



Brussels, 21 March 2019
(OR. en)

7668/19
CRS CRP 9

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
6 and 8 March 2019

I. Adoption of the agenda

7054/19 OJ CRP1 9 + COR 1
7065/2/19 REV 2 OJ CRP2 9 COMIX 138 + 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 6 MARCH 2019

Internal Market and Industry

2. Council Decision on the accession of the EU to the Geneva Act (Geographical Indications) 6877/19
Preparation for the request for the consent of the European Parliament 6878/19

The Committee analysed and approved unanimously the Presidency compromise text of the Decision.

Statement by Germany, supported by the Czech Republic, France, Poland and Portugal

"Germany supports the European Union's planned accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (GIs), in order for it to properly exercise its exclusive competence for appellations of origin and geographical indications in the Lisbon system. Upon accession, the EU will be obliged to recognise a protection system which also includes non-agricultural products. It is therefore essential that designations for non-agricultural products be afforded protection in the EU as quickly as possible. Germany asks the Commission to submit such a proposal for a regulation swiftly after accession to the Geneva Act."

Statement by the Commission

"The Commission notes that the Union has exclusive external-competence on geographical indications and is acceding to the Geneva Act of the Lisbon Agreement as a Party on its own right. This follows from the ruling of the European Court of Justice of 25/10/2017 (case C-389/15- Commission v. Council). Given the EU's exclusive external competence, Member States are prevented from becoming Parties to the Geneva Act in their own right and should no longer themselves protect geographical indications newly registered by third country members of the Lisbon system. The Commission, mindful of the exceptional circumstances given that seven Member States have been Parties to the Lisbon Agreement for a long time, that they have extensive intellectual property registered under it and that a smooth transition is needed, would exceptionally have been ready to agree that, in this particular case, BG, CZ, SK, FR, HU, IT, PT could have been authorised to accede to the Geneva Act in the interest of the EU.

The Commission strongly objects to the Council's continued insistence on the possibility for all EU Member States which wish to do so to be authorized to ratify or accede to the Geneva Act alongside the Union, while giving as a reason the regularisation of the Union's voting rights in view of point (b)(ii) of Article 22(4) of the Geneva Act rather than the aforesaid exceptional circumstances.

Further, the Commission would like to recall that, given that the Union has exercised its internal competence for agricultural geographical indications, the EU Member States cannot have national agricultural GI protection systems of their own.

Therefore the Commission reserves its rights including the right to avail itself of legal remedies against the Council's decision and, in any event, considers that this case cannot constitute a precedent for any other existing or future international/WIPO agreements, in particular but not only where the EU has already ratified international agreements by itself on the basis of its exclusive competence."

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| 3. | Regulation on Union action following accession to the Geneva Act (Geographical Indications)
<i>Mandate for negotiations with the European Parliament</i> | 6877/19
6879/19 |
|----|---|--------------------|

The Committee agreed on a mandate for the forthcoming trilogue.

Statement by Germany, supported by the Czech Republic, France, Poland and Portugal

"Germany supports the European Union's planned accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (GIs), in order for it to properly exercise its exclusive competence for appellations of origin and geographical indications in the Lisbon system. Upon accession, the EU will be obliged to recognise a protection system which also includes non-agricultural products. It is therefore essential that designations for non-agricultural products be afforded protection in the EU as quickly as possible. Germany asks the Commission to submit such a proposal for a regulation swiftly after accession to the Geneva Act."

Research

4. Regulation establishing Horizon Europe - Framework Programme 6916/1/19 REV 1
+ REV 1 COR 1
Preparation for the trilogue

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

Employment and Social Policy

5. Procedure for the selection of the seat of the European Labour Authority 6932/19
Exchange of views

The Committee held an exchange of views and will revert.

FRIDAY 8 MARCH 2019

Employment and Social Policy

6. Revision of Regulations on coordination of social security systems (883/04 and 987/09)
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 5 March 2019.

Internal Market and Industry

9. Directive on cross-border conversions, mergers and divisions
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 5 March 2019.

Research

4. (continuation) 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 7 March 2019.

10. Decision implementing Horizon Europe - Specific programme 6919/19
Preparation for a partial general approach

The Committee agreed on a partial general approach.

Space

11. Regulation establishing the space programme of the Union 7002/19
Progress report
Confirmation of the common understanding

The Committee will revert at its next session.

COREPER (PART 2)

WEDNESDAY 6 MARCH 2019

Justice and Home Affairs

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

- a) Regulation amending the European Border and Coast Guard Regulation
Progress report
 - i) Regulation amending the European Border and Coast Guard and EUROSUR Regulations
 - ii) Regulation amending the Joint Action 98/700/JHA on the FADO system

The Committee prepared this item for the Council.

b) Other item in connection with the Council meeting

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

24. Directive on whistleblowers 7005/19
State of play and guidance for further work

The Committee discussed the state of play and provided guidance for further work.

General Affairs

25. Meeting of the Council (General Affairs) on 19 March 2019: Preparation

- a) Preparation of the European Council on 21-22 March 2019: Guidelines 5156/19
Exchange of views

The Committee examined the draft guidelines for the conclusions of the upcoming European Council meeting on 21-22 March 2019.

b) Other item in connection with the Council meeting

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

Foreign Affairs

26. EU-China Summit (Brussels, 9 April 2019)
State of play

The Committee discussed the draft statement and agreed to revert to it at the continuation of its session.

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

The Committee held an exchange of views and agreed to add a CFSP legal base to the Council Decision on the Rules of Procedure for the Joint Committee under the EU-Japan SPA. It further agreed to examine on a case by case basis the treatment of CFSP legal bases in decisions related to international agreements pending reflection on a horizontal approach.

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General Affairs

Transferred from Wednesday's meeting

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

The Committee took note of the information provided by the Presidency and agreed to revert to this at its next session.

Foreign Affairs

26. EU-China Summit (Brussels, 9 April 2019)
State of play

The Committee agreed on the text of the draft statement to be used as a basis for negotiations.

Justice and Home Affairs

56. 62nd Session of the United Nations Commission on Narcotic
Drugs - Ministerial Segment, Vienna, 14-15 March 2019
Endorsement

7251/3/19 REV 3
CORDROGUE

The Committee took note of the outcome of negotiations.

Economic and Financial Affairs

29. Meeting of the Council (Economic and Financial Affairs) on 12
March 2019: Preparation
- a) VAT implementing rules on e-commerce
General approach
- i) Directive on provisions for distance sales of goods
and certain domestic supplies of goods
- ii) Council Implementing Regulation on supplies of
goods or services via electronic interfaces

6900/19

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

b) Excise duties
General approach

i) Directive on general arrangements for excise duty
(recast)

ii) Regulation on administrative cooperation of the
content of electronic registers

6902/1/19 REV 1

iii) Directive on the structures of excise duty on alcohol
and alcoholic beverages

6880/19

The Committee prepared this item for the Council.

c) Digital services tax
Political agreement

6873/19

The Committee prepared this item for the Council.

d) InvestEU – Location of the Investment Committee
Secretariat
Policy debate

6943/19

The Committee prepared this item for the Council.

e) European semester

i) 2019 country reports and in-depth reviews
Presentation by the Commission

6560/19
6701/19

ii) Implementation of country-specific
recommendations focussing on investments
Exchange of views

6957/19

The Committee prepared this item for the Council.

f) Conclusions on the revised EU list of non-cooperative
jurisdictions for tax purposes
Adoption

6962/19 **R-UE**

The Committee agreed to forward the draft conclusions to the Council, while taking note of the outstanding reservations as regards one jurisdiction.

g) 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)

DK participation in Eurojust

The Committee took note of the information provided by the Danish delegation.

EP letter on the gender balance of key appointments to EU financial institutions

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

"I" items approved

COREPER (PART 1)

WEDNESDAY 6 MARCH 2019

Institutional Affairs

Written questions

12. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure 6958/19
PE-QE

Helmut Scholz (GUE/NGL) 6245/19
'Ratification of the 2012 International Maritime Organisation Cape Town agreement'

Appointments

13. Members and alternate members of the Advisory Committee on Safety and Health at Work (2019-2022)
Adoption 6039/19
6038/19
SOC

14. Two members (DE, HU) and one alternate member (IT) in the Advisory Committee on Freedom of Movement for Workers
Adoption 6829/19
6830/19
6888/19
SOC

15. One member (PT) and one alternate member (ES) in the Advisory Committee for the Coordination of Social Security Systems
Adoption 6825/1/19 REV 1
6826/19
SOC

Transport

16. Regulation on railway safety and connectivity: "Brexit" contingency
Mandate for negotiations with the European Parliament 6915/19
TRANS

Research

17. Conclusions on the majority of simplification measures brought into Horizon 2020 (CoA SR No 28/2018)
Adoption 6145/19
6140/2/19 REV 2
RECH

Delegated or Implementing Acts

Agriculture

18. Commission Directive (EU) .../... of XXX amending Directive 2009/128/EC of the European Parliament and of the Council as regards the establishment of harmonised risk indicators
Decision not to oppose adoption
- 6489/19 + COR 1
+ ADD 1
5928/19 + ADD 1
AGRILEG

Statement by the Slovak Republic

"The Slovak Republic understands the need to adopt harmonized risk indicators as soon as possible, but anyway strongly disagrees with the introduction of the second indicator in the form it is proposed. The number of emergency authorizations is not risk-related; in the Slovak Republic the obligation to submit data on use of products authorized under Art. 53 of the Regulation 1107/2009 is listed directly in the decision on such authorization and it is strictly controlled. In some cases, the use is zero. The compromise for the second indicator could be found in the use of the number of emergency authorizations for products with unauthorized active substances or with substances that are candidates for substitution or their classification meets the cut - off criteria. In many cases emergency authorizations are granted for the products with active substances allowed in the organic farming."

Energy

19. Commission Regulation (EU) .../... of XXX laying down ecodesign requirements for refrigerating appliances pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulation (EC) No 643/2009
Decision not to oppose adoption
- 6603/19
5589/19 + ADD 1
ENER

Internal Market and Industry

20. Commission Regulation (EU) .../.... of XXX amending Annex II to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products
Decision not to oppose adoption
- 6858/19
5586/19 + ADD 1
MI
21. Commission Regulation (EU) .../.... of XXX amending Annexes II, III and V to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products
Decision not to oppose adoption
- 6853/19
5546/19 + ADD 1
MI

FRIDAY 8 MARCH 2019

Transport

22. IMO – Union submission to the 74th session of the Marine Environment Protection Committee (MEPC) (London, 13-17 May 2019) on the enhancement of the implementation of regulation 18 of MARPOL Annex VI
Endorsement

6917/19
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)

WEDNESDAY 6 MARCH 2019

Judicial Affairs

30. Cases before the General Court of the European Union
Case T-530/16 (Schubert e.a. vs Commission) 6914/19
Case T 543/16 (Carpenito vs Conseil) JUR
Case T-544/16 (Dumont du Voitel vs Conseil)
Case T-632/16 (Haeberlen vs ENISA)
*Information note for the Permanent Representatives Committee
(Part 2)*

Institutional Affairs

31. **Minutes of Council meetings**
Approval
- a) FAC 21.1.2019 5538/19
+ ADD 1 REV 1
- b) ECOFIN 22.1.2019 5681/19 + ADD 1

Appointments

32. A member and two alternate members (BE) of the Committee of
the Regions 6646/19
Adoption 6645/19
CDR
33. An alternate member (IT) of the Committee of the Regions 6662/19
Adoption 6661/19
CDR

Economic and Financial Affairs

34. New Lithuanian Commemorative Coin 6748/19
UEM
35. ECA SR No 3/2019 on European Fund for Strategic Investments 6784/19
Designation of a Working Party FIN
36. Emir Refit Regulation 6913/19
*Confirmation of the final compromise text with a view to
agreement* EF
37. Conclusions on EIOPA's contribution to supervision and
stability in the insurance sector (ECA SR No 29/2018) 6960/19
Adoption EF

General Affairs

38. Regulation amending Regulation (EU) No 1303/2013 as regards the resources for the specific allocation for the Youth Employment Initiative
Confirmation of the final compromise text with a view to agreement
- 6948/19
REGIO

Justice and Home Affairs

39. EU representation and statements at the 62nd Session of the UN Commission on Narcotic Drugs (Ministerial Segment)
Adoption
- 6954/19
CORDROGUE
40. Access to Eurodac for law enforcement purposes
- 6639/19
- a) Council Decisions on the signing of Protocols between the EU and the Swiss Confederation and the Principality of Liechtenstein, the Republic of Iceland and the Kingdom of Norway, the Kingdom of Denmark
Adoption
- 15779/18
15793/18
15825/18
EURODAC
- b) Council Decisions on the conclusion of Protocols between the EU and the Swiss Confederation and the Principality of Liechtenstein, the Republic of Iceland and the Kingdom of Norway, the Kingdom of Denmark, and their Annexes
Request for the consent of the European Parliament
- 15783/18
15781/18
15791/18
15792/18
15822/18
15823/18
EURODAC
41. Negotiations for a cooperation agreement Eurojust - Serbia
Approval
- 6903/19
EUROJUST

Foreign Affairs

42. EU Human Rights Guidelines on Non-discrimination in External Action.
Adoption
- 6149/19, 6118/19
COHOM
43. Angola-EU Ministerial Meeting, Luanda, 11 March 2019
Joint Press Statement
Endorsement
- 7040/19
COAFR
45. Council Decision on the conclusion of a Protocol to the Euro-Mediterranean Agreement with Jordan to take account of the accession of the Republic of Bulgaria and Romania to the EU
Adoption
- 6894/19
5926/19
MAMA

- | | | |
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| 46. | Decision and Implementing Regulation concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran - review
<i>Adoption</i> | 6905/19
6584/19
6585/19
CORLX |
| 47. | Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine - new listings
<i>Decision to use the written procedure for the adoption</i> | 6937/19
6758/19
6760/19
CORLX |
| 48. | Syria restrictive measures - draft replies to delisting requests
<i>Approval</i> | 7100/19
CORLX |

Delegated or Implementing Acts

Economic and Financial Affairs

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| 49. | Commission Delegated Regulation (EU) .../... of 30.1.2019 amending Delegated Regulation (EU) 2016/522 as regards the exemption of the Bank of England and the United Kingdom Debt Management Office from the scope of Regulation (EU) No 596/2014
<i>Delegated act - Intention not to raise objections</i> | 6891/19
6007/19
EF |
| 50. | Commission Delegated Regulation (EU) No .../.. of 30.1.2019 amending Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to the list of exempted entities
<i>Delegated act - Intention not to raise objections</i> | 6891/19
6041/19
EF |
| 51. | Commission Delegated Regulation (EU) No .../.. of 30.1.2019 amending Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to the list of exempted entities
<i>Delegated act - Intention not to raise objections</i> | 6891/19
6044/19
EF |
| 52. | Commission Delegated Regulation (EU) .../... of 30.1.2019 amending Delegated Regulation (EU) 2017/1799 as regards the exemption of the Bank of England from the pre- and post-trade transparency requirements in Regulation (EU) No 600/2014
<i>Delegated act - Intention not to raise objections</i> | 6891/19
6045/19
EF |
| 53. | Commission Delegated Regulation (EU) of 13.2.2019 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council by identifying high-risk third countries with strategic deficiencies
C(2019)1326
<i>Delegated act - Decision to raise objections</i> | 6964/1/19 REV 1
6483/19 + COR 1
+ ADD 1 + ADD 1
COR1
EF |

EU positions for international negotiations

54. Council Decision on the EU position to be adopted at the 62nd Session of the Commission on Narcotic Drugs on international substance scheduling
Adoption
- 6566/19
6576/19
CORDROGUE

Statement by the Commission

"The Commission will not oppose the adoption by qualified majority of the revised text of the EU common position for the scheduling of new psychoactive substances at the 62nd meeting of the United Nations Commission on Narcotic Drugs (CND), but wishes to reiterate its position that the decisions concerned by this proposal are a matter of exclusive Union competence because Union law, in this case in the area of drug control, will be directly and automatically affected by the scheduling decisions of the United Nations Commission on Narcotic Drugs. The Commission underlines that this position refers to international scheduling decisions under the 1961 UN Convention on Narcotic Drugs and the 1971 UN Convention on Psychotropic Substances and not to drugs policy in general."

55. Council Decision on a position of the EU in the Joint Committee under EU-Norway agreement on administrative co-operation in the area of VAT
Adoption
- 6076/19
5965/19
FISC

FRIDAY 8 MARCH 2019

Justice and Home Affairs

57. Negotiations for a cooperation agreement Eurojust - Denmark
Approval

7127/19
EUROJUST

Foreign Affairs

44. **Transferred from Wednesday's meeting**
54th EU-Turkey Association Council
Establishment of the EU position

6965/19

Statement by Cyprus

"The Republic of Cyprus will not oppose the unanimous adoption of the EU position for the 54th EU-Turkey Association Council but wishes to reiterate that its final position on the convening of the meeting of the Association Council will depend on developments on the ground, and in particular Turkey's ongoing unlawful actions in the exclusive economic zone (EEZ) of Cyprus.

Turkey is currently conducting unauthorized seismic surveys within Cyprus' continental shelf and EEZ. Moreover, Turkish officials have repeatedly made threatening remarks against the involvement of EU companies in the Republic of Cyprus' hydrocarbon exploration programme.

Provocative public declarations by Turkish officials have also been made with regards to Turkey's ongoing preparations to conduct hydrocarbon exploration drillings in Cyprus' EEZ. Such an event would constitute a grave breach of the integrity and sovereignty of an EU Member State, and would be in clear violation of EU and international law; as such, it should be met by a determined and collective response.

Cyprus underlines that it will continue to closely monitor developments on the ground. In the event of further negative developments in the coming days, Cyprus reserves the right to withdraw its consent for the common position."
