



Brussels, 20 December 2018
(OR. en)

15769/18
CRS CRP 41

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
28, 30 November, 3 and 4 December 2018

I. Adoption of the agenda

14715/18 OJ CRP1 41 + ADD 1
14749/2/18 REV 2 OJ CRP2 41 COMIX 647

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 1)

WEDNESDAY 30 NOVEMBER 2018

Transport, Telecommunications and Energy

2. Meeting of the Council (Transport, Telecommunications and Energy) on 19 December 2018:
Agenda

The Committee agreed on the provisional agenda for the forthcoming Council meeting.

Energy

3. Regulation on electricity (recast) 5834/6/18 REV 6
Preparation for the trilogue

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

Environment

5. Meeting of the Council (Environment) on 20 December 2018: Agenda

The Committee agreed on the provisional agenda for the forthcoming Council meeting.

6. Regulation on CO2 standards for cars and vans (recast) 14546/18
Preparation for the trilogue

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

7. Regulation on Persistent Organic Pollutants (POPs) (recast) 14534/18
Preparation for the trilogue

The Committee agreed on a mandate for the forthcoming trilogue.

Agriculture and Fisheries

8. Meeting of the Council (Agriculture and Fisheries) on 17 and 18 December 2018: Agenda
(For the items in the remit of the Permanent Representatives Committee)

The Committee agreed on the provisional agenda for the forthcoming Council meeting.

Fisheries

9. Regulation on a multi-annual plan for fish stocks in the Western Waters
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 27 November 2018.

Transport

10. Directive on electronic road tolling and exchange of information 14532/18
Presidency debriefing on the outcome of the trilogue
Analysis of the final compromise text with a view to agreement

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 20 November 2018.

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

Transport, Telecommunications and Energy

11. Meeting of the Council (Transport, Telecommunications and Energy) on 3 and 4 December 2018: Preparation

1. Mobility Package II 13871/1/18 REV 1
Directive amending Directive 92/106 on combined transport
General approach

The Committee prepared this item for the Council.

2. Regulation establishing the Digital Europe programme for the period 2021-2027 14488/18
Partial general approach

The Committee prepared this item for the Council.

3. Regulation establishing the European Cybersecurity Competence Centre and the Network of National Coordination Centres 14368/1/18 REV 1
Progress report

The Committee prepared this item for the Council.

4. Regulation on ePrivacy 14491/18
Progress report and exchange of views

The Committee prepared this item for the Council.

5. Mobility Package III
Regulation establishing a European Maritime
SingleWindow environment
General approach / Progress report

14587/18 + COR 1

The Committee prepared this item for the Council.

Transport

12. Directive on port reception facilities
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 November 2018.

Internal Market and Industry

13. Regulation on Brexit type-approval
Presidency briefing on the outcome of the trilogue
Analysis of the final compromise text with a view to agreement

14682/18 + COR 1

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 27 November 2018.

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

14. Goods package: Regulation on mutual recognition
Presidency briefing on the outcome of the trilogue
Analysis of the final compromise text with a view to agreement

14602/18

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 27 November 2018.

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

15. Directive on copyright in the Digital Single Market
Presidency briefing on the outcome of the trilogue

The above-mentioned item was withdrawn.

TUESDAY 4 DECEMBER 2018

Employment, Social Policy and Health

16. Meeting of the Council (Employment, Social Policy, Health and Consumer Affairs) on 6 and 7 December 2018: Preparation

- | | | |
|----|--|--|
| 1. | European Semester 2019
<i>Policy debate</i> | 14412/18 |
| a) | Annual Growth Survey (AGS), Alert Mechanism Report (AMR), draft Joint Employment Report (JER), and draft Recommendation on the economic policy of the euro area
<i>Presentation by the Commission</i> | 14443/18
14444/18
14445/18
14442/18 |
| b) | Thematic Reviews on "Social Aspects of Digitalisation" (SPC) and "Digitalisation and Robotisation of Work" (EMCO)
<i>Endorsement of the joint key messages from EMCO and SPC</i> | 14411/18 |
| c) | Implementation of the Recommendation on long-term unemployment: EMCO key messages
<i>Endorsement</i> | 14409/18
+ ADD 1 - ADD 2 |
| d) | Contribution on employment and social aspects of the draft Recommendation on the economic policy of the euro area
<i>Approval</i> | 14533/18 |

The Committee prepared this item for the Council.

- | | | |
|----|---|-----------------------------|
| 2. | Conclusions on gender equality, youth and digitalisation
<i>Adoption</i> | 14348/18
+ ADD 1 - ADD 2 |
|----|---|-----------------------------|

The Committee prepared this item for the Council.

Energy

- | | | |
|----|--|-----------------|
| 4. | Directive on electricity (recast)
<i>Preparation for the trilogue</i> | 7506/7/18 REV 7 |
|----|--|-----------------|

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

COREPER (PART 2)

WEDNESDAY 28 NOVEMBER 2018

Foreign Affairs

39. Meeting of the Council (Foreign Affairs/Development) on
26 November 2018: Follow-up

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

40. EU-LAS Summit 2019 14626/18
Orientation debate

The Committee held an exchange of views on the preparation of the EU-LAS Summit to be held in February 2019.

Economic and Financial Affairs

41. Meeting of the Council (Economic and Financial Affairs) on
4 December 2018: Preparation

- a) Digital Services Tax Directive 14475/18
General approach 14476/18 + COR 1

The Committee prepared this item for the Council.

- b) Strengthening of the Banking Union 14452/18
ii) European Deposit Insurance Scheme + COR 1 + COR 2
Progress report 14644/18

The Committee prepared this item for the Council.

- c) (poss.) ECOFIN Report to the European Council on Tax 14601/18
Issues
Endorsement

The Committee agreed to take this item as an A-item for the Council

- d) European Semester 2019 14443/18
Annual Growth Survey 2019, Alert Mechanism Report 14444/18
2019 and Recommendation on the economic policy of the 14445/18
euro area
Presentation by the Commission
Exchange of views

The Committee prepared this item for the Council.

- e) Implementation of the Action Plan to tackle non- 14651/18
performing loans in Europe 14652/18
Presentation by the Commission
Exchange of views

The Committee prepared this item for the Council.

- f) Other items in connection with the Council meeting

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

42. Council Decisions/Recommendation on the implementation of 14683/18
the Stability and Growth Pact 14684/18
Adoption 14685/18
14686/18

The Committee agreed to add this item to December ECOFIN agenda and agreed to forward the Decisions and Recommendations with respect to Romania and Hungary to the Council for adoption.

43. Own Resources Package post 2020
Presentation by the Commission
Exchange of views

The Committee held an exchange of views on the Own Resources aspects of the 2021-2027 MFF.

General Affairs

44. Multiannual Financial Framework 2021-2027
Information from the Presidency

The Committee took note of the information provided by the Presidency and agreed to revert to this item at its next session in the context of the preparations for the General Affairs Council on 11 December 2018.

45. Meeting of the Council (General Affairs) on 11 December 2018:
Preparation

- a) Preparation of the European Council on 13-14 December 2018: Guidelines
Exchange of views 13436/18

The Committee examined the draft guidelines for the conclusions of the upcoming European Council meeting on 13-14 December 2018.

- b) European Semester - Annual Growth Survey
Presentation by the Commission 14443/18

The Committee prepared this item for the Council.

- c) Rule of Law in Poland / Article 7(1) TEU Reasoned Proposal
Hearing of Poland in accordance with Article 7(1) TEU 14621/18

The Committee prepared this item for the Council.

- d) Union values in Hungary / Article 7(1) TEU Reasoned Proposal
Exchange of views

The Committee prepared this item for the Council.

- e) Other items in connection with the Council meeting

No other items were raised under this heading.

Justice and Home Affairs

46. Meeting of the Council (Justice and Home Affairs) on
6 - 7 December 2018: Preparation

- a) Regulation on European Production and Preservation Orders for e-evidence
General approach 14351/1/18 REV 1

The Committee agreed to submit the compromise text to the Council in view of reaching a general approach.

- b) Negotiating mandate for the 2nd Additional Protocol to the Budapest Convention
State of play

The Committee prepared this item for the Council.

- c) Negotiating mandate for an agreement between the EU and the US facilitating the access to e-evidence
State of play

The Committee prepared this item for the Council.

- d) EPPO Regulation: Implementation
Information from the Commission on the state of play

The Committee prepared this item for the Council.

- e) Data Retention: Retention of electronic communication data
State of play 14319/18

The Committee prepared this item for the Council.

- f) Mutual recognition in criminal matters - Conclusions
Adoption 14540/18 + COR 1

The Committee agreed to submit the conclusions to the Council for adoption.

- g) Regulation amending the European Border and Coast Guard Regulation
Policy debate/Partial general approach 14550/18

The Committee started the preparation of the partial general approach and agreed to revert at its next session in order to finalise preparations.

- h) Regulation on preventing the dissemination of terrorist content online
General approach 14570/18

The Committee prepared this item for the Council.

- i) Reform of the Common European Asylum System and Resettlement 14597/18
- i) Dublin Regulation
 - ii) Reception Conditions Directive (recast)
 - iii) Qualification Regulation
 - iv) Asylum Procedure Regulation
 - v) Eurodac Regulation (recast)
 - vi) EU Asylum Agency Regulation
 - vii) Resettlement Framework Regulation
- Progress report*

The Committee prepared this item for the Council.

- j) Fight against people smuggling networks: a comprehensive and operational set of measures 14576/18
- Approval*

The Committee prepared this item for the Council.

- k) Justice and Home Affairs: Priorities for the next MFF 14608/18
- Policy debate*

The Committee prepared this item for the Council.

47. Regulation establishing the Asylum, Migration and Integration Fund (AMIF) - re-commitment of the remaining amounts
- Preparation for the trilogue*

The Committee agreed on a mandate for the forthcoming trilogue.

Justice and Home Affairs

46. Meeting of the Council (Justice and Home Affairs) on 6 - 7 December 2018: Preparation

- l) Brussels IIa Regulation (recast) 14416/18
- General approach*

The Committee prepared this item for the Council.

- m) Regulation on the assignments of claims
Progress report

14498/18

The Committee prepared this item for the Council.

- n) Contract Law - Directive on Contracts for the Sales of
Goods (DSG)
General approach

14455/1/18 REV 1

The Committee examined this item and agreed to revert to it at its next session.

- o) Other items in connection with the Council meeting

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

FRIDAY 30 NOVEMBER 2018

Economic and Financial Affairs

41. Meeting of the Council (Economic and Financial Affairs) on
4 December 2018: Preparation
- b) Strengthening of the Banking Union 14446/18
i) Banking package (CRR/CRD/BRRD/SRMR) 14447/18
General endorsement of the results of the trilogue + COR 1

The Committee prepared this item for the Council.

Justice and Home Affairs

47. Regulation establishing the Asylum, Migration and Integration
Fund (AMIF) - re-commitment of the remaining amounts 14805/18
*Confirmation of the final compromise text with a view to
agreement*

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

MONDAY 3 DECEMBER 2018

Economic and Financial Affairs

48. New draft general budget of the EU for the financial year 2019
Mandate for negotiations with the European Parliament

The Committee took note of the Commission's new proposal and agreed on a mandate for the forthcoming trilogue.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

Trilogues

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

"I" items approved**COREPER (PART 1)****Institutional Affairs****Written questions**

17. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure
- 14610/18
PE-QE
- a) Sophia in 't Veld (ALDE) and Daniele Viotti (S&D)
'International police and justice cooperation and LGBTI rights'
- 13677/18
- b) Marlene Mizzi (S&D)
'LGBT asylum seekers'
- 13681/18
18. **Minutes of the Council meetings**
Approval
- a) COMPET 27-28.09.2018
- 12612/1/18 REV 1
+ ADD 1 REV 1
- b) ENV 9.10.2018
- 12939/18
+ ADD 1

EU positions for international negotiations

19. Preparation of the 3rd Meeting of the Signatories to the MoU on the conservation of Migratory Sharks (Sharks MoS 3)
Establishment of the EU and its Member States position
- 14556/1/18 REV 1
+ REV 1 COR 1
+ REV 1 ADD 1
14778/18
PECHE
20. Council Decision on the EU position in MOP 7 regarding certain amendments to Annex 3 to the African-Eurasian Migratory Waterbird Agreement (AEWA)
Adoption
- 14541/18
14175/18
ENV

Environment

21. Silesia Declaration on Solidarity and Just Transition
Authorisation to support the adoption on behalf of the European Union
- 14545/2/18 REV 2
CLIMA

Energy

22. International Solar Alliance 14357/18
Authorisation to sign on behalf of the European Union ENER

Transport

23. IMO – Union submission to be submitted to the 6th session of 14612/18
the Sub-Committee on Ship Systems and Equipment (SSE 6) of MAR
the IMO (London, 4 – 8 March 2019) concerning concerning
review of relevant recent accident investigation reports from
the EU
Endorsement

Statement by the Commission

"The Commission considers that the above mentioned "Union submission" to be submitted to the IMO is covered by EU exclusive competence. Submission of proposals to the IMO on issues of EU competence is an act of external representation and should be made by the Commission on behalf of the EU to IMO and should therefore be sent to the IMO by the Commission.

In the view of the Commission, the procedural arguments against presenting submissions to the IMO by the Commission on behalf of the EU are not convincing as there is no evidence to suggest that the IMO, as a specialized agency of the United Nations, would be in a position to reject such a submission.

The Commission thus maintains its position that the Treaty provisions on external representation of the Union should be applied and, consequently, that the only legally correct way forward is to present the submission in question to the IMO by the European Commission on behalf of the European Union. The Commission reserves all its rights in this regard."

Fisheries

24. Council Decision on the signing of the Sustainable Fisheries 14571/18
Partnership Agreement with the Kingdom of Morocco, the 14365/18
Implementation Protocol thereto and an exchange of letters PECHE
accompanying the said Agreement
Adoption
25. Council Decision on the conclusion of the Sustainable Fisheries 14571/18
Partnership Agreement with the Kingdom of Morocco, the 14367/18
Implementation Protocol thereto and an exchange of letters 12983/18
accompanying the said Agreement PECHE
Agreement in principle
Request for the consent of the European Parliament
26. Regulation on the allocation of fishing opportunities under the 14571/18
Sustainable Fisheries Partnership Agreement with the Kingdom 14382/18
of Morocco and the Implementation Protocol thereto PECHE
Adoption

Education

27. Conclusions on Mobility under Erasmus+
(CoA SR No 22/2018)
Adoption 14077/18
EDUC

Telecommunications

28. Conclusions on Broadband in the EU Member States
(CoA SR No 12/2018)
Adoption 14395/18
TELECOM
29. Regulation on the Body of European Regulators for Electronic
Communications (BEREC)
Adoption of the legislative act 14288/18 + ADD 1
PE-CONS 51/18
TELECOM

Statement by Finland

"Finland welcomes the agreement reached between the Council and the Parliament on the Directive establishing the European Electronic Communications Code and the Berec Regulation. Finland fully supports promotion of the Digital Single Market, which is an essential element of the competitiveness of the EU. For Finland, the key aim in the discussions has been to relax and update the currently stringent regulation on telecommunications services. Finland is strongly in favour of the key objectives of the Regulatory Fitness and Performance (REFIT) programme and the better regulation agenda, namely the aim to ensure that EU legislation delivers results for citizens and businesses effectively, efficiently and at minimum cost. We regret to note that the price regulation on Intra-EU Calls is in conflict with these general objectives, as well as the with the modernization and investment objectives of the regulatory framework. First, the price regulation does not reflect a future-proof regulatory approach, particularly as the regulation is applied on services whose usage among consumers is generally in decline. Second, this kind of EU-wide price regulation is unjustified in the market where consumers are provided with a variety of alternatives. The provision of traditional intra-EU calls and SMS is competitive in many Member States. In addition, number-independent interpersonal communications are increasingly popular among consumers, also in the cross-border communications. The price regulation would impose significant technical, commercial and administrative changes to the service-providers without clearly demonstrated wide scale consumer benefit. For these reasons, Finland expresses its disappointment over the agreement to include price regulation of intra-EU calls in the final compromise."

30. Directive on the European Communications Code
Adoption of the legislative act 14291/18
PE-CONS 52/18
TELECOM

Internal Market and Industry

31. Directive on empowering national competition authorities: ECN
Plus
Adoption of the legislative act
- 14278/18
+ ADD 1 - ADD 2
PE-CONS 42/18
RC

Energy

32. Directive on energy efficiency
Adoption of the legislative act
- 14281/18 + ADD 1
PE-CONS 54/18
ENER

Statement by Portugal

"Despite of its strong commitment with the principle of energy efficiency first, Portugal reaffirms the concerns raised at earlier stages of the negotiation regarding the extremely high level of effort associated to the Article 7 of the Directive."

Statement by Belgium

"Having voted against does not detract Belgium from being a strong advocate for a sustainable energy and climate policy as laid down in the Council Conclusions of October 2014 and contained in the Paris Agreement. Furthermore, Belgium subscribes fully to the principle of energy efficiency.

The ambitious goal set out in the submitted proposal, more specifically article 7, presents Belgium nonetheless with an unreachable challenge to achieve this in a cost efficient manner.

Notwithstanding, Belgium will continue to deliver constructive contributions to the European energy efficiency goal."

Statement by Croatia

"The Republic of Croatia expresses its concerns regarding the provisions of Article 7 and the values of the actual annual savings in the total energy consumption, with the target being set at 0.8 %. The Republic of Croatia could, in accordance with its previously expressed positions agree to support a compromise solution with a maximum 0.7 %.

Although the implementation of energy efficiency measures in all sectors will contribute considerably to the decrease in EU energy consumption, the value of actual annual savings in the total energy consumption of 0.8 % is not economically viable and could have a significant negative economic impact on the Republic of Croatia. Therefore, the Republic of Croatia will abstain when the final compromise text on the proposal for a Directive of the European Parliament and of the Council amending Directive 2012/27/EU will be adopted."

33. Regulation on Governance of the Energy Union
Adoption of the legislative act
- 14282/18 + ADD 1
PE-CONS 55/18
ENER

34. Directive on renewable energy
Adoption of the legislative act

14286/18 + ADD 1
PE-CONS 48/18
ENER

Statement by Belgium

"The abstention does not detract Belgium from being a strong advocate for a sustainable energy and climate policy as laid down in the Council Conclusions of October 2014 and contained in the Paris Agreement.

The ambitious goal set out in the submitted proposal, presents Belgium nonetheless with a real challenge to achieve this in a cost efficient manner.

Notwithstanding this challenge, Belgium will continue to deliver constructive contributions to achieve the set goal."

Statement by Croatia

"The Republic of Croatia will support the adoption but expresses its concerns regarding the level of at least 14% of the mainstream renewable energy use in the transport sector by 2030, as already stated in the discussions within the Council.

Although there is a need to meet the decarbonisation goals and to significantly decrease the energy consumption in order to reach the Energy Union goals, we regret that the above mentioned level of ambition was defined without taking into account the state of the economy and the different levels of technological development in the Member States."

Delegated or Implementing Acts

Agriculture

35. Commission Regulation (EU) .../... of XXX amending Annex IX to Regulation (EC) No 999/2001 of the European Parliament and of the Council and Annex XV to Commission Regulation (EU) No 142/2011 as regards health certification at import into the Union concerning transmissible spongiform encephalopathies
Decision not to oppose adoption

14238/18
13380/18 + ADD 1
AGRILEG

36. Commission Regulation (EU) .../... amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for buprofezin, diflubenzuron, ethoxysulfuron, ioxynil, molinate, picoxystrobin and tepraloxydim in or on certain products
Decision not to oppose adoption

14430/18
13679/18
+ ADD 1 - ADD 2
AGRILEG

Energy

37. Commission Regulation (EU) .../... of XXX laying down
ecodesign requirements for servers and data storage products
pursuant to Directive 2009/125/EC of the European Parliament
and of the Council and amending Commission Regulation (EU)
No 617/2013
Decision not to oppose adoption
- 14362/18
13267/18 + ADD 1
ENER

Environment

38. Commission Regulation (EU) .../... of XXX amending
Commission Regulation (EC) No 865/2006 laying down
detailed rules concerning the implementation of Council
Regulation (EC) 338/97 on the protection of species of wild
fauna and flora by regulating trade therein
Decision not to oppose adoption
- 14163/18
12887/18 + ADD 1
ENV

COREPER (PART 2)

WEDNESDAY 28 NOVEMBER 2018

Judicial Affairs

49. Case T-510/18 (Khaled Kaddour v. Council) 14484/18
Information note for the Permanent Representatives Committee JUR
(Part 2)

Institutional Affairs

50. **Minutes of Council meetings**
Approval
- a) GAC 18.09.2018 12358/18 + ADD 1
 - b) ECOFIN 02.10.2018 12816/18 + ADD 1
 - c) FAC 15.10.2018 13139/18 + ADD 1
 - d) GAC 16.10.2018 13174/18 + ADD 1

Transparency

51. Public access to documents 13338/18
Confirmatory application No 27/c/02/18 INF
Adoption API

Economic and Financial Affairs

52. Code of Conduct (Business Taxation) 14363/18
Conclusions 14364/18 + COR 1
Adoption + ADD 1-15
Report to the Council FISC
Endorsement
53. The EU list of non-cooperative jurisdictions for tax purposes 14380/18 + COR 1
- Implementation of commitments FISC
Adoption

54.	VAT "quick fix"	13020/18
	a) Directive as regards harmonising and simplifying certain rules in the VAT system for the taxation of trade between Member States	12848/1/18 REV 1 12850/18 12849/18
	b) Regulation as regards the exchange of information for monitoring the application of call-off stock arrangements	FISC
	c) Regulation as regards certain exemptions for intra-Community transactions	
	<i>Adoption</i>	
55.	'Fiscalis' programme for cooperation in the field of taxation	14209/18 + COR 1
	<i>Partial general approach</i>	14208/18 + COR 1 FISC
56.	Council Implementing Decision on a VAT derogation for the United Kingdom as regards fixing the proportion of VAT relating to expenditure on fuel used for private purposes in business cars	14426/18 13816/18
	<i>Adoption</i>	FISC
57.	Council Implementing Decision authorising Poland to continue to exempt from VAT taxable persons whose annual turnover is no higher than EUR 40 000	14428/18 13998/18
	<i>Adoption</i>	FISC
58.	Council Implementing Decision authorising the Netherlands to exempt from VAT a taxable person whose annual turnover is no higher than EUR 25 000	14429/18 13999/18
	<i>Adoption</i>	FISC
59.	Council Implementing Decision authorising Latvia to restrict the right of VAT deduction in relation to certain passenger cars	14431/18 14315/18
	<i>Adoption</i>	FISC
60.	Council Implementing Decision extending the derogation for Lithuania in relation to determining the person liable for the payment of VAT	14432/18 14002/18
	<i>Adoption</i>	FISC
61.	Conclusions on Anti-Money Laundering Action Plan	14387/18
	<i>Adoption</i>	EF ECOFIN
62.	Covered Bonds package	14658/18 + ADD 1
	a) Regulation on exposures in the form of covered bonds	+ ADD 2
	b) Directive on the issue of covered bonds and covered bond public supervision	EF
	<i>Mandate for negotiations with the European Parliament</i>	

63.	ECA SR No 30/2018 on EU passenger rights <i>Designation of a Working Party</i>	14391/18 FIN
<u>General Affairs</u>		
64.	European Citizens' Initiative <i>Mandate for negotiations with the European Parliament</i>	14572/18 INST
<u>Justice and Home Affairs</u>		
65.	Conclusions on strategic direction on internal security <i>Adoption</i>	14578/18 COSI
<u>Foreign Affairs</u>		
66.	EU Capacity Building Mission in Somalia (EUCAP Somalia) - extension - Decision <i>Adoption</i>	14172/18 14213/18 CORLX
67.	16th EU-Kyrgyz Republic Cooperation Council: EU position <i>Approval</i>	14586/18 COEST
68.	Council Decision within the EEA Joint Committee concerning an amendment to Annex IX (Financial Services) to the EEA Agreement <i>Adoption</i>	13115/18 13114/18 + COR 1 AELE
69.	Council Decision on the amendment to Protocol 3 to the Euro- Mediterranean Agreement with Jordan concerning the definition of the concept of 'originating products' and methods of administrative cooperation <i>Adoption</i>	14624/18 10147/1/18 REV 1 MAMA
70.	Draft EU Statement on the Roadmap for a solution to SALW in the Western Balkans by 2024 <i>Approval</i>	14301/18 CONOP COWEB
71.	Restrictive measures Tunisia - review - pre-notifications <i>Approval</i>	14680/18 CORLX
72.	EU training mission in the Central African Republic- interoperability pillar - Decision <i>Adoption</i>	14718/18 14160/18 CORLX
73.	Support to the destruction of Syrian chemical weapons - Decision <i>Adoption</i>	14720/18 14276/18 CORLX

74. Ukraine: misappropriation of funds - review 2019
- pre-notifications
Adoption

14731/18
CORLX

o
o o

FRIDAY 30 NOVEMBER 2018

Economic and Financial Affairs

77. Conclusions on Preventive Arm (ECA SR No 18/2018)
Adoption

13710/18
FIN

MONDAY 3 DECEMBER 2018

Economic and Financial Affairs

transferred from Friday's meeting

75. EMIR CCP supervision
Mandate for negotiations with the European Parliament

14496/18 + ADD 1
+ ADD 2
EF

Statement by Luxembourg and the Czech Republic

"Luxembourg and the Czech Republic are concerned that the proposed text for the General Approach on the EMIR CCP Supervision proposal will entail additional complexity for the decision-making procedures in the context of the authorization, recognition and supervision of EU and Third Country CCPs. The proposed set-up foreseeing the involvement of colleges and internal ESMA Committees, including, in certain cases, ex ante discussion of decisions, will entail complex interactions between different fora for discussion. Luxembourg and the Czech Republic see a risk that this may lead to delays and inconsistencies which will be detrimental to the overall efficiency of the supervisory decision-making process.

Luxembourg and the Czech Republic furthermore want to underline that in many instances, decisions to be made with regard to the supervision of CCPs can have an important impact for clearing members and clients, and thus on markets, as well as financial stability implications, in Member States other than those where these CCPs are established. Luxembourg and the Czech Republic therefore believe it is important that the experience and insight of these authorities is adequately taken into account in the decision-making process. In this regard, they are concerned that the setting up of internal ESMA Committees with restricted composition may not contribute to well-informed and balanced decision-making.

Luxembourg and the Czech Republic are therefore strong proponents of a simpler, more open and more inclusive approach to supervision. Regulation (EU) No 1095/2010 grants ESMA significant flexibility in deciding the organization that is most appropriate to allow its tasks to be carried out efficiently. Limiting this flexibility in a Level 1 text does not seem to contribute to a more efficient supervisory architecture. To the contrary, an inclusive process for the discussion and drafting of decisions would allow for better sharing of information and experiences and as such would be essential to identifying best practices and fostering convergence.

As regards the recognition of third country CCPs, the Czech Republic and Luxembourg note that the regulatory framework laid down by the proposal on EMIR CCP Supervision will be significantly more complex than the current one. The practical implementation of these new elements will first require a careful assessment by the European Commission and ESMA as to their practical consequences.

Any disruption in access to third country CCPs would have significant negative consequences for clearing members, clients and markets in the EU, including potential implications on financial stability. In order to avoid such disruption, the Czech Republic and Luxembourg believe it is important that recognition decisions adopted pursuant to Article 25 of EMIR remain valid until all the necessary elements required to carry out a recognition process under the reviewed regulatory framework are in place and are thus reviewed only once the new implementing and delegated acts have entered into force.

Luxembourg and the Czech Republic remain committed to discussing these elements in the upcoming trilogue negotiations, in order to ensure that the supervisory framework allows for informed, efficient and balanced decision-making through an inclusive process and in order to guarantee legal certainty for EU clearing members, clients and markets."

Statement by the United Kingdom

"We will not support a General Approach on the EMIR CCP proposal as we object to article 25 (7)(f) where third country regulators are required to agree procedures to ‘**assure**’ the enforcement of ESMA’s decisions as part of a memorandum of understanding. This would mean that ESMA’s decisions would be binding on third country supervisors. It could require a supervisor to enforce a decision which may conflict with its own domestic requirements and could increase financial stability risks in a stress scenario.

This proposal is unprecedented in supervisory cooperation and is not a workable solution for cross border supervisory and regulatory cooperation for internationally active CCPs. It could become a barrier to market access in the future as third countries are very unlikely to bind their independent supervisors in this way. Given the significant supervisory toolkit available to ESMA under EMIR in relation to third country CCPs – including on-site inspections, fines and withdrawal of recognition – it is unnecessary to require a third-country supervisor to agree to enforce decisions that could potentially conflict with their own statutory objectives. We recognise that with the UK exiting the EU there are valid concerns about the future supervision of UK CCPs with EU users. That is why it is important that the actions of UK and EU authorities are well coordinated and built on foundations of deep cooperation. To that end we support and welcome processes that enable ESMA and the home supervisor to work together.

Additionally, this proposal is unbalanced in the significant powers it gives ESMA and the ECB over non-EU CCPs when they are not given these same powers over EU CCPs. This means ESMA could potentially have powers to "dual supervise" all significant CCPs world-wide except those inside the EU.

To reflect the intention of the co-legislators to give ESMA the tools and flexibility it needs to sign workable MoUs with third country supervisors, article 25(7)(f) should be amended so that the cooperative arrangements between ESMA and third countries authorities specify *the procedures for third country authorities to appropriately assure the effective enforcement of decisions adopted by ESMA.*"

transferred from Friday's meeting

- | | | |
|-----|--|----------------------------|
| 76. | Amendment to Article 22 of the ESCB/ECB Statute
<i>Mandate for negotiations with the European Parliament</i> | 14497/18 + ADD 1
EF |
| 78. | Council Implementing Decision on the appointment of the Chair
of the ECB Supervisory Board
<i>Adoption</i> | 14202/18
14218/18
EF |