



Council of the  
European Union

Brussels, 14 December 2021  
(OR. en)

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LIMITE  
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TRANS 743  
TELECOM 455  
ENER 550

## **DRAFT MINUTES**

COUNCIL OF THE EUROPEAN UNION  
(Transport, Telecommunications and Energy)

2 and 3 December 2021

## **CONTENTS**

**Page**

### **ENERGY**

#### **Any other business**

5. a) Recent developments in the field of external energy relations ..... 3  
c) Report on the State of the Energy Union ..... 3  
d) Coexistence between renewable energy and biodiversity ..... 3  
e) The importance of ensuring nuclear safety at the Belarusian NPP in accordance  
with the EU recognised safety levels ..... 3  
f) Impact of existing 70% rule on offshore hybrid projects ..... 3  
g) Work programme of the incoming Presidency ..... 3

### **TELECOM**

#### **Any other business**

11. b) Outcomes of the D9+ Ministerial meeting (Luxembourg, 27 October 2021) ..... 4  
c) Joint non-paper on EU digital priorities in the context of the elections of the  
ITU elected officials at the Plenipotentiary Conference 2022 ..... 4  
d) Work programme of the incoming Presidency ..... 4

ANNEX - Statements for the Council minutes ..... 5

## MEETING ON THURSDAY 2 DECEMBER 2021

### ENERGY

#### Any other business

5. a) **Recent developments in the field of external energy relations** 14218/21

*Information from the Commission*

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

- c) **Report on the State of the Energy Union** 13557/21 + ADD 1

*Information from the Commission*

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

- d) **Coexistence between renewable energy and biodiversity** 14061/21

*Information from the Danish delegation*

The Council took note of the information provided by the Danish delegation.

- e) **The importance of ensuring nuclear safety at the Belarusian NPP in accordance with the EU recognised safety levels** 14048//21

*Information from the Lithuanian delegation*

The Council took note of the information provided by the Lithuanian delegation.

- f) **Impact of existing 70% rule on offshore hybrid projects** 14269/21

*Information from the Belgian delegation*

The Council took note of the information provided by the Belgian delegation.

- g) **Work programme of the incoming Presidency**

*Information from the French delegation*

The Council took note of the information provided by the French delegation.

## MEETING ON FRIDAY 3 DECEMBER 2021

### TELECOMMUNICATIONS

#### Any other business

11. b) **Outcomes of the D9+ Ministerial meeting** 13916/21  
**(Luxembourg, 27 October 2021)**  
*Information from the Luxembourg delegation*

The Council took note of the information provided by the Luxembourgish delegation.

- c) **Joint non-paper on EU digital priorities in the context** 14339/21  
**of the elections of the ITU elected officials at the**  
**Plenipotentiary Conference 2022**  
*Information from the Lithuanian, delegations*

The Council took note of the information provided by the Lithuanian delegation.

- d) **Work programme of the incoming Presidency**  
*Information from the French delegation*

The Council took note of the information provided by the French delegation.

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Statements to the non-legislative "A" items set out in doc. 14270/21

- Ad "A" item 3:** Council Decision on the EU position at the Barcelona Convention COP22 on the adoption of a Decision to amend the Annex to the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea (the ‘Dumping Protocol’)  
*Adoption*
- Ad "A" item 4:** Council Decision on the EU position at the Barcelona Convention COP22 on the adoption of a Decision to amend Annexes I, II and IV to the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities (the ‘LBS Protocol’)  
*Adoption*
- Ad "A" item 5:** Council Decision on the EU position at the Barcelona Convention COP22 on the adoption of a Decision to amend the Annexes to the Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (the ‘Offshore Protocol’)  
*Adoption*
- Ad "A" item 6:** Council Decision on the EU position at the Barcelona Convention COP22 on the adoption of a Decision to submit a proposal to designate the Mediterranean Sea, as a whole, as an emission control area for sulphur oxides (‘MED SOx ECA’)  
*Adoption*
- Ad "A" item 7:** Council Decision on the EU position at the Barcelona Convention COP22 on the adoption of a Decision to adopt the amendments to the Regional Plan on Marine Litter Management in the Mediterranean in the framework of Article 15 of the LBS Protocol  
*Adoption*

**Ad "A" item 8:**

**Council Decision on the EU position at the Barcelona Convention  
COP22 on the adoption of a Decision to adopt Regional Plans on Urban  
Wastewater Treatment and Sewage Sludge Management in the  
framework of Article 15 of the LBS Protocol**  
*Adoption*

**STATEMENT BY THE COMMISSION**

“The Commission considers that the Council Decisions 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.”

**Ad "A" item 9:**

**Council Decision on the EU position in the 32nd session of the IMO  
Assembly**  
*Adoption*

**STATEMENT BY THE COMMISSION**

“The proposed amendments to the Survey Guidelines under the Harmonized System of Survey and Certification to be adopted by the IMO will affect existing Union rules or alter their scope. As such, these amendments fall entirely within the exclusive external competence of the Union.

Further and in any event, in accordance with established case-law, in particular case C-600/14, the EU external competence is not limited to its exclusive competence. The Union position established in respect of those proposed amendments cannot be limited in scope and must be understood as covering them in their entirety.

The Commission reserves all its rights.”

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