



Council of the  
European Union

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9550/19  
PV CONS 27  
EDUC 249  
JEUN 77  
CULT 87  
AUDIO 81  
SPORT 60

**DRAFT MINUTES**  
COUNCIL OF THE EUROPEAN UNION  
(Education, Youth, Culture and Sport)  
22 and 23 May 2019

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## MEETING ON WEDNESDAY 22 MAY 2019

### 1. Adoption of the agenda

9216/1/19 REV 1

The Council adopted the agenda set out in 9216/1/19 REV 1.

### 2. Approval of "A" items

#### a) Non-legislative list

9218/19 + ADD 1

The Council adopted the "A" items listed in 9212/19 + ADD 1, including COR and REV documents presented for adoption. Statements related to these items are set out in the Addendum.

For the following items the documents should read as follows:

#### Transparency

#### 4. Seventeenth annual report on public access to documents

*Approval*

approved by Coreper, Part 2, on 15.05.2019

7917/19

+ REV 1 (de)  
INF

#### b) Legislative list (Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

9219/19

#### Energy

#### 1. Directive on electricity (recast)

*Adoption of the legislative act*

approved by Coreper, Part 1, on 15.05.2019



8735/19 + ADD 1  
+ ADD 1 COR 1  
PE-CONS 10/19  
ENER

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 194(2) TFEU). Statements to this item are set out in the Annex.

2. **Regulation on electricity (recast)**

*Adoption of the legislative act*

approved by Coreper, Part 1, on 15.05.2019



8737/19

+ ADD 1 REV 1

PE-CONS 9/19

ENER

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with Bulgaria, Czechia and Slovakia abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 194(2) TFEU). Statements to this item are set out in the Annex.

3. **Regulation on ACER (recast)**

*Adoption of the legislative act*

approved by Coreper, Part 1, on 15.05.2019



8739/1/19 REV 1

+ REV 1 ADD 1

PE-CONS 83/18

ENER

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with Germany abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 194(2) TFEU). Statements to this item are set out in the Annex.

4. **Regulation on risk-preparedness in the electricity sector**

*Adoption of the legislative act*

approved by Coreper, Part 1, on 15.05.2019



8736/19

PE-CONS 73/18

ENER

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 194 TFEU).

Transport

5. **Decision amending Directive 96/53/EC on weights and dimensions**

*Adoption of the legislative act*

approved by Coreper, Part 1, on 15.05.2019



8745/1/19 REV 1

PE-CONS 40/19

TRANS

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with Germany abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 91(1) TFEU).

## Non-legislative activities

### YOUTH

3. Conclusions on young people and the future of work 8754/19 + COR 1  
*Adoption*
4. Resolution establishing guidelines on the Governance of the EU 8760/19  
Youth Dialogue  
*Adoption*
5. **Young people as agents of democracy in the EU** ☒ 8763/19  
*Policy debate*

The Council held a policy debate on above the topic, on the basis of a Presidency background document (8763/19). Two Romanian youth representatives were invited to make introductory remarks before the discussion.

Ministers welcomed the broadly increasing interest of young people in global challenges, such as climate change or migration, and highlighted the need to channel such interest and facilitate further the involvement of young people in governance and decision making, thereby building young people's trust in politics and EU affairs. In this regard, the potential contribution of youth-related instruments such as Erasmus+, the European Solidarity Corps or DiscoverEU was emphasized.

### EDUCATION

6. Recommendation on a comprehensive approach to the teaching ☐ 8638/19  
and learning of languages  
*Adoption*
7. Recommendation on high quality early childhood education and ☐ 7976/19  
care systems  
*Adoption*
8. Conclusions on upskilling pathways 8639/19 + COR 1  
*Adoption*

9. **Building the future of Europe: The contribution of education and training to strengthening social cohesion**  9165/19  
*Policy debate*

The Council held a policy debate on the above topic on the basis of a discussion paper prepared by the Presidency (9165/19).

During the debate ministers highlighted the importance of inclusive and high-quality education as a strong vehicle for social inclusion and cohesion. The crucial role of teachers and their continuous training was emphasised. Lifelong learning was identified as a way to equip citizens to face the fast-changing nature of the labour market and of society as a whole.

**Any other business**

Youth

10. a) World Conference of Ministers responsible for Youth 2019 and Youth Forum Lisboa +21 (Lisbon, 22 and 23 June 2019) 8825/19  
*Information from the Portuguese delegation*
- b) DiscoverEU 8819/19  
*Information from the Commission on the state of play*

Education

- c) France's bid to host the WorldSkills Competition in 2023 8771/19  
*Information from the French delegation*
- d) Education Summit (Brussels, 26 September 2019) 9120/19  
*Information from the Commission*
- e) Education and combatting antisemitism 9384/19  
*Information from the Commission*

Youth and Education

- f) Work programme of the incoming Presidency  
*Information from the Finnish delegation*

**Non-legislative activities**

CULTURE/AUDIOVISUAL

11. Conclusions on young creative generations 8804/19  
*Adoption*
12. Conclusions on co-productions 8806/19  
*Adoption*
13. **From tackling disinformation to rebuilding EU citizens' trust in the media** [2] 8808/19  
*Policy debate*

The Council held a policy debate on the above topic on the basis of a discussion paper prepared by the Presidency (8808/19).

Ministers assessed the effectiveness of the actions already taken to combat disinformation and to identify optimal steps for the future. A number of positive steps were highlighted, including the Code of Practice on Disinformation, signed by three major online platforms and the creation of an European network of fact-checkers, but the discussion also emphasised an emerging need for a reinforced, coordinated and more strategic approach at EU level, capable to adequately handle this pervasive digital threat which operates across borders and evolves rapidly.

SPORT

14. Resolution on EU Member States' representation and coordination prior to WADA 8709/19  
and  
Practical arrangements regarding preparations for WADA meetings  
*Adoption*
15. Conclusions on access to sport for persons with disabilities 8699/1/19 REV 1  
*Adoption*



16. **Increasing the participation of children and young people in sport in 21st century Europe**



8801/1/19 REV 1

*Policy debate*

The Council held a policy debate on the above topic, on the basis of a Presidency background document (8801/01/19 REV1).

Ministers highlighted the social and health benefits of sport for children and young people, emphasized the need to promote sports among them and facilitate access to sport facilities, and shared experiences and good practices at national level in this field.

**Any other business**

**Culture/Audiovisual**

- |        |  |         |
|--------|--|---------|
| 17. a) | Nomination of Veszprém for European Capital of Culture 2023<br><i>Information from the Hungarian delegation</i>  | 8817/19 |
| b)     | Fifth centenary of the first circumnavigation of the world, led by Fernão de Magalhães and Juan Sebastián Elcano<br><i>Information from the Spanish and Portuguese delegations</i> | 8810/19 |
| c)     | Outcome of the Paris ministerial meeting on cultural heritage (3 May 2019)<br><i>Information from the Presidency</i>   | 9370/19 |

## Sport


- d) Meetings of the World Anti-Doping Agency (WADA) (Montreal, Canada, 14-16 May 2019) 8802/19  
*Information from the EU Member States representatives in the WADA Foundation Board*
- e) Council of Europe Convention on the Manipulation of Sports Competitions (match fixing) - ways forward for the EU 8796/2/19 REV 2  
*Information from the Danish delegation*
- f) Signing of a Memorandum of Understanding between Bulgaria, Greece, Romania and Serbia to host either the Euro 2028 Championship or the 2030 World Cup (Thessaloniki, 13 April 2019) 9118/19  
*Information from the Bulgarian, Greek and Romanian delegations*

## Culture/Audiovisual and Sport

- g) Work programme of the incoming Presidency  
*Information from the Finnish delegation*

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 Public debate proposed by the Presidency (Article 8(2) of the Council's Rules of Procedure)

 Item based on a Commission proposal

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Statements to the legislative "A" items set out in 9219/19**Ad "A" item 1:**      **Directive on electricity (recast)**  
*Adoption of the legislative act***STATEMENT BY THE COMMISSION**  
**on alternative dispute resolution**

"The Commission notes the agreement of the co-legislators relating to Article 26 to regulate at EU level that energy service providers' participation in Alternative Dispute Resolution shall be mandatory. The Commission regrets this decision since its proposal had left this choice to Member States in line with the approach adopted in Directive 2013/11/EU on Alternative Resolution for consumer Disputes (the ADR Directive) and bearing in mind the principles of subsidiarity and proportionality.

It is not the Commission's role to undertake comparative assessments of the individual alternative dispute resolution models put in place by the Member States. The Commission will therefore consider the overall effectiveness of the national alternative dispute resolution landscapes in the context of its general obligation to monitor the transposition and effective application of Union law."

**STATEMENT BY THE COMMISSION**  
**on the interconnector definition**

"The Commission notes the agreement of the co-legislators relating to the recast Electricity Directive and Recast Electricity Regulation, reverting back to the definition of "interconnector" used in Directive 2009/72/EC and Regulation (EC) 714/2009. The Commission agrees that electricity markets differ from other markets such as natural gas, e.g. by trading products which can currently not be easily stored and are produced by a large variety of generating installations, including installations at distribution level. As a consequence, the role of connections to third countries differs significantly between the electricity and gas sectors and different regulatory approaches can be chosen.

The Commission will further examine the impact of this agreement and provide guidance on applying the legislation where needed.

For the sake of legal clarity, the Commission wishes to highlight the following:

The agreed definition of interconnector in the Electricity Directive refers to equipment linking electricity systems. This wording does not distinguish different regulatory frameworks or technical situations and thus, a priori, includes all electric connections to third countries in the scope of application. As regards the agreed definition of interconnector in the Electricity Regulation, the Commission underlines that the integration of electricity markets requires a high degree of cooperation between system operators, market participants and regulators. While the scope of applicable rules may vary depending on the degree of integration with the internal electricity market, close integration of third countries into the internal electricity market, such as participation in market coupling projects, should be based on agreements requiring the application of relevant Union law."

**Ad "A" item 2:**        **Regulation on electricity (recast)**  
*Adoption of the legislative act*

**STATEMENT BY THE COMMISSION**  
**on the interconnector definition**

"The Commission notes the agreement of the co-legislators relating to the recast Electricity Directive and Recast Electricity Regulation, reverting back to the definition of "interconnector" used in Directive 2009/72/EC and Regulation (EC) 714/2009. The Commission agrees that electricity markets differ from other markets such as natural gas, e.g. by trading products which can currently not be easily stored and are produced by a large variety of generating installations, including installations at distribution level. As a consequence, the role of connections to third countries differs significantly between the electricity and gas sectors and different regulatory approaches can be chosen.

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**STATEMENT BY THE COMMISSION**  
**on market reform implementation plans**

"The Commission notes the agreement of the co-legislators relating to Art. 20(3) which provides that Member States with identified adequacy concerns shall publish an implementation plan with a timeline for adopting measures to eliminate any identified regulatory distortions and/or market failures as a part of the State Aid process.

Pursuant to Article 108 TFEU, the Commission has exclusive competence to assess the compatibility of State aid measures with the internal market. This Regulation cannot affect and is without prejudice to the Commission's exclusive competence pursuant to the TFEU. The Commission may therefore, where relevant, give its opinion on market reform plans in parallel to the process of approving capacity mechanisms under State aid rules, but the two processes are legally separate."

## **STATEMENT BY GREECE**

"Greece recalls the assurances provided by the European Commission during the Coreper I meeting of 18 January 2019, as well as its subsequent Statement issued in the above mentioned Coreper I meeting.

Based on the above mentioned assurances, it is our understanding that the lignite power plant of Ptolemais 5, currently under construction, can be included in the provisions of Article 22 par. 5 (previously Article 18b, par. 5), according to which it is possible for commitments or contracts concluded before 31 December 2019 not to be modified in order to comply with the new provisions of the Regulation on the internal market for electricity.

It is on this understanding, and in a constructive spirit, that Greece votes positively on the final text of the recast of the Electricity Regulation."

## **STATEMENT BY CROATIA**

"The Republic of Croatia in principle supports the goals and objectives of this Regulation, however, it expresses concerns regarding the Article 71 and the date of entry into force.

Taking into account that the goal of this Regulation is to create a market with the highest standard for consumers and to set the fundamental principles for well-functioning, transparent and integrated electricity markets, the Republic of Croatia believes that the provisions of Article 71 will have a negative impact on the Member States with smaller administrative capacities.

Furthermore, having in mind the cross-border transmission capacities at the borders of the Republic of Croatia and the wide use of this capacity by market participants outside the Republic of Croatia, we are concerned with the provisions of Article 16 and the minimum value of 70%, because it could have a potentially negative impact on the security and stability of the power system."

**Ad "A" item 3: Regulation on ACER (recast)**

*Adoption of the legislative act*

**STATEMENT BY GERMANY**

"The Federal Government welcomes the strengthening of the internal market through the 'Clean Energy for all Europeans' legislative package. We support the important role played by the European Union Agency for the Cooperation of Energy Regulators (ACER) in that regard, and in that spirit we also support the general direction of the ACER Regulation. However, we take the view that the final compromise text allows for a transfer of competences from the Member States to national regulatory authorities – and subsequently to ACER – which is too far-reaching and also raises legal concerns. This is particularly the case as regards the possibility provided for in Article 5(2) and (3) and Article 6(10) to transfer tasks via delegated acts to more than one national regulatory authority, with ACER having competence to arbitrate between those authorities if they are not able to reach an agreement. We take the view that competences should in principle be transferred only via the ordinary legislative procedure. At the very least, the Member States' approval should be required. However, these conditions are not met in the case of delegated acts, which can be vetoed by the Member States only with a qualified majority. Taking into account the far-reaching provisions for delegated acts in the area of the electricity market, the provisions in question would lead to an erosion of the competences of national legislators which can scarcely be assessed and which would be difficult for the Member States to control. It is precisely that loss of competence which was also the subject of the German Bundestag's objection on the grounds of subsidiarity in 2017. For the above reasons, the Federal Government regrets that it cannot agree to the final compromise text and hereby declares its abstention. Nevertheless, we will continue to work constructively with ACER and support ACER in the fulfilment of its tasks."

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