



Brussels, 25 September 2018
(OR. en)

12469/18
CRS CRP 30

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
12 and 14 September 2018

I. Adoption of the agenda

11982/18 OJ CRP2 30
12011/18 OJ CRP1 30 + COR 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)

General Affairs

2. Meeting of the Council (General Affairs) on 18 September:
Preparation

- a) Multiannual Financial Framework (2021-2027) 11871/18
Policy debate

The Committee prepared this item for the Council.

- b) Preparation of the European Council on 18 October 2018: 11814/18
Annotated Draft Agenda
Exchange of views

The Committee took note of the annotated draft agenda of the European Council on 18 October 2018.

- c) Legislative programming
 - i) Letter of Intent
Presentation by the Commission
Exchange of views
 - ii) Legislative files
State of play

The Committee prepared this item for the Council.

- d) Other items in connection with the Council meeting

No other items were raised.

Foreign Affairs

- 3. 7th EU-South Africa Summit (Brussels, 15 November 2018) 11894/18
Orientation debate

The Committee held an exchange of views on the preparation of the above-mentioned summit.

Economic and Financial Affairs

- 4. Meeting of the Council (Economic and Financial Affairs) on
2 October 2018: Agenda

The Presidency presented the main items on the agenda.

Justice and Home Affairs

- 5. Migration - Latest developments
Information from the Presidency

The Committee took note of the information provided.

COREPER (PART 1)

Telecommunications

40. Regulation on the Cybersecurity Act
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 13 September 2018.

Energy

41. Directive on electricity (recast)
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 11 September 2018.

42. Regulation on electricity (recast)
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 11 September 2018.

43. Regulation on risk preparedness in the electricity sector 6759/2/18 REV 2
Preparation for the trilogue

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

IV. Any other business

COREPER (PART 2)

EU/US trade relations

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

EU/CH relations

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

Trilogues

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

COREPER (PART 1)

None.

"I" items approved

COREPER (PART 2)

Judicial Affairs

- | | | |
|----|--|-----------------|
| 6. | Appeal against judgment in Cases T-680/13(Chrysostomides & Co LLC and Others v. Council of the European Union and Others) and T-786/14 (E. P. Bourdouvali and Others v. Council of the European Union and Others)
<i>Approval</i> | 11885/18
JUR |
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Institutional Affairs

Appointments

- | | | |
|-----|--|-----------------------------|
| 7. | Three members and four alternate members (SK) of the Committee of the Regions
<i>Adoption</i> | 11298/18
11297/18
CDR |
| 8. | A member (LT) of the Committee of the Regions
<i>Adoption</i> | 11337/18
11336/18
CDR |
| 9. | An alternate member (DE) of the Committee of the Regions
<i>Adoption</i> | 11362/18
11361/18
CDR |
| 10. | A member (DE) of the Committee of the Regions
<i>Adoption</i> | 11366/18
11365/18
CDR |
| 11. | A member (IT) of the Committee of the Regions
<i>Adoption</i> | 11416/18
11415/18
CDR |
| 12. | A member (DK) of the European Economic and Social Committee
<i>Adoption</i> | 11452/18
11451/18
CES |
| 13. | A member (PL) of the European Economic and Social Committee
<i>Adoption</i> | 11449/18
11448/18
CES |

Economic and Financial Affairs

- | | | |
|-----|---|-----------------------------|
| 14. | New Slovak Commemorative Coin | 10683/18
UEM |
| 15. | New Belgian Commemorative Coin | 10732/18
UEM |
| 16. | New Spanish Commemorative Coin | 10750/18
UEM |
| 17. | New Luxembourg Commemorative Coin | 11093/18
UEM |
| 18. | Council Decision approving the external auditors of Banka Slovenije
<i>Adoption</i> | 11224/18
11220/18
UEM |
| 19. | Decision on the mobilisation of the European Globalisation Adjustment Fund (EGF/2018/001 NL/Financial service activities)
<i>Adoption</i> | 11780/18
FIN |
| 20. | Transfer No DEC 19/2018 (Section III - Commission)
<i>Approval</i> | 11781/18
FIN |
| 21. | Council position on draft amending budget No 5/2018
<i>Adoption</i> | 11767/18
FIN |
| 22. | Draft joint statement on the Office of the Body of European Regulators for Electronic Communications (BEREC-Office), European Aviation Safety Agency (EASA), Entry-Exit System (EES), European Travel Information and Authorisation System (ETIAS) and the European Agency for the operational management of large-scale IT Systems in the area of freedom, security and justice (eu-LISA)
<i>Approval</i> | 11766/18
FIN |
| 23. | ECA SR No 15/2018 on strengthening the capacity of the internal security forces in Niger and Mali
<i>Designation of a Working Party</i> | 11771/18
FIN |

Justice and Home Affairs

24. Interoperability between EU information systems
a) Interoperability Regulation (borders and visa)
b) Interoperability Regulation (police and judicial cooperation, asylum and migration)
Mandate for negotiations with the European Parliament 11312/18
COSI
25. Schengen evaluation Recommendation - Norway management of the external border
Adoption 11834/18
11833/18
SCH-EVAL
26. Schengen evaluation Recommendation - Norway police cooperation
Adoption 11836/18
11835/18
SCH-EVAL
27. Schengen evaluation - UK SIS
Adoption 11845/18
SCH-EVAL
28. Schengen evaluation Recommendation - Iceland data protection
Adoption 11838/18
11837/18
SCH-EVAL
29. Schengen evaluation Recommendation - Spain return
Adoption 11840/18
11839/18
SCH-EVAL
30. EPPO Council Decision appointing the members of the selection panel
Adoption 11847/18
11513/18
EPPO

Foreign Affairs

31. Council Decision on the conclusions of the EU-Japan Strategic Partnership Agreement
Request for the consent of the European Parliament 11813/18
8462/18
COASI
32. EU Special Representative for the Middle East Peace Process - new mandate - Decision
Adoption 11316/18
11197/18
CORLX

- | | | |
|-----|--|-----------------------|
| 33. | UK negotiations with the EFTA States (Iceland, Liechtenstein, Norway and Switzerland)
- Non-objection
<i>Endorsement</i> | 11942/18
AELE |
| 34. | (poss.) Conclusions Reinforcing the UN-EU Strategic Partnership on Peace Operations and Crisis Management: Priorities 2019-2021
<i>Adoption</i> | 11950/18
CFSP/PESC |

Delegated or Implementing Acts

Economic and Financial Affairs

- | | | |
|-----|---|----------------------------|
| 35. | Commission Delegated Regulation (EU) .../... of 27.7.2018 amending Delegated Regulation (EU) 2016/1675 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council, as regards adding Pakistan to the table in point I of the Annex
<i>Delegated act - Intention not to raise objections</i> | 11712/18
11815/18
EF |
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Other items

- | | | |
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| 36. | Replacement of the CORTESY system
<i>State of play and guidance for further work</i> | 11853/18
CIS
CSC |
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Transport

- | | | |
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| 37. | ICAO - Coordination for the 13th Air Navigation Conference (9 - 19 October, Montréal)
<i>Endorsement</i> | 11842/18
AVIATION |
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COREPER (PART 1)

Institutional Affairs

Written questions

44. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure
- 11754/18
PE-QE
- a) Agnes Jongerius (S&D)
'Forced labour and human trafficking in Europe'
- 11030/18
- b) Patrick Le Hyaric (GUE/NGL)
'Protection of workers against carcinogenic, mutagenic and reprotoxic substances and workplace inspections'
- 11008/18
- c) Vilija Blinkevičiūtė (S&D)
'Ratification of Istanbul Convention in EU Member States'
- 11042/18

Appointments

45. Members and alternate members of the Advisory Committee on Freedom of Movement for Workers (2018-2020)
Adoption
- 11757/18
11756/18
SOC
46. One member (CZ) in the Management Board of the European Institute for Gender Equality
Adoption
- 11762/1/18 REV 1
SOC

EU positions for international negotiations

47. Council Decision on the EU position at the OTIF General Assembly (Berne, 25-26 September 2018)
Adoption
- 11788/18
11493/18
+ ADD 1 REV 1
TRANS
48. World Anti-Doping Code and International Standards Review
European Union coordination of a common position
- 11943/18

Fisheries

49. Council Decision on the signing of the Agreement to prevent unregulated high seas Fisheries in the Central Arctic Ocean
Adoption 11233/18 + ADD 1
10780/18
10788/18
PECHE
50. Council Decision on the conclusion of the Agreement to prevent unregulated high seas Fisheries in the Central Arctic Ocean
Agreement in principle
Request for the consent of the European Parliament 11233/18 + ADD 1
10784/18
10788/18
PECHE
51. Council Decision to open negotiations for the conclusion of an SFPA and protocol with the Republic of The Gambia
Adoption 11387/18 + ADD 1
11355/18 + ADD 1
PECHE

Transport

52. Council Decisions on the Oman Air Transport Agreement
Adoption 11772/1/18 REV 1
11258/18
+ ADD 1 R-UE
11273/18
+ ADD 1 R-UE
AVIATION

Statement by the Commission

1. The Commission takes note of the intention of the Council to adopt a decision to authorise the Commission to open negotiations with the Sultanate of Oman as regards matters falling within the exclusive Union competence. At the same time the Representatives of the Governments of the Member States, meeting within the Council, have the intention to adopt a decision authorising the European Commission to negotiate on behalf of the Member States on matters that do not fall within the exclusive Union competence.

2. The Commission considers that the Union is competent to negotiate and conclude comprehensive agreements in the field of air transport, in all their parts. It also recalls that, in accordance with the jurisprudence of the Court, as reflected in Case C-459/03 (points 92 to 95), the existence of the Union's external competence is not in principle contingent on the adoption of measures of secondary law covering the area in question.

3. Therefore, the Commission does not agree that the Union can participate in the negotiations only "as regards matters falling under the exclusive Union competence" (Article 1) nor that negotiating directives on matters covered by Union competence, even if only shared and not yet exercised, could in any way "affect" Member State competences (Article 2).

4. The Commission considers moreover that the negotiation of a comprehensive air transport agreement by the Union alone is the most effective way to achieve the objectives of the Common Transport Policy, in particular as regards a common treatment to be granted within the Union to air carriers established in third countries and a common treatment to be granted by third countries to Union air carriers.

5. In order for the benefits to be reaped from the international aviation agreements without undue delay, they should apply as soon as possible after their signature. The current practice shows that the participation of Member States in such agreements causes considerably delays in their entry into force, while provisional application is not always ensured in those cases. This is contrary to the interest of the Union. The duty of sincere cooperation (Article 4(3) 5. TEU) requires the institutions and Member States to do everything possible to facilitate the exercise of the Union's powers and to abstain from any measure which could jeopardise the attainment of the objectives of the Treaties.

6. The Commission considers moreover that the time limitation of the authorisation(s) is incompatible with the Treaties, and in particular with Article 218(3) TFEU.

7. The Commission maintains its view that – in the absence of any draft text at this stage - Article 218(3) and (4) TFEU provide a sufficient legal basis for the Council Decision, without any substantive legal base being necessary.

8. The Commission reserves its right to make use, if necessary, of all the legal means at its disposal to ensure the respect of the provisions of the Treaties."

53. Council Decision on the conclusion of the ASECNA Agreement
Adoption 11821/18
11351/17
13661/16
TRANS

Research

54. Council Decision on the extension of the scientific and technological cooperation Agreement with the United States of America
Adoption 11806/18
8166/18
RECH

Delegated or Implementing Acts

Health

55. Commission Regulation (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards octyl gallate (E 311) and dodecyl gallate (E 312)
Decision not to oppose adoption 11615/18
10901/18 + ADD 1
DENLEG
56. Commission Regulation (EU) .../... of XXX amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards caffeine and theobromine
Decision not to oppose adoption 11617/18 + COR 1
10935/18 + ADD 1
DENLEG

57. Commission Regulation (EU) .../... of XXX amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards food category 17 and the use of food additives in food supplements
Decision not to oppose adoption
58. Commission Regulation (EU) .../... of XXX amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards removal from the Union list of certain flavouring substances
Decision not to oppose adoption
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11618/18 + COR 1
11287/18 + ADD 1
DENLEG

11619/18 + COR 1
11288/18 + ADD 1
DENLEG