



Brussels, 18 November 2021
(OR. en)

14089/21
CRS CRP 39

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
27 October 2021

I. Adoption of the agenda

13177/1/21 REV 1 OJ CRP2 37 COMIX 534
13088/21 + COR 1 OJ CRP1 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 2)

Justice and Home Affairs

2. (poss.) Annex I of Council Recommendation (EU) 2020/912 of 30 June 2020 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction

Approval

Decision to use the written procedure for the adoption

The Committee agreed on the addition of Argentina, Colombia, Namibia and Peru to Annex I and on the use of the written procedure for the adoption.

General Affairs

3. European Council follow-up
State of play

The Committee took note of the main outcomes of the European Council and the intended next steps.

4. (poss.) 53rd session of the EEA Council 13061/21
State of play of preparations

The above-mentioned item was withdrawn.

5. Meeting of the Council (General Affairs/Cohesion) on 18 November 2021: Agenda

The Presidency presented the main items on the agenda.

Foreign Affairs

8. Strategic Compass
Exchange of views

The Committee held an exchange of views and took note of the information provided by the EEAS. The Committee agreed to revert on this issue ahead of the December European Council.

9. Eastern Partnership Summit (Brussels, 15 December 2021) 12614/1/21 REV 1
Exchange of views

The Committee held an exchange of views on the revised joint statement and agreed to revert to it at one of its next meetings, if need be.

10. EU-AU Summit 13168/21
Orientation debate

The Committee held an orientation debate on the upcoming summit and agreed to revert on this issue at one of its next meetings.

11. Meeting of the Council (Foreign Affairs) on 15-16 November 2021: Agenda

The EEAS presented the main items on the agenda. The Committee approved the attendance of the Secretary General of NATO at an informal lunch with defence ministers on 16 November 2021.

12. Meeting of the Council (Foreign Affairs/Development) on 19 November 2021: Agenda

The EEAS presented the main items on the agenda. The Committee approved the attendance of the Administrator of USAID for an exchange of views on the EU-US cooperation in the field of development.

13. Meeting of the Council (Foreign Affairs/Trade) on
11 November 2021: Preparation
Other items in connection with the Council meeting

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

Economic and Financial Affairs

15. Informal videoconference of the Ministers of the Economy and
Finance on 28 October 2021: Preparation

- a) Implementation of the Recovery and Resilience Facility:
Council Implementing Decisions
State of play
Exchange of views

The Committee prepared this item for the informal videoconference.

- b) Other items in connection with the informal
videoconference

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

16. Meeting of the Council (Economic and Financial Affairs) on
9 November 2021: Preparation
Other items in connection with the Council meeting

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

COREPER (PART 1)

Transport

74. Directive amending Directive 2006/1/EC on the use of hired vehicles

Presidency debriefing on the outcome of the trilogue

The Committee was debriefed about the results of the trilogue which took place on 26 October 2021.

Health

75. Regulation amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control (ECDC) 13023/21
Preparation for the trilogue

The Committee prepared a revised mandate for the forthcoming trilogue.

Energy

76. Revision of the TEN-E Regulation
Presidency debriefing on the outcome of the trilogue

The Committee was debriefed about the results of the trilogue which took place on 25 October 2021.

Telecommunications

77. Regulation on roaming on public mobile communications networks within the Union
Presidency debriefing on the outcome of the trilogue

The Committee was debriefed about the results of the trilogue which took place on 26 October 2021.

78. Regulation on European data governance (Data Governance Act)
Presidency debriefing on the outcome of the trilogue

The Committee was debriefed about the results of the trilogue which took place on 20 October 2021.

Agriculture and Fisheries

79. Meeting of the Council (Agriculture and Fisheries) on 15 November 2021: Agenda
(For items in the remit of the Permanent Representatives Committee)

The Presidency presented the agenda. There were no objections from any delegation to having the exchange on the Council conclusions on the EU Forestry strategy and the two AOBs 'Farm to Fork conference 2021 (Brussels, 14-15 October 2021)' and 'EU Pollinator Week (27-30 September 2021)' in public.

IV. Any other business

COREPER (PART 2)

Increase of the meeting room capacity for Working Parties through the use of the digital COVID certificate

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

COREPER (PART 1)

None.

"I" items approved**COREPER (PART 2)****Judicial Affairs**

- | | | |
|-----|--|--------------------------------|
| 17. | Case T-479/21 (George Haswani v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 12746/21
JUR |
| 18. | Case T-563/21 (Zaytsev v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 12759/21
JUR |
| 19. | Case T-523/21 (Shatrov v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 12760/21
JUR |
| 20. | Case C-180/20 (European Commission v. Council of the European Union)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 12901/21
JUR |
| 21. | Case C-453/21 X-FAB (referring Court: Bundesarbeitsgericht, Germany)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 12922/21
JUR
DATAPROTECT |
| 22. | Judgments of the General Court of 29 September 2021 in Cases T-279/19, T-344/19 and T-356/19 Front Polisario v. Council
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 12927/21
JUR |
| 23. | Cases C-499/21P (Joshua David Silver e.a./Council)C-501/21P (Harry Schindler e.a./Council), C-502/21P (David Price /Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 12729/21
JUR |
| 24. | Case T-442/21(Thomas and Julien / Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 12751/21
JUR |

Institutional Affairs

Appointments

- | | | |
|-----|--|--|
| 25. | A member (AT) of the Committee of the Regions
<i>Adoption</i> | 12689/1/21 REV 1
+ REV 1 COR 1
12684/1/21 REV 1
CDR |
| 26. | A member (DE) of the Committee of the Regions
<i>Adoption</i> | 12868/21
12865/21
CDR |
| 27. | A member and an alternate member (ES) of the Committee of the Regions
<i>Adoption</i> | 12904/21
12903/21
CDR |

Other

- | | | |
|-----|--|--------------------|
| 28. | Attendance of a third party at the Working Party on Human Rights on 10 November 2021
<i>Approval</i> | 12972/21
COHOM |
| 29. | Attendance of a third party at the PMG meeting on 27 October
<i>Approval</i> | 13012/21
POLMIL |
| 30. | Attendance of a third party at the PMG meeting on 27 October
<i>Approval</i> | 13013/21
POLMIL |
| 32. | Attendance of third parties at the informal videoconference of the members of the HWP ERCHT on 28 October 2021
<i>Approval</i> | 13083/21
HYBRID |
| 33. | Attendance of third parties at the informal videoconference of the members of the ACP Working Party on 29 October 2021
<i>Approval</i> | 13081/21
ACP |
| 34. | Attendance of a third party at the PMG meetings on 29 October and 3 November
<i>Approval</i> | 13014/21
POLMIL |
| 35. | Attendance of third parties at the informal videoconference of the members of the Working Party on Financial Services and the Banking Union (Basel III finalisation) on 3-4 November 2021
<i>Approval</i> | 13104/21
EF |

- | | | |
|-----|---|---|
| 36. | Attendance of third parties at the Working Party on Humanitarian Aid and Food Aid on 10 November
<i>Approval</i> | 13105/1/21 REV 1
+ REV 1 COR 1
COHAFA |
| 37. | Attendance of a third party at an informal meeting of the members of the Political and Security Committee on 27 October 2021
<i>Approval</i> | 13144/21
COPS |

Transparency

- | | | |
|-----|---|------------------------------------|
| 38. | Public access to documents
Confirmatory application No 35/c/01/21
<i>Decision to use the written procedure for the adoption</i> | 12867/21
11595/21
INF
API |
|-----|---|------------------------------------|

Economic and Financial Affairs

- | | | |
|-----|--|-----------------------------------|
| 39. | French national side of collectively issued commemorative coin | 12563/21
UEM |
| 40. | New Commemorative Coins by Luxembourg | 12655/21
UEM |
| 41. | New Latvian Commemorative Coin | 12787/21
UEM |
| 42. | New Portuguese Commemorative Coin | 12799/21
UEM |
| 43. | Conclusions on Climate Finance
<i>Approval</i>
<i>Decision to use the written procedure</i> | 12900/21
12203/21 ADD 1
UEM |
| 44. | Strategic Framework for Customs Cooperation 2021–2024 between the European Union and the Government of the People's Republic of China
<i>Approval</i> | 12752/21
UD |

45.	Transfer No DEC 19/2021 (Section III - Commission) <i>Approval</i>	12933/21 12657/21 FIN
46.	Transfer No DEC 20/2021 (Section III - Commission) <i>Approval</i>	12952/21 12405/21 FIN
47.	Transfer No DEC 21/2021 (Section III - Commission) <i>Approval</i>	12953/21 12869/21 FIN
48.	Decision on the mobilisation of the EGF (EGF/2021/ 001 ES/País Vasco metal) <i>Approval</i>	12931/21 12932/21 FIN
49.	ECA SR No 24/2021 on performance-based financing in Cohesion policy <i>Designation of a Working Party</i> <i>Attendance of the European Court of Auditors at the Working Party meeting</i>	13006/21 FIN
50.	Council Implementing Decisions on the approval of the assessment of the recovery and resilience plans for Romania, Finland and Estonia	13119/21 ECOFIN
a)	Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Romania <i>Decision to use the written procedure for the adoption</i>	12319/21 + ADD 1 ECOFIN
b)	Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Finland <i>Decision to use the written procedure for the adoption</i>	12524/21 + ADD 1 ECOFIN
c)	Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Estonia <i>Decision to use the written procedure for the adoption</i>	12532/21 + ADD 1 + ADD 1 COR 1 ECOFIN

General Affairs

51.	Conclusions on ECA SR No 14/2021 on the potential of the EU's cross-border regions <i>Approval</i>	12913/21 + COR 1 COH
-----	--	-------------------------

- | | | |
|-----|--|-----------------------------|
| 52. | Cybercrime: position to guide EU engagement in preparation for negotiations for a UN Convention
<i>Approval</i> | 12642/1/21 REV 1
CYBER |
| 53. | (poss.) HWP ERC HT involvement in the preparation of EU NATO exercise IR22 (PACE) | 13141/21
HYBRID |
| 54. | Council Decision authorising the entering into negotiations on behalf of the European Atomic Energy Community on the modernisation of the Energy Charter Treaty
<i>Adoption</i> | 12838/21
12822/21
ATO |

Justice and Home Affairs

- | | | |
|-----|--|--|
| 55. | Conclusions on ECA Special Report No 08/2021 on Frontex' support to external border management
<i>Approval</i> | 12811/21
JAI |
| 56. | Regulation replacing Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings
<i>Confirmation of the final compromise text with a view to agreement</i> | 12820/21
13043/21
JUSTCIV |
| 57. | Council Decision on the conclusion of the amending Agreement with Brazil on short-stay visa waiver for holders of diplomatic, service or official passports
<i>Request for the consent of the European Parliament</i> | 13038/21
13445/1/18 REV 1
13446/18
VISA |
| 58. | Council Decision on the conclusion of the amending Agreement with Brazil on short-stay visa waiver for holders of ordinary passports
<i>Request for the consent of the European Parliament</i> | 13039/21
13448/1/18 REV 1
13449/18
VISA |
| 59. | Schengen evaluation Recommendation – Greece return
<i>Adoption</i> | 13068/21
13067/21
SCH-EVAL |
| 60. | Schengen evaluation Recommendation – FR external border
<i>Adoption</i> | 13070/21
13069/21
SCH-EVAL |
| 61. | Schengen evaluation Recommendation – NL external border
<i>Adoption</i> | 13072/21
13071/21
SCH-EVAL |

Foreign Affairs

- | | | |
|-----|--|---|
| 62. | Human Rights restrictive measures - pre-notifications
<i>Approval</i>
<i>Decision to use the written procedure</i> | 10912/21
CORLX |
| 63. | Council Decision authorising the opening of negotiations with the Republic of Mozambique for an Agreement on the status of the European Union Military Training Mission in Mozambique (EUTM Mozambique)
<i>Decision to use the written procedure for the adoption</i> | 11438/21
11437/21
CORLX |
| 64. | Council Implementing Decision and Regulation concerning restrictive measures in view of the situation in Libya
<i>Adoption</i> | 12899/21
12898/21
12896/21
CORLX |
| 91. | Council Decision on an Assistance Measure under the European Peace Facility to support capacity building of the Armed Forces of Bosnia and Herzegovina (AFBiH)
<i>Decision to use the written procedure for the adoption</i> | 13098/21
12872/21
CORLX |
| 65. | Addis Tax Initiative Declaration 2025 - authorisation for the signature on behalf of the EU
<i>Approval</i> | 12925/21
DEVGEN |
| 66. | Preparation of the fifth UN Conference on the Least Developed Countries
<i>Information from the Presidency</i> | 13060/21
DEVGEN |

Statement by Poland

"Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons Poland understands gender equality as a equality between women and men, according to Article 2 of the Treaty on European Union, Article 8 and 10 of the Treaty on the Functioning of the European Union, as well as art. 23 of the EU Charter of Fundamental Rights."

- | | | |
|-----|--|--------------------------------|
| 92. | Just energy transition partnership with South Africa –
authorisation for the signature on behalf of the EU
<i>Approval</i>
<i>Decision to use the written procedure</i> | 13187/21
13202/21
DEVGEN |
|-----|--|--------------------------------|

- | | | |
|-----|--|----------|
| 67. | Angola-EU Ministerial Meeting - Joint Communiqué | 12939/21 |
| | <i>Approval</i> | 12940/21 |
| | <i>Decision to use the written procedure</i> | 12974/21 |
| | | COAFR |
| 68. | 6th EU-Moldova Association Council (Brussels, 28 October 2021) | 13033/21 |
| | <i>Establishment of the EU position</i> | 13131/21 |
| | <i>Decision to use the written procedure</i> | COEST |

EU positions for international negotiations

- | | | |
|-----|---|------------------|
| 69. | Council Decision on the EU position on EU-Azerbaijan Partnership Priorities | 11994/21 |
| | <i>Adoption</i> | 11567/1/21 REV 1 |
| | | 11568/1/21 REV 1 |
| | | COEST |

Statement by Cyprus

"Cyprus does not oppose the extension of the EU-Azerbaijan Partnership priorities for the period 2021-2024.

We nonetheless remain deeply concerned regarding Azerbaijan's continuous refusal to establish diplomatic relations with Cyprus or hold any official bilateral meetings. Furthermore, it is deeply regrettable that in July 2021 an Azerbaijani parliamentary committee visited the occupied areas of Cyprus to participate in festivities on the anniversary of the Turkish invasion.

We furthermore note that the partnership priorities are based, inter alia, on the EU-Azerbaijan Partnership and Cooperation Agreement, and that the process for a renewed Agreement is ongoing.

Azerbaijan should establish diplomatic relations with Cyprus, abide by the principle of good neighborly relations, and commit itself to act in good faith and with full respect to the sovereignty and territorial integrity of all EU member states."

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate.

The expression of the Union position in a body set up by an agreement is an act of external representation of the Union which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

The Commission reserves all its rights in this regard."

- | | | |
|-----|--|---|
| 70. | Council Decision on the EU position regarding the Sector Understanding on Export Credits for Coal Fired Electricity Generation Projects contained in Annex VI
<i>Decision to use the written procedure for the adoption</i> | 12785/21 + ADD 1
12622/21
12623/21
CCG |
|-----|--|---|

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate.

The expression of the Union position in a body set up by an agreement is an act of external representation of the Union which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

The Commission reserves all its rights in this regard."

- | | | |
|-----|--|--|
| 71. | Council Decision on the EU position to be adopted within the EEA Joint Committee concerning an amendment to Protocol 31 on cooperation in specific fields outside the four freedoms and Protocol 37 containing the list provided for in Article 101 to the EEA Agreement (Space Programme of the Union)
<i>Decision to use the written procedure for the adoption</i> | 12909/21
12906/21
12908/21
AELE |
|-----|--|--|

- | | | |
|-----|---|---|
| 72. | Council Decision on the EU position to be taken within the Trade Committee established under the Trade Agreement with Colombia, Peru and Ecuador as regards modifications to Appendices 2, 2A and 5 to Annex II to the Trade Agreement
<i>Adoption</i> | 11371/21 + ADD 1
11372/21
11373/21
WTO |
|-----|---|---|

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 3 to be inappropriate.

The expression of the Union position in a body set up by an agreement is an act of external representation of the Union which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

The Commission reserves all its rights in this regard."

Other items

- | | | |
|-----|--|------------------------------|
| 73. | Approval of cryptographic product
<i>Approval</i> | 12340/21 R-UE
CSCI
CSC |
|-----|--|------------------------------|

COREPER (PART 1)

Institutional Affairs

Appointments

- | | | |
|-----|---|-----------------|
| 80. | One alternate member (FR) of the Advisory Committee on Safety and Health at Work
<i>Adoption</i> | 13044/21
SOC |
| 81. | One member (DK) of the Advisory Committee on Freedom of Movement for Workers
<i>Adoption</i> | 13041/21
SOC |
| 82. | One alternate member (DK) of the Advisory Committee on Freedom of Movement for Workers
<i>Adoption</i> | 13046/21
SOC |

Other

- | | | |
|-----|--|--------------------|
| 83. | President of the Community Plant Variety Office (CPVO): Selection procedure
<i>Endorsement</i> | 12989/21
AGRI |
| 84. | Alternate Chairman of the Board of Appeal of the Community Plant Variety Office (CPVO): Selection procedure
<i>Endorsement</i> | 12990/21
AGRI |
| 85. | Attendance of third parties at the informal videoconference of the members of the Working Party on Competitiveness and Growth (High Level) on 4 November 2021
<i>Approval</i> | 12983/21
COMPET |

Judicial Affairs

- | | | |
|-----|--|-----------------|
| 86. | Case T-518/21 (European Paper Packaging Alliance v. European Commission)
<i>Information note for the Permanent Representatives Committee (Part 1)</i> | 13080/21
JUR |
|-----|--|-----------------|

Environment

87. Conclusions on The Polluter Pays Principle (CoA SR No 12/2021)
Approval 12961/21
ENV
88. Statements and declaration related to forests to be signed on behalf of the EU at the events in the margins of the 26th UNFCCC conference of parties (COP26)
Approval 13197/21
13239/21
13249/21
Decision to use the written procedure 13250/21
13251/21
13252/21
ENV

Health

89. WHO Framework Convention on Tobacco Control (FCTC) – Ninth session of the Conference of the Parties (COP9) (virtual, 8-13 November 2021)
- a) Common positions and EU positions (except for agenda item 6.4)
Approval 13021/1/21 REV 1
+ REV 1 ADD 1
SAN

Statement by Italy

"Italy understands the need to preserve public health and agrees on the need to take proper action for the prevention of smoke-related damages. Nevertheless, Italy wishes to underline that at this stage we do not have an agreed scientific evidence and thus no final evaluations and assessment shall be adopted nor endorsed on cigarette ventilation and new tobacco products. Therefore, it would be premature to support any decisions on this point.

Furthermore, Italy reminds and stresses that WHO is not the appropriate forum to review customs classification, including customs classification of new tobacco products. Therefore, customs classification should not be the object of the FCTC COP'S discussions and no decisions on customs classifications shall be anticipated or preempted within this framework.

On the whole, Italy reminds that any decisions on new tobacco products shall be deferred to COP10 to be held in 2023."

- b) Common position on Agenda item 6.4 (Investment Fund)
Approval 13022/21
Decision to use the written procedure SAN

Delegated or Implementing Acts

Agriculture

- | | | |
|-----|---|--|
| 90. | Commission Regulation (EU) .../... of XXX amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acequinocyl, Bacillus subtilis strain IAB/BS03, emamectin, flutolanil and imazamox in or on certain products
<i>Decision not to oppose adoption</i> | 12914/21
12344/21
+ ADD 1-2
AGRILEG |
|-----|---|--|
-