



Brussels, 28 April 2020
(OR. en)

7513/20
CRS CRP 18

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
8 April 2020

I. Adoption of the agenda

7196/20 OJ CRP1 14
7207/1/20 REV 1 OJ CRP2 14 + REV 1 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)

Education, Youth, Culture and Sport

2. Informal videoconference of Ministers of Education on
14 April 2020: *Preparation*

The Committee held an exchange of views in preparation of the informal videoconference of the Ministers of Education.

Employment, Social Policy, Health and Consumer Affairs

3. Informal videoconference of Ministers of Health on
15 April 2020: *Preparation*

The Committee held an exchange of views in preparation of the informal videoconference of the Ministers of Health.

Health

4. Regulation amending Regulation (EU) 2017/745 on medical devices as regards certain dates of application 7180/20
7179/20
Mandate for negotiations with the European Parliament

The Committee confirmed that should the European Parliament agree with the use of the urgent procedure and approve the Commission's proposal with the agreed minor amendments, the Council would approve the European Parliament's position, resulting in the adoption of the Regulation in the form of the Commission's proposal with the agreed minor amendments. The Committee authorised the Presidency to inform the European Parliament accordingly.

Statement by the Commission

"The Commission acknowledges the need to ensure the continuous designation of existing Notified Bodies under Directives 90/385/EEC and 93/42 EEC in the context of the current COVID-19 public health crisis and until Medical Devices Regulation (EU) 2017/745 becomes applicable on 26 May 2021 pursuant to the Commission proposal of 3 April 2020 (COM/2020/144 final). The Commission will support Member States in addressing this issue by means of finding appropriate alternative solutions related to the national decision process of extending existing designations, including through the adoption of guidance and, if necessary, other appropriate (legal) means in cooperation with Member States."

Employment and Social Policy

5. Regulation amending Regulation (EU) No 223/2014 as regards the introduction of specific measures for addressing the COVID-19 crisis (FEAD) 7190/20
7163/20
Mandate for negotiations with the European Parliament

The Committee confirmed that should the European Parliament agree with the use of the urgent procedure and approve the Commission's proposal with the agreed minor amendments, the Council would approve the European Parliament's position, resulting in the adoption of the Regulation in the form of the Commission's proposal with the agreed minor amendments. The Committee authorised the Presidency to inform the European Parliament accordingly.

Fisheries

6. Regulation amending Regulation 508/2014 on the EMFF and Regulation 1379/2013 on the CMO as regards specific measures to mitigate the impact of the COVID-19 outbreak in the fishery and aquaculture sector 7168/20
7153/20
Mandate for negotiations with the European Parliament

The Committee took note of the mandate and agreed to return to it at the Committee's next meeting.

Statement by the Commission

"Clarification regarding Article 1(8) of the Commission proposal for a Regulation amending (EU) Regulation No 1379/2013 and (EU) Regulation No 508/2014 as regards specific measures to mitigate the impact of the COVID-19 outbreak in the fisheries and aquaculture sector:

The proposed new paragraph 1(b) of Article 55 (Public Health Measures), allowing support for 'compensation for aquaculture farmers for the temporary suspension or the reduction of production occurred between 1 of February and 31 December 2020 as a consequence of the COVID-19 outbreak' aims to allow compensation for the inability to harvest and sell aquaculture products due to drop in demand as a result of the COVID-19 outbreak. It is the responsibility of the Managing Authorities of Member States to establish the method of calculation for compensation. In particular, it is to be interpreted as covering also the exceptional costs which arise as a consequence of the impact of the COVID-19 outbreak, in terms of stock management, processing and storage due to the drop in demand, including space and feed for fish that cannot be slaughtered or the processing of fish that is slaughtered but cannot find a market as fresh fish."

COREPER (PART 2)

Foreign Affairs

14. Informal videoconference of the Ministers of Foreign Affairs on
3 April 2020: Follow-up

The EEAS presented the main discussions at the informal videoconference.

15. Informal videoconference of the Ministers of Defence on
6 April 2020: Follow-up

The EEAS presented the main discussions at the informal videoconference.

16. EU-G5 Sahel leaders' declaration
Approval

The Committee agreed on the draft leaders' declaration.

Statement by Malta

"Although Malta is ready to go along with the Joint Declaration it still harbours concern about the constitutional implications that may flow from this Joint Declaration and in particular from the establishment of the P3S. Hence, Malta underlines that our agreement to this Joint Declaration is on the understanding that nothing in this document would entail participation in missions or activities that would breach our constitutional neutrality."

17. Informal videoconference of the Ministers of Foreign
Affairs/Trade on 16 April 2020: Preparation

The Committee held an exchange of views in preparation of the informal videoconference of the Ministers of Foreign Affairs/Trade.

General Affairs

18. Coronavirus Response Investment Initiative PLUS 7199/20
Mandate for negotiations with the European Parliament

The Committee confirmed that should the European Parliament agree with the use of the urgent procedure and approve the Commission's proposal, the Council would approve the European Parliament's position, resulting in the adoption of the Regulation in the form of the Commission's proposal. The Committee authorised the Presidency to inform the European Parliament accordingly.

19. European Semester: next steps
Exchange of views

The Committee took note of the information provided by the Commission and held an exchange of views.

Economic and Financial Affairs

27. Regulation activating the emergency support under Regulation (EU) 2016/369, and amending its provisions taking into account the COVID19 outbreak 7200/20
7169/20
Decision to use the written procedure for the adoption

The Committee agreed on the draft Regulation as amended during the meeting and agreed to use the written procedure for its adoption.

IV. Any other business

COREPER (PART 1)

COVID-19 measures

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

Informal videoconference of transport ministers

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

COREPER (PART 2)

Upcoming Commission initiatives

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

Upcoming ministerial-level informal videoconferences

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

"I" items approved**COREPER (PART 1)****Institutional Affairs****Written questions**

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| 7. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 7137/20
PE-QE |
| a) | João Ferreira (GUE/NGL)
"International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" | 6687/20 |
| b) | Jorge Buxadé Villalba (ECR)
"Delcy Rodríguez's illegal entry into the Schengen area" | 6550/20 |
| c) | Angelika Winzig (EPP)
"Problems caused by quick fixes in the context of VAT identification numbers and recapitulative statements" | 6829/20 |
| d) | Milan Brglez (S&D)
"Possible pandemic threat of coronavirus in the EU" | 6787/1/20 REV1 |
| e) | Rosanna Conte (ID)
"Compliance by the Council of the EU with the European Ombudsman's recommendation concerning the call for greater transparency in establishing TACs" | 6761/20 |

Appointments

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| 8. | Members of the Scientific and Technical Committee
<i>Decision to use the written procedure for the adoption</i> | 6968/20
6602/20
RECH |
| 9. | One member (SE) of the Advisory Committee for the Coordination of Social Security Systems
<i>Decision to use the written procedure for the adoption</i> | 6998/20
SOC |
| 10. | One alternate member (LT) of the Advisory Committee on Safety and Health at Work
<i>Decision to use the written procedure for the adoption</i> | 6991/20
SOC |
| 11. | One alternate member (EL) of the Management Board of the European Agency for Safety and Health at Work
<i>Decision to use the written procedure for the adoption</i> | 6996/20
SOC |

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| 12. | One alternate member (LT) of the Management Board of the European Agency for Safety and Health at Work
<i>Decision to use the written procedure for the adoption</i> | 6997/20
SOC |
| 13. | One alternate member (AT) of the Management Board of the European Institute for Gender Equality (EIGE)
<i>Decision to use the written procedure for the adoption</i> | 6977/20
SOC |

COREPER (PART 2)

Judicial Affairs

21. Cases ("Congo Cases") before the EU General Court: 7131/20
T-95/20 (Jean-Claude Kazembe Musonda v. Council) JUR
T-97/20 (Alex Kande Mupompa v. Council)
T-101/20 (Ferdinand Ilunga Luyoyo v. Council)
T-102/20 (Ilunga Kampete v. Council)
T-103/20 (Kalev Mutondo v. Council)
T-104/20 (Emmanuel Ramazani Shadary v. Council)
T-105/20 (Éric Ruhorimbere v. Council)
T-106/20 (Gabriel Amisi Kumba v. Council)
T-107/20 (Évariste Boshab v. Council)
T-108/20 (Delphin Kahimbi Kasagwe v. Council)
T-109/20 (John Numbi v. Council)
T-110/20 (Célestin Kanyama v. Council)
Information note for the Permanent Representatives Committee
(Part 2)

Institutional Affairs

22. **Minutes of Council meetings**
Approval

FAC extra 06.03.2020

6683/20 + ADD 1

Economic and Financial Affairs

23. Regulation on Sustainable Finance - taxonomy 7136/20 + ADD 1
Decision to use the written procedure for the adoption of the EF
Council's position at first reading and of the statement of the
Council's reason

Statement by Germany

"Wir teilen das Ziel, eine glaubwürdige Taxonomie einzuführen, die Investoren dabei leitet, umweltschonende Tätigkeiten zu identifizieren. Wir haben allerdings mit Blick auf eine Einbeziehung von Sektoren in die Taxonomie, für die die EU über keine Rechtssetzungsbefugnisse verfügt, starke Bedenken gegen die Nutzung delegierter Rechtsakte. Den Forstsektor betreffend, heben wir hervor, dass die Gestaltung der Forstpolitiken in der Kompetenz der Mitgliedstaaten liegt. Die Nutzung delegierter Rechtsakte zur Festlegung von Nachhaltigkeitskriterien in Bezug auf den Forstsektor sollte keine Kompetenzverlagerung von den Mitgliedstaaten zur EU in diesem Politikbereich präjudizieren.

Darüber hinaus ist Deutschland der Auffassung, dass mit Blick auf „sustainable forest management“ die einstimmig von den Mitgliedstaaten und der Europäischen Union 1993 angenommene Definition als Grundlage angesehen werden sollte, wie sie in der FOREST EUROPE Resolution “General Guidelines for the Sustainable Management of Forests in Europe” niedergelegt ist."

Courtesy translation

"We share the objective to establish a credible taxonomy that will guide investors in identifying environmentally sustainable activities. However, with a view to the inclusion into the taxonomy of sectors for which the EU does not have competence to regulate, we have strong concerns regarding the use of delegated acts. As regards the forestry sector, we stress that the formulation of forest policies is the competence of the Member States. The use of delegated acts to define sustainability criteria in relation to the forestry sector should not prejudice any shift of competence from the Member States to the EU in this policy domain.

In addition, as to "sustainable forest management" Germany is of the opinion that the definition as contained in FOREST EUROPE Resolution “General Guidelines for the Sustainable Management of Forests in Europe”, as unanimously adopted by the Member States and the European Union in 1993, should be regarded as the basis."

Statement by Luxembourg

"The taxonomy should be an essential instrument to guide investors in identifying environmentally sustainable activities. Luxembourg recalls that nuclear energy is not a safe nor a sustainable energy source. A credible taxonomy does consequently not allow for nuclear power generation and nuclear fuel cycle projects of any kind to qualify as sustainable activities.

In that regard, the reinforcement of the "do no significant harm" principle in the final version of the regulation shall safeguard the credibility of the taxonomy in the eyes of a broad range of European investors and of the EU population. We rely on the European institutions to ensure that this principle is applied in a strict and unambiguous manner. Any different application of this principle, in particular when it comes to nuclear energy, would risk creating long-term “lock-in effects” into such technologies, thereby generating an undeterminable amount of additional costs, and would hence run counter the overall objective of the sustainable finance agenda."

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| 24. | Draft amending budget No 1/2020
<i>Adoption of the Council's position</i>
<i>Decision to use the written procedure</i> | 7149/20
FIN |
| 25. | Transfer No DEC 03/2020 (Section III - Commission)
<i>Approval</i>
<i>Decision to use the written procedure</i> | 7116/20
FIN |
| 26. | Decision on the mobilisation of the Flexibility Instrument to finance immediate budgetary measures in the context of the COVID-19 outbreak and a reinforcement of the EPPO
<i>Decision to use the written procedure for the adoption</i> | 7151/20
FIN |
| 28. | Council position on DAB No 2/2020: Re-activation of the ESI to fight COVID-19
<i>Decision to use the written procedure for the adoption</i> | 7201/20
FIN |
| 29. | Decision on the mobilisation of the Flexibility Instrument to finance immediate budgetary measures in the context of the COVID-19 outbreak
<i>Decision to use the written procedure for the adoption</i> | 7203/20
FIN |
| 30. | Decision on the mobilisation of the Contingency Margin in 2020 to provide assistance to Member States and further reinforce the Union Civil Protection Mechanism/rescEU in response to the COVID-19 outbreak
<i>Decision to use the written procedure for the adoption</i> | 7204/20
FIN |
| 31. | Regulation amending Regulation (EU, Euratom) No 1311/2013 laying down the MFF 2014-2020
<i>Request for the consent of the European Parliament</i>
<i>Decision to use the written procedure</i> | 7205/20
7170/20
FIN |
| 32. | Statement on bank lending amid the COVID-19 pandemic
<i>Endorsement</i> | 7167/20
EF |
| 39. | EU Statement for the IMFC meeting on 16 April 2020
<i>Approval</i>
<i>Decision to use the written procedure</i> | 6561/20
6560/20
UEM |
| <u>General Affairs</u> | | |
| 33. | Lines to take on cybercrime developments under UN
<i>Approval</i> | 7123/20
6714/3/20 REV 3
CYBER |
| 34. | EU written comments on the report of the Open Ended Working Group (OEWP)
<i>Approval</i> | 7122/20
6962/2/20 REV 2
CYBER |

Foreign Affairs

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| 35. | Council Decision and Implementing Regulation concerning restrictive measures in respect of Myanmar/Burma
<i>Decision to use the written procedure for the adoption</i> | 6986/20
6888/20
6890/20
CORLX |
| 36. | Council Decision extending the mandate of the Head of Mission of the European Union Advisory Mission in support of Security Sector Reform in Iraq (EUAM Iraq)
<i>Decision to use the written procedure for the adoption</i> | 7193/20
6917/20
CORLX |
| 40. | Syria restrictive measures - pre-notifications
<i>Decision to use the written procedure for the adoption</i> | 6940/20
CORLX |
| 37. | Multi-party interim appeal arbitration arrangement pursuant to Article 25 of the DSU
<i>Approval</i>
<i>Decision to use the written procedure</i> | 7096/20
7112/20
WTO |
| 38. | Amended Enforcement Regulation
<i>Mandate for negotiations with the European Parliament</i> | 6929/20 + COR 1
COMER |

Joint statement by the Czech Republic, Denmark, Estonia, Finland, Germany, Ireland, Latvia, Luxembourg, Malta, the Netherlands, Slovenia and Sweden

"The Czech Republic, Denmark, Estonia, Finland, Germany, Ireland, Latvia, Luxembourg, Malta, the Netherlands, Slovenia and Sweden find that maintaining an effective enforcement of the EU's trade rights is essential in order to ensure a level playing field. Given the blockage of the WTO's Appellate Body, it is important that the EU still has effective tools to enforce its rights. In this context, we are supportive of the necessary adjustments to the enforcement regulation, but at the same time, such amendments must be fully in line with international law as well as WTO compliant. Furthermore, we would like to emphasize that any future proposal should be accompanied by a full impact assessment.

Finally, we take note of the Commission's declaration concerning other possible measures, but we have not formed a position on the declaration."

Statement by Italy

"L'Italia sostiene la proposta di modifica del Regolamento 654/2014, che nasce dall'urgente necessità di assicurare il rispetto dei diritti dell'UE in ambito commerciale, a fronte delle attuali difficoltà nel funzionamento del meccanismo di risoluzione delle controversie dell'OMC, dovuto al permanere del blocco del suo organo d'appello.

Nel corso del lavoro svolto nel competente gruppo di lavoro consiliare, sono state prospettate diverse idee al fine di rafforzare il Regolamento di applicazione, tra cui l'estensione del suo raggio d'azione alla proprietà intellettuale e ai servizi e la possibilità di adottare contromisure immediate in caso di chiara violazione delle norme commerciali internazionali. Purtroppo tali proposte non sono state fin qui accolte. Anche per questo motivo, l'Italia avrebbe auspicato il pieno coinvolgimento del Coreper, offrendo la possibilità di dibattito su un dossier di primaria importanza per il settore commerciale.

L'Italia, pur sostenendo l'attuale proposta di modifica del regolamento 654/2014, ricorre dunque alla presente dichiarazione per esprimere la propria posizione a favore di un risultato più ambizioso rispetto a quello sin qui conseguito. E, in tale prospettiva, nel prendere buona nota della dichiarazione della Commissione e dell'impegno in essa espresso a lavorare ad una nuova proposta regolamentare, ritiene che tale proposta debba essere presentata entro la fine del 2020, per dar vita a un nuovo meccanismo che assicuri una rapida ed efficace tutela degli interessi italiani ed europei in risposta a misure commerciali illegali di Paesi terzi."

Courtesy translation

"Italy supports the proposal to amend Regulation 654/2014, with the aim of guaranteeing the enforcement of EU trade rights in the present situation of dysfunction of the WTO Dispute Settlement system, due to the blockage of the Appellate Body.

Following the debate in the relevant working group of the Council, several ideas have been circulated with a view to strengthen the Enforcement Regulation, including the extension of its scope to intellectual property and services and the possibility to adopt immediate countermeasures in case of blunt violation of international trade rules. These ideas have not been included in the operative part of the proposed regulation for the time being. Also in the light of this situation, Italy would have appreciated the full involvement of the Coreper, with a proper debate on a crucial dossier for the trade sector.

While supporting the current proposal to amend Regulation 654/2014, this declaration is intended to express Italy's position in favor of a more ambitious text. With such an objective, Italy takes good note of the Commission declaration and of the commitment to work on a new legislative proposal. Italy deems such a proposal to be submitted by the end of 2020, in order to establish a new mechanism to effectively and rapidly counteract illegal behaviors of third countries affecting Italian and EU interests."