



Brussels, 14 March 2019  
(OR. en)

7483/19  
CRS CRP 8

**SUMMARY RECORD**  
PERMANENT REPRESENTATIVES COMMITTEE  
27 February and 1 March 2019

**I. Adoption of the agenda**

6788/19 OJ CRP1 8 + COR 1  
6805/1/19 REV 1 OJ CRP2 8

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 27 FEBRUARY 2019**

**Agriculture and Fisheries**

2. Meeting of the Council (Agriculture and Fisheries) on 18 March 2019: Agenda  
(For the items in the remit of the Permanent Representatives Committee)

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

## **Employment, Social Policy and Health**

3. Meeting of the Council (Employment, Social Policy, Health and Consumer Affairs) on 15 March 2019: Preparation
1. Regulation on the European Globalisation Adjustment Fund (EGF) 6596/19  
*Partial general approach*

The Committee prepared this item for the Council.

## **Employment and Social Policy**

4. Revision of Regulations on coordination of social security systems (883/04 and 987/09) 6318/19  
*Presidency debriefing on the outcome of the trilogue*  
*Preparation for the trilogue*

The Committee took note of the information provided by the Presidency on the outcome of the trilogues of 21 and 26 February 2019. The Committee also agreed on a revised mandate for the forthcoming trilogue.

## **Transport**

5. Directive amending Directive 2008/96/EC on road infrastructure safety management 6749/19  
*Analysis 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.

6. Regulation on air connectivity: "Brexit" contingency 6595/19 + COR 1  
*Analysis 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.

### **Statement by the Commission**

"The Commission concurs with the statements made in Article [1bis] and Recital [5a] as regards the effects of the Regulation on the division of competences between the Union and the Member States in accordance with Article 2(2) TFEU. The Commission recalls that that division is exhaustively dealt with in the Treaties, both for usual and exceptional circumstances.

Against this background, the Commission considers that this Regulation does not prejudice the nature of the future relationship with the United Kingdom in the area of aviation and that the exercise of competence in the Regulation is temporary and strictly limited to its period of validity. It will be for the Council to establish the terms of any decision authorising the opening of negotiations for a future relationship in accordance with Article 218(3) and (4) TFEU and generally with Union law, and in full respect of the division of competences between the Union and the Member States.

The Commission furthermore recalls the European Council Guidelines of 23 March 2018 on the future relation with the United Kingdom, established with a view to the opening of negotiations on the overall understanding of the framework for the future relationship. According to point 11 of those Guidelines, in the area of aviation the aim should be to ensure continued connectivity between the United Kingdom and the EU after the former's withdrawal from the Union; this could be achieved, inter alia, through an air transport agreement, combined with aviation safety and security agreements, while ensuring a strong level playing field.

Having regard to those Guidelines, the Commission intends to submit the relevant recommendation to the Council as soon as possible in due time."

Statement by Germany, supported by France, Portugal, Greece, Cyprus, Belgium, Czech Republic, Hungary, Estonia, Slovak Republic, Bulgaria, Poland and Malta

"Germany declares with regard to recital 5 sentence 2 (Council Doc 6595/19 on the Proposal for a Regulation of the European Parliament and of the Council on common rules ensuring basic air connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union), that fast negotiations for a new comprehensive air transport agreement with the UK are desirable. The decision to give a mandate however requires a detailed examination of the Commission proposal for the mandate. For Germany it is important that the mandate will provide for a mixed agreement of the Union and the Member States. We understand that recital 5 sentence 2 does not pre-empt this decision."

## **Research**

7. Regulation establishing Horizon Europe - Framework Programme  
*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 21 February 2019.

## **Space**

8. Regulation establishing the space programme of the Union  
*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 26 February 2019.

9. Directive on the modernisation of EU consumer protection rules 6388/19 + COR 1  
*Mandate for negotiations with the European Parliament*

The Committee agreed on a mandate for the forthcoming trilogue.

Statement by the Czech Republic

"The Czech Republic welcomes and supports the objective of the Proposal to strengthen the enforcement of EU consumer law and modernize and update the consumer legislation in response to digitisation.

Nevertheless, the Czech Republic considers the detailed provisions on penalties as going beyond what is necessary to achieve the set objectives of the proposal and as an unsystematic step. Introducing such rules on penalties should be in our view left to the Member States.

If the rules on penalties to be imposed in coordinated actions in case of widespread infringements and widespread infringements with a Union dimension are to be harmonised, than they should be included in the Regulation (EU) 2017/2394 (so called CPC Regulation) and the rules should apply to all infringements of consumer law covered by the said Regulation. The CPC Regulation provides for an evaluation report, the part of which should be assessment of the effectiveness of Union laws that protect consumer' interests under the Regulation whereas the pieces of legislation that are being amended by this proposal are part of the CPC co-operation. The Czech Republic therefore regrets that the EU legislator has not taken this into account and makes this unsystematic step while introducing the regulation only in certain areas and differently for each of the amended pieces of legislation.

Furthermore, the Czech Republic regrets that a provision has been included in the proposal that gives the Member States the possibility to impose additional information requirements for the online marketplaces. In our opinion this provision would create legal uncertainty, administrative burden on businesses and providers of online intermediation services operating cross-border and thus negatively affect e-commerce and development of the sector, whereas the proposal should harmonise the EU consumer law.

Finally, the Czech Republic appreciates inclusion of the provision on dual quality of goods into the proposal. Nevertheless, we would have preferred having more unequivocal rules in this regard, which would be more discouraging (and not "encouraging") traders from placing dual quality goods on the market. "

10. Directive on cross-border conversions, mergers and divisions 6909/19 + ADD 1  
*Preparation for the trilogue*

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

### **Employment, Social Policy and Health**

3. (continuation) Meeting of the Council (Employment, Social Policy, Health and Consumer Affairs) on 15 March 2019: Preparation

2. Social dimension of Europe post 2020 6622/19  
*Policy debate*

The Committee prepared this item for the Council.

3. European Semester 2019 6623/19  
*Policy debate*

- a) Priorities for action in the areas of employment and social policies: Political guidance in 2019 6167/19  
6635/19

- i) Joint Employment Report  
ii) Conclusions on the 2019 Annual Growth Survey and Joint Employment Report  
*Adoption*

- b) 2019 Country reports 6560/19  
*Presentation by the Commission*

The Committee prepared this item for the Council.

### **Environment**

11. Regulation on LIFE  
*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 February 2019.

12. Regulation on persistent organic pollutants (POPs) (recast) 6405/1/19 REV 1  
*Analysis 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.

## Transport

13. Regulation on road transportation sector: "Brexit" contingency 6697/19  
*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 26 February 2019. 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. Regulation on the Connecting Europe Facility (CEF) 15400/4/18 REV 4  
*Preparation for the trilogue* + COR 1  
+ ADD 1 REV 3

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

## **COREPER (PART 2)**

### **General Affairs**

36. IIA on Better Law-Making – International agreements  
*Guidance for further work*

The Committee provided guidance for further work.

37. Meeting of the Council (General Affairs) on 19 March 2019:  
Agenda

The Presidency presented the main items on the agenda.

38. Multiannual Financial Framework 2021-2027 - Consolidation of progress achieved with the European Parliament on sectoral proposals  
*Exchange of views*  
*Guidance for further work*

6428/19

The Committee held an exchange of views and provided guidance for further work.

39. RPS Adaptation - General Omnibus  
*Confirmation of the final compromise text with a view to agreement*

6666/19 + ADD 1  
+ ADD 2

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.

40. Procedure for the selection of the seat of the European Labour Authority  
*Information from the Presidency*

6791/1/19 REV 1

The Committee took note of the information provided by the Presidency

### **Foreign Affairs**

41. Meeting of the Council (Foreign Affairs) on 18 March 2019:  
Agenda

The EEAS presented the main items on the agenda. A delegation requested the addition of an item on Yemen.

42. EU-Japan Summit (Brussels, date tbc) 6624/19  
*Orientation debate*

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

43. CFSP Legal bases in decisions concerning international agreements 6075/19  
*Exchange of views*

The Committee held an exchange of views and mandated the Antici+1 (Legal Advisers) to examine the contribution by the Council Legal Service. The Committee also agreed to revert to this issue at one of its forthcoming sessions.

### **Justice and Home Affairs**

44. Meeting of the Council (Justice and Home Affairs) on 7-8 March 2019: Preparation

- a) Reform of the Common European Asylum System and Resettlement 6600/19  
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.

- b) Migration: EU cooperation with third countries 6599/19  
*State of play*  
*Exchange of views*

The Committee prepared this item for the Council.

- c) EU response to terrorism - state of play and way forward 6684/19  
*Policy debate*

The Committee prepared this item for the Council.

- d) Enhancing democratic resilience: securing free and fair elections and countering disinformation 6573/1/19 REV 1  
*Information from the Presidency*

The Committee prepared this item for the Council.



- e) Directive on legal representatives for gathering evidence 6284/19  
*General approach*

The Committee approved the draft text and agreed to submit it to the council for a General approach.

- f) Directive on whistleblowers 6631/19  
*Progress report*

The Committee prepared this item for the Council.

- g) Council Decision on the opening of negotiations for EU-US agreement on cross-border access to e-evidence 6569/19  
*Policy debate*

The Committee prepared this item for the Council.

- h) Council Decision authorising the participation in the negotiations on a second additional protocol to the Budapest Convention 6569/19  
*Policy debate*

The Committee prepared this item for the Council.

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

The Committee prepared this item for the Council.

- j) Other items in connection with the Council meeting

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

### **Economic and Financial Affairs**

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

Other items in connection with the Council meeting

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

#### **IV. Any other business**

##### **COREPER (PART 1)**

None.

##### **COREPER (PART 2)**

EU Trust Fund for Africa

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

European Semester winter package

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

Location of the InvestEU secretariat

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

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**"I" items approved**

**COREPER (PART 1)**

**WEDNESDAY 27 FEBRUARY 2019**

**Institutional Affairs**

**Written questions**

15. Replies to questions for written answer submitted to the Council  
by Members of the European Parliament  
*Adoption by silence procedure* 6674/19  
PE-QE
- a) Dubravka Šuica (PPE) 5833/19  
'The establishment of European armed forces'
- b) Sophia in 't Veld (ALDE) 6046/19  
'Alarming state of growth opportunities for digital  
platforms in Europe'
16. **Minutes of Council meetings**  
*Approval*
- EPSCO 6-7-12.2018 15261/3/18 REV 3  
15261/18 ADD 1

**EU positions for international negotiations**

17. Council Decision on the EU position on UNECE (March 2019) 6439/19  
*Adoption* 6334/19  
ECO

**Sport**

18. WADA - Review of the World Anti-Doping Code, International  
Standards and Anti-Doping Charter of Athletes Rights 6644/19  
*Agreement on a joint contribution to CAHAMA and WADA* SPORT

## Fisheries

19. Council Decision on the conclusion of the Agreement to prevent unregulated high seas fisheries in the Central Arctic Ocean  
*Adoption*
- 6579/19 + ADD 1  
10784/18  
PECHE

### Statement by the Commission

"By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the decision on the conclusion, on behalf of the European Union, of the Agreement to prevent unregulated high seas Fisheries in the Central Arctic Ocean, the Commission regrets the Council's amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph), and therefore maintains its initial proposal."

20. Council Decision on the conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco, the Implementation Protocol thereto and the exchange of letters accompanying the Agreement  
*Adoption*
- 6557/19  
+ ADD 1 REV 1  
14367/18  
PECHE

### Statement by the Commission

"By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)a(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the decision on the conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco, the Implementation Protocol thereto and an exchange of letters accompanying the said Agreement, the Commission emphasises that the European Parliament gave its consent for the conclusion of this Agreement and Protocol, and that the precise substantive legal basis of Article 43(2) TFEU as it had proposed was most appropriate.

Yet, in order to facilitate a swift conclusion of the intended Agreement and Protocol in the now prevailing circumstances of urgency, the Commission would not oppose a Presidency compromise, by way of which the legal basis would be changed to Article 43 TFEU with the same consent procedure in accordance with Article 218(6)(a)(v TFEU).

This shall not in any way constitute a precedent."

21. Council Decision on the conclusion of the Protocol on the implementation of the FPA between the EU and the Republic of Côte d'Ivoire (2018 - 2024)  
*Adoption*

6574/19 + ADD 1  
10858/18  
PECHE

Statement by the Commission

"By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the decision on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the Republic of Côte d'Ivoire and the European Community (2018-2024), the Commission regrets the Council's amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph), and therefore maintains its initial proposal."

22. Regulation on a multi-annual plan for fish stocks in the Western Waters  
*Adoption of the legislative act*

6553/19 + ADD 1-2  
PE-CONS 78/18  
PECHE

**Energy**

23. Decision on adaptation of Directive on energy efficiency and Regulation on governance to Brexit  
*Adoption of the legislative act*

6549/19  
PE-CONS 19/19  
ENER

**Environment**

24. Conclusions on Floods Directive (CoA SR No 25/2018)  
*Adoption*
25. Draft EU letter expressing objection to the reservation by Zimbabwe to include three species in Appendix II to the Convention on Migratory Species of Wild Animals  
*Approval*

6538/19  
ENV

6546/19  
ENV

## **Internal Market and Industry**

26. Goods package: Regulation on mutual recognition  
*Adoption of the legislative act* 6550/19  
PE-CONS 70/18  
COMPET

### **Statement by Germany**

"The national building authorities have a special responsibility to ensure that regulations under public law for buildings (e.g. regarding stability or fire safety) and transport infrastructure are complied with when construction and civil engineering work takes place for the erection, alteration and removal of structures and when structures are used and maintained. The Federal Republic of Germany therefore assumes that the Regulation on the Mutual Recognition of Goods shall be without prejudice to the fulfilment of this responsibility."

27. Regulation amending and correcting Regulation (EU)  
No 167/2013 on the type-approval of agricultural vehicles  
*Adoption of the legislative act* 6544/19  
PE-CONS 5/19  
ENT
28. Conclusions on the delays in customs IT systems  
(CoA SR No 26/2018)  
*Adoption* 6752/19  
UD

## **Delegated or Implementing Acts**

### **Agriculture**

29. Commission Regulation (EU) .../... of XXX laying down  
transitional measures for the application of public health  
requirements of imports of food containing both products of  
plant origin and processed products of animal origin (composite  
products)  
*Decision not to oppose adoption* 6548/19  
5751/19  
AGRILEG

### **Internal Market and Industry**

30. Commission Delegated Decision amending Annex V to  
Directive 2005/36/EC of the European Parliament and of the  
Council as regards the evidence of formal qualifications and  
titles of training courses  
*Decision not to oppose adoption* 6583/19  
5991/19 + ADD 1  
COMPET

**FRIDAY 1 MARCH 2019**

**EU positions for international negotiations**

31. Council Decision on the EU position to be adopted at the 62nd Session of the Commission on Narcotic Drugs on the addition to the list of substances  
*Adoption*
- 6616/19  
6558/19  
UD

**Transport**

32. Directive on electronic road tolling and exchange of information  
*Adoption of the legislative act*
- 6543/19 + ADD 1  
PE-CONS 69/18  
TRANS

**Statement by Germany**

"Germany supports the objectives of the Directive and assumes that the possibilities referred to in Article 7(3) of differentiating between the remuneration of national toll system operators and EETS providers will make it possible to take into account the special role and tasks of the national toll system operators. The Directive must not lead to an increase in the costs of national toll systems or interfere with the competitive tendering procedure for selecting national toll system operators.

In addition, Germany would like to emphasize that the extension of the provisions of this Directive facilitating cross-border enforcement to low emission zones, restricted access zones or other urban vehicle access regulation schemes, as provided for by Article 28(2)(c), should not be part of this Directive. Violations of the rules governing access to certain zones are violations of traffic rules. Unlike in the case of a failure to pay a road fee, the enforcement in these cases concerns sanctions for violations of traffic rules. Measures to facilitate the cross-border enforcement of sanctions in the field of road traffic, however, fall under Directive (EU) 2015/413 and would have to be regulated in that Directive."

33. IMO - Union submission to the 101st session of the Maritime Safety Committee (London, 5–14 June 2019) to address the in-water performance of SOLAS lifejackets  
*Endorsement*
- 6604/19  
MAR  
OMI

**Statement by the Commission**

"The Commission considers that the above-mentioned "Union submissions" to be submitted to the IMO are 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."

34. IMO - Union submission to the 101st session of the Maritime Safety Committee (London, 5–14 June 2019) in support of a review into the in-water performance of SOLAS lifejackets  
*Endorsement*

6606/19  
MAR  
OMI

#### Statement by the Commission

"The Commission considers that the above-mentioned "Union submissions" to be submitted to the IMO are 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."



## **COREPER (PART 2)**

### **Judicial Affairs**

46. Cases T-517/16 (Janoha e.a. v. Commission) and T-518/16 (Carreras Sequeros e.a. v. Commission) 6650/19  
*Information note for the Permanent Representatives Committee (Part 2)* JUR

### **Institutional Affairs**

#### **47. Minutes of Council meetings**

*Approval*

GAC 8.1.2019

5537/1/19 REV 1  
5537/19 ADD 1

#### **Appointments**

48. A member and six alternate members (SE) of the Committee of the Regions 6494/19  
*Adoption* 6493/19  
CDR
49. A member (IT) of the Committee of the Regions 6506/19  
*Adoption* 6505/19  
CDR
50. Three members and four alternate members (HR) of the Committee of the Regions 6508/19  
*Adoption* 6507/19  
CDR
51. A member and an alternate member (HU) of the Committee of the Regions 6510/19  
*Adoption* 6509/19  
CDR
52. A member (AT) of the Committee of the Regions 6522/19  
*Adoption* 6521/19  
CDR
53. A member and an alternate member (UK) of the Committee of the Regions 6746/19  
*Adoption* 6744/19  
CDR

## **Economic and Financial Affairs**

54. Cross Border Payments Regulation  
*Adoption of the legislative act* 6542/19 + COR 1  
PE-CONS 91/18  
EF
55. Cross-Border Distribution of Funds (CBDF) package  
a) CBDF Directive 6625/19 + ADD 1  
b) CBDF Regulation + ADD 2  
*Confirmation of the final compromise text with a view to agreement* EF
56. SME growth markets Regulation 6686/19 + ADD 1  
*Mandate for negotiations with the European Parliament* EF
57. Decision on computerising the movement and surveillance of excise goods (recast) 6612/19  
*Confirmation of the final compromise text with a view to agreement* FISC
58. Council Implementing Decision authorising France to apply a reduced rate of taxation to unleaded petrol used as motor fuel and consumed in Corsica 6651/19  
*Adoption* 6272/19  
FISC

## **General Affairs**

59. Regulation amending Regulation (EU) No 1303/2013 as regards the resources for the specific allocation for the Youth Employment Initiative 6517/1/19 REV 1  
*Mandate for negotiations with the European Parliament* REGIO
60. Defence Fund Regulation 6733/19  
*Progress report* POLMIL  
COMPET

## Justice and Home Affairs

61. Regulation on the creation of a European network of immigration liaison officers (recast)  
*Confirmation of the final compromise text with a view to agreement*

6621/19  
MIGR

### Statement by Germany

"Germany considers consenting to the proposed compromise that the EP may be given certain access rights to the web-based information platform of the ILO network through the Steering Board to be a one-off decision for this operationally active European network. This should not imply its extension to any other use cases.

Even with limited rights, the EP will be given access to a database that is essentially intended for operational-executive purposes. This access includes a certain conflict of roles for the EP as legislative institution. This compromise should not extend beyond the information possibilities that have existed for the EP up to now within permitted political oversight. Germany considers the compromise to be practicable in the case of the ILO network as an exception, but it is not to be used for cooperation with other agencies or bodies."

### Statement by Hungary

"Hungary considers that the proposal for a Regulation of the European Parliament and of the Council on the creation of a European network of immigration liaison officers constitute a timely and important development and valuable addition to the tools at the Member States' disposal. Hungary is still determined to continue and reinforce the new approach to prevent a return to the uncontrolled flows of 2015 and to further stem illegal migration with all existing and emerging tools at its disposal.

However, Hungary has concerns as regards the provisions in the text referring to the European Agenda on Migration, as the Agenda basically failed to identify the effective tools in solving the migration-related problems. Having said that, it would be more suitable to reflect on the migration-related conclusions of the European Council which are closer to the approach that the Member States can unanimously support regarding migration.

Nevertheless, Hungary can accept the final compromise text of the proposal for a Regulation of the European Parliament and of the Council on the creation of a European network of immigration liaison officers, even if having concerns about the paragraph (5) of the Recital of the proposal."

### Statement by Italy

"While supporting the agreement reached with the European Parliament, Italy wishes to express its concern about the future implementation of the provision allowing the access by the European Parliament to the e-platform for the exchange of information among the members of the ILO network.

This platform, although it does not contain personal data, includes a range of information (volume of migratory flows, routes used, age groups of migrants, gender, unaccompanied minors, modus operandi of human traffickers) that can be used not only for the reporting activities of the Steering Board, but also to initiate or reinforce possible investigation and anti-trafficking and anti-smuggling activities by Member States. The accessibility to such data may cause harm to police activities.

It may also be the case that information of a strategic nature is uploaded on the platform, the dissemination of which may negatively affect the international relations of a Member State with the concerned third countries.

The access by the European Parliament (without specification to whom access will be granted) will be regulated by the steering board of the ILO network. It is desirable that the task of defining the limits of the content - i.e. which sections of the platform the European Parliament is allowed to access and, therefore, which kind of information and data contained therein - be exercised in the future so as not to jeopardize law enforcement and police functions, without prejudice to the European Parliament's prerogative to be always and fully informed on the ILO secondments and program documents adopted by the Steering board.

Therefore, Italy wishes to clarify that the access granted to the European Parliament by this Regulation should not constitute a precedent for any future attempts to provide the parliamentary body with powers of inspection and control over law enforcement and police functions."

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| 62. | Regulation on strengthening the security of ID cards and of residence documents<br><i>Confirmation of the final compromise text with a view to agreement</i> | 6412/19<br>FRONT |
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Statement by Poland

"Poland supports the general aim of the proposal of improving security within the EU by ensuring security of selected identity documents. Within that context, Poland is also in favor of implementing some level of harmonization of national identity documents. In a spirit of compromise Poland accepts the text presented by the Presidency. However, Poland wishes to draw attention to the question it has pointed out consequently during the negotiations, namely that the Regulation cannot encroach on areas of the exclusive competence of the Member States, e.g. set out methods of determining a person's gender. This Regulation may only stipulate how to indicate the holder's gender in the national document, provided that their gender has been previously determined in accordance with the national law. Poland expresses regret that this distinction has not been clearly set out in the negotiated text."

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| 63. | Prüm Decisions: Conclusions on automated data exchange of VRD data in Ireland<br><i>Adoption</i> | 6679/19<br>5310/19<br>DAPIX                        |
| 64. | Council Implementing Decision on Cooperation Agreement Eurojust/Georgia<br><i>Adoption</i>       | 6094/19 + COR 1<br>+ COR 2<br>13483/18<br>EUROJUST |

65. Union Civil Protection Mechanism Decision  
*Adoption of the legislative act*

6556/1/19 REV 1  
6556/19 ADD 1  
PE-CONS 90/18  
PROCIV

## **Foreign Affairs**

66. Investment Screening Regulation  
*Adoption of the legislative act*

6551/1/19 REV 1  
6551/19 ADD 1  
+ ADD 2  
PE-CONS 72/18  
COMER

### Statement by Italy

"On September 13, 2017, the European Commission presented the draft Regulation, (COM (2017) 487 final - 2017/2204 (COD)). This draft was amended and integrated by the Council and the European Parliament, following which Trilogue consultations were initiated and ended on November 20, 2018.

The Italian Government takes note of the outcome of the negotiations, based on texts already concluded at the time when it took office. While sharing the initial objective of the proposal, aimed at protecting Member States and the European Union against potentially predatory foreign investments, Italy intends to abstain and wishes to highlight the following:

- The Italian government considers that the proposed Regulation raises doubts on the correct division of powers between EU and its Member States and overlaps with national screening procedures already in place. In light of the Italian legislation, the Government is constantly committed to a rigorous control on foreign investments and to a loyal cooperation, in order to prevent "predatory investments" from harming or endangering the strategic interests of Italy and the European Union as a whole.
- The system under approval today, and defined as a "control mechanism", is actually a mere exchange of information that does not guarantee that all Member States acquire the capacity to block predatory acquisitions.
- Furthermore, due to the circulation of information on a "suspect" acquisition without useful and homogeneous protection instruments, it is likely to attract new potential buyers who might find out the existence of a company subject to a hostile offer, despite the confidential nature of the exchange of information.
- Once this Regulation is approved, the issue of FDI screening is likely to be considered as solved and erased for a long time from the work agenda in Brussels: this would continue to expose those Member States that lack a national screening mechanism ('Golden Power') to the concrete danger of predatory acquisitions. Priority should be given to a regulatory instrument that creates homogeneity between Member States in terms of control functions on foreign direct investments aimed at strategic assets, through the creation of national screenings and by setting minimum standards, where necessary.

The Italian Government reserves the right to promote any useful initiative in the future aimed at adequately opposing unfair practices and protecting the European Union from predatory acquisitions of third countries.

Furthermore, also with the involvement of the National Parliament, it will carry out constant and timely monitoring of the Regulation implementation, once it enters into force, and invites the Commission to do the same."

67.	Council Decision within the EEA Joint Committee concerning an amendment to Annex II (Technical regulations, standards, testing and certification) and Annex XI (Electronic communication, audiovisual services and information society) <i>Adoption</i>	5999/19 5998/19 AELE
68.	Council Decision within the EEA Joint Committee concerning an amendment to Annex IX (Financial Services) to the EEA Agreement [Markets in Financial Instruments Regulation (MiFIR) and Directive MiFID II] <i>Adoption</i>	6002/19 6001/19 AELE
69.	Council Decision within the EEA Joint Committee concerning an amendment to Annex IX (Financial services) and Annex XIX (Consumer protection) to the EEA Agreement [Mortgage Credit] <i>Adoption</i>	6005/19 6004/19 AELE
70.	European Union's position for the 5th EU-Georgia Association Council (Brussels, 5 March 2019) <i>Decision to use the written procedure for the adoption</i>	6687/19 COEST
71.	Council Decision on the conclusion of EU-25 GATS agreements <i>Adoption</i>	6565/19 14020/18 + ADD 1-17 SERVICES
72.	Bêkou Trust Fund extension - Letter of reply to the Commission <i>Approval</i>	6607/19 DEVGEN
73.	Conclusions on African Peace and Security Architecture (CoA SR No 20/2018) <i>Adoption</i>	6691/19 ACP
74.	PSC Decision EUCAP Sahel/1/2019 - extension of the mandate of the Head of Mission <i>Decision to publish in the Official Journal</i>	6466/19 5820/19 PSC DEC
75.	Decision on the conclusion of the International Agreement on Olive Oil and Table Olives <i>Agreement in principle</i> <i>Request for the consent of the European Parliament</i>	6682/19 6681/19 PROBA
76.	Council Implementing Decision and Implementing Regulation Syria restrictive measures - new listings <i>Adoption</i>	6663/19 6079/19 6081/19 CORLX

77. Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in Ukraine - review  
*Adoption*

6581/19  
6368/19  
6371/19  
CORLX

### **Fisheries**

78. European Fisheries Control Agency (codification)  
*Adoption of the legislative act*

6555/19  
PE-CONS 79/18  
CODIF  
PECHE