



Brussels, 7 November 2019
(OR. en)

13865/19
CRS CRP 36

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
23 and 25 October 2019

I. Adoption of the agenda

13306/1/19 REV 1 OJ CRP2 36
13307/19 OJ CRP1 36 + 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 2)

General Affairs

3. European Council follow-up
State of play

The Committee took note of the main outcomes of the European Council.

Foreign Affairs

5. Northern Dimension Partnership on Transport and Logistics 13275/19
State of play

The Committee took note of the state of play and agreed to revert to this issue at its next session.

6. Meeting of the Council (Foreign Affairs) on 11-12 November 2019: Agenda

The EEAS presented the main items on the agenda. Member States requested the addition of an item on Iran/Security in the Gulf region.

7. EU-China summit (Brussels, 9 April 2019): Follow-up

The Committee took note of the information regarding implementation of commitments made in the EU-China Joint Statement of 9 April 2019.

8. EU-Canada Summit (Montreal, 17-18 July 2019): Follow-up

The Committee took note of the information regarding implementation of commitments made in the EU-Canada Joint Statement of 17-18 July 2019.

9. Council Decision on the conclusion of the EU-Singapore Free Trade Agreement
Preparation for the adoption

12536/19
7971/18
7972/18
+ ADD 1-5
+ ADD 3 COR 1
+ ADD 4 COR 1

The Committee agreed to forward the Decision to the Council for adoption. The Commission announced that it will amend its unilateral statement to the minutes of the Council.

Economic and Financial Affairs

11. Meeting of the Council (Economic and Financial Affairs) on 8 November 2019: Preparation
Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

12. Meeting of the Council (Economic and Financial Affairs/Budget) on 15 November 2019: Agenda

The Presidency presented the main items on the agenda.

COREPER (PART 1)

Agriculture and Fisheries

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

The Presidency presented the main points on the agenda.

Environment

47. Directive on drinking water
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 22 October 2019.

48. Regulation on MRV for shipping 12899/19
Mandate for negotiations with the European Parliament

The Committee agreed on a mandate for negotiations with the European Parliament and agreed to make that mandate public.

Statement by the Republic of Cyprus, the Hellenic Republic and the Republic of Malta

"Cyprus, Greece and Malta firmly believe that the text of the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2015/757 (EU MRV) in order to take appropriate account of the global data collection system for ship fuel oil consumption data, on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, fails to achieve its declared main objective, namely to take appropriate account of the global International Maritime Organisation (IMO) Data Collection System (DCS), *inter alia* with a view to reduce the administrative effort for companies and administrations.

Standing by the firm conviction that a significantly higher level of alignment between the IMO DCS and the EU MRV would be necessary to achieve the abovementioned objective, Cyprus, Greece and Malta, representing 66% of the EU deadweight tonnage, have made genuine attempts to seek workable and broadly acceptable compromise solutions. In this context, it was specifically highlighted that it is imperative to abolish the extra requirements of the EU MRV in terms of required data to be collected and reported, verification by external verifiers, especially with regard to data already verified by the flag State or a Recognized Organization in the framework of the IMO DCS, as well as the publication of commercially sensitive information, which are expected to significantly undermine the competitiveness of EU shipping and to distort the required level-playing field for the purposes of international shipping.

In this respect, the Presidency's latest revised compromise text in doc 12899/19 does not take account of our concerns and comments, which have also been supported by the leading maritime industry associations. In particular, given the significant differences of shipping modes and the inherent particularities of bulk/tramp shipping, where it is the charterer and not the ship-owner who decides on the ship's speed and the quantity of cargo carried, namely the two parameters that actually determine the operational efficiency of a ship, retaining the publication requirement of the EU MRV will only lead to misleading and inconclusive conclusions about the ship's real energy efficiency, thus undermining severely its market competitiveness. Furthermore, significant amendments to the Commission's initial proposal, have been made both in its preambular and operative part, which in our view, not only reduce the extent of alignment with the IMO DCS, but go beyond the scope of this Regulation and have no real added value with regard to its objective.

Bearing in mind the above, the Republic of Cyprus, the Hellenic Republic and the Republic of Malta are not in a position to agree to a mandate for negotiations with the European Parliament based on the latest revised Presidency's text, as outlined in doc 12899/19."

Employment and Social Policy

49. 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 22 October 2019.

Transport

50. Regulation on electronic freight transport information (eFTI) 13163/19 + ADD 1
Preparation for the trilogue

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

51. Mobility package I 13164/19
a) Regulation on access to the profession and access to the haulage market + ADD 1-3
+ ADD 2 REV 1
b) Regulations on rest time periods and on tachographs + ADD 3 REV 1
c) Directive on enforcing social rules and on lex specialis for posting of drivers
Preparation for the trilogue

The Committee agreed on revised mandates for the forthcoming trilogues.

IV. Any other business

COREPER (PART 2)

None.

COREPER (PART 1)

None.

"I" items approved

COREPER (PART 2)

Judicial Affairs

13. Case T-228/17 (Zhejiang India Pipeline Industry Co. Ltd) - Judgment of the General Court - Anti-Dumping
Information note for the Permanent Representatives Committee (Part 2) 13072/19
JUR
14. Case C-251/18 (Trace Sport SAS/Inspecteur van de Belastingdienst) - Judgment of the Court of Justice - Anti-Dumping
Information note for the Permanent Representatives Committee (Part 2) 13079/19
JUR

Institutional Affairs

15. **Minutes of Council meetings**
Approval
- a) GAC Cohesion 25.06.2019 10698/19
- b) ECOFIN 9.07.2019 11129/19
+ ADD 1 REV 1
- h) GAC 16.09.2019 12578/19 + ADD 1
+ ADD 1 COR 1
- c) RGEM 1.02.2019 6379/19
- d) RGEM 6.03.2019 10702/19
- e) RGEM 29.05.2019 10703/19
- f) RGEM 13.06.2019 10704/19
- g) RGEM 10.07.2019 11283/19

Transparency

16. Public access to documents 11750/19
Confirmatory application No 24/c/01/19 INF
Adoption API

17. Public access to documents
Confirmatory application No 25/c/01/19
Adoption 11807/19
INF
API

18. Complaint 1069/2019/MIG to the European Ombudsman
Approval of a letter 12879/19
INF
API

Economic and Financial Affairs

19. ECA SR No 16/2019 on European Environmental Economic
Accounts 13138/19
Designation of a Working Party FIN

20. Reply to the European Parliament ECON Chair's letter on the
appointment of a successor to the ECB Executive Board
Member 13288/19
Approval of a letter 13277/19
ECOFIN

General Affairs

21. EP Resolutions and decisions (October I 2019) 12782/19
PE-RE

22. Presidency Report on Scenario-Based Policy Discussions on
Countering Hybrid Threats 12971/19
Information from the Presidency 12878/19
HYBRID

Justice and Home Affairs

23. Schengen evaluation Recommendation - Lithuania SIS 13182/19
Adoption 13181/19 R-UE
SCH-EVAL

24. Schengen evaluation Recommendation - Lithuania External
Border 13184/19
Adoption 13183/19
SCH-EVAL

25. Schengen evaluation Recommendation - Lithuania return
Adoption 13188/19
13186/19
SCH-EVAL

26. Appointments in Europol 2019: Council Decision on
appointment of a Deputy Executive Director 12932/19
Adoption 12933/19
ENFOPOL

27. Council Decision authorising the opening of negotiations with
Cape Verde on the amendment of the VFA 12904/19
Adoption 12898/19 + ADD 1
VISA

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| 28. | Council Implementing Decision on cooperation agreement
Eurojust Serbia
<i>Adoption</i> | 12485/19
10334/19
COPEN |
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Foreign Affairs

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| 29. | Protocol for the participation of the Palestinian Authority in
Union Programmes | 13228/19
MAMA |
| a) | Council Decision on the signing and provisional
application
<i>Adoption</i> | 12667/19
12668/19 |
| b) | Council Decision on the conclusion
<i>Request for the consent of the European Parliament</i> | 12669/19
12668/19 |
| 30. | GATT Article XXVIII Agreement with Switzerland on seasoned
meat | 12480/19
WTO |
| a) | Council Decision on the signing
<i>Adoption</i> | 12481/19
12483/19 |
| b) | Council Decision on the conclusion
<i>Request for the consent of the European Parliament</i> | 12482/19
12483/19 |
| 31. | Council Decision on EDF contributions: ceiling 2021, annual
amount 2020, 1st instalment 2020 and forecast 2022-2023
<i>Adoption</i> | 13130/19
12974/19
ACP |
| 32. | Council Decision on EDF contributions: third instalment for
2019
<i>Adoption</i> | 13128/19
12985/19
ACP |
| 33. | Council Decision on the signing and conclusion of a status of
mission agreement concerning EUCAP Somalia
<i>Adoption</i> | 12948/19
12529/19
12530/19
CORLX |
| 34. | Council Decision, Regulation and Implementing Regulation
concerning restrictive measures in view of the situation in
Burundi
<i>Adoption</i> | 12833/19 + COR 1
12618/19
12621/19
12627/19
CORLX |
| 35. | Council Decision concerning restrictive measures against the
leadership of the Transnistrian region of the Republic of
Moldova
<i>Adoption</i> | 12839/19
12717/19
CORLX |

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| 36. | Council Decision and Regulation concerning restrictive measures against the Republic of Guinea
<i>Adoption</i> | 12844/19
12724/19
12726/19
CORLX |
| 37. | Council Decision on the European Security and Defence College - budget
<i>Adoption</i> | 13160/19
12540/19
CORLX |
| 38. | Democratic Republic of the Congo restrictive measures - pre-notification of amended statements of reasons
<i>Adoption</i> | 13292/19 + COR 1
CORLX |

EU positions for international negotiations

- | | | |
|-----|---|------------------------------|
| 39. | Council Decision on the EU position within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [Extended Climate Cooperation EU – Iceland – Norway]
<i>Adoption</i> | 12639/19
12638/19
AELE |
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Delegated or Implementing Acts

General Affairs

- | | | |
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| 40. | Commission Delegated Regulation (EU) .../... of 27.9.2019 amending Delegated Regulation (EU) 2015/2195 on supplementing Regulation (EU) No 1304/2013 of the European Parliament and of the Council on the European Social Fund, regarding the definition of standard scales of unit costs and lump sums for reimbursement of expenditure by the Commission to Member States
<i>Delegated act - Intention not to raise objections</i> | 13219/19
12586/19 + ADD 1
FSTR |
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Environment

- | | | |
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| 41. | Commission Directive (EU) .../... of XXX amending Annex III to Directive 2002/49/EC as regards the establishment of assessment methods for harmful effects of environmental noise
<i>Decision not to oppose adoption</i> | 12591/19
11626/19 + ADD 1
ENV |
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Employment and Social Policy

42. Brexit contingency proposal for a Regulation amending Regulation (EU) No 1309/2013 on the European Globalisation Adjustment Fund (EGF) (2014-2020)
Adoption of the legislative act
- 13152/19
PE-CONS 92/19
SOC

Fisheries

43. Brexit contingency proposal for a Regulation amending Regulation (EU) 2017/2403 as regards fishing authorisations for Union fishing vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters
Adoption of the legislative act
- 13149/19
PE-CONS 94/19
PECHE

Transport

44. Brexit contingency proposal on the periods of application of Regulation (EU) 2019/501 and Regulation (EU) 2019/502
Adoption of the legislative act
- 13150/19
PE-CONS 91/19
TRANS

Other items

45. 2020 EU security assessment visit programme
Approval
- 13068/19
CSC

The above-mentioned item was withdrawn.

COREPER (PART 1)

Institutional Affairs

Appointments

- | | | |
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| 52. | Two members (DE, PL) and one alternate member (DE) of the Advisory Committee for the Coordination of Social Security Systems
<i>Adoption</i> | 13197/19
13199/19
13200/19
SOC |
| 53. | One member (IT) of the Management Board of the European Foundation for the Improvement of Living and Working Conditions
<i>Adoption</i> | 13201/19
SOC |

Internal Market and Industry

- | | | |
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| 54. | Directive on the modernisation of EU consumer protection rules
<i>Adoption of the legislative act</i> | 13146/2/19 REV 2
+ ADD 1
PE-CONS 83/19
CONSOM |
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Statement by Austria

"Österreich unterstützt das Ziel der vorgeschlagenen Richtlinie insofern, als es um die Anpassung der Verbraucherschutzvorschriften an den digitalen Wandel geht. Nichtsdestotrotz bekennt sich Österreich zu den Prinzipien der Subsidiarität sowie der besseren Rechtsetzung und enthält sich daher bei der Abstimmung. Dies gilt insbesondere auch für neue Bestimmungen im Bereich von Waren zweierlei Qualität, deren Notwendigkeit durch die Testreihen nicht belegt ist. Darüber hinaus geht Österreich bei der Beschlussfassung davon aus, dass Mitgliedstaaten keine neuen Vollzugssysteme aufgrund der gegenständlichen neuen Vorschriften zu schaffen haben."

Courtesy translation

"Austria supports the aim of the proposed directive as far as it focuses on adapting consumer protection legislation to digital change. Nevertheless, Austria is committed to the principles of subsidiarity as well as better regulation and therefore abstains from voting. This particularly applies to new provisions in the area of dual quality of goods, the necessity of which has not been proven by the series of tests. In addition, when deciding on the proposed directive, Austria assumes that Member States are not required to establish new enforcement systems based on the proposed provisions in the directive."

Statement by Denmark

"Denmark welcomes the solution found concerning resale of tickets, following the political agreement on a final compromise text aiming at modernising EU consumer protection rules.

In Denmark's view, high consumer protection in connection with resale of tickets is an important priority, as it contributes to protecting and promoting broad access of citizens to cultural and sports events. Ticket resale is often carried out through online digital platforms thus underlining its significant cross border nature. Misleading and unfair practices in this context should therefore be addressed at a European level.

Regarding the final compromise text of Article 3(7)(b) and its corresponding recital 50 it is Denmark's understanding that it will be possible for Member States to maintain and develop any further reaching national measures concerning resale of tickets to cultural and sports events with a view to securing high consumer protection at national level."

55. Regulation on general safety of vehicles 13145/19 + ADD 1
Adoption of the legislative act PE-CONS 82/19
ENT

Transport

56. IMO - Union submission IMO/SSE 7 - Lifejackets 12880/19
Endorsement 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."

57. IMO - Union submission IMO/MSC 102 - Fire test procedures
Endorsement

13069/19
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.

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Sport

58. Preparations for WADA meetings: Position statement for the
EU and its Member States
Endorsement

13287/19
SPORT
DOPAGE

Agriculture

59. Council Decision requesting a Commission study on the status
of novel genomic techniques under Union law
Adoption

11728/19
+ ADD 1 REV 2
12781/19
AGRI

Joint statement by the Netherlands and Spain

"The Netherlands and Spain recall the broad support of Member States at the AGRIFISH council of 14/05/2019 for calling upon the Commission to address "the adequacy of the European legislative framework for GMOs" and strongly welcomes the initiative by the Finnish Presidency regarding new breeding techniques to adopt a council decision that provides a follow-up to the judgment of the European Court of Justice (ECJ) in case C-528/16.

The call was explicit regarding *the need for a common EU approach and a review of the current GMO legislation*. The decision requests a study on *the status of novel genomic techniques under Union law*. The Netherlands and Spain are of the opinion that an objective review of the legal framework is necessary when evaluating the consequence of the Court ruling. Therefore, the abovementioned countries expect the study to address the adequacy, efficiency and consistency of the currently existing legal framework, thereby adding value to what the Commission is required to report. In effect, Directive 2001/18/EC already requires the Commission to report on the status of new genomic techniques under Union law and its consequences for the implementation of European GMO legislation.

The Netherlands and Spain underline the urgency of the steps to be undertaken in view of the broad extent of implications of the current situation.

In addition the Netherlands and Spain draw attention to several practical and legal implications of the ruling which have been highlighted also by several recent EU led studies¹.

¹

- The Scientific Advice Mechanism (SAM) report: New techniques in Agricultural Biotechnology, High Level Group of Scientific Advisors Explanatory Note 02, Brussels, 28 April 2017
- NL discussion proposal to amend Annex IB of Directive 2001/18/EC, 7 September 2017
- European Court of Justice decision for genome editing: Consequences on food/feed risk assessment and detection, 25. July 2018
- The SAM statement after the ECJ ruling: A Scientific Perspective on the Regulatory Status of Products Derived from Gene Editing and the Implications for the GMO Directive, November 2018
- The Norwegian Biotechnology Advisory Board (Bioteknologirådet) (2018). The Gene Technology Act – Invitation to Public Debate.
- Open letter from EU Researchers: Open Statement: European scientists urgently reach out to the newly elected European Parliament and European Commission to enable the potential of genome editing for sustainable agriculture and food production.
- The ENGL report on Detection of food and feed plant products obtained by new mutagenesis techniques, 26 March 2019.
- Danish Council of Ethics (29 April 2019) recommends GMO legislation be changed to help achieve sustainability objectives
- Joint statement French/German Association Française des Biotechnologies (AFBV) and Wissenschaftlerkreis Grüne Gentechnik e.V. (WGG) proposing small changes to the GMO Directive enabling and accelerating smart breeding in European agriculture, 10 September 2019"

We cannot afford any delay in achieving a comprehensive way forward and a review that takes into account the efficacy of the legislation is therefore urgently needed. The Netherlands and Spain expect the Commission to assess as part of the requested study, in view of the ECJ ruling, the existing legal framework, sufficiently taking into account the principles of precaution and proportionality.

Finally, the Netherlands and Spain call on the Commission to inform and consult, as appropriate, the Member States on the progress of the study at regular intervals, so as to ensure an inclusive approach."

Statement by Sweden

"Sverige stödjer förslaget till rådsbeslut.

Sverige välkomnar att den nya kommissionen uppmärksammas på EU-domstolens avgörande om nya gentekniker samt de konsekvenser denna lett till. Sverige är angeläget om att studien omfattar de nya mutagenesteknikerna (riktad mutagenes) för växtförädling som omnämns i domstolsavgörandet och förutsätter att dessa är en integrerad del av studien. För att studien ska vara komplett anser Sverige att den ska innefatta beräkningar av kostnader och ser särskilt fram emot denna del av studien."

Courtesy translation

"Sweden supports the draft Council decision.

Sweden welcomes that the new Commission is made aware of the ruling of the Court of Justice of the European Union concerning new gene techniques and the consequences that this has led to. It is important to Sweden that the study contains the novel mutagenesis techniques (directed mutagenesis) for plant breeding that were mentioned in the court case and we assume that these are an integral part of the study. Sweden considers that the study should include cost estimates in order to be complete and we are particularly eager to read this section of the study."

60. Council Decision requesting a Commission study on updating the existing legislation on plant reproductive material
Adoption

11729/19
12783/19
AGRI