



Brussels, 12 November 2019
(OR. en)

13982/19
CRS CRP 37

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
30 October 2019

I. Adoption of the agenda

13443/19 OJ CRP1 37
13558/1/19 REV 1 OJ CRP2 37

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. Meeting of the Council (Education, Youth, Culture and Sport) on 21 and 22 November 2019:
Agenda

The Presidency presented the main points on the agenda.

Education, Youth, Culture and Sport

3. Meeting of the Council (Education, Youth, Culture and Sport) on 8 November 2019: Preparation

1. Joint policy debate with participation of the Ministers of Finance and Education

A strong economic base for Europe: Pursuing effectiveness, efficiency and quality of education and training

13295/19

The Committee prepared this item for the Council.

2. Conclusions on "The key role of lifelong learning policies in empowering societies to address the technological and green transition in support of inclusive and sustainable growth"

Adoption

13282/19

The Committee prepared this item for the Council.

3. Resolution on further developing the European Education Area to support future-oriented education and training systems

Adoption

13298/19 + COR 1

The Committee prepared this item for the Council.

4. Artificial intelligence in education and training

Policy debate

13297/19

The Committee prepared this item for the Council.

COREPER (PART 2)

General Affairs

9. Meeting of the Council (General Affairs) on 19 November 2019:
Agenda

The Presidency presented the main items on the agenda.

10. Relations with the EP (October II)
Debriefing

The Committee took note of the information provided by the Presidency, by France, and by the Council Legal Service.

Foreign Affairs

11. Meeting of the Council (Foreign Affairs/Trade) on
21 November 2019: Agenda

The Presidency presented the main items on the agenda.

12. Northern Dimension Partnership on Transport and Logistics -
authorisation for the signature on behalf of the EU
Approval
Decision to use the written procedure

13430/1/19 REV 1
COEST

The Committee agreed to recommend to the Council to authorise the signature, on behalf of the EU, of the amended Joint Declaration of Intent and to approve the statement by the Commission on behalf of the EU upon signature, and agreed to use the written procedure.

Economic and Financial Affairs

13. Meeting of the Council (Economic and Financial Affairs) on
8 November 2019: Preparation

a) (poss.) Excise duties

- i) Structure of excise duties on alcohol: Amendments
to the Council Directive

13372/19
FISC

- ii) Directive on general arrangements for excise duty
(recast)

13331/19
FISC

- iii) Regulation on administrative cooperation of the
content of electronic registers

13331/19
FISC

Political agreement

The Committee prepared this item for the Council.

- b) (poss.) Transmission and exchange of VAT-relevant payment data
- i) Amendments to the Directive on the common system of VAT as regards requirements for payment service providers 13374/19
FISC
 - ii) Amendments to the Regulation on administrative cooperation in the field of VAT as regards measures to combat VAT fraud 13374/19
FISC
- General approach*

The Committee prepared this item for the Council.

- c) (poss.) Amendments to the Directive on the common system of VAT as regards the special scheme for small enterprises 13373/19
FISC
- Political agreement*

The Committee prepared this item for the Council.

- e) Digital taxation 13405/19
State of play FISC

The Committee prepared this item for the Council.

- f) 2019 Annual report of the European Fiscal Board

The Committee prepared this item for the Council.

- g) Conclusions on EU statistics 13423/19
Adoption

The Committee prepared this item for the Council.

- h) Conclusions on climate finance for the COP25 13237/19
Adoption

The Committee held an exchange of views and agreed to revert to this issue at its next session.

- i) Follow-up to the G20 Meeting of Finance Ministers and Central Bank Governors and to the IMF and World Bank Annual meetings in October 2019 in Washington
Information from the Presidency
Information from the Commission

The Committee prepared this item for the Council.

- j) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

Justice and Home Affairs

14. Appointment of the European Data Protection Supervisor (EDPS) - Process within the Council
Exchange of views

13457/19

The Committee held an exchange of views and agreed to revert to this issue at its next session.

General Affairs

15. Working methods - interim findings
Exchange of views

The Committee held an exchange of views and agreed to revert to this issue at one of its forthcoming sessions.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

Turkish drilling activities in the Eastern Mediterranean

The Committee took note of the information provided by Cyprus.

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

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| 4. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 13411/19
PE-QE |
| a) | Diana Riba i Giner (Verts/ALE)
'Relationship of Spanish intelligence with the mastermind of the 2017 attacks in Catalonia' | 13227/19 |
| b) | Guido Reil (ID)
'Deportation policy' | 12803/19 |
| c) | Kostas Papadakis (NI)
'The EU's so-called 'Solidarity Mechanism' for rescue operations' | 12788/19 |
| d) | Aurore Lalucq (S&D)
'CumEx Files - progress of investigations in the Member States' | 12830/19 |

Appointments

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| 5. | One member (FI) of the Advisory Committee for the Coordination of Social Security Systems
<i>Adoption</i> | 13279/19
SOC |
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Judicial Affairs

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| 6. | Case C-743/19 (European Parliament v Council of the European Union)
<i>Information note for the Permanent Representatives Committee (Part 1)</i> | 13330/19
JUR |
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EU positions for international negotiations

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| 7. | Council Decision on the EU position on UNECE (November 2019)
<i>Adoption</i> | 13077/19
13053/19
MI |
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Fisheries

8. Regulation fixing for 2020 the fishing opportunities in the Baltic Sea
Approval of a letter

13235/19
PECHE

COREPER (PART 2)

Judicial Affairs

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| 16. | Opinion procedure before the Court of Justice (1/19) Istanbul Convention
<i>Request for an authorization to present written observations</i> | 13151/19
JUR
FREMP |
| 17. | Case C-504/19 (Banco de Portugal and Others)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 13333/19
JUR |
| 18. | Case T-580/19 (Sayed Shamsuddin Borborudi v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 13334/19
JUR |

Institutional Affairs

Appointments

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| 19. | A member (FI) of the Economic and Social Committee
<i>Adoption</i> | 12980/19
12978/19
CES |
| 20. | A member (EL) of the Economic and Social Committee
<i>Adoption</i> | 12982/19
12981/19
CES |
| 21. | A member (FR) of the Committee of the Regions
<i>Adoption</i> | 13022/19
13021/19
CDR |
| 22. | A member (DE) of the Committee of the Regions
<i>Adoption</i> | 13062/19
13061/19
CDR |
| 23. | An alternate member [ES] of the Committee of the Regions
<i>Adoption</i> | 13285/19
13284/19
CDR |

Transparency

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| 24. | Public access to documents
Confirmatory application No 27/c/01/19
<i>Adoption</i> | 12236/19
INF
API |
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| 25. | Public access to documents
Confirmatory application No 29/c/02/19
<i>Adoption</i> | 12521/19
INF
API |
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Economic and Financial Affairs

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| 26. | New Luxembourg Commemorative Coin | 12887/19
UEM |
| 27. | New German Commemorative Coin | 13115/19
UEM |
| 28. | Directive on Covered Bonds
<i>Adoption of the legislative act</i> | 13364/19 + ADD 1
PE-CONS 86/19
EF |

Statement by the Commission

"The requirements for a dedicated liquidity buffer for covered bonds set out in Article 16 of the proposal for a Directive of the European Parliament and of the Council on the issue of covered bonds and covered bond public supervision and amending Directive 2009/65/EC and Directive 2014/59/EU may result in an overlap with the requirements for credit institutions to maintain a general liquidity buffer, as set out in Delegated Regulation (EU) 2015/61.

In order to address this overlap and to ensure, at the same time, that a dedicated liquidity buffer for covered bonds is applied also during the period covered by the Liquidity Coverage Ratio (LCR), the Commission is willing to amend Delegated Regulation (EU) 2015/61 in order to cater for the specific situation of covered bonds. Such amendment should be adopted in time for it to be able to enter into force before the date of application of the Directive on the issue of covered bonds and covered bond supervision."

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| 29. | Regulation on Covered Bonds
<i>Adoption of the legislative act</i> | 13363/19
PE-CONS 85/19
EF |
| 30. | Directive on investment firms supervision
<i>Adoption of the legislative act</i> | 13361/19
PE-CONS 79/19
EF |
| 31. | Regulation on investment firms supervision
<i>Adoption of the legislative act</i> | 13362/19
PE-CONS 80/19
EF |
| 32. | Regulation on SME growth markets
<i>Adoption of the legislative act</i> | 13365/19
PE-CONS 89/19
EF |

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| 33. | Regulation on Sustainable Finance - benchmarks
<i>Adoption of the legislative act</i> | 13359/19
PE-CONS 90/19
EF |
| 34. | Regulation on Sustainable Finance - disclosures
<i>Adoption of the legislative act</i> | 13360/19
PE-CONS 87/19
EF |
| 35. | Exemption from VAT and excise duty as regards defence effort
within the Union framework
<i>General approach</i> | 12915/19
FISC |
| 36. | De-listing of one jurisdiction from the EU list of non-
cooperative jurisdictions for tax purposes
<i>Adoption</i> | 13401/19
FISC |
| 37. | Decision on the mobilisation of the EU Solidarity Fund for
Greece
<i>Adoption</i> | 13406/19
FIN |
| 38. | Transfer No DEC 16/2019 (Section III - Commission)
<i>Approval</i> | 12771/19
FIN |
| 39. | Transfer No DEC 17/2019 (Section III - Commission)
<i>Approval</i> | 13210/19
FIN |
| 40. | Transfer No DEC 19/2019 (Section III - Commission)
<i>Approval</i> | 13211/19
FIN |
| 41. | Transfer No DEC 20/2019 (Section III - Commission)
<i>Approval</i> | 13407/19
FIN |
| 42. | Transfer No DEC 21/2019 (Section III - Commission)
<i>Approval</i> | 13408/19
FIN |
| 43. | Transfer No DEC 22/2019 (Section III - Commission)
<i>Approval</i> | 13409/19
FIN |

General Affairs

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| 44. | EP Resolutions and decisions (October II 2019) | 12784/19
PE-RE |
| 45. | Amendments to the Rules of Procedure of the Court of Justice
<i>Approval</i> | 13426/19
JUR |

Justice and Home Affairs

46. Regulation amending the European Border and Coast Guard
Adoption of the legislative act

13329/19 + ADD 1
+ ADD 2 REV1
PE-CONS 33/19
FRONT

Statement by the Commission

"Acknowledging the challenges faced by the EBCG Agency in the coming years to fulfil the exceptional needs for recruiting and retaining of qualified staff from the broadest possible geographical basis in the view of building up the Agency's Standing Corps, and considering the substantial mobility of these staff members and the need to ensure equal treatment among them, the Commission proposed concrete arrangements. These proposed arrangements were of a temporary nature and subject to a review clause, in order to assess their contribution to the objectives pursued and to take account of other ongoing processes having an impact on staff remuneration, including the continuous monitoring and improvement of the statistical methodology used to calculate correction coefficients under Annex XI to the Staff Regulations (the "Method").

In this context (while taking note of the joint statement by the European Parliament and the Council), the Commission strongly regrets that the Co-legislators decided not to retain its proposal to allow the Agency's Management Board to temporarily grant a monthly differential payment to the statutory staff members. The Commission believes that this decision may be detrimental to the attractiveness of the Agency as employer and to create optimal conditions for the timely recruitment of statutory staff as a prerequisite for the swift establishment of the standing corps in coming years.

Moreover, in response to the joint statement by the European Parliament and the Council, the Commission notes that it has neither obligation nor intention at this stage to present any proposal for the revision of the Staff Regulations.

The Commission notes that the co-legislators recently amended the rules for updating remuneration and pensions under Annex XI to the Staff Regulations and included a clear timeline for a possible subsequent review, on the basis of a report to be submitted by the Commission in 2022. The Commission believes that the latter report should provide an opportunity to assess the existing system and notably its impact on the attractiveness of EU institutions and agencies as employers. The Commission also notes that, within the existing legislative framework, Eurostat and national statistical institutes have initiated discussions on the possibility to update the statistical methodology of correction coefficient calculation in order to take into account expenditure incurred outside the place of employment."

Statement by Poland

"Poland strongly disfavours the removal of provisions expanding the European Border and Coast Guard Agency's (Frontex) mandate regarding the support of return operations from third countries. Keeping in mind the need to reduce irregular migration in line with the comprehensive approach, which includes increased external action, as well as our obligation to prevent the loss of life at sea and to stop migrant smuggling and trafficking in persons, we are of the opinion that denying the Agency the possibility to support returns from third countries goes against our commitments expressed among others in the Council conclusions, adopted of 28 June 2018. This also makes the regulation less suited for tackling the challenges that we face and that we might face in the future.

Furthermore, Poland is concerned about the proposed capacity of the European Border and Coast Guard Standing Corps. We believe that the rapid development of the Corps may significantly impact the Member States capabilities, which can in effect weaken the security of the external borders, still being primarily the responsibility of those Member States. In Poland's opinion, the proposed regulation goes beyond the notion that the Agency's role is to support the Member States. The Standing Corps capacity should be developed gradually allowing for a parallel development of national capabilities."

Statement by Hungary

"Hungary is convinced that the effective control of the EU's external borders is essential for maintaining the integrity of the Schengen area and for providing safety for EU citizens. Therefore, Hungary supports a reinforced mandate of the European Border and Coast Guard Agency - Frontex in order to provide increased operational support to the Member States and relevant third countries.

Since the beginning of the negotiations, the enforcement of three key principles was of paramount importance for Hungary.

The strengthened mandate of the Frontex should respect the primary responsibility of the Member States for the protection of their external border sections. The EU solution cannot replace, but only complement the competences deriving from the sovereignty of the Member States.

The reinforcement of Frontex and the creation of the European Border and Coast Guard standing corps should not jeopardize the performance of Member States' border protection tasks, and could not have a negative impact on national capabilities to fulfil their primary duties at national level on their respected border sections.

The capacity building of the European Border and Coast Guard should be implemented via the development of Member States border management systems. National capacities shall be improved and Member States' responsiveness further strengthened, thereby ensuring the enhancement of Frontex's reaction capacity.

These should be the cornerstones of the new mandate of the European Border and Coast Guard, and the Regulation contains these main principles.

However, we are disappointed that the Regulation does not fully deliver the expected results. By omitting the competence of the Agency to assist third countries in return procedures, which would be particularly important to address the challenging migration situation in the Western Balkan region, the EU has weakened its role and possibilities in controlling illegal migration outside the EU."

Statement by Slovenia

"The Republic of Slovenia has always considered the control of external borders to be a part of a comprehensive approach to managing migration in the EU. At the same time, strengthened control of external borders is one of the prerequisites to provide safety for EU citizens and proper functioning of the Schengen area.

We support a reinforced mandate of the European Border and Coast Guard Agency - Frontex in order to better complement Member States' efforts and to provide increased operational support when needed. Wider cooperation with third countries and assistance in all areas of border and migration management, including support of return operations, is considered an integral part of this process.

We regret to note that the final text of the Regulation fails to bring the desired added value in this regard.

By omitting the competence of the Agency to assist third countries in return procedures, the Agency misses the opportunity to play a prominent role in the area of migration management outside the EU. This would be of particular importance in view of the challenging migration situation in the Western Balkan region.

While recognising the need to reinforce the Agency's mandate, which will, as a result, require stronger commitments of Member States, Slovenia insists that these commitments should be based on objective criteria and on the principles of shared responsibility and proportionate burden sharing."

47. Launch of EU-China Dialogues on Drugs
Approval

13415/19
CORDROGUE

Statement by the Commission

"The Commission welcomes the policy lines that the Council has devised in its draft document and considers them to be within the role of the Council under Article 16(1) TEU. The Commission recalls its powers as the external representative of the Union as enshrined in Articles 13 and 17 TEU as well as the relevant jurisprudence of the European Court of Justice. The Commission will start the preparation of the first meeting of the EU-China Dialogue on Drugs."

Foreign Affairs

48. Council Decision authorising the opening of negotiations with the Federal Republic of Somalia, for an agreement on the status of the European Union Military Training Mission to contribute to the training of Somali security forces (EUTM Somalia)
Adoption

13312/19
12577/19
CORLX

49. Council Decision, Regulation and Implementing Regulation concerning restrictive measures in view of the situation in Venezuela - review
Adoption

13313/19
12995/19
12997/19
13001/19
CORLX

50. Implementation of the Joint Action Plan on Counter-Terrorism -
Montenegro
Information from the Presidency
51. Implementation of the Joint Action Plan on Counter-Terrorism -
Serbia
Information from the Presidency
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13427/19
COTER

13428/19
COTER