



Brussels, 28 July 2020
(OR. en)

9885/20
CRS CRP 32

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
14, 15 and 16 July 2020

I. Adoption of the agenda

9569/1/20 REV 1 OJ CRP2 28 COMIX 306 + REV 1 COR 1 + CM 3071/20
9445/20 OJ CRP1 28

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. Informal videoconference of the Ministers of European Affairs
on 15 July 2020: Preparation

- a) Preparation of the European Council on 17-18 July 2020: 9415/20
Draft conclusions
Exchange of views

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

- b) Other items in connection with the informal videoconference

The Committee took note of the information provided by the Presidency on the informal videoconference of the Ministers of European Affairs.

Foreign Affairs

- 4. Meeting of the Council (Foreign Affairs) on 13 July 2020:
Follow-up

The EEAS presented the main outcomes of the Council meeting.

Justice and Home Affairs

- 23. Council Recommendation amending Council Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction

Approval

Decision to use the written procedure

The Committee held an exchange of views, agreed on the draft Recommendation as set out in 9596/20 and agreed on the use of the written procedure for the adoption of the Recommendation.

COREPER (PART 1)

Fisheries

24. Regulation amending Regulation (EU) 2016/1139 and Regulation (EU) No 508/2014 as regards Eastern Baltic cod
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 6 July 2020.

Agriculture and Fisheries

25. Meeting of the Council (Agriculture and Fisheries) on 20 July 2020: *Preparation*

1. Work programme of the Presidency
Presentation by the Presidency

The Committee prepared this item for the Council.

2. Farm to Fork Strategy
Exchange of views

9274/1/20 REV 1

The Committee prepared this item for the Council.

Employment and Social Policy

26. Decision amending Decision No 573/2014/EU on cooperation between Public Employment Services (PES)
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 14 July 2020.

IV. Any other business

COREPER (PART 2)

Travel for the purpose of Council meetings

The Committee took note of the information provided by Belgium in its capacity as host country.

COREPER (PART 1)

None.

"I" items approved**COREPER (PART 2)****TUESDAY 14 JULY 2020****Judicial Affairs**

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| 6. | Case T-258/20, KYMENKO v. Council
<i>Information note for the Permanent Representatives Committee
(Part 2)</i> | 9473/20
JUR |
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Institutional Affairs**Appointments**

- | | | |
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| 7. | Appointment of a member of the Court of Auditors
<i>Decision to use the written procedure for the adoption</i> | 9512/20
9381/20
INST |
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Economic and Financial Affairs

- | | | |
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| 8. | Directive on Crowdfunding
<i>Adoption of the Council's position at first reading and of the
statement of the Council's reasons</i> | 9424/20 + ADD 1
6799/20 + ADD 1
EF |
| 9. | Regulation on Crowdfunding
<i>Adoption of the Council's position at first reading and of the
statement of the Council's reasons</i> | 9425/20 + ADD 1
6800/20 + ADD 1
EF |
| 11. | Council Implementing Decision authorising Denmark to
continue to apply a VAT derogation regarding certain use of
vehicles
<i>Decision to use the written procedure for the adoption</i> | 9498/20
9076/20
FISC |
| 12. | Asset manager for the CPF
<i>Approval
Approval of a letter</i> | 9429/20
FIN |
| 13. | Transfer No DEC 1/2020 (Section VII - Committee of the
Regions)
<i>Approval
Decision to use the written procedure</i> | 9536/20
FIN |

General Affairs

- | | | |
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| 14. | EP Resolutions and decisions (July2020) | 9457/20 + COR 1
PE-RE |
| 15. | Strengthening legislative transparency
<i>Endorsement</i> | 9493/20 |

Foreign Affairs

- | | | |
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| 16. | Selection of the EU candidate for the post of acting WTO
Director-General
<i>Approval</i> | 9482/20
WTO |
| 17. | EU-China agreement on geographical indications | 8355/20 + ADD 1
WTO |
| a. | Council Decision on the signing
<i>Adoption</i> | 8356/20
8361/20 |
| b. | Council Decision on the conclusion
<i>Request for the consent of the European Parliament</i> | 8359/20
8361/20 |
| 19. | Council Decision in support of the Hague Code of Conduct and
ballistic missile non-proliferation in the framework of the
implementation of the EU Strategy against Proliferation of
Weapons of Mass Destruction
<i>Adoption</i> | 9402/20
9172/20
CORLX |
| 20. | Guinea Bissau restrictive measures - review
<i>Adoption</i> | 9481/20
CORLX |
| 22. | Council Decision on the EU position in the Ghana-EU EPA
Committee regarding the adoption of the Rules of Procedures of
the EPA Committee
<i>Adoption</i> | 9514/20
9207/20
9240/20
ACP |

Statement by the Commission

"The stepping-stone Economic Partnership Agreement with Ghana, although it was concluded by the Union and its Member States, covers exclusively matters of Union competence, whether exclusive (trade policy) or parallel (development cooperation) competence. The agreement does not cover matters that fall within the sole competence of the Member States.

In accordance with Article 13(2) of the TEU in conjunction with Article 17 of the TEU, and other cases provided for in the Treaties, the Commission shall ensure the Union's external representation in all areas of Union competence regardless of their nature, with the exception of the common foreign and security policy. The Council, or its General Secretariat, or the Member States have no role to play in the external representation of the Union in these areas of Union competence. They are bound by the principle of mutual sincere cooperation to respect the delineation of competences in the Treaties.

Furthermore, the principle of unity of representation requires even in cases where the subject-matter of an agreement falls partly under Union competence and partly under Member States competence, such as development cooperation, to ensure close cooperation (C-246/07, paragraph 73; C-620/16, paragraph 93) while it is for the Commission to represent the Union externally in line with Article 17 TEU.

The Council decision on the position to be taken on behalf of the Union as regards the adoption of the Rules of Procedure of the EPA Committee modifies the Commission proposal for three matters without due respect to the above principles.

First, Article 2(1) of the Rules of Procedure, as modified by the Council, assigns to the Member States a role in the Union's external representation.

Second, Article 2(3) of the Rules of Procedure, as modified by the Council, further assigns to the Member States a co-chairing function in the area of the Union's external representation.

Third, Article 3(1) and (2) of the Rules of Procedure, as modified by the Council, grants to the General Secretariat of the Council a secretarial role under which it is to carry out activities that involve the Union's external representation.

These modifications encroach on the Treaty-conferred powers of the Commission to implement the stepping-stone EPA and represent the Union position, including through chairmanship and secretarial functions, in matters pertaining to both trade policy as well as development cooperation. They do not follow the principle of mutual sincere cooperation to respect the delineation of competences in the Treaties, nor the principle of unity of representation.

Finally, Article 3(1) and (2) of the Rules of Procedure of the EPA Committee, as modified by the Council, allocate different tasks, pertaining to external representation, between the Commission and the General Secretariat of the Council. As a matter of principle, the allocation of internal tasks between different Union institutions or between a Union institution and a service of another Union institution cannot be made the subject of a legally binding document to be agreed with an international partner.

For the reasons outlined above, the Commission does not agree with the current formulations of Article 2(1) as regards the composition of the EPA Committee, of Article 2(3) as regards the chairmanship of the EPA Committee at ministerial level, and of Article 3(1) and (2) as regards the secretariat of the EPA Committee. The Commission reserves its right to have recourse to all means available under the Treaties."

Delegated or Implementing Acts

Economic and Financial Affairs

21. Commission Delegated Regulation (EU) .../... of 19.6.2020 9517/20
amending Delegated Regulation (EU) No 877/2013 9518/20
supplementing Regulation (EU) No 473/2013 of the European 8994/20
Parliament and of the Council on common provisions for ECOFIN
monitoring and assessing draft budgetary plans and ensuring the
correction of excessive deficit of the Member States in the euro
area
Delegated act - Intention not to raise objections
Decision to use the written procedure

THURSDAY 16 JULY 2020

Economic and Financial Affairs

10. Council Implementing Decision authorising Italy to apply VAT 9497/1/20 REV 1
derogation for supplies of goods and services made to public 9209/1/20 REV 1
authorities and certain other companies FISC
Decision to use the written procedure for the adoption

Foreign Affairs

18. Angola-EU Ministerial Meeting, 23 July 2020 - Joint Press 9516/20
Statement 9515/20
Approval COAFR

COREPER (PART 1)

Institutional Affairs

Written questions

27. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure 9317/20
PE-QE
- Łukasz Kohut (S&D) 9158/20
"National 2030 energy and climate plans in the context of the European Green Deal"

Judicial Affairs

28. Case C-275/20 (European Commission v. Council) 9465/20
Information note for the Permanent Representatives Committee (Part I) JUR

Transport

29. Council Decision on the conclusion of the agreement on civil aviation safety between the EU and Japan 9352/20
9292/20
Request for the consent of the European Parliament 15260/19 + COR 2
AVIATION
30. Amended proposal for a Council Decision on the conclusion of the Air Transport Agreement between the EU and USA (Irish language version) 8772/20
13419/16
AVIATION
Adoption

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."