



Brussels, 21 February 2019
(OR. en)

6669/19
CRS CRP 4

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
30 January and 1 February 2019

I. Adoption of the agenda

5737/1/19 REV 1 OJ CRP1 4
5760/3/19 REV 3 OJ CRP2 4 COMIX 42 + REV 2 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 1)

WEDNESDAY 30 JANUARY 2019

Competitiveness

2. Meeting of the Council (Competitiveness (Internal Market, Industry, Research and Space))
on 18 and 19 February 2019: Agenda

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

Internal Market and Industry

3. Goods package: Regulation on market surveillance and compliance 5342/19
Preparation for the trilogue

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

Transport

4. Amending Regulation 1316/2013 to prepare for "Brexit" (CEF) 5642/19
Mandate for negotiations with the European Parliament

The Committee agreed on a mandate for the forthcoming trilogue.

5. Decision amending Directive 96/53/EC on weights and dimensions 5396/19 + COR 1
Preparation for the trilogue

The Committee agreed on a mandate for the forthcoming trilogue.

Agriculture

6. Regulation amending general food law
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 24 January 2019.

Internal Market and Industry

7. Regulation on platform-to-business relations
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 28 January 2019.

8. Directive on digital tools and process in company law 5725/19 + ADD 1
Preparation for the trilogue

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

9. Directive on cross-border conversions, mergers and divisions 5401/19
Mandate for negotiations with the European Parliament

The Committee agreed on a mandate for the forthcoming trilogue.

FRIDAY 1 FEBRUARY 2019

Transport

10. Directive on clean and energy-efficient road transport vehicles
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 29 January 2019.

4. (continuation) Amending Regulation 1316/2013 to prepare for "Brexit" (CEF)
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 30 January 2019.

11. Directive on the minimum training of seafarers
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 29 January 2019.

12. Regulation establishing a European Maritime Single Window environment 5598/19
Preparation for the trilogue

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

13. Directive amending Directive 2008/96/EC on road infrastructure safety management 5639/19
Preparation for the trilogue

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

14. Directive amending Directive 2006/1/EC on the use of hired vehicles 5426/19
Mandate for negotiations with the European Parliament

The Committee agreed to revert to the matter at a forthcoming meeting.

Research

15. Regulation establishing Horizon Europe - Framework Programme
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 29 January 2019.

Internal Market and Industry

3. (continuation) Goods package: Regulation on market surveillance and compliance
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 30 January 2019.

29. Regulation on explosives precursors 5646/19
Mandate for negotiations with the European Parliament

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

Employment and Social Policy

17. Revision of Directive on carcinogens or mutagens at work (third batch)
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 29 January 2019.

18. Directive on transparent and predictable working conditions
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogues of 28 and 31 January 2019.

19. Regulation on establishing a European Labour Authority 5617/19
Preparation for the trilogue

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

Environment

16. Regulation on LIFE 5637/19
Preparation for the trilogue

The above-mentioned item was withdrawn.

COREPER (PART 2)

WEDNESDAY 30 JANUARY 2019

Foreign Affairs

32. Meeting of the Council (Foreign Affairs) on 18 February 2019:
Agenda

The EEAS presented the main items on the agenda.

Justice and Home Affairs

33. Directive on law enforcement access to financial information 5730/19 + COR 1
Preparation for the trilogue

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

34. Resettlement Framework Regulation 5694/19
Preparation for the trilogue

The Committee discussed the above-mentioned item and agreed to return to this issue at a forthcoming session.

General Affairs

35. Cohesion Policy Legislative Package 2021-2027 5687/19
Partial mandate for negotiations with the European Parliament + ADD 1 + ADD 2

The Committee discussed the above-mentioned item and agreed to return to this issue at a forthcoming session.

36. Meeting of the Council (General Affairs) on 19 February 2019:
Agenda

The Presidency presented the main items on the agenda. Requests were made for the inclusion of items on the Rule of Law in Poland and the Values of the Union in Hungary, which were supported by a majority of delegations.

Foreign Affairs

37. EU-LAS Summit (Sharm el-Sheikh, 24-25 February 2019)
State of play

The Committee discussed the state of play.

38. EU-LAS Ministerial Meeting (Brussels, 4 February 2019)
State of play

5815/19

The Committee discussed the state of play and agreed to return to the draft declaration at the continuation of its session.

Economic and Financial Affairs

39. Meeting of the Council (Economic and Financial Affairs) on
12 February 2019: Preparation

Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

Foreign Affairs

51. Conclusions on Iran
Adoption

5753/19

The Committee agreed on the draft text of the Conclusions and authorised the use of the written procedure for their adoption by the Council.

FRIDAY 1 FEBRUARY 2019

Justice and Home Affairs

42. Eurodac Regulation (recast)
Information from the Presidency

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

41. Fight against people smuggling networks ¹ 5761/19
Exchange of views

The Committee held an exchange of views on the abovementioned topic.

Foreign Affairs

38. EU-LAS Ministerial Meeting (Brussels, 4 February 2019) 5815/19
State of play

The Committee did not agree on the draft declaration.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

None.

¹ Exceptionally, in the presence of Agencies

"I" items approved**COREPER (PART 1)****WEDNESDAY 30 JANUARY 2019****Institutional Affairs****Written questions**

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|-----|--|------------------|
| 20. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 5683/19
PE-QE |
| a) | Stanislav Polčák (PPE)
'Reverse charging' | 5032/19 |
| b) | Kostadinka Kuneva (GUE/NGL)
'Withdrawal of Austria and the Czech Republic from the UN Global Compacts on Migration and Refugees' | 5034/19 |
| c) | Tom Vandenkendelaere (PPE)
'Social dumping and fine collection in the case of detected fraud' | 5035/19 |
| d) | João Pimenta Lopes (GUE/NGL)
'EU-Mercosur agreement negotiations' | 5041/19 |
| e) | João Pimenta Lopes (GUE/NGL)
'Aggression against Yemen and the resulting humanitarian crisis' | 5048/19 |
| f) | Dominique Bilde (ENF)
'Political discrimination in the European Union' | 5044/19 |

Appointments

- | | | |
|-----|---|--------------------------------------|
| 21. | Two members (DK) and one alternate member (DK) in the Advisory Committee for the Coordination of Social Security Systems 2015-2020
<i>Adoption</i> | 5522/19
5524/19
5525/19
SOC |
| 22. | One alternate member (SK) in the Advisory Committee on Safety and Health at Work
<i>Adoption</i> | 5605/19
SOC |
| 23. | One member (SK) in the Governing Board of the European Agency for Safety and Health at Work
<i>Adoption</i> | 5607/19
SOC |

Energy

24. Decision on adaptation of Directive on energy efficiency and Regulation on governance to Brexit
Confirmation of the final compromise text with a view to agreement
- 5504/19 + COR 1
ENER

Internal Market and Industry

25. Conclusions on the first biennial report on progress in developing the EU Customs Union and its governance
Adoption
- 5650/19
UD

Delegated or Implementing Acts

Environment

26. Commission Decision of XXX amending Decisions (EU) 2017/1214, (EU) 2017/1215, (EU) 2017/1216, (EU) 2017/1217, (EU) 2017/1218 and (EU) 2017/1219 (EU Ecolabel)
Decision not to oppose adoption
- 5575/19
15096/18 + ADD 1
ENV

FRIDAY 1 FEBRUARY 2019

Fisheries

27. Regulation on a multi-annual plan for demersal stocks in the Western Mediterranean Sea
Mandate for negotiations with the European Parliament
- 5630/1/19 REV 1
+ REV 1 ADD 1
PECHE

Transport

28. Regulation on aviation safety: "Brexit" contingency
Mandate for negotiations with the European Parliament
- 5793/19
AVIATION

COREPER (PART 2)

WEDNESDAY 30 JANUARY 2019

Judicial Affairs

43. Case C-729/18 P (VTB Bank PAO v. Council) 5433/19
Information note for the Permanent Representatives Committee JUR
(Part 2)
44. Case C-732/18 P (PAO Rosneft Oil Company v. Council) 5434/19
Information note for the Permanent Representatives Committee JUR
(Part 2)

General Affairs

45. Regulation in order to allow for the continuation of the 5684/19
territorial cooperation programmes PEACE IV (Ireland-UK) and 15847/18 + COR 1
UK-Ireland (Ireland-Northern Ireland-Scotland) in the context REGIO
of the withdrawal of the UK from the EU
Mandate for negotiations with the European Parliament

Statement by the United Kingdom

"The United Kingdom (UK):

- reaffirms its continued commitment to the PEACE and Interreg VA programmes to sustain vital work on reconciliation and a shared future in Northern Ireland;
- remains committed to funding the current PEACE and Interreg VA programmes and in addition continues its support to PEACE+ with approximately £300m from 2021 to 2027 as part of its joint commitment to uphold the hard-won peace in Northern Ireland;
- confirms that it will honour commitments made while a Member of the Union but notes that it does not accept Recital 7 which refers to the scope of the United Kingdom's financial obligations;
- declares that this agreement to the PEACE and Interreg programme is entirely without prejudice to any position that the UK may subsequently take in bilateral discussions between the UK and the Union."

46. Defence Fund Regulation 5676/19
Partial mandate for negotiations with the European Parliament POLMIL

Foreign Affairs

47. Council Decision on the conclusion of the Protocol to the 5552/19
Partnership and Cooperation Agreement with the Kyrgyz 12564/17
Republic to take account of the accession of Croatia COEST
Adoption

- | | | |
|-----|---|------------------|
| 48. | Regulation for the export of certain dual-use items from the Union to the United Kingdom and Northern Ireland
<i>Mandate for negotiations with the European Parliament</i> | 5688/19
COMER |
| 49. | CTA Discharge procedure 2017
<i>Adoption</i> | 5649/19
ACP |

Delegated or Implementing Acts

General Affairs

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| 50. | Commission Delegated Regulation (EU) .../... of 19.12.2018 amending Delegated Regulation (EU) 2015/2195 on supplementing Regulation (EU) No 1304/2013 of the European Parliament and of the Council on the European Social Fund, regarding the definition of standard scales of unit costs and lump sums for reimbursement of expenditure by the Commission to Member States
<i>Delegated act - Intention not to raise objections</i> | 5660/19
15803/18 + ADD 1
REGIO |
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FRIDAY 1 FEBRUARY 2019

Justice and Home Affairs

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| 40. | Amending Regulation 2018/1806 to prepare for Brexit - visa
<i>Mandate for negotiations with the European Parliament</i> | 5430/19 |
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This item was transferred from part II.

Statement by the United Kingdom

On Gibraltar in the context of EU provisions for visa-free travel into the Schengen area

"The United Kingdom (UK):

- welcomes the fact that this measure provides certainty for British nationals, including those in Gibraltar.
- rejects the way it has been presented and any characterisation of Gibraltar as a colony.
- is clear the Constitution of Gibraltar provides for a modern and mature relationship between the UK and Gibraltar. This is a political status which has been freely determined by the people of Gibraltar, and as such the referendum on that Constitution in 2006 represented an exercise of the right of self-determination.
- reiterates its certainty of its sovereignty over the whole of Gibraltar and rejects this instrument's characterisation of there being a 'controversy' over the 'sovereignty of Gibraltar' which is not its position and is inconsistent with statements made in any previous EU instrument.

- disagrees that the proposed language should reference UN decisions in relation to Gibraltar which have nothing to do with the important issue of visa-free travel, while setting an unhelpful precedent for inappropriately 'importing' disagreements that belong in the UN space.
- notes furthermore that the language introduced does not actually properly reflect the annual decisions of the UN General Assembly which are agreed with the consensus of the UK and Spain, the most recent of which is included below for reference*.
- believes it would be more appropriate to use language adapted from the draft Withdrawal Agreement's Gibraltar Protocol, which both the UK and EU (including Spain) have agreed to, such as: "This is without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to sovereignty and jurisdiction" and recommends this wording replace all the wording currently in the draft footnote.
- regrets that its approaches to Spain to develop more appropriate wording have not been reciprocated."

* Annual decision of the UN General Assembly (2018):

The General Assembly, recalling its decision 72/520 of 7 December 2017:

- (a) Urges the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland, while listening to the interests and aspirations of Gibraltar that are legitimate under international law, to reach, in the spirit of the Brussels Declaration of 27 November 1984, a definitive solution to the question of Gibraltar, in the light of the relevant resolutions of the General Assembly and applicable principles, and in the spirit of the Charter of the United Nations;
- (b) Takes note of the desire of the United Kingdom to continue with the trilateral Forum for Dialogue;
- (c) Takes note of the position of Spain that the trilateral Forum for Dialogue does not exist any longer and should be replaced with a new mechanism for local cooperation in which the people of the Campo de Gibraltar and Gibraltar are represented;
- (d) Welcomes the efforts made by all to resolve problems and advance in a spirit of trust and solidarity, in order to find common solutions and move forward in areas of mutual interest towards a relationship based on dialogue and cooperation.
