35. | Council conclusions on EU investments in cultural sites: a topic that deserves more focus and coordination (ECA SR No 8/20)
<i>Approval</i>
<i>Decision to use the written procedure</i> | 8838/20
REGIO |

Justice and Home Affairs

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| 36. | Regulation amending the Visa Information System (VIS)
Regulation
<i>Progress report</i> | 8755/20
VISA |
| 37. | UCPM proposal - optional consultation of EESC and of CoR
<i>Decision to consult an institution or body</i> | 8898/20
8330/20
PROCIV |
| 38. | Civil Protection
<i>Report by the Presidency</i> | 8933/20
PROCIV |

Foreign Affairs

- | | | |
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| 39. | Council Decision on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EUBAM Rafah)
<i>Decision to use the written procedure for the adoption</i> | 8642/20
7936/20
CORLX |
| 40. | Council Decision on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya)
<i>Decision to use the written procedure for the adoption</i> | 8643/20
8012/20
CORLX |
| 41. | Council Decision on the European Union Police Mission for the Palestinian Territories (EUPOL COPPS)
<i>Decision to use the written procedure for the adoption</i> | 8641/20
7934/20
CORLX |
| 42. | Council Decision on Union support for the activities of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO)
<i>Decision to use the written procedure for the adoption</i> | 8640/20
6651/20
CORLX |

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| 43. | 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>Decision to use the written procedure for the adoption</i> | 8646/20
8562/20
CORLX |
| 44. | Council Decision in support of OSCE activities to reduce the risk of illicit trafficking and excessive accumulation of small arms and light weapons and conventional ammunition in the Republic of North Macedonia and in Georgia
<i>Decision to use the written procedure for the adoption</i> | 8790/20
8539/20
CORLX |
| 45. | Council Decision in support of the implementation of the Maputo Action Plan for the implementation of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction
<i>Decision to use the written procedure for the adoption</i> | 8791/20
8542/20
CORLX |
| 46. | Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in Venezuela
<i>Decision to use the written procedure for the adoption</i> | 8696/20
8671/20
8673/20
CORLX |
| 47. | Regulation establishing the Neighbourhood, Development and International Cooperation Instrument (NDICI)
<i>Progress report</i> | 8847/2020
CADREFIN |
| 48. | Joint EU-SADC EPA Council Decision regarding the request for accession of Angola
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 8932/20
ACP |
| 49. | PSC Decision EUCAP Sahel Mali/1/2020 - Extension of the mandate of the Head of Mission EUCAP Sahel Mali
<i>Decision to publish in the Official Journal</i> | 8909/20
8702/20
PSC DEC |
| 53. | Council Decision concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine
<i>Decision to use the written procedure for the adoption</i> | 8886/20
8825/20
CORLX |

Other items

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| 51. | Council Decision granting Mr Jeppe TRANHOLM-MIKKELSEN authorisation for access to information classified up to level TRÈS SECRET UE/EU TOP SECRET
<i>Decision to use the written procedure for the adoption</i> | 8784/20
8785/20
CSC |
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Energy

52. Conclusions on ECA SR 03/2020 entitled "The Commission contributes to nuclear safety in the EU, but updates required" 8730/20
Approval 8733/20
Decision to use the written procedure ATO

FRIDAY 26 JUNE 2020

Judicial Affairs

84. Case T-252/19 (Laurent Pech v. Council of the European Union) 9046/20
Production of Council documents before the General Court JUR
Approval

Justice and Home Affairs

15. Comprehensive EU leverage mechanism 8954/1/20 REV 1
Approval JAI

Statement by the Commission

"The Commission takes note of the Presidency paper on the coordination mechanism to activate different policies to improve the cooperation of third countries on the return/readmission of their nationals. The Commission fully shares the objective of mobilising different policies to improve cooperation with third countries on return and readmission and intends to address this issue in the context of a new Pact on Migration and Asylum. The Commission is however concerned that the Presidency paper includes language which is not fully in line with the Commission's prerogatives and the internal decision making procedures under the Treaties, and invites the Council to modify the paper accordingly. The Commission recalls that, while the Council is entitled to invite the Commission to submit a proposal, the Commission decides on the opportunity, timing and modalities of making such proposal. The Commission reserves all its rights under the Treaties."

Foreign Affairs

89. Democratic People's Republic of Korea restrictive measures - 8911/20
amended statements of reasons: pre-notifications CORLX
Decision to use the written procedure for the adoption

EU positions for international negotiations

50. Proposed EU position for the high-level meeting of the 8843/20
International Working Group on export credits 8844/20 + COR 1
Decision to use the written procedure for the adoption CCG

A Commission statement can be found in 9530/20 ADD 1 LIMITE.

Agriculture

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|-----|---|--------------------|
| 87. | Conclusions on Farmers' income stabilisation (CoA SR
No 23/2019) | 9081/20
9079/20 |
| | <i>Approval</i> | AGRI |
| | <i>Decision to use the written procedure</i> | |

COREPER (PART 1)

WEDNESDAY 24 JUNE

Institutional Affairs

Written questions

63. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure 8929/20
PE-QE
- a) Maximilian Krah (ID) 8329/20
"Council's attitude towards a Ukrainian peace initiative"
- b) Martin Schirdewan (GUE/NGL) 8405/20
"Attacks on civil liberties during the Coronavirus crisis"
- c) Stéphanie Yon-Courtin (Renew), Markus Ferber (EPP), Gilles Boyer (Renew), Marek Belka (S&D), Alfred Sant (S&D), Engin Eroglu (Renew), Olivier Chastel (Renew) 8378/20
"European Banking Authority's guidelines on product oversight and governance arrangements for retail banking products"
- d) Bronis Ropé (Verts/ALE) 8379/20
" Size of CAP programmes"

Appointments

64. Members of the Scientific and Technical Committee 8866/20
Decision to use the written procedure for the adoption 8754/20
RECH

Judicial Affairs

65. Case C-160/20 (Stichting Rookpreventie Jeugd e.a.) 8806/20
Information note for the Permanent Representatives Committee (Part I) JUR
66. Case T-126/19 (Krajowa Izba Gospodarcza Chłodnictwa i Klimatyzacji v Commission) - Production of Council documents before the General Court of the European Union 8895/20
Authorisation to produce a copy of or an extract from a Council document for use in legal proceedings JUR
67. Case C- 142/20 (Analisi G. Caracciolo) 8069/20
Information note for the Permanent Representatives Committee (Part I) JUR

EU positions for international negotiations

68. Council Decision for the notification on EU participation in CORSIA pilot phase and option for calculating offsetting requirements
Decision to use the written procedure for the adoption
- 8756/20
8758/20
AVIATION

Statement by the Commission

"In respect of recital 16, the Commission disagrees with the suggestion that Article 28b(2) requires the Commission to imperatively present a report by the end of 2020. In addition, the suggestion contained in the same recital and according to which the Commission is bound to present a proposal together with such report, equally in 2020, is incompatible with the Commission's right of initiative. In line with the European Green Deal, the Commission will propose changes to the Emissions Trading System Directive, including for aviation, by June 2021."

Sport

69. Designation of a representative of the EU Member States in the Foundation Board of WADA
Approval
- 8889/20 + COR1
SPORT

Agriculture

70. Conclusions on the sustainable use of pesticides (CoA SR Report No 05/2020)
Approval
Decision to use the written procedure
- 8462/20 + COR 1
8497/20
PESTICIDE

Transport

71. Conclusions on sustainable urban mobility in the EU (CoA SR No 06/2020)
Approval
Decision to use the written procedure
- 8869/20
8875/20
TRANS
72. Conclusions on the EU core road network (CoA SR No 09/2020)
Approval
Decision to use the written procedure
- 8870/20
8876/20
TRANS
73. Council Decision on the conclusion of an agreement with China on civil aviation safety
Decision to use the written procedure for the adoption
- 8568/20
14185/19
9702/18
AVIA

74.	Council Decision on the conclusion of the Common Area Aviation agreement with the Republic of Moldova <i>Decision to use the written procedure for the adoption</i>	8569/20 14205/19 8185/12 AVIA
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Statement by Spain

"España declara que la aprobación de esta Decisión no modifica su posición legal en la disputa sobre la soberanía sobre el territorio en el que está situado el Aeropuerto de Gibraltar. España recuerda que el 20 de noviembre de 2012 comunicó a la Comisión que ya no consideraba en vigor la Declaración de Córdoba, por lo que, a partir de esa fecha, no podía considerar aceptable que se siguiera haciendo referencia en la reglamentación de la Unión Europea en materia de aviación civil a la Declaración Ministerial de 18 de septiembre de 2006 sobre el Aeropuerto de Gibraltar (Declaración de Córdoba) y solicitaba, en consecuencia, que en las propuestas de nueva reglamentación se volviese a la situación anterior a 18 de septiembre de 2006."

Courtesy translation

"Spain declares that the approval of this Decision does not change its legal position in the sovereignty dispute over the territory on which the Gibraltar Airport is located. Spain calls attention to the fact that on 20 November 2012 it notified the Commission that it no longer considered the Cordoba Statement to be in force, and that, therefore, as of that date, Spain could not consider it acceptable for EU regulations on civil aviation to continue referring to the Ministerial Statement of 18 September 2006 on the Airport of Gibraltar (Cordoba Statement) and, consequently, Spain requested that proposals for new regulations refer to the situation prior to 18 September 2006."

Statement by the Commission

"The Commission opposes the amendments made in Article 2 providing that the President of the Council shall give notification that all necessary procedures for entry into force of the Agreement have been completed. Such notification is an act of external representation of the Union and, thus, falls under the prerogatives of the Commission in accordance with Article 17 TEU. In accordance with the Treaties, the President of the Council does not have a role in the external representation of the Union and this provision of the Council Decision violates the distribution of powers between the institutions under the Treaties.

With respect to Article 3 of the Council Decision, which provides that the Commission shall express certain positions of the Union after submitting them to the Council or its preparatory bodies for consultation, the Commission recalls that it proposed to be empowered under Article 218 (7) TFEU to adopt certain positions of the Union's behalf. Since the Council Decision is adopted, inter alia, on the basis of Article 218 (7) TFEU, the Commission understands Article 3 of the Council Decision to mean that the Commission will adopt the positions after consulting the Council. Any other interpretation of this Article would make the use of Article 218 (7) TFEU as legal basis for the adoption of the Council Decision unlawful as it would substantively alter its scope. Furthermore, the Commission emphasises that its powers of external representation, which include expressing positions of the Union, stem from Article 17 TEU and cannot be regulated or modified by a Decision of the Council.

The Commission opposes the modification of the Commission proposal with regard to the scope of the repeal of Article 4 of Decision 2012/639/EU.

According to Article 17 TEU, the Commission ensures the Union's external representation in all areas of Union competence regardless of their nature. The external representation encompasses matters such as participation in joint bodies under international treaties, chairing of meetings of joint bodies and ensuring the secretariat of those bodies. Furthermore, the principle of unity of representation requires in cases where the subject-matter of an agreement falls partly under Union and partly under Member States competence to ensure close cooperation and speak with one voice (C-246/07, paragraph 73; C-620/16, paragraph 93) and it is for the Commission to represent the unified position of the EU Party externally. The Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova does not cover matters that fall under the sole competence of the Member States.

As regards the procedure preceding the adoption of the Council Decision, the Commission recalls that the adoption of that Decision cannot be conditioned upon the agreement of the Representatives of the Governments of the Member States meeting within the Council (see judgment of the ECJ in case C-28/12). Such an additional procedural step, of intergovernmental nature, is not provided for in Article 218 TFEU and would be incompatible with that provision. However, the Commission understands that such a step is not mentioned in the draft Decision and that it is not part of the present adoption procedure.

The Commission reserves all its rights under the Treaties."

75.	Council Decision on the conclusion of the EU-Republic of Moldova Agreement concerning the Republic of Croatia Protocol	8584/20 7048/15 7047/15
	<i>Decision to use the written procedure for the adoption</i>	AVIA

Statement by Spain

"España declara que la aprobación de esta Decisión no modifica su posición legal en la disputa sobre la soberanía sobre el territorio en el que está situado el Aeropuerto de Gibraltar. España recuerda que el 20 de noviembre de 2012 comunicó a la Comisión que ya no consideraba en vigor la Declaración de Córdoba, por lo que, a partir de esa fecha, no podía considerar aceptable que se siguiera haciendo referencia en la reglamentación de la Unión Europea en materia de aviación civil a la Declaración Ministerial de 18 de septiembre de 2006 sobre el Aeropuerto de Gibraltar (Declaración de Córdoba) y solicitaba, en consecuencia, que en las propuestas de nueva reglamentación se volviese a la situación anterior a 18 de septiembre de 2006."

Courtesy translation

"Spain declares that the approval of this Decision does not change its legal position in the sovereignty dispute over the territory on which the Gibraltar Airport is located. Spain calls attention to the fact that on 20 November 2012 it notified the Commission that it no longer considered the Cordoba Statement to be in force, and that, therefore, as of that date, Spain could not consider it acceptable for EU regulations on civil aviation to continue referring to the Ministerial Statement of 18 September 2006 on the Airport of Gibraltar (Cordoba Statement) and, consequently, Spain requested that proposals for new regulations refer to the situation prior to 18 September 2006."

76.	Council Decision on the conclusion of the Common Aviation Area Agreement with Georgia <i>Decision to use the written procedure for the adoption</i>	8585/20 9556/19 14370/10 AVIA
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Statement by Spain

"España declara que la aprobación de esta Decisión no modifica su posición legal en la disputa sobre la soberanía sobre el territorio en el que está situado el Aeropuerto de Gibraltar. España recuerda que el 20 de noviembre de 2012 comunicó a la Comisión que ya no consideraba en vigor la Declaración de Córdoba, por lo que, a partir de esa fecha, no podía considerar aceptable que se siguiera haciendo referencia en la reglamentación de la Unión Europea en materia de aviación civil a la Declaración Ministerial de 18 de septiembre de 2006 sobre el Aeropuerto de Gibraltar (Declaración de Córdoba) y solicitaba, en consecuencia, que en las propuestas de nueva reglamentación se volviese a la situación anterior a 18 de septiembre de 2006."

Courtesy translation

"Spain declares that the approval of this Decision does not change its legal position in the sovereignty dispute over the territory on which the Gibraltar Airport is located. Spain calls attention to the fact that on 20 November 2012 it notified the Commission that it no longer considered the Cordoba Statement to be in force, and that, therefore, as of that date, Spain could not consider it acceptable for EU regulations on civil aviation to continue referring to the Ministerial Statement of 18 September 2006 on the Airport of Gibraltar (Cordoba Statement) and, consequently, Spain requested that proposals for new regulations refer to the situation prior to 18 September 2006."

Statement by the Commission

"The Commission opposes the amendments made in Article 2 providing that the President of the Council shall give notification that all necessary procedures for entry into force of the Agreement have been completed. Such notification is an act of external representation of the Union and, thus, falls under the prerogatives of the Commission in accordance with Article 17 TEU. In accordance with the Treaties, the President of the Council does not have a role in the external representation of the Union and this provision of the Council Decision violates the distribution of powers between the institutions under the Treaties.

The Commission opposes the modification of the Commission proposal with regard to the scope of the repeal of Article 3 of Decision 2012/708/EU.

According to Article 17 TEU, the Commission ensures the Union's external representation in all areas of Union competence regardless of their nature. The external representation encompasses matters such as participation in joint bodies under international treaties, chairing of meetings of joint bodies and ensuring the secretariat of those bodies. Furthermore, the principle of unity of representation requires in cases where the subject-matter of an agreement falls partly under Union and partly under Member States competence to ensure close cooperation and speak with one voice (C-246/07, paragraph 73; C-620/16, paragraph 93) and it is for the Commission to represent the unified position of the EU Party externally. The Common Aviation Area Agreement between the European Union and its Member States, of the one part, and Georgia, of the other part does not cover matters that fall under the sole competence of the Member States.

As regards the procedure preceding the adoption of the Council Decision, the Commission recalls that the adoption of that Decision cannot be conditioned upon the agreement of the Representatives of the Governments of the Member States meeting within the Council (see judgment of the ECJ in case C-28/12). Such an additional procedural step, of intergovernmental nature, is not provided for in Article 218 TFEU and would be incompatible with that provision. However, the Commission understands that such a step is not mentioned in the draft Decision and that it is not part of the present adoption procedure.

The Commission reserves all its rights under the Treaties."

77.	Council Decision on the conclusion of a Protocol amending the Agreement on Air Transport between Georgia and the EU on the accession of the Republic of Croatia	8586/20 12227/14 12226/14
	<i>Decision to use the written procedure for the adoption</i>	AVIA

Statement by Spain

"España declara que la aprobación de esta Decisión no modifica su posición legal en la disputa sobre la soberanía sobre el territorio en el que está situado el Aeropuerto de Gibraltar. España recuerda que el 20 de noviembre de 2012 comunicó a la Comisión que ya no consideraba en vigor la Declaración de Córdoba, por lo que, a partir de esa fecha, no podía considerar aceptable que se siguiera haciendo referencia en la reglamentación de la Unión Europea en materia de aviación civil a la Declaración Ministerial de 18 de septiembre de 2006 sobre el Aeropuerto de Gibraltar (Declaración de Córdoba) y solicitaba, en consecuencia, que en las propuestas de nueva reglamentación se volviese a la situación anterior a 18 de septiembre de 2006."

Courtesy translation

"Spain declares that the approval of this Decision does not change its legal position in the sovereignty dispute over the territory on which the Gibraltar Airport is located. Spain calls attention to the fact that on 20 November 2012 it notified the Commission that it no longer considered the Cordoba Statement to be in force, and that, therefore, as of that date, Spain could not consider it acceptable for EU regulations on civil aviation to continue referring to the Ministerial Statement of 18 September 2006 on the Airport of Gibraltar (Cordoba Statement) and, consequently, Spain requested that proposals for new regulations refer to the situation prior to 18 September 2006."

78.	Council Decision on the conclusion of the Euro-Mediterranean Aviation Agreement with Israel <i>Decision to use the written procedure for the adoption</i>	8587/20 14207/19 16828/12 AVIA
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Statement by Spain

"España declara que la aprobación de esta Decisión no modifica su posición legal en la disputa sobre la soberanía sobre el territorio en el que está situado el Aeropuerto de Gibraltar. España recuerda que el 20 de noviembre de 2012 comunicó a la Comisión que ya no consideraba en vigor la Declaración de Córdoba, por lo que, a partir de esa fecha, no podía considerar aceptable que se siguiera haciendo referencia en la reglamentación de la Unión Europea en materia de aviación civil a la Declaración Ministerial de 18 de septiembre de 2006 sobre el Aeropuerto de Gibraltar (Declaración de Córdoba) y solicitaba, en consecuencia, que en las propuestas de nueva reglamentación se volviese a la situación anterior a 18 de septiembre de 2006."

Courtesy translation

"Spain declares that the approval of this Decision does not change its legal position in the sovereignty dispute over the territory on which the Gibraltar Airport is located. Spain calls attention to the fact that on 20 November 2012 it notified the Commission that it no longer considered the Cordoba Statement to be in force, and that, therefore, as of that date, Spain could not consider it acceptable for EU regulations on civil aviation to continue referring to the Ministerial Statement of 18 September 2006 on the Airport of Gibraltar (Cordoba Statement) and, consequently, Spain requested that proposals for new regulations refer to the situation prior to 18 September 2006."

Statement by Ireland

"Ireland intends to abstain on the adoption of the substantive Council Decision on the conclusion of the Euro-Mediterranean Aviation Agreement with Israel, in view of the political context in which this decision is being taken.

In principle Ireland is in favour of such an Agreement between the EU and Israel. We are conscious that it has substantive implications for economic operators and for Member States, and that it has been applied provisionally for some years.

However, Ireland has serious reservations related to the timing of this decision, due to the Government of Israel's stated intention to press ahead with annexation of occupied Palestinian Territory in July. In that context, we believe that the EU should not be proceeding with business as usual. The process of finalisation of this Agreement offers an opportunity for the EU to signal to Israel what is at stake in relation to annexation.

This decision could have been deferred by some weeks to give Israel an opportunity to clarify its intentions, and to allow Ministers to debate the issue. By adopting this agreement at this particular time, without such a debate, the EU is failing to signal, as clearly as we should, how serious a violation of international law such a step by Israel would be. We have lost an opportunity to deter Israel from making a mistake which will impact negatively both on Palestinians and Israelis."

Statement by the Commission

"The Commission opposes the amendments made in Article 2 providing that the President of the Council shall give notification that all necessary procedures for entry into force of the Agreement have been completed. Such notification is an act of external representation of the Union and, thus, falls under the prerogatives of the Commission in accordance with Article 17 TEU. In accordance with the Treaties, the President of the Council does not have a role in the external representation of the Union and this provision of the Council Decision violates the distribution of powers between the institutions under the Treaties.

With respect to Article 3 of the Council Decision, which provides that the Commission shall express certain positions of the Union after submitting them to the Council or its preparatory bodies for consultation, the Commission recalls that it proposed to be empowered under Article 218 (7) TFEU to adopt certain positions of the Union's behalf. Since the Council Decision is adopted, *inter alia*, on the basis of Article 218 (7) TFEU, the Commission understands Article 3 of the Council Decision to mean that the Commission will adopt the positions after consulting the Council. Any other interpretation of this Article would make the use of Article 218 (7) TFEU as legal basis for the adoption of the Council Decision unlawful as it would substantively alter its scope. Furthermore, the Commission emphasises that its powers of external representation, which include expressing positions of the Union, stem from Article 17 TEU and cannot be regulated or modified by a Decision of the Council.

The Commission opposes the modification of the Commission proposal with regard to the scope of the repeal of Article 4 of Decision 2013/398/EU.

According to Article 17 TEU, the Commission ensures the Union's external representation in all areas of Union competence regardless of their nature. The external representation encompasses matters such as participation in joint bodies under international treaties, chairing of meetings of joint bodies and ensuring the secretariat of those bodies. Furthermore, the principle of unity of representation requires in cases where the subject-matter of an agreement falls partly under Union and partly under Member States competence to ensure close cooperation and speak with one voice (C-246/07, paragraph 73; C-620/16, paragraph 93) and it is for the Commission to represent the unified position of the EU Party externally. The Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the government of the State of Israel, of the other part does not cover matters that fall under the sole competence of the Member States.

As regards the procedure preceding the adoption of the Council Decision, the Commission recalls that the adoption of that Decision cannot be conditioned upon the agreement of the Representatives of the Governments of the Member States meeting within the Council (see judgment of the ECJ in case C-28/12). Such an additional procedural step, of intergovernmental nature, is not provided for in Article 218 TFEU and would be incompatible with that provision. However, the Commission understands that such a step is not mentioned in the draft Decision and that it is not part of the present adoption procedure.

The Commission reserves all its rights under the Treaties."

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| 79. | Council Decision on the conclusion of a Protocol amending the Agreement on Air Transport between Israel and the EU on the accession of the Republic of Croatia
<i>Decision to use the written procedure for the adoption</i> | 8588/20
12265/14
12264/14
AVIA |
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Statement by Spain

"España declara que la aprobación de esta Decisión no modifica su posición legal en la disputa sobre la soberanía sobre el territorio en el que está situado el Aeropuerto de Gibraltar. España recuerda que el 20 de noviembre de 2012 comunicó a la Comisión que ya no consideraba en vigor la Declaración de Córdoba, por lo que, a partir de esa fecha, no podía considerar aceptable que se siguiera haciendo referencia en la reglamentación de la Unión Europea en materia de aviación civil a la Declaración Ministerial de 18 de septiembre de 2006 sobre el Aeropuerto de Gibraltar (Declaración de Córdoba) y solicitaba, en consecuencia, que en las propuestas de nueva reglamentación se volviese a la situación anterior a 18 de septiembre de 2006."

Courtesy translation

"Spain declares that the approval of this Decision does not change its legal position in the sovereignty dispute over the territory on which the Gibraltar Airport is located. Spain calls attention to the fact that on 20 November 2012 it notified the Commission that it no longer considered the Cordoba Statement to be in force, and that, therefore, as of that date, Spain could not consider it acceptable for EU regulations on civil aviation to continue referring to the Ministerial Statement of 18 September 2006 on the Airport of Gibraltar (Cordoba Statement) and, consequently, Spain requested that proposals for new regulations refer to the situation prior to 18 September 2006."

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| 80. | Council Decision on the conclusion of the Euro-Mediterranean Aviation Agreement with Jordan
<i>Decision to use the written procedure for the adoption</i> | 8589/20
14209/19
14366/10
AVIA |
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Statement by Spain

"España declara que la aprobación de esta Decisión no modifica su posición legal en la disputa sobre la soberanía sobre el territorio en el que está situado el Aeropuerto de Gibraltar. España recuerda que el 20 de noviembre de 2012 comunicó a la Comisión que ya no consideraba en vigor la Declaración de Córdoba, por lo que, a partir de esa fecha, no podía considerar aceptable que se siguiera haciendo referencia en la reglamentación de la Unión Europea en materia de aviación civil a la Declaración Ministerial de 18 de septiembre de 2006 sobre el Aeropuerto de Gibraltar (Declaración de Córdoba) y solicitaba, en consecuencia, que en las propuestas de nueva reglamentación se volviese a la situación anterior a 18 de septiembre de 2006."

Courtesy translation

"Spain declares that the approval of this Decision does not change its legal position in the sovereignty dispute over the territory on which the Gibraltar Airport is located. Spain calls attention to the fact that on 20 November 2012 it notified the Commission that it no longer considered the Cordoba Statement to be in force, and that, therefore, as of that date, Spain could not consider it acceptable for EU regulations on civil aviation to continue referring to the Ministerial Statement of 18 September 2006 on the Airport of Gibraltar (Cordoba Statement) and, consequently, Spain requested that proposals for new regulations refer to the situation prior to 18 September 2006."

Statement by the Commission

"The Commission opposes the amendments made in Article 2 providing that the President of the Council shall give notification that all necessary procedures for entry into force of the Agreement have been completed. Such notification is an act of external representation of the Union and, thus, falls under the prerogatives of the Commission in accordance with Article 17 TEU. In accordance with the Treaties, the President of the Council does not have a role in the external representation of the Union and this provision of the Council Decision violates the distribution of powers between the institutions under the Treaties.

With respect to Article 3 of the Council Decision, which provides that the Commission shall express certain positions of the Union after submitting them to the Council or its preparatory bodies for consultation, the Commission recalls that it proposed to be empowered under Article 218 (7) TFEU to adopt certain positions of the Union's behalf. Since the Council Decision is adopted, inter alia, on the basis of Article 218 (7) TFEU, the Commission understands Article 3 of the Council Decision to mean that the Commission will adopt the positions after consulting the Council. Any other interpretation of this Article would make the use of Article 218 (7) TFEU as legal basis for the adoption of the Council Decision unlawful as it would substantively alter its scope. Furthermore, the Commission emphasises that its powers of external representation, which include expressing positions of the Union, stem from Article 17 TEU and cannot be regulated or modified by a Decision of the Council.

The Commission opposes the modification of the Commission proposal with regard to the scope of the repeal of Article 3 of Decision 2012/750/EU.

According to Article 17 TEU, the Commission ensures the Union's external representation in all areas of Union competence regardless of their nature. The external representation encompasses matters such as participation in joint bodies under international treaties, chairing of meetings of joint bodies and ensuring the secretariat of those bodies. Furthermore, the principle of unity of representation requires in cases where the subject-matter of an agreement falls partly under Union and partly under Member States competence to ensure close cooperation and speak with one voice (C-246/07, paragraph 73; C-620/16, paragraph 93) and it is for the Commission to represent the unified position of the EU Party externally. The Euro-Mediterranean Aviation Agreement between the European Union and its Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part does not cover matters that fall under the sole competence of the Member States.

As regards the procedure preceding the adoption of the Council Decision, the Commission recalls that the adoption of that Decision cannot be conditioned upon the agreement of the Representatives of the Governments of the Member States meeting within the Council (see judgment of the ECJ in case C-28/12). Such an additional procedural step, of intergovernmental nature, is not provided for in Article 218 TFEU and would be incompatible with that provision. However, the Commission understands that such a step is not mentioned in the draft Decision and that it is not part of the present adoption procedure.

The Commission reserves all its rights under the Treaties."

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| 81. | Council Decision on the conclusion of a Protocol amending the Agreement on Air Transport between Jordan and the EU on the accession of the Republic of Croatia
<i>Decision to use the written procedure for the adoption</i> | 8590/20
7067/15
7066/15
AVIA |
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Statement by Spain

"España declara que la aprobación de esta Decisión no modifica su posición legal en la disputa sobre la soberanía sobre el territorio en el que está situado el Aeropuerto de Gibraltar. España recuerda que el 20 de noviembre de 2012 comunicó a la Comisión que ya no consideraba en vigor la Declaración de Córdoba, por lo que, a partir de esa fecha, no podía considerar aceptable que se siguiera haciendo referencia en la reglamentación de la Unión Europea en materia de aviación civil a la Declaración Ministerial de 18 de septiembre de 2006 sobre el Aeropuerto de Gibraltar (Declaración de Córdoba) y solicitaba, en consecuencia, que en las propuestas de nueva reglamentación se volviese a la situación anterior a 18 de septiembre de 2006."

Courtesy translation

"Spain declares that the approval of this Decision does not change its legal position in the sovereignty dispute over the territory on which the Gibraltar Airport is located. Spain calls attention to the fact that on 20 November 2012 it notified the Commission that it no longer considered the Cordoba Statement to be in force, and that, therefore, as of that date, Spain could not consider it acceptable for EU regulations on civil aviation to continue referring to the Ministerial Statement of 18 September 2006 on the Airport of Gibraltar (Cordoba Statement) and, consequently, Spain requested that proposals for new regulations refer to the situation prior to 18 September 2006."

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| 82. | Council Decision on the conclusion of a Protocol amending the Agreement on Air Transport between Morocco and the EU on the accession of the Republic of Bulgaria and Romania
<i>Decision to use the written procedure for the adoption</i> | 8598/20
6198/13
12071/09
AVIA |
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Statement by Spain

"España declara que la aprobación de esta Decisión no modifica su posición legal en la disputa sobre la soberanía sobre el territorio en el que está situado el Aeropuerto de Gibraltar. España recuerda que el 20 de noviembre de 2012 comunicó a la Comisión que ya no consideraba en vigor la Declaración de Córdoba, por lo que, a partir de esa fecha, no podía considerar aceptable que se siguiera haciendo referencia en la reglamentación de la Unión Europea en materia de aviación civil a la Declaración Ministerial de 18 de septiembre de 2006 sobre el Aeropuerto de Gibraltar (Declaración de Córdoba) y solicitaba, en consecuencia, que en las propuestas de nueva reglamentación se volviese a la situación anterior a 18 de septiembre de 2006."

Courtesy translation

"Spain declares that the approval of this Decision does not change its legal position in the sovereignty dispute over the territory on which the Gibraltar Airport is located. Spain calls attention to the fact that on 20 November 2012 it notified the Commission that it no longer considered the Cordoba Statement to be in force, and that, therefore, as of that date, Spain could not consider it acceptable for EU regulations on civil aviation to continue referring to the Ministerial Statement of 18 September 2006 on the Airport of Gibraltar (Cordoba Statement) and, consequently, Spain requested that proposals for new regulations refer to the situation prior to 18 September 2006."

Fisheries

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| 83. | Additional negotiating directives allowing a further extension of the current fisheries protocol with Mauritania
<i>Decision to use the written procedure for the adoption</i> | 8878/20 + ADD 1
10231/19 ADD 2
PECHE |
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Statement by the Commission

"The Commission has informed the special committee that, in view of the implications of the Covid-19 pandemic on the negotiation for the renewal of the Fishery Partnership Agreement and protocol EU-Mauritania, it could be necessary to renew the current extension of the protocol for an additional period, pending the finalisation of the negotiation to avoid interruption of fishing activities on 15 November 2020.

The Commission considers that negotiation of another extension of the current Agreement and Protocol is possible under the current authorisation decision which provides for an authorisation to negotiate a limited prolongation of the current Protocol.

The Commission is also of the view that the negotiation directives in the Annex of the decision, which refer to a prolongation of the current Agreement and protocol for maximum one year, need not to be amended, as such indicative directives must leave a margin for the negotiator and are not capable to exclude the possibility of a second prolongation.

The Commission observes that the Council, with the consent of the Parliament will be in a position to decide on the extension of the protocol following a proposal to sign and conclude the new exchange of letters under Article 218(5) and (6)a TFEU."

TUESDAY 30 JUNE 2020

General Affairs

90. European citizens' initiative in view of the COVID-19 outbreak
Confirmation of the final compromise text with a view to agreement 9151/20
INST

Energy

91. Conclusions on "Energy efficiency in buildings: Greater focus
on cost-effectiveness still needed" (CoA SR No 11/2020)
Approval 9162/20
Decision to use the written procedure 9163/20
ENER
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