

Brussels, 16 December 2019
(OR. en)

15086/19
CRS CRP 41

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
27 and 29 November 2019

I. Adoption of the agenda

14244/19 OJ CRP1 41
14479/2/19 REV 2 OJ CRP2 41 COMIX 547

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)

Agriculture and Fisheries

2. Meeting of the Council (Agriculture and Fisheries) on 16 and 17 December 2019: Agenda
(For the items in the remit of the Permanent Representatives Committee)

The Presidency presented the main points on the agenda.

Environment

3. Meeting of the Council (Environment) on 19 December 2019: Agenda

The Presidency presented the main points on the agenda.

Employment, Social Policy, Health and Consumer Affairs

4. Meeting of the Council (Employment, Social Policy, Health and Consumer Affairs) on 9 and 10 December 2019: Preparation

1. Economy of Wellbeing - next steps in investing in health as its key component 14303/19
Policy debate

The Committee prepared this item for the Council.

2. European pharmaceutical policy – strengthened cooperation and coordination with the aim to improve access to medicines 14307/19
Policy debate

The Committee prepared this item for the Council.

3. The future gender equality policies and gender mainstreaming in the EU 14251/19
Policy debate

The Committee prepared this item for the Council.

4. Conclusions on gender equal economies in the EU: The way forward taking stock of 25 years of implementation of the Beijing Platform for Action 14254/19
+ ADD 1
+ ADD 1 COR 1
+ ADD 2
Adoption

The Committee prepared this item for the Council.

Employment and Social Policy

5. Decision amending Decision No 573/2014/EU on cooperation between Public Employment Services (PES) 14419/19
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.

6. Revision of Regulations on coordination of social security systems (883/04 and 987/09) 14389/19
Preparation for the trilogue

The Committee agreed on a mandate for the forthcoming trilogue.

Transport

7. Regulation on electronic freight transport information (eFTI)
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 26 November 2019.

8. Mobility package I
- a) Regulation on access to the profession and access to the haulage market
 - b) Regulations on rest time periods and on tachographs
 - c) Directive on enforcing social rules and on *lex specialis* for posting of drivers

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 25 November 2019.

Environment

9. Directive on drinking water 14371/19
Preparation for the trilogue

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

10. Regulation on water reuse 14308/1/19 REV 1
Preparation for the trilogue

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

COREPER (PART 2)

WEDNESDAY 27 NOVEMBER 2019

Justice and Home Affairs

26. Meeting of the Council (Justice and Home Affairs) on 2-3 December 2019: Preparation

- a) Implementation of interoperability 14189/19
Information from the Commission and the Presidency 14190/19
Exchange of views

The Committee confirmed the outcome of the Mixed Committee.

- b) Implementation of the European Border and Coast Guard Regulation
 - i) Multiannual strategic policy for the European Integrated Border Management 14198/19
 - ii) State of play of implementation
Exchange of views

The Committee confirmed the outcome of the Mixed Committee.

- c) Update by the Counter-Terrorism Group (CTG) on further cooperation between competent authorities dealing with counter-terrorism ¹
Exchange of views

The Committee prepared this item for the Council.

- d) The future of EU migration and asylum policy 14364/19
Policy debate

The Committee prepared this item for the Council.

- e) The future of EU Internal Security 14297/19
Policy debate

The Committee prepared this item for the Council.

¹ Exceptionally, in the presence of the Schengen Associated States.

- f) Digital Justice: e-evidence
- i) Negotiations for EU-US agreement on cross-border access to e-evidence 13713/19 R-UE
 - ii) Negotiations on a second additional Protocol to the Budapest Convention 14342/19 R-UE
- State of play*

The Committee prepared this item for the Council.

- g) Regulation amending Regulation (EC) No 1393/2007 on the Service of documents 13834/1/19 REV 1
14427/19
- General approach*

The Committee prepared this item for the Council and agreed to forward the draft text to the council for a General approach.

Joint statement by Austria, Czechia, Estonia, Germany, Hungary, Italy, the Netherlands, Portugal, Slovenia and Spain

"One of the objectives of these Regulations is to digitise the transmission of requests for service of documents and taking of evidence between competent authorities in different Member States. For this purpose both Regulations call for the establishment of a mandatory electronic decentralised IT system. The signatories welcome the objective of the Commission proposal and the compromise text of the Finnish Presidency.

The Regulations do not explicitly mention by name a specific software solution to future-proof the Regulations in a fast-moving technological environment. However, the Member States and the Commission have agreed that the implementing acts of the Regulations will specify the e-CODEX system as the appropriate software solution. The signatories support this choice and the use of e-CODEX for this kind of data exchange.

Taking this into account, we draw attention to the Council conclusions on the sustainability of e-CODEX (November 2014), which put forward the opportunity of entrusting an independent existing EU Agency with the governance of e-CODEX. Recalling also the Roadmap of e-CODEX (November 2016) and the Council Conclusions on e-CODEX (June 2017), which invited the Commission "to present a proposal for ensuring the sustainability of e-CODEX, providing the necessary legal and technical arrangements enabling eu-LISA to ensure its maintenance and interoperability", the signatories call upon the Commission to present a proposal for ensuring the sustainability of e-CODEX, providing the necessary legal and technical arrangements enabling eu-LISA to ensure its maintenance and interoperability. This should be done before the implementing acts of the Regulations are adopted.

We also call upon the Commission to provide the necessary resources enabling this organisation to ensure the maintenance and interoperability of e-CODEX and to present a plan regarding the necessary legislative proposal for the future maintenance of e-CODEX."

Joint statement by Estonia, Ireland and Portugal

"One of the main aims of this Regulation is to further improve the efficiency and speed of judicial proceedings, in a way which maintains or improves the existing level of access to justice and the protection of the rights of the defence in cross-border proceedings, and to reduce the burdens for citizens and businesses involved in cross-border proceedings resulting from undue costs and delays. This can be achieved by the better use of technical developments and electronic means for the service of procedural documents in civil and commercial matters.

The signatories welcome the objective of the Commission proposal and the compromise text of the Finnish Presidency. There are many aspects in the compromise text that the signatories can be very satisfied with.

However, Article 14a (2), which allows a Member State to indicate the conditions under which it will accept service of judicial documents to people with an address in its territory by e-mail, leaves the Member States with a broad possibility not to accept service by e-mail in its territory. There is no limitation foreseen to the conditions the Member States can indicate, making it thus possible to object to it as such. In order to follow the main objective of the Regulation it is also vital to follow the principle of non-discrimination - the Member States accepting e-mail as a valid method of service domestically should accept it in cross-border cases as well. Not following the principle of non-discrimination would jeopardize the main objective of the Regulation.

The signatories regret that there was not sufficient time to consider the impact of this objection on the judicial proceedings and the rights of parties before the adoption of the general approach. We believe that it is essential to find a better solution during the upcoming trilogies with the European Parliament, which would better achieve the aim of the Commission proposal."

- h) Regulation amending Council Regulation (EC)
No 1206/2001 on the taking of evidence
General approach

13836/1/19 REV 1
14427/19

The Committee prepared this item for the Council and agreed to forward the draft text to the Council for a General approach.

Joint statement by Austria, Czechia, Estonia, Germany, Hungary, Italy, the Netherlands, Portugal, Slovenia and Spain

"One of the objectives of these Regulations is to digitise the transmission of requests for service of documents and taking of evidence between competent authorities in different Member States. For this purpose both Regulations call for the establishment of a mandatory electronic decentralised IT system. The signatories welcome the objective of the Commission proposal and the compromise text of the Finnish Presidency.

The Regulations do not explicitly mention by name a specific software solution to future-proof the Regulations in a fast-moving technological environment. However, the Member States and the Commission have agreed that the implementing acts of the Regulations will specify the e-CODEX system as the appropriate software solution. The signatories support this choice and the use of e-CODEX for this kind of data exchange.

Taking this into account, we draw attention to the Council conclusions on the sustainability of e-CODEX (November 2014), which put forward the opportunity of entrusting an independent existing EU Agency with the governance of e-CODEX. Recalling also the Roadmap of e-CODEX (November 2016) and the Council Conclusions on e-CODEX (June 2017), which invited the Commission "to present a proposal for ensuring the sustainability of e-CODEX, providing the necessary legal and technical arrangements enabling eu-LISA to ensure its maintenance and interoperability", the signatories call upon the Commission to present a proposal for ensuring the sustainability of e-CODEX, providing the necessary legal and technical arrangements enabling eu-LISA to ensure its maintenance and interoperability. This should be done before the implementing acts of the Regulations are adopted.

We also call upon the Commission to provide the necessary resources enabling this organisation to ensure the maintenance and interoperability of e-CODEX and to present a plan regarding the necessary legislative proposal for the future maintenance of e-CODEX."

- i) Conclusions on the Future of Civil Justice Cooperation 14448/19
Adoption

The Committee prepared this item for the Council and agreed to have the discussion in the Council in public session.

- j) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

General Affairs

27. Meeting of the Council (General Affairs) on 10 December 2019:
Preparation

- a) Preparation of the European Council on 12-13 December 13904/19
2019: Guidelines
Exchange of views

The Committee examined the draft guidelines for the conclusions of the upcoming European Council meeting on 12-13 December 2019.

- b) Values of the Union in Hungary / Article 7 (1) TEU Reasoned Proposal 14402/19

The Committee prepared this item for the Council in accordance with the standard modalities for hearings referred to in Article 7(1) TEU and agreed on the issues to be covered by the hearing as set out in the annex to document 14402/19.

- c) Rule of Law in Poland / Article 7(1) TEU Reasoned Proposal
State of play

The Committee prepared this item for the Council.

- d) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

28. Working methods - Draft synthesis report
Exchange of views

The Committee held an exchange of views.

Institutional Affairs

Appointments

29. European Council Decision appointing the European Commission
Exchange of views 14490/19

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

Economic and Financial Affairs

30. Meeting of the Council (Economic and Financial Affairs) on 5 December 2019: Preparation

- a) (poss.) Excise duties
Structure of excise duties on alcohol: Amendments to the Council Directive
Political agreement 14350/19

The Committee agreed to withdraw this item from the Council agenda.

- b) Strengthening of the Banking Union
Progress report 14354/19
14355/19

The Committee prepared this item for the Council.

- c) (poss.) Conclusions on energy taxation 14046/19
Adoption

The Committee prepared this item for the Council, agreed to forward the draft conclusions to the Council for adoption, and agreed to have the discussion in the Council in public session.

- d) Conclusions on strengthening the European financial 13979/19
architecture for development 13678/2/19 REV 2
Adoption

The Committee prepared this item for the Council, agreed to forward the draft conclusions to the Council for adoption, and agreed to have the discussion in the Council in public session.

- e) Sustainable Finance Agenda 14335/19
Information from the Commission
Exchange of views

The Committee prepared this item for the Council.

- f) ECOFIN Work Plan on Climate Action 14329/19
Approval

The Committee prepared this item for the Council, agreed to forward the draft Action Plan to the Council for approval, and agreed to have the discussion in the Council in public session.

- g) Joint Council and Commission statement on "stablecoins" 14374/19
Approval

The Committee prepared this item for the Council, agreed to forward the draft statement to the Council for approval, and agreed to have the discussion in the Council in public session.

- h) Conclusions on strategic priorities on anti-money 14258/19
laundering and countering the financing of terrorism
Adoption

The Committee prepared this item for the Council, agreed to forward the draft conclusions to the Council for adoption, and agreed to have the discussion in the Council in public session.

- i) Conclusions on the deepening of the Capital Markets 14277/19
Union
Adoption

The Committee prepared this item for the Council, agreed to forward the draft conclusions to the Council for adoption, and agreed to have the discussion in the Council in public session.

- j) Implementation of the Action Plan to tackle non-
performing loans in Europe
Presentation by the Commission

The Committee prepared this item for the Council.

- k) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting and will reflect on a delegation request. The Committee agreed to move the report on tax issues and the code of conduct items to the list of A-items.

Foreign Affairs

33. Council Decision establishing a European Peace Facility 14379/19
Guidance for further work

The Committee held an exchange of views and provided guidance for further work.

34. Regulation establishing the Neighbourhood, Development and 14391/19 + ADD 1
International Cooperation Instrument (NDICI)
Partial mandate for negotiations with the European Parliament

The Committee agreed on a partial mandate as regards the migration-related provisions.

FRIDAY 29 NOVEMBER 2019

Foreign Affairs

35. Council Decision establishing the general conditions under 13437/2/19 REV 2
which third States could exceptionally be invited to participate
in individual PESCO projects
Preparation for the adoption

The Committee held an exchange of views.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

Application of Union law

The Committee took note of the information provided by France.

Memorandum of Understanding by Turkey and Libya on maritime zones

The Committee took note of the information provided by Greece and supported by Cyprus.

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

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| 11. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 14417/19
PE-QE |
| a) | Jorge Buxadé Villalba (ECR)
"Combating terrorism" | 13573/19 |
| b) | Moritz Körner (Renew)
"EU equivalent to the US terrorist finance tracking program system" | 13572/19 |
| c) | Claudia Gamon (Renew)
"Chinese police officers in EU Member States" | 13694/19 |
| d) | Guido Reil (ID)
"Regulation on transitional allowances (Council Regulation (EU) 2016/300 of 29 February 2016 determining the emoluments of EU high-level public office holders)" | 13642/19 |
| 12. | Minutes of Council Meetings
<i>Approval</i> | |
| | AGRIFISH 14-15.10.2019 | 13107/1/19 REV 1
+ ADD 1
+ ADD 1 COR 1 |
| | Appointments | |
| 13. | Appointment of three members and three alternate members of the Administrative Board of the Agency for the Cooperation of Energy Regulators (ACER)
<i>Adoption</i> | 14305/19
14309/19
ENER |
| | Other | |
| 14. | Chairing of certain Working Parties by other delegations, at the request of the Croatian Presidency
<i>Approval</i> | 13602/19
POLGEN |

Transport

15. IMO - Union Submission IMO/SSE 7 - Fires on board ro-ro passenger ships
Endorsement 14319/19
MAR

Environment

16. Barcelona Convention - Ministerial Declaration for COP 21
Authorisation to adopt the Ministerial Declaration on behalf of the European Union 14087/19
+ ADD 1-2
ENV

Statement by Germany

"Deutschland erklärt, dass wegen der Kurzfristigkeit der Vorlage des ersten Entwurfes der Ministererklärung bisher keine Möglichkeit für die Mitgliedstaaten bestand, sich seriös eine Meinung zum Inhalt der Erklärung zu bilden.

Die hier heute zur Entscheidung anstehende formale Mandatierung der Europäischen Kommission zur ‚Annahme der Ministererklärung‘ beinhaltet faktisch sowohl das Mandat zur Verhandlung an sich als auch das Mandat zur Abgabe inhaltlicher Voten im Rahmen der Verhandlung. Nach deutschem Verständnis wird davon ausgegangen, dass das gewählte Verfahren im Bereich der geteilten Kompetenz üblich ist und die Ermächtigung an die KOM durch das ihr zugestandene Mandat sowie das allgemeine EU Recht begrenzt wird. Zudem verweist DE auf die ebenfalls in der Working Party on the Environment gegebene Erklärung, die finale Ministererklärung werde im Konsensverfahren beschlossen, sie habe jedoch keine rechtliche, sondern bloß politische Wirkung."

Courtesy translation

"Germany would like to point out that as the first draft of the ministerial declaration was presented at such short notice, there has been no opportunity for the member states to properly form an opinion on the content of the declaration.

The formal mandate of the European Commission, to be decided today, to adopt the Ministerial Declaration' de facto includes both the mandate to negotiate as well as the mandate to vote on the content during the negotiation. It is our understanding that the chosen procedure is common in the area of shared competence and that the authorisation granted to the Commission will be limited by virtue of its mandate as well as general EU law. In addition, Germany would like to refer to the explanation also presented in the Working Party on the Environment which states that the final ministerial declaration is to be adopted by consensus, but does not have any legal effect, just a political effect."

Statement by Cyprus, Greece and Malta

"Cyprus, Greece and Malta do not object to the Commission's authorization to endorse the Ministerial Declaration, as a non-legally binding political agreement. This is, however, without prejudice to our final decision on the final text of the Ministerial Declaration. We understand that the negotiations on the Ministerial Declaration will not be finalised until a consensus can be reached on the whole text by all Contracting Parties to the Barcelona Convention.

We reserve the right to speak on our own behalf during further COP negotiations, in line with Article 25 of the Barcelona Convention, and underline that the authorization of the Commission to endorse the Ministerial Declaration by the Council shall not entail any transfer of competences to the Union and does not hold any bearing on the adoption of draft decisions during the on-going negotiations."

Agriculture

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| 17. Regulation laying down transitional provisions for EAFDR and EAGF support in 2021
<i>Decision to consult an institution or body</i> | 14304/19
13643/19 + ADD 1
AGRI |
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EU positions for international negotiations

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|----------------------------------------------------------------------------------------------------|------------------------------------------|
| 18. Council Decision on the EU position in the 31st session of the IMO Assembly
<i>Adoption</i> | 14211/19
+ ADD 1-2
14212/19
MAR |
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Statement by Belgium, Germany, Greece, Italy, Latvia, Malta and the Netherlands

"We, the undersigned, do not consider the adoption of a Council decision for non-legally binding instruments to be adopted in the IMO reasonable and proportionate. We urge the European Commission to continue the informal coordination of EU positions of the aforementioned elements.

The proposed procedure will have considerable consequences on the work of the Member States in the IMO and within the EU. It will significantly increase the Council's workload on all relevant levels and it will lengthen the EU internal coordination process, as the procedural workload within the EU will by far exceed the procedure for the adoption of relevant non-binding IMO instruments. Furthermore, it limits Member States substantially in their margin of negotiation in the IMO context, without any additional value for securing the EU acquis.

In this context we would like to recall that the Commission has firmly stated on several occasions that the EU's focus should remain "*firmly on the big things, where European action has a clear and demonstrable added value*"."

Statement by the Commission

"The Commission considers that the items due to be adopted at the 31st session of the IMO Assembly, which would introduce amendments to resolution A.658(16) on the use and fitting of retro-reflective materials on Life-Saving Appliances and amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), resolution A.1120 (30), will affect EU law through the application of Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and Commission implementing Regulation (EU) 2019/1397 of 6 August 2019 on design, construction and performance requirements and testing standards for marine equipment, and through the application of Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations. The Union position established in respect of the amendments to resolution A.658(16) on the use and fitting of retro-reflective materials on Life-Saving Appliances and amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), resolution A.1120 (30) must therefore be understood in this regard."

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| 19. | Council Decision on the EU position for 39th Standing Committee of the Bern Convention
<i>Confirmation of delegations' positions</i> | 14032/1/19 REV 1
13470/19
ENV |
| 20. | Council Decision on the EU position at the 39th session of the Executive Body under the Convention on Long-Range Transboundary Air Pollution (CLRTAP) on prolongation of deadlines
<i>Adoption</i> | 14278/19
14345/19
ENV |
| 21. | Council Decision on the EU position in ICAO with regard to standards and recommended practices on passenger name record data
<i>Adoption</i> | 14008/19
14014/19
AVIATION |
| 22. | Council Decision on the EU position in the Energy Community
<i>Adoption</i> | 14375/19
14381/19
ENER |
| 23. | Energy Community Ministerial Council (Chisinau, 13 December 2019)
<i>Establishment of the EU position</i> | 14485/19
ENER |

24. Energy Charter Conference: 14289/19
– Draft Conclusions of the Review under Article 34(7) of 14382/19
the Energy Charter Treaty ENER
– Draft budget 2020-2021
Establishment of the EU position

Statement by the Commission

"In the upcoming Energy Charter Conference, which meets on 10-11 December 2019, the Energy Charter Conference is expected to adopt the Draft Conclusions of the Review under Article 34(7) of the ECT and the draft budget 2020-2021, which may have legal effects for the EU.

In view of the short time-frame available, the Commission will not be able to make a proposal in due time to establish the Union position. The Commission understands that therefore the matter will be handled in the Council as a matter of urgency.

The Commission maintains its view that an EU position in an international body must be formally adopted by the Council on a proposal from the Commission in accordance with Article 218(9) TFEU. The practical arrangement in relation to the Energy Charter Conference has to be seen in the context of the exceptional nature and does not constitute a precedent for the future."

Delegated or Implementing Acts

25. Commission Regulation (EU) .../... of XXX amending Council 14398/19
Regulation (EC) No 338/97 on the protection of wild fauna and 13358/19 + ADD 1
flora by regulating trade therein ENV
Decision not to oppose adoption

COREPER (PART 2)

WEDNESDAY 27 NOVEMBER 2019

Judicial Affairs

36. Opinion procedure before the Court of Justice (1/19) Istanbul Convention
Information note for the Permanent Representatives Committee (Part 2) 14079/19
JUR
FREMP
37. Cases C-632/19 and C-633/19 - Request for preliminary ruling (the Federale Overheidsdienst Financiën et Openbaar Ministerie)
Information note for the Permanent Representatives Committee (Part 2) 14269/1/19 REV 1
JUR

Institutional Affairs

38. **Minutes of Council meetings**
Approval
- a) JHA 7-8.10.2019 12912/19 + ADD 1
- b) ECOFIN 10.10.2019 13002/19 + ADD 1
- c) FAC 14.10.2019 13108/19 + ADD 1
- d) GAC 15.10.2019 13109/19 + ADD 1

Appointments

39. A member (DE) of the European Economic and Social Committee
Adoption 13011/19
13010/19
CES
40. A member and an alternate member (RO) of the Committee of the Regions
Adoption 14098/19
14097/19
CDR

Transparency

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| 41. | Public access to documents
Confirmatory application No 22/c/05/19
<i>Adoption</i> | 11369/19
INF
API |
| 42. | Public access to documents
Confirmatory application No 26/c/02/19
<i>Adoption</i> | 11879/19
INF
API |
| 43. | Public access to documents
Confirmatory application No 35/c/01/19
<i>Adoption</i> | 13537/19
INF
API |

Economic and Financial Affairs

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| 44. | New Slovak Commemorative Coin | 14118/19
UEM |
| 45. | New Portuguese Commemorative Coins | 14119/19
UEM |
| 46. | ECA SR No 17/2019 on centrally managed EU interventions for venture capital
<i>Designation of a Working Party</i> | 14169/19
FIN |
| 47. | ECA SR No 18/2019 on EU greenhouse gas emissions
<i>Designation of a Working Party</i> | 14411/19
FIN |
| 48. | ECA SR No 19/2019 on INEA
<i>Designation of a Working Party</i> | 14172/19
FIN |
| 49. | ECA SR No 20/2019 on EU information systems supporting border control
<i>Designation of a Working Party</i> | 14182/19
FIN |
| 50. | ECA SR No 24/2019 on asylum, relocation and return of migrants
<i>Designation of a Working Party</i> | 14230/19
FIN |
| 51. | Council Implementing Decision authorising Italy to continue to apply derogating measures in the case of VAT on certain expenditure on certain motorised road vehicles
<i>Adoption</i> | 14044/19
13790/19
FISC |

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| 52. | Conclusions on ECA SR No 12/2019 on e-commerce
<i>Adoption</i> | 14045/19 + COR 1
FISC |
| 53. | Amendments to Annex II of the Council conclusions of
12 March 2019 on the EU list of non-cooperative jurisdictions
for tax purposes
<i>Adoption</i> | 14290/19 + COR1
+ COR 2
FISC |
| 54. | Review of the European System of Financial Supervision
(ESFS): Regulation amending ESAs
<i>Adoption of the legislative act</i> | 14011/1/19 REV 1
PE-CONS 75/19
EF |
| 55. | Review of the European System of Financial Supervision
(ESFS): Directive amending MiFID / Solvency II
<i>Adoption of the legislative act</i> | 14012/1/19 REV 1
PE-CONS 76/19
EF |
| 56. | Review of the European System of Financial Supervision
(ESFS): Regulation amending ESRB
<i>Adoption of the legislative act</i> | 14013/1/19 REV 1
PE-CONS 77/19
EF |

Statement by the Netherlands

"While supporting the overall package on the review of the European System of Financial Supervision (ESFS review), the Netherlands regret that the amendments of the Regulation on the European Systemic Risk Board (ESRB) do not fully address our repeatedly expressed concerns with regard to a potential conflict of interest between the ESRB and the European Central Bank (ECB). At the same time we acknowledge the improvements provided for in this amended Regulation, for instance with regard to the strengthening of the position of the ESRB's first Vice-Chair. We call on the European Commission to consider possible alternative models for the governance of the ESRB when reporting on the mission and organization of the ESRB in a future report on the ESRB. The Netherlands will continue to work constructively towards addressing this issue."

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| 57. | Directive on accelerated extrajudicial collateral enforcement
(AECE) mechanism
<i>Mandate for negotiations with the European Parliament</i> | 14261/1/19 REV 1
14261/19 ADD 1
EF |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|

Statement by Germany

"DEU stimmt der Allgemeinen Ausrichtung zur Richtlinie des Europäischen Parlamentes und des Rates über die beschleunigte außergerichtliche Realisierung von Sicherheiten (Dok-Nr. 14261/19 ADD 1) zu.

DEU begrüßt, dass eine Einigung erzielt werden konnte, betont jedoch, dass der Vorschlag keinen wesentlichen Beitrag zu den im Bankenunionskontext erforderlichen Maßnahmen zum nachhaltigen Abbau und der künftigen Vermeidung notleidender Kredite leistet. Der Richtlinienvorschlag in der Form der Allgemeinen Ausrichtung enthält eine Vielzahl von nationalen Wahlrechten (sog. Kann-Vorschriften). DEU erkennt an, dass ohne diese Wahlrechte eine Einigung im Rat aller Voraussicht nach nicht möglich gewesen wäre. Die an sich wünschenswerte weitergehende Harmonisierung wird hierdurch jedoch nicht erreicht. Aus DEU Sicht wäre es beispielsweise vorzugswürdig gewesen, wenn sich die Mitgliedstaaten bei Artikel 31 (Übertragung von Rechten aus AECE-Vereinbarungen) auf

eine unionsrechtlich einheitliche verbindliche Regelung hätten einigen können. Es ist daher fraglich, ob insbesondere in Mitgliedstaaten, in denen eine gerichtliche Verwertung von Sicherheiten nur schwer möglich ist, mit einer wesentlichen Verbesserung zur gegenwärtigen Lage, insbesondere einer Beschleunigung der Verwertung von Sicherheiten bei Kreditverträgen, gerechnet werden kann.

Aus DEU Sicht stellt die Richtlinie in der Form der Allgemeinen Ausrichtung keinen wesentlichen Schritt zur Erfüllung der geforderten Maßnahmen nach dem "Action plan to tackle non-performing loans in Europe" des Rates vom 11. Juli 2017 dar."

Courtesy translation

"Germany agrees with the General Approach to the Directive of the European Parliament and of the Council on the accelerated extrajudicial collateral enforcement (Doc. No. 14261/19 ADD 1).

Germany welcomes the fact that an agreement has been reached, but stresses that the proposal does not make a significant contribution to the measures required in the context of the banking union for a sustainable reduction and future avoidance of non-performing loans. The proposal for a directive in the form of a general approach contains a large number of national options ("may" provisions). Germany recognises that without these options an agreement in the Council would in all likelihood not have been possible. However, with that the further desirable harmonisation will not be achieved. From Germany's point of view, for example, it would have been preferable if the Member States had been able to agree on a uniform binding provision under Union law with regard to Article 31 (transfer of rights from AECE agreements). It is therefore questionable whether, especially in Member States where judicial realisation of collateral is difficult, a substantial improvement in the current situation, in particular an acceleration of the realisation of collateral in credit agreements, can be expected.

From Germany's point of view, the Directive in the form of the General Approach does not represent a significant step towards fulfilling the required measures under the "Action plan to tackle non-performing loans in Europe" of the Council of 11 July 2017."

Statement by Poland

"Poland abstains from voting on the AECE directive in general, firstly to the very concept of creating an instrument dedicated to the enforcement of debts arising from credits issued by credit institutions. This concept is opposed by constitutional law of the Republic of Poland. In particular it does not comply with the rule of equality before the law and the right to receive equal treatment from public institutions, as declared in a judgment passed by the Constitutional Tribunal on the 15th of April 2015 (P 45/12). A similar instrument was eliminated from Polish law by this judgment even though it diverged from regular procedures only in the lack of an examination of claims by the court and was enforced in a judicial enforcement procedure.

Contrary to the viewpoint of the Presidency, this problem cannot be solved by extending the scope of AECE to other debts, because the Constitutional Tribunal has also stated in the abovementioned judgment that conducting enforcement on the basis of a document issued by the creditor is incompatible with the principle of court exclusivity in the exercise of judicial powers, even if the debtor has previously agreed to it.

From the perspective of Poland AECE is also unnecessary, because Polish law does already provide an instrument for a mostly extrajudicial creation of an enforcement title in the form of a submission to enforcement by notarial deed. This instrument is far more flexible than AECE, finds widespread use in practice (including banking) and achieves the primary goal of AECE, which is the omission of an examination of claims by the court, even though it is enforced in regular judicial procedure.

Finally, the harmonisation of enforcement procedures does not seem to be a worthy pursuit in general. National rules on enforcement are both very extensive and substantially different. This means that any attempt at harmonisation at the Union level will, in some aspects in certain countries, compromise the level of protection enjoyed by creditors and may result in lengthier procedures. Therefore, the directive does not even accomplish its main intended purpose, that is strengthening the position of creditors in order to facilitate the trade of debts arising from credits issued by credit institutions and is likely to become dead law."

Joint statement by Estonia and the Netherlands

"According to art 33 para 2 (b) of the directive, the Member States are obliged to collect and communicate to the Commission data on the length of the proceedings from notification to the receipt of the proceeds of the realisation or to the transfer of ownership to the creditor. The signatories do not agree that such data will be used to make conclusions on the efficiency of the enforcement proceedings in Member States since notification is not the starting point of enforcement proceedings. Starting of the enforcement proceeding and also carrying out the proceeding depends on various aspects that are in the creditors' sphere of influence. Those aspects are not and could not be regulated in this Directive. Hence, data collected according to art 33 para 2 (b) cannot objectively show the efficiency of the enforcement proceedings."

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| 58. | OLAF's 2018 report: Outcome of proceedings
<i>Endorsement</i> | 14356/1/19 REV 1
GAF |
| 59. | OLAF Supervisory Committee's 2018 activity report: Outcome of proceedings
<i>Endorsement</i> | 14357/19
GAF |
| 60. | Interinstitutional exchange of views (Art. 16 OLAF Regulation):
Mandate for the meeting on 11 December 2019
<i>Endorsement</i> | 14358/19
GAF |

General Affairs

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|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 61. | Council Decision delegating to the Director of the PMO powers concerning payment of remunerations and mission and authorised travel expenses
<i>Adoption</i> | 13925/19
13927/19
FIN |
| 62. | Council Decision appointing two members of the committee of independent eminent persons
<i>Adoption</i> | 14306/19
13803/19
INST |

63.	Statute of the European Ombudsman <i>Approval of a letter</i>	14420/19 OMBUDS AG
64.	Conclusions on complementary efforts to enhance resilience and counter hybrid threats <i>Adoption</i>	14341/19 HYBRID
<u>Justice and Home Affairs</u>		
65.	Conclusions on Europol's cooperation with private parties <i>Adoption</i>	14137/19 14138/19 ENFOPOL
66.	Prüm Decisions: Conclusions on automated exchange of dactyloscopic data in the United Kingdom <i>Adoption</i>	14058/19 12513/19 12512/19 DAPIX
67.	Request from Swisscom to integrate PRADO images in its IT application <i>Information from the Presidency</i>	14027/19 FAUXDOC
68.	Preparation at EU level of the Special Session of the UN General Assembly on corruption Contribution to the outcome document Key elements of the EU UNGASS statement <i>Approval</i>	14310/19 COPEN
<u>Foreign Affairs</u>		
69.	CTA Discharge procedure 2018 - ACP-EU Committee <i>Adoption</i>	14369/19 ACP
70.	Council Decision in support of Ukraine's Efforts to Combat Illicit Trafficking in Weapons, Ammunition and Explosives, in cooperation with the OSCE <i>Adoption</i>	14245/19 13394/19 CORLX
71.	Council Decision and Implementing Regulation concerning restrictive measures against the Democratic Republic of the Congo - review <i>Adoption</i>	14412/19 14197/19 14194/19 CORLX

Delegated or Implementing Acts

Foreign Affairs

72. Commission Delegated Regulation (EU) .../... of 14.10.2019 amending Regulation (EU) 2016/1076 of the European Parliament and of the Council in order to include the Union of Comoros in Annex I
Delegated act - Intention not to raise objections
- 13085/19
13084/19
WTO

FRIDAY 29 NOVEMBER 2019

Economic and Financial Affairs

73. ECOFIN Report to the European Council on tax issues
Endorsement
- 14349/19
FISC
74. Code of Conduct (Business Taxation)
- a) Report to the Council
Endorsement
- b) Conclusions
Adoption
- 14114/19
+ ADD 1-10
14115/19
FISC
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