



Brussels, 1 July 2019
(OR. en)

10419/19
CRS CRP 21

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
5 June 2019

I. Adoption of the agenda

9836/19 OJ CRP1 21
9853/1/19 REV 1 OJ CRP2 21

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)

Transport, Telecommunications and Energy

2. Meeting of the Council (Transport, Telecommunications and Energy) on 25 June 2019:
Agenda

The Presidency presented the main points on the agenda.

Environment

3. Meeting of the Council (Environment) on 26 June 2019: Agenda

The Presidency presented the main points on the agenda.

COREPER (PART 2)

General Affairs

23. Meeting of the Council (General Affairs/Cohesion) on 25 June 2019: Agenda

The Presidency presented the main items on the agenda.

24. Cohesion Policy - Common Provisions Regulation (Annex III) 9591/19
Partial mandate for negotiations with the European Parliament

The Committee agreed on a partial mandate for negotiations with the European Parliament, as set out in 9961/19.

25. Meeting of the Council (General Affairs) on 18 June 2019: Preparation

- a) Preparation of the European Council on 20-21 June 2019: 8947/19
Guidelines
Exchange of views

The Committee examined the draft guidelines for the conclusions of the upcoming European Council meeting on 20-21 June 2019.

- b) Other items in connection with the Council meeting

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

26. Multiannual Financial Framework 2021-2027: revised draft 9500/19
Negotiating Box
Exchange of views

The Committee held an exchange of views on the abovementioned topic and agreed to revert to this at its next session.

Economic and Financial Affairs

27. Meeting of the Council (Economic and Financial Affairs) on 14 June 2019: Preparation

- a) (poss.) Progress report on Banking Union 9729/19 + ADD 1
Endorsement

The Committee prepared this item for the Council.

- b) (poss.) Directive on the common system of VAT as regards the special scheme for small enterprises
Political agreement 9771/19

The Committee held an exchange of views and agreed to withdraw this item from the Council agenda.

- d) Clean Planet for all: Strategic long-term vision for a climate-neutral economy - ECOFIN aspects
Exchange of views 15011/18
9721/19

The Committee prepared this item for the Council.

- e) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting. The Committee agreed to withdraw the item on the ECOFIN report on tax issues from the agenda.

28. Draft general budget of the EU for the financial year 2020
Presentation by the Commission

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

Justice and Home Affairs

29. Meeting of the Council (Justice and Home Affairs) on 6-7 June 2019: Preparation

- a) Migration and Asylum: challenges ahead
Exchange of views 9511/1/19 REV 1

The Committee prepared this item for the Council.

- b) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

IV. Any other business

COREPER (PART 1)

2019 TAC for mackerel

The Committee took note of the information provided by the Spanish delegation and the comments made by delegations and the Commission.

COREPER (PART 2)

European Semester

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

Meeting between the President of the European Council and the President of Ukraine

The Committee took note of the information provided.

Council offices in Strasbourg

The Committee took note of the information provided.

"I" items approved

COREPER (PART 1)

Agriculture

4. Regulation amending general food law
Adoption of the legislative act

9332/19 + ADD 1
PE-CONS 41/19
AGRILEG

Statement by the Commission

"The Commission welcomes the political agreement reached by the European Parliament and the Council on the proposal for a Regulation on the transparency and sustainability of the EU risk assessment in the food chain.

However, the Commission regrets that the co-legislators have decided to deviate from the Common Approach of the Parliament, the Council and the Commission on decentralised agencies of 19 July 2012.

In particular, the Commission regrets the deviation from the Common Approach with regard to the composition of the Management Board of the European Food Safety Authority (number of members designated by the European Parliament).

This deviation should not be considered as a precedent for other agencies."

Fisheries

5. Council Decision on the signing, on behalf of the Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement with the Republic of Guinea-Bissau (2019-2024)
Adoption

9698/19 + ADD 1
8917/19
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 decisions on the signing and provisional application as well as on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024), 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."

6. Council Decision on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement with the Republic of Guinea-Bissau (2019-2024)
Agreement in principle
Request for the consent of the European Parliament

9698/19 + ADD 1
8928/19
8894/19
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 decisions on the signing and provisional application as well as on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024), 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."

7. Regulation on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement with the Republic of Guinea-Bissau (2019-2024)
Adoption
8. Regulation on technical measures
Adoption of the legislative act

9698/19 + ADD 1
8932/19
PECHE

9431/19 + ADD 1
PE-CONS 59/19
PECHE

Statements by the Commission

- on the adaptation of tonnage

"In the context of the ongoing evaluation of the entry-exit regime set out in Article 23 of Regulation (EU) No 1380/2013, the Commission will examine whether changes are required on the need to adjust the capacity ceilings set out in Regulation (EU) No 1380/2013."

- on derogations to Article 13 (3) of Regulation (EC) No 1967/2006 (the Mediterranean Regulation)

"Where Member States submit requests for a derogation to Article 13 (3) of Regulation (EC) No 1967/2006 (Mediterranean Regulation), these can be granted if the conditions for such a derogation are fulfilled, as a viable way to permit important fisheries whilst protecting the coastal zone."

- on regionalisation

"The Commission relies on the Member States' resolve to make the regionalization process a success for the Common Fisheries Policy. The Commission trusts that Member States will ensure that regionalized technical measures will continue contributing to the objectives of the Common Fisheries Policy, in particular reduction of unwanted catches, and will act in accordance with the principle of loyal cooperation to swiftly address via joint recommendations any potential deterioration of the conservation status currently in place. The Commission underlines that the empowerment of the Commission to adopt by means of delegated acts measures as set out in the Member States' joint recommendations does not have the power to affect the Commission's discretion to adopt such acts. Moreover, in the absence of such joint recommendations by the Member States having a direct management interest, the Commission will use all legal means available to it to address any such deterioration, including, where necessary, emergency measures in line with Article 12 Regulation (EU) No 1380/2013 and the right to submit proposals for the relevant measures in the Common Fisheries Policy field under the Treaty."

- on Article 29 on scientific research

"In relation to the provisions laid down in Article 29 of this Regulation on scientific research, the Commission envisages to regularly seek the advice of STECF where scientific research conducted by more than 6 commercial vessels involves any gears or uses listed in Article 7 of this Regulation to confirm that the level of participation is justified on scientific grounds."

Employment and Social Policy

9. Directive on transparent and predictable working conditions
Adoption of the legislative act

9327/19 + ADD 1
PE-CONS 43/19
SOC

Statement by Germany, supported by Hungary

"The Federal Republic of Germany ('Germany') has the following declaration concerning the scope of the Directive on transparent and predictable working conditions in the European Union ('the Directive'):

The definition of an employment relationship or employment contract is crucial to the scope of the Directive.

Germany, together with a number of other Member States, advocated during the negotiations that reference be made to national law of the Member States for this purpose. The Directive affects the core area of individual labour law. In the individual Member States the basic structures in this area have historical roots, including in particular how employment relationships are defined and differentiated from other legal relationships.

A reference to national law can now be found in Article 1 (2) of the Directive. From this it follows that Member States first and foremost define an employment relationship, and thus the scope of the Directive, in accordance with their respective national rules.

From the point of view of Germany, the reference to the case law of the European Court of Justice (ECJ) in Article 1 (2) of the Directive refers to its case law on ensuring the effectiveness of directives. According to this case law, it is primarily Member States that are responsible for defining employment relationships where the directive in question refers to national law. This discretion is limited by the fact that Member States are not permitted to arbitrarily exempt certain categories of personnel. This is reviewed by the ECJ in each individual case on the basis of the purpose of the respective directive.

The reference in Article 1 (2) of the Directive does not imply that the concept of employment relationship is to be interpreted in a uniform manner across the Union. Otherwise, the reference to national law would be meaningless. This also follows from the fact that the guarantee of uniform implementation has been deleted from the corresponding recital."

Statement by the Commission

"In accordance with Article 23 of the Directive, the Commission will review the application of this Directive by entry into force plus 8 years, with a view to propose, where appropriate, the necessary amendments. The Commission undertakes in its report to pay particular attention to the application of Articles 1 and 14 by the Member States. The Commission will also verify compliance with Article 14 when assessing whether Member States have fully and correctly transposed the Directive into their national legal systems."

Statement by the Croatia, the Czech Republic and Germany

"The Republic of Croatia ("Croatia"), the Czech Republic and the Federal Republic of Germany ("Germany") support the overall aim of the directive proposal of the European Parliament and of the Council on work-life balance for parents and carers.

In this context, the scope of the directive respectively the definition of worker is of importance for Croatia, the Czech Republic and Germany. The wording in article 2 and the corresponding recital of the directive proposal is rather unconventional. Thus, Croatia, the Czech Republic and Germany would like to outline their view in this regard based on the understanding gained in the course of the negotiations.

Croatia, the Czech Republic and Germany consider the wording of both article 2 and the corresponding recital as a clarification that the Member States are competent to define the scope of the directive according to their respective national provisions.

Croatia, the Czech Republic and Germany also consider that mentioning the CJEU, its case law or parts of it merely constitutes a reference to the task of the CJEU to ensure the effectiveness of the directive. This task is limited to guaranteeing the effectiveness with regard to the aim of the respective directive and for this reason restricted to a review for arbitrariness on a case-by-case basis."

Statement by Hungary

"Hungary supports the overall aim of the Proposal for the Directive of the European Parliament and of the Council on work-life balance for parents and carers ('the Directive'), namely to enhance equality between men and women through facilitating the reconciliation of work and family life for working parents and carers.

Hungary strongly believes that family policy is of paramount importance and is fully committed to support the families with all possible instruments. One of the key elements of the Hungarian family policy is to support the adequate balance between work and family life, to help women with children to be able to return to work and to support men's involvement in the life of the family.

Family policy falls primarily under the competence of the Member States, in this context, the principles of subsidiarity and proportionality are of particular importance when it comes to Union level legislation. Hungary cannot support any Union measure that endangers Hungarian family policy and the achievements thereof. Hungary is strongly convinced that we shall not intervene in the life of families and force their decision regarding the uptake of parental leave, without respecting their freedom of decision based on their personal, social and financial circumstances. This is particularly true regarding the non-transferability of parental leave. Accordingly, Hungary is convinced that at EU level, it is only appropriate to designate basic principles for the Member States, leaving the necessary room for manoeuvre for them to set up the tools, timing and priorities at national level, in accordance with the principle of conferral of competences and the principles of subsidiarity and proportionality as laid down in the Treaties.

The scope of the draft Directive, particularly the definition of worker is of great significance for Hungary. Hungary considers Article 2 together with its corresponding recital of the draft Directive that Member States have full discretion regarding the definition of the scope of the Directive in accordance with their national rules. In doing so account should be taken of the case-law of the Court of Justice of the European Union regarding workers who make use of their Union right to movement."

Statement by Slovenia

"Slovenia supports the objective of the directive as stated in its Article 1, namely to achieve equality between men and women with regard to labour market opportunities and treatment at work through facilitating the reconciliation of work and family life for working parents and carers. Slovenia is of the firm opinion that its current national system has already achieved this objective. In Slovenia, the employment rate of women is one of the highest in the EU and the gender employment gap is one of the lowest. The positive impact of parenthood on women's employment is very high.

Given that the directive affects the national social security systems and their financial equilibriums, Slovenia underlines that the setting of minimum standards should be done in a way that does not interfere with well-established systems which are already achieving equal labour market opportunities for women and men.

Slovenia also points out that the directive is the first legislative file based upon the principles of the European Pillar of Social Rights (EPSR) aiming at upward convergence among Member States, which is strongly supported by Slovenia.

However, the lengthy and complex negotiations have shown that national systems vary considerably and that Member States support different sets of measures which allow “equal access to special leaves of absence in order to fulfil their caring responsibilities and encourage to use them in a balanced way” (principle 9 of EPSR). To the contrary, the final compromise text insists only on some of these measures, i.e. pay and non-transferability of leave. Furthermore, the final compromise disproportionately focuses on the measure of non-transferability rather than on pay. In particular, it reconfirms the derogation for tackling some Member States’ concerns of payment, while omitting equally valid proposals for tackling concerns of other Member States, like Slovenia. Slovenia is therefore strongly convinced that the directive as finally agreed will not contribute to upward convergence and will not encourage parents to use special leaves in a balanced way.

Based on the above, Slovenia will vote against the directive."

11. Regulation on establishing a European Labour Authority
Adoption of the legislative act
- 9400/19 + ADD 1-2
PE-CONS 49/19
SOC

Environment

12. Regulation on persistent organic pollutants (POPs) (recast)
Adoption of the legislative act
- 9427/19 + ADD 1
PE-CONS 61/19
ENV

Statements by the Commission

"The Commission underlines that, notwithstanding the right of the co-legislators to choose the ordinary legislative procedure over delegated acts, the use of the ordinary legislative procedure to amend Annexes IV and V could compromise the ability of the EU and its Member States to comply with their international obligations under the Stockholm Convention and to negotiate concentration limits for POPs wastes within the Basel Convention, in view of the timelines and procedures that apply."

"The Commission notes that as the definition of "article" in the recast of the POPs Regulation refers directly to the definition of "article" in Regulation (EC) No 1907/2006 (REACH), the Commission interprets this term in the same way as it is interpreted in REACH, including any clarifications provided by relevant case-law. Guidance will be prepared by the European Chemicals Agency, in agreement with the Commission, to confirm this interpretation of the term "article" in the POPs Regulation, in line with relevant case-law, at the earliest opportunity following the entry into force of the recast of the POPs Regulation."

"The Commission confirms its intention to launch without delay a review of the limit value for PBDEs in Annex IV to the POPs Regulation, taking into account the available scientific and technical evidence, with the objective of proposing a lower limit value which would include consideration of a possible limit value of 500 ppm."

13. Regulation on CO2 standards for heavy-duty vehicles
Adoption of the legislative act

9426/19
+ ADD 1 REV 1
PE-CONS 60/19
CLIMA

Statement by Germany, the Czech Republic and Hungary

"Germany, Hungary and the Czech Republic support the compromise text. We acknowledge the Presidency's extensive efforts of taking into consideration Germany's concerns on the file. However, Germany wishes to point out that the agreement reached is ambitious and poses major challenges for vehicle manufacturers, especially with regard to the year 2025. From Germany's point of view, it is urgently necessary to expand the European charging infrastructure in order to facilitate unrestricted crossborder deployment of electrical powertrains. This requires a concerted strategy from the Commission and Member States. Charging infrastructure for heavy duty vehicles presents new and different challenges, also compared to, e.g., the light duty vehicle sector. Germany also points to the importance of a review by the Commission in 2022 without preconceived conclusions. All elements of this review, including the mandate to assess the possibility of a methodology for taking into account alternative fuels, are very important."

Statements by the Commission

"The Commission is pursuing the technical development of the Vehicle Energy Consumption Calculation Tool (VECTO) with a view of updating it regularly and in a timely manner, in the light of innovation and to take account of the implementation of new technologies improving the fuel efficiency of heavy-duty vehicles."

"The Commission notes the agreement of the co-legislators relating to Article 20 of this Regulation, which amends Directive 96/53/EC without setting an explicit time limit for its transposition.

The Commission also notes that other provisions of Directive 96/53/EC are being modified by the Decision [2018/0130(COD)], which provides for an application of those new provisions as of 1 September 2020.

Given the situation, the Commission calls upon Member States to carry out as soon as possible and at the latest by the same date, i.e. 1 September 2020, any necessary adaptation of their national legislation to Article 20 of the present Regulation and to inform the Commission thereof in accordance with Article 11 of Directive 96/53/EC. This would obviate any need for a further legislative proposal by the Commission on this issue."

Internal Market and Industry

14. Regulation amending Regulation (EU) No 1388/2013 on quotas
for certain agricultural and industrial products
Adoption

9628/19
9337/19
UD

15. Regulation amending Regulation (EU) No 1387/2013 on
suspensions on certain agricultural and industrial products
Adoption

9442/19
9340/19
UD

16. Regulation on platforms-to-business relations
Adoption of the legislative act

9430/19
+ ADD 1 REV 1
PE-CONS 56/19
MI

Statement by Germany and Austria, supported by Belgium

"Germany and Austria assume that Member States will continue to be entitled to adopt further regulations in conformity with EU law to ensure media diversity. Germany also assumes that national rules for the control of abusive practices and national contract law remain applicable in addition to the Regulation. We understand Article 3 paragraph 3 of the Regulation to mean that the Regulation does not preclude further examination of terms and conditions under national law, to the extent that the relevant areas are not covered by the Regulation."

Statement by the Commission

"The Commission takes note of the text of Article 1(4) agreed by the European Parliament and the Council.

The Commission wishes in this context to note that the present Regulation does not preclude Member States' ability to prohibit or sanction unilateral conduct or unfair commercial practices under their national law, provided that the relevant provisions of national law are applied in conformity with other provisions of Union law and are compatible with the provisions of the present Regulation.

The principle that national law should be compatible with this Regulation however only applies to the extent that the specific issue in question is specifically regulated therein. The Commission notes in this regard that this Regulation does not regulate all aspects of the commercial relationships between providers of online intermediation services and their business users.

In particular, the Commission considers that where the provisions of this Regulation set out a specific level of transparency or specific information obligations, in relation to these matters, Member States cannot prescribe different levels of transparency or different information obligations. However, this Regulation does not preclude the application of national rules which prohibit or sanction unilateral conduct or unfair commercial practices and which concern other matters, not regulated by the provisions of this Regulation."

17. Regulation on market surveillance and compliance
Adoption of the legislative act

9429/19 + ADD 1
PE-CONS 45/19
ENT

Statement by Bulgaria, Luxembourg, Slovakia and the United Kingdom

"Bulgaria, Luxembourg, Slovakia and the United Kingdom support the overarching aims of the Compliance and Enforcement proposal to strengthen market surveillance in order that products comply with Union legislation and the framework keeps pace with a modern economy with rapidly evolving technologies.

However, we believe that the impact of Article 4 (Tasks of economic operators regarding products subject to certain Union harmonisation legislation) has not been adequately assessed, that it is not sufficiently based on risk and will place an undue burden on small and medium businesses.

Whilst we, the signatories, agree with the principles of the proposal and are committed to a robust system of joined up market surveillance to protect consumers and ensure a level playing field for businesses, we are unable to give our full support to the proposal due to the significant risks of Article 4 that have not been adequately assessed."

Statements by the Commission

"The Commission takes note that the text agreed replaces the triple legal basis of the commission proposal (Article 114 TFEU - internal market, Article 33 TFEU – customs cooperation, Article 207 – common commercial policy) by a double legal basis, through deletion of the common commercial policy legal basis. The Commission continues to consider that the triple legal basis is fully justified in relation to the provisions that regulate conditions for access to the EU market of products originating from third countries. Moreover, the common commercial policy legal basis is in line with the legal basis of Regulation (EC) 765/2008 of the European Parliament and of the Council of 9 July 2008 setting the requirements for accreditation and market surveillance relating to the marketing of products and repealing regulation (EEC) no 339/93. The Commission regrets the deletion of article 207 TFEU as legal basis of the Regulation."

"In order to strengthen controls on products at customs, the Regulation empowers the Commission to adopt implementing acts to determine benchmarks and techniques for checks on the basis of common risk analysis on the Union level. The Commission intends to make use of this empowerment."

18. Regulation on explosives precursors
Adoption of the legislative act

9397/19 + ADD 1
PE-CONS 46/19
COMPET

Statement by the Commission

"The Commission strongly regrets that the co-legislators' agreement does not include the possibility to restrict additional substances through delegated acts, depriving the Union of the appropriate procedure to respond swiftly to developments in the misuse of substances as explosives precursors.

The Commission also regrets that the co-legislators' agreement has not made sufficiently clear that the current Regulation leaves Article 14 of the e-Commerce Directive unaffected."

19. Directive on digital tools and processes in company law
Adoption of the legislative act

9322/19
PE-CONS 25/19
DRS

Statement by Germany

"In order to ensure that the digitalisation process continues to move forward in this area, Germany accepts the text of the directive and withdraws the concerns it has raised on several previous occasions regarding the extent of the company information available free of charge. The question of costs is an important issue for the *Länder* which are responsible for the registers in Germany. In Germany, the registers are financed by fees. Expanding the extent of the company information available free of charge (especially to include information about persons authorised to represent a company) interferes with the Member States' autonomy over the financing of the registers. There is no legitimate reason for this. The aim of making company information transparent is already accounted for by the fact that the fees have to be appropriate."

Transport

20. IMO - Union submission - CCC 6 - Formal Safety Assessment
study on the use of low-flashpoint diesel
Endorsement

9609/19
MAR

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."

21. Directive on the promotion of clean and energy-efficient road transport vehicles
Adoption of the legislative act

9425/19 + ADD 1
PE-CONS 57/19
TRANS

Statement by Germany

"Germany supports the aim of the directive to make a contribution to achieving the air pollution control and climate change goals by public procurement of clean road transport vehicles.

In the medium and long term, this directive can send positive signals to the market and stimulate the supply side of clean vehicles. However, some types covered by the directive are either still significantly more expensive or not yet available in sufficient quantities. Whether a sufficient number will be available in the future and whether the public sector will be able to afford them cannot yet be foreseen under present conditions.

Some parts of the directive will be very costly to implement and will involve considerable bureaucracy for Member States and, in particular, federal Member States. As a result of the high quotas for clean buses that must be complied with in the short term, funding requirements for environmentally friendly public transport will be increasing and ticket prices will be becoming more expensive for the users.

For the above reasons, Germany is not able to endorse the directive in its current form."

Statement by Austria

"Austria generally supports the objectives of this Directive and stresses the necessity of reaching the EU climate goals through clear measures. Nevertheless, Austria is concerned that the financial impacts of this Directive are not yet clear and the targets foreseen for public transport sector may lead to restrictions to the provision of public transport services. Moreover, the construction of the necessary infrastructure will cause additional costs. Therefore, Austria calls upon the European Commission to recommend national support measures to reach the objectives of this Directive, especially with regard to public transport, and to additionally provide support and funding programs at EU level to support the transition to clean vehicles. Furthermore, the implementation of this Directive will further lead to a massive increase in administrative burden. For these reasons, Austria cannot accept the Directive and abstains from voting."

Statement by Poland

"Poland strongly supports the general aim of the proposed amended Directive, to increase the market uptake of clean, i.e. low- and zero-emission vehicles in public procurement and hence contribute to the reduction of overall transport emissions and the competitiveness and growth in the transport sector.

From the beginning of the process, Poland has presented its supportive approach towards the European Commission's proposal and was committed to reaching the most appropriate compromise, which would be on one hand, ambitious enough to reach the outlined aim, on the other – feasible to implement.

We consider level of ambition initially proposed by the European Commission as evidence-based and already very ambitious. Raising the level of LDV targets without strong analytical background is in our opinion not appropriate, in particular as the lower level of ambition for LDV targets proposed by the Commission resulted from the assessment of the availability of clean LDV and the maturity of this market. Moreover, Poland is of the opinion that the implementation period should be 30 months.

Longer period would not affect negatively the aims of the amended Directive. On the contrary, it would bring an added value for the quality of implementing measures. The amended Directive does not contain ready-made solutions, implementation of which would guarantee achievement of the projected goals. Transposition of the Directive into national law will require thorough analysis as well as development, tests and deployment of new solutions in order to reach goals which were set.

Within each country, there are different specificities of individual regions and local communities, structures and administrative dependency, type of entities purchasing vehicles or providing services with their use. New solutions will most probably require far-reaching law changes which will go through the parliamentary process.

Therefore, Poland cannot support the Directive in its current form."

Statement by Slovakia

"While the Slovak Republic generally supports the objectives of this Directive, it wishes to point out that the financial impacts of this Directive were not presented on required level and the targets foreseen for public transport sector may cause restrictions to the provision of public transport services.

Moreover, the construction of the necessary infrastructure will cause additional costs.

In addition, Slovakia believes the shortening of the transposition period that was agreed in the final text, will cause problems in the appropriate implementation of the Directive, both at the state level as well as on the regional level.

Besides, the Slovak Republic believes the implementation of this Directive will lead to an increase in administrative burden.

For these reasons, the Slovak Republic cannot support the Directive."

22. Regulation establishing a European Maritime Single Window environment
Adoption of the legislative act

9423/19
PE-CONS 38/19
MAR

COREPER (PART 2)

Judicial Affairs

30. Judgment of 14 May 2019 in Joined Cases C-391/16, C-77/17 and C-78/17 (M v. Ministerstvo vnitra, X and X v. Commissaire général aux réfugiés et aux apatrides)
Information note for the Permanent Representatives Committee (Part 2) 9469/19
JUR

Institutional Affairs

Appointments

31. Convening of a Conference of the Representatives of the Governments of the Member States - Appointment of Judges of the General Court and of one Judge of the Court of Justice
Approval 9746/19 + COR 1
COUR

Transparency

32. Complaint 640/2019/TE
Approval of a letter 9593/19

Economic and Financial Affairs

33. New Spanish Commemorative Coin for 2020 9710/19
UEM
34. De-listing of a jurisdiction from the EU list of non-cooperative jurisdictions for tax purposes
Adoption 9674/19
FISC
35. Code of Conduct (Business Taxation)
a) Conclusions 9653/19
Adoption 9652/19
+ ADD 1 - 5
b) Report to the Council + ADD 6 REV 1
Endorsement + ADD 7 REV 1
+ ADD 8 REV 1
+ ADD 9 REV 1
+ ADD 10
FISC
36. International Platform on Sustainable Finance - authorisation to open negotiations 9697/19
Approval EF

37. Regulation on a Pan-European Pension Product (PEPP)
Adoption of the legislative act

9315/19 + ADD 1
PE-CONS 24/19
EF

Statement by the Czech Republic

"The Czech Republic understands the objectives of the proposal for Regulation on a Pan-European Pension Product (PEPP), in particular the effort to create an effective market for third pillar products in those Member States where these products are not sufficiently developed. However, since the proposal is based on the existing sectoral EU regulation for financial institutions, it does not allow for non-harmonised national third pillar systems to participate. In this respect, the Czech Republic considers it important to point out also the potential negative impact of the regulation on existing national third pillar schemes. There is a potential risk that the functioning of well-established existing national systems of third pillar products with high participants' coverage might be impaired and already accumulated assets transferred without reasonable effect."

Statement by the Netherlands

"The Netherlands notes that certain important changes have been made to the initial proposal of the European Commission. The Netherlands notes that the agreement respects the prerogative of the Member States on taxation and that Member States decide themselves whether their Institutions for Occupational Retirement Provision (IORP's) are allowed to provide PEPP. However, we remain of the opinion that this agreement contains too many delegated acts and confers too much authority to EIOPA and the Commission. Therefore, the Netherlands will vote against the PEPP-regulation during Coreper and the Council."

38. Cross-Border Distribution of Funds Directive
Adoption of the legislative act

9392/19
PE-CONS 53/19
EF

39. Cross-Border Distribution of Funds Regulation
Adoption of the legislative act

9394/19
PE-CONS 54/19
EF

General Affairs

40. RPS Adaptation - General Omnibus
Adoption of the legislative act

9424/1/19 REV 1
9424/19 ADD 1
+ ADD 2 + ADD 3
PE-CONS 65/19
INST

Statement by the Commission

"The Commission notes the choice of the legislators to provide for a limited duration for all the empowerments in which the regulatory procedure with scrutiny is aligned through this Regulation, coupled with a reporting obligation and tacit renewal of the empowerment. In particular in view of the high number of reports which would become due at regular intervals of time and the fact that easily available information about the use of the empowerments is available through the Register of Delegated Acts, the Commission underlines that it has discretion about the way in which it will comply with the reporting obligation. Where appropriate, the Commission may therefore group reports due under several basic acts in one single document."

Statement by the Council

"The alignment of Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters in the context of the adoption of the first part of the Proposal for a Regulation of the European Parliament and of the Council adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (COM(2016) 799 final/2) is without prejudice to the Council position in the negotiations on the Proposal for a Regulation of the European Parliament and of the Council on the labelling of tyres with respect to fuel efficiency and other essential parameters and repealing Regulation (EC) No 1222/2009 (COM(2018) 296 final)."

Justice and Home Affairs

41. Regulation on the creation of a European network of
immigration liaison officers (recast)
Adoption of the legislative act

9421/19 + ADD 1
PE-CONS 50/19
JAI

42. Directive on law enforcement access to financial information
Adoption of the legislative act

9313/19
+ ADD 1 REV 1
+ ADD 2
PE-CONS 64/19
ENFOPOL

Statement by the Commission

"In relation to Article 9 of the Directive, the Commission regrets that, against its original proposal, the Directive does not include rules on precise deadlines and IT channels for the exchange of information between Financial Intelligence Units of different Member States. The Commission also regrets that the scope of application of this Article has been limited to cases of terrorism and organised crime associated with terrorism, and does not cover all types of serious criminal offences, as originally proposed. The Commission will further reflect on Financial Intelligence Unit to Financial Intelligence Unit cooperation, notably as part of its reports on the implementation of this Directive and of the Anti-Money Laundering Directive."

Statement by Germany

"Germany generally supports the aim of the draft Directive to improve access to information by Financial Intelligence Units and public authorities responsible for the detection, investigation or prosecution, to intensify the cooperation between the respective competent bodies and to, overall, strengthen financial investigation. However, Germany has significant reservations against individual provisions of the compromise text, particularly against the definition of "law enforcement information" in article 2 (6) and articles 9, 10 and recital 22, which have not been part of the Council's mandate for the negotiation in the trilogue agreed on 21 November 2018. The compromise text has, from a German point of view, brought about significant changes for the worse compared to the mandate of the Council, partly also compared to the proposal by the Commission.

For Germany, it is a particular concern that there is no possibility to circumvent the requirements for the data collection of individual authorities. This, however, is now to be feared, as the definition of "law enforcement information" in article 2 (6) ii) includes data and information which the requesting authority would yet have to collect. At the same time, according to the wording of the draft Directive, it stays irrelevant whether the requesting authority would be allowed to immediately collect such data.

Article 9 contains a provision concerning the Union-wide exchange of information between Financial Intelligence Units which is not consistent with the Anti-Money Laundering Directive [Directive (EU) 2015/849], in particular with articles 32 and 53 thereof. The Council Legal Service has already expressed its concerns regarding contradictions of article 9 with the Anti-Money Laundering Directive in a written opinion on the draft of the Commission (opinion 12 October 2018, 13100/18). The present provision of article 9 does not reconcile these contradictions. It establishes requirements for an exchange of information by the Financial Intelligence Units which is beyond their tasks as defined by Union law and therefore interferes with the freedom of the Member States to organise the respective national Financial Intelligence Unit in conformity with their respective legal order. Moreover, the provision provides for requirements regarding the exchange of information in relation to terrorism or organised crime while Union law, neither through the Anti-Money Laundering Directive nor the present draft Directive, narrows down these notions, establishes the competence for the Financial Intelligence Units to combat these crimes or distinguishes the exchange of information from other instruments of mutual exchange of police and judicial information.

Article 10 provides for the exchange of data between the competent authorities of different Member States, which are, according to article 3 paragraph 2, appointed by the respective Member State. In doing so, article 3 paragraph 2 grants the member states a wide margin of discretion for the designation of these authorities, which may also be determined on a decentralised regional level and may have very diverging tasks, and obliges the Member States to notify the authorities within four months after the expiry of the transition period. In contrast, article 10 requires the Member States to already provide, by the end of the transposition period, for a Union-wide exchange between these authorities which are yet to be determined. Hence, the Member States would have to implement, in a legally binding way, an exchange of information in the sensitive area of financial information in which they leave essential decisions to discretionary decisions of other Member States.

With the explicit mentioning of an "EU-FIU" as an example for a "coordination and support mechanism", recital 22 deviates from the reporting tasks laid down in Article 65 Anti-Money-Laundering Directive.

Moreover, specific data protection provisions of the new compromise text do not seem systematically coherent, in as far as Directive (EU) 2016/680 as well as Directive (EU) 2016/679 shall be applicable.

Aforementioned deficits will cause significant complication for Member States to ensure a complete, correct and legally certain transposition of the Directive's requirements. Germany therefore raises reservations und cannot agree to the present compromise text of the Directive."

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| 43. | Prüm Decisions: Council Implementing Decision on automated DNA data exchange in the United Kingdom
<i>Adoption</i> | 6298/19
13123/18
DAPIX |
|-----|---|------------------------------|

Foreign Affairs

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| 44. | Council Decision on the accession of Solomon Islands to the Pacific Interim Partnership Agreement
<i>Request for the consent of the European Parliament</i> | 9750/19
9405/19 + ADD 1
ACP |
| 45. | European Union's position for the 2nd EU-Armenia Partnership Council (Brussels, 13 June 2019)
<i>Approval</i> | 9768/1/19 REV 1
COEST |

46. Dual Use - Proposal for a Regulation of the European Parliament and of the Council setting up a Union regime for dual-use items 9580/19
COMER
Mandate for negotiations with the European Parliament

Statement by Germany

"The Federal Republic of Germany welcomes the adoption of a Council mandate for negotiations with the European Parliament regarding the recast of Regulation 428/2009 setting up an export control regime for dual-use items. With the recast, the Union modernizes its main legal framework for a common export control system of the Member States. The Union thereby makes an important contribution to the non-proliferation of nuclear, biological or chemical weapons and their means of delivery as well as to the prevention of undesired uses of dual-use items for conventional military purposes.

Germany considers the effective control of cyber-surveillance items that potentially can be misused for violations of human rights to be especially important. Therefore, Germany supports any efforts for effective controls of such items on international level and has in the negotiations also advocated for additional controls on EU-level. In this regard, Germany makes reference to its already existing supplemental, national export controls for such items.

Given that the legislative process of the recast has already lasted for several years, the Federal Republic of Germany agrees to the proposed Council mandate in order to enable the legislative process to continue. Germany also agrees to the proposed Council mandate in the understanding that in the negotiations with the European Parliament possibilities for prospective controls of cyber-surveillance items will be assessed that provide for legal certainty and are implementable in practice for both authorities as well as companies."

47. PSC Decision EUTM Mali/1/2019 - appointment of the EU Mission Force Commander 9633/19
8988/19
PSC DEC
Decision to publish in the Official Journal
48. Council Decision and Regulation on Maldives restrictive measures - repeal 9758/19
9517/19
9519/19
CORLX
Adoption
49. Ukraine undermining sovereignty sanctions - pre-notifications 9638/19
CORLX
Adoption
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