

Brussels, 19 January 2022
(OR. en)

15218/21
CRS CRP 46

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
8 and 10 December 2021

I. Adoption of the agenda

14679/1/21 REV 1 OJ CRP1 43 + COR 1
14729/2/21 REV 2 OJ CRP2 43 COMIX 612

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)

WEDNESDAY 8 DECEMBER 2021

Telecommunications

2. Regulation on roaming on public mobile communications networks within the Union
Preparation for the trilogue 14573/21

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

Environment

3. Decision on the 8th Environment Action Programme (EAP)
Presidency debriefing on the outcome of the trilogue

The Presidency debriefed on the trilogue which took place on 1 December 2021.

Youth

4. Decision on a European Year of Youth 2022
Presidency debriefing on the outcome of the trilogue

The Presidency debriefed on the trilogue which took place on 6 December 2021.

Health

5. Regulation amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control (ECDC) 14631/21 + ADD 1
14516/21
Analysis of the final compromise text with a view to agreement

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

Statement by Bulgaria

"The Government of the Republic of Bulgaria supports efforts and actions aiming to promote and ensure the preparedness, early warning and response under a strengthened EU health security framework by expanding the ECDC's mandate.

At the same time, we note with concern the trend to introduce unclear provisions in sensitive areas within the whole "European Health Union" package, thus leaving room for legal interpretation and potential difficulties for the Member States at the stage of implementation.

It is of utmost importance to ensure that EU regulations are in line with EU primary law and do not interfere with competences exclusively reserved for the Member States. In this regard the Republic of Bulgaria highlights the key role of principles such as subsidiarity, conferral of powers and division of competencies, including in the context of the implementation of this Regulation and all other files related to the "European Health Union" package. The financial sustainability and all related activities for coordination and management of health preparedness and response capacity and planning of the Member States, as part of the organisation and delivery of health services and medical care remain exclusive national competence, as provided for in Art. 168 (7) of the Treaty on the Functioning of the European Union. The Union competences in this area in the current Regulation remain limited to incentive measures for scientific cooperation, identifying gaps and providing general science-based and non-binding recommendations by ECDC for the strengthening of certain aspects of the health systems.

Moreover, Bulgaria strongly believes that the adoption of measures to protect and improve human health and in particular combating major cross-border health threats should not be interpreted as meaning that one of the main roles of ECDC is to monitor the national health systems' capacities to detect, prevent, respond and recover from outbreaks of communicable diseases, or to ensure alignment or harmonisation between crisis measures or plans. Rather, we count on the ECDC to support the Member States through provision of scientific advice on a voluntary basis, which could support preparedness and response planning, in close collaboration with the Member States.

In view of these considerations and taking positive note of the reassurances by the Slovenian Presidency and the European Commission that Member States' competences remain

untouched and the ECDC role – purely supportive for the Member States, the Republic of Bulgaria supports the Regulation of the European Parliament and of the Council amending Regulation (EC) No 851/2004 establishing a European Centre for Disease Prevention and Control, and states that it will implement the Regulation within the Union competences as laid down in the primary law of the European Union."

Statement by Hungary

"Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as the commitments and principles stemming from the international law. Furthermore, equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. In line with these and its national legislation, Hungary interprets the term 'gender' as reference to 'sex', in the Regulation amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control."

Statement by the Commission

"The Commission welcomes the overall agreement reached by the co-legislators on the proposal for a Regulation on the extension of the mandate of the European Centre for Disease Prevention and Control. The new Regulation will reinforce the capacity of the Centre to support the EU and its Member States in the prevention and control of communicable disease threats and improve European preparedness for future health challenges.

The Commission regrets that the agreed text does not fully align the Regulation with the principles of the Common Approach on the EU decentralised agencies, as regards the voting regime of the Management Board concerning the rules governing the languages of the Centre. Therefore the agreement reached between the European Parliament and the Council on the language regime of the agency is without prejudice to any future legislative texts. The Commission remains convinced of the benefits of following all aspects of the Common Approach in relation to decentralised agencies."

Agriculture and Fisheries

6. Meeting of the Council (Agriculture and Fisheries) on 12 and 13 December 2021: Preparation

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|---|------------------------------|
| 1. Council Regulation fixing for 2022 the fishing opportunities in the Mediterranean and Black Seas | 14319/21
11955/21 + ADD 1 |
| <i>Political agreement</i> | |

The Committee prepared the item for the Council.

Fisheries

- #### 7. Regulation amending various Regulations as regards fisheries control
- Presidency briefing on the outcome of the trilogue*

The Presidency briefed on the trilogue which took place on 7 December 2021.

FRIDAY 10 DECEMBER 2021

Environment

3. (continuation) Decision on the 8th Environment Action Programme (EAP) 14557/21
Analysis of the final compromise text with a view to agreement

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

Statement by Poland

"Z punktu widzenia Polski ogólny charakter 8. EAP nie uzasadnia rozstrzygnięcia w nim kwestii odnoszących się do przyszłych zobowiązań państw członkowskich. W rozumieniu Polski zapis tiret 2 w art. 3 ust.1 pkt e oznacza, że data wycofania subsydiów do paliw kopalnych zostanie określona w osobnym akcie prawnym i w ramach odrębnej procedury ustawodawczej, zgodnie z motywem 9-a mówiącym o tym, że środki niezbędne do wdrożenia 8. EAP mają zostać przyjęte zgodnie z warunkami określonymi w art. 192 ust. 1 lub 2 TFUE."

Courtesy translation

"From Poland's point of view, the general nature of the 8th EAP does not justify resolving issues relating to future obligations of Member States. Poland understands that the date of phasing out fossil fuel subsidies as indicated in indent 2 of Article 3.1(e) will be determined in a separate legal act under separate negotiation procedure, in accordance with the recital 9-a stipulating that the measures necessary for the implementation of 8. EAP are to be adopted in accordance with the conditions set out in Article 192 paragraph 1 or 2 TFEU."

8. Meeting of the Council (Environment) on 20 December 2021: Preparation
1. Regulation concerning batteries and waste batteries, 14568/21
repealing Directive 2006/66/EC and amending Regulation
(EU) No 2019/1020
Progress report

The Committee prepared the item for the Council.

2. Fit for 55 package
- a) Overview of progress 13977/21
Progress report
- b) Legislative proposals 14585/21
- i) Revision of Directive (EU) 2003/87/EC
establishing a system for greenhouse gas
emission allowance trading (ETS)

- ii) Revision of Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 (ESR)
- iii) Revision of Regulation (EU) 2018/841 on greenhouse gas emissions and removals from land use, land use change and forestry (LULUCF)
- iv) Revision of Regulation (EU) 2019/631 setting CO2 emission performance standards for new passenger cars and for new light commercial vehicles
- v) Regulation establishing a Social Climate Fund
Progress report
Policy debate

The Committee prepared the item for the Council.

- 3. EU Soil Strategy for 2030 - Reaping the benefits of healthy soils for people, food, nature and climate
Exchange of views 14567/21

The Committee prepared the item for the Council.

Telecommunications

- 2. (continuation) Regulation on roaming on public mobile communications networks within the Union
Presidency briefing on the outcome of the trilogue

The Presidency briefed on the trilogue which took place on 8 December 2021.

Employment and Social Policy

- 9. Revision of Directive on carcinogens and mutagens at work (fourth batch)
Presidency briefing on the outcome of the trilogue

The Presidency briefed on the trilogue which took place on 9 December 2021.

Youth

4. (continuation) Decision on a European Year of Youth 2022 14600/21
Analysis of the final compromise text with a view to agreement

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

Statement by Poland

"Rzeczpospolita Polska rozumie sformułowanie „równość płci” (ang. „gender equality”) jako odnoszące się do równości kobiet i mężczyzn, stosownie do art. 2 i art. 3 TUE.

Ponadto Rzeczpospolita Polska rozumie termin „płeć” (ang. „gender”) jako „płeć” (ang. „sex”) zgodnie z art. 10, art. 19 ust. 1 oraz art. 157 ust. 2 i 4 TFUE."

Courtesy translation

"The Republic of Poland understands wording “gender equality” as referring to “equality between women and men”, in line with Article 2 and Article 3 of the Treaty on European Union.

Also the Republic of Poland understands wording “gender” as referring to “sex” in line with Article 10, Article 19 para 1 and Article 157 para 2 and 4 of the Treaty on the Functioning of the European Union."

Statement by Hungary

"Hungary states that equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. Hungary ensures equality between women and men within the framework of the Hungarian 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, Hungary interprets the concept ‘gender equality’ as a reference to ‘equality between women and men’ in the Draft Decision (EU)2021/... of the European Parliament and of the Council on a European Year of Youth (2022).

Furthermore Hungary declares that the Commission’s Communication on EU strategy on the rights of the child (hereinafter referred to as “Strategy”), mentioned in this Decision, should be interpreted with due regard to national competences and the specific circumstances in each Member State."

Agriculture and Fisheries

6. (continuation) Meeting of the Council (Agriculture and Fisheries) on 12 and 13 December 2021: Preparation
2. Council Regulation fixing fishing opportunities for 2022 14318/21
in Union and non-Union waters 13316/21
Political agreement + ADD 1-2

The Committee prepared this item for the Council.

Fisheries

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| 10. | Bilateral EU-UK consultations on fishing opportunities for 2022 | 14671/21 |
| | <i>Preparation for the approval of the specification of the Union position</i> | 14672/21 |

In absence of an agreement, the Committee took note of the state of play of the EU-UK consultations on fishing opportunities for 2022.

COREPER (PART 2)

WEDNESDAY 8 DECEMBER 2021

General Affairs

28. Meeting of the Council (General Affairs) on 14 December 2021:
Preparation

- a) Conclusions on Enlargement and Stabilisation and Association Process 13567/1/21 REV 1
Approval

The Committee prepared this item for the Council meeting.

- b) Preparation of the European Council on 16-17 December 2021: Conclusions 13648/21
Exchange of views

The Committee prepared this item for the Council meeting.

- c) Conference on the Future of Europe
Information from the Presidency

The Committee prepared this item for the Council meeting.

- d) Rule of law in Poland/Article 7(1) TEU reasoned proposal
State of play

The Committee prepared this item for the Council meeting.

- e) Values of the Union in Hungary/Article 7(1) TEU reasoned proposal
State of play

The Committee prepared this item for the Council meeting.

- f) Report by the EU Agency for Fundamental Rights: Antisemitism: overview of anti-Semitic incidents recorded in the European Union 2010-2020
Presentation

The Committee prepared this item for the Council meeting and agreed to the presence of the Director of the EU Agency for Fundamental Rights for this item.

- g) European Semester 2022 - roadmap 13452/21
Presentation by the Presidency and the incoming Presidency

The Committee prepared this item for the Council meeting.

- h) Legislative Programming: Joint Declaration on the EU legislative priorities for 2022 14130/21
Approval

The Committee prepared this item for the Council meeting.

- i) Eighteen-month programme of the Council (1 January 2022 - 30 June 2023) 14441/21
Endorsement

This item was postponed to Friday's meeting.

- j) Other items in connection with the Council meeting

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

Foreign Affairs

29. Eastern Partnership Summit (Brussels, 15 December 2021) 12614/7/21 REV 7
State of play

The Committee took note of the information provided by the PEC Cabinet and agreed to revert on this item on Friday with a revised text.

30. EU-AU Summit (Brussels, 17-18 February 2022)
State of play and guidance for further work

The Committee took note of the information provided by the PEC Cabinet, the Commission and the EEAS and agreed to revert on this item with a revised version of the joint statement, at one of its next meetings.

31. Meeting of the Council (Foreign Affairs) on 13 December 2021:
Preparation

- a) Current Affairs

The Committee prepared this item for the Council meeting.

- b) EU-Africa
Exchange of views

The Committee prepared this item for the Council meeting.

- c) Central Asia
Exchange of views

The Committee prepared this item for the Council meeting.

- d) Venezuela
Exchange of views

The Committee prepared this item for the Council meeting and agreed to the participation of the chief observer of EU's Election Observation Mission in Venezuela, on the condition that she would leave before the Council exchanges views.

- e) Other items in connection with the Council meeting

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

Justice and Home Affairs

32. Meeting of the Council (Justice and Home Affairs) on 9 and 10 December 2021: Preparation

- a) Council Regulation on a Schengen Evaluation and Monitoring Mechanism
Progress report 14629/21 + ADD 1

The Committee prepared this item for the Council meeting.

- b) Conclusions on the fulfilment of the necessary conditions for the full application of the Schengen acquis in Croatia
Approval 14649/21

The Committee prepared this item for the Council meeting.

- c) Other items in connection with the Council meeting

The Committee took note of the information provided by the Presidency, as well as the withdrawal of the Schengen Border Code item from the Council agenda.

Economic and Financial Affairs

33. Meeting of the Council (Economic and Financial Affairs) on 7 December 2021: Follow-up

The above-mentioned item was withdrawn.

FRIDAY 10 DECEMBER 2021

General Affairs

28. Meeting of the Council (General Affairs) on 14 December 2021:
Preparation

transferred from Wednesday's meeting

- i) Eighteen-month programme of the Council 14441/21
(1 January 2022 - 30 June 2023)
Endorsement

The Committee prepared this item for the Council meeting.

103. COVID-19 EU Coordination
Exchange of views

The Committee held an exchange of views.

Foreign Affairs

29. Eastern Partnership Summit (Brussels, 15 December 2021) 12614/8/21 REV 8
State of play

The Committee held an exchange of views and agreed on the circulation of a revised version of the draft declaration.

Statement by Poland and Hungary

“Poland and Hungary understand the formulation “gender equality” and similar formulations pointing to “gender” as referring to the equality between women and men, in line with art. 2 of the Treaty on European Union and art. 23 of the Charter of Fundamental Rights of the EU.

The third Gender Action Plan has not been adopted by the Council, therefore it is not an agreed EU policy. Referencing it in other official Council documents should not be considered as its endorsement, as it would circumvent the principle of unanimity, thus contravening the basis of the CFSP enshrined in the Treaties.”

Justice and Home Affairs

34. Council Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction 14700/21
Exchange of views

The Committee held an exchange of views.

35. Council Recommendation on a coordinated approach to facilitate safe free movement during the COVID-19 pandemic and replacing Recommendation (EU) 2020/1475 14693/21
Exchange of views

The Committee held an exchange of views.

IV. Any other business

COREPER (PART 1)

- a) European Semester 2022 - Roadmap
Presentation by the Presidency

The Committee took note of the information provided by the Presidency

- b) Conclusions on a contingency plan for ensuring food supply and food security in times of crisis
Information from the Presidency

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

- c) Revision of Regulations on coordination of social security systems (883/04 and 987/09)
Information from the Presidency

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

COREPER (PART 2)

None.

"I" items approved**COREPER (PART 1)****WEDNESDAY 8 DECEMBER 2021****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> | 14583/21
PE-QE |
| a) | Adam Jarubas (PPE)
"Absence of the cement sector in the list of EU targeted economic sanctions against the Belarusian regime" | 14579/21 |
| b) | Maite Pagazaurtundúa (Renew)
"Homage paid to terrorists in the EU" | 13882/21 |
| c) | Anna Bonfrisco (ID)
"Recognition of the Republic of China/Taiwan and enhancing naval policy and the maritime dimension for a free, multipolar Asia and Indo-Pacific" | 14580/21 |

Appointments

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|-----|---|------------------------------|
| 12. | Appointment of the President of the Community Plant Variety Office (CPVO)
<i>Adoption</i> | 14577/21
14440/21
AGRI |
| 13. | Appointment of the Alternate Chairperson of the Board of Appeal of the Community Plant Variety Office (CPVO)
<i>Adoption</i> | 14578/21
14438/21
AGRI |
| 14. | One member (SE) of the Advisory Committee on Freedom of Movement for Workers
<i>Adoption</i> | 14635/21
SOC |
| 15. | One alternate member (SE) of the Advisory Committee on Freedom of Movement for Workers
<i>Adoption</i> | 14638/21
SOC |
| 16. | One alternate member (SE) of the Advisory Committee on Freedom of Movement for Workers
<i>Adoption</i> | 14688/21
SOC |

Other

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|-----|--|------------------|
| 17. | Attendance of third parties at the Informal Videoconference of the European Research Area and Innovation Committee (ERAC) on 13 December 2021
<i>Approval</i> | 14389/21
RECH |
| 18. | Attendance of third parties at the Working Party on International Environment Issues (Biosafety) on 9 December 2021
<i>Approval</i> | 14555/21
ENV |
| 19. | Attendance of a third party at the informal videoconference of the members of the Working Party on Forestry on 10 December 2021
<i>Approval</i> | 14660/21
AGRI |

EU positions for international negotiations

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|-----|--|---|
| 20. | Council Decision on the EU position in the Regional Steering Committee of the Transport Community as regards the adoption of the budget of the Transport Community for 2022
<i>Adoption</i> | 14215/21 + COR 1
14005/21
14006/21
TRANS |
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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."

Environment

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|-----|---|-----------------|
| 21. | European Union's request to join the African Circular Economy Alliance
<i>Approval of an NBI</i> | 14561/21
ENV |
| 22. | European Union's request to join the Latin American and Caribbean Regional Coalition on Circular Economy
<i>Approval of an NBI</i> | 14562/21
ENV |

Delegated or Implementing Acts

Agriculture

23. Commission Regulation (EU) .../... of XXX correcting the French language version of Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive
Decision not to oppose adoption
- 14559/21
13147/21
AGRILEG

Environment

24. Commission Delegated Decision of 31.8.2021 supplementing Directive 2008/98/EC of the European Parliament and of the Council with regard to rules for the calculation and verification of the weight of materials or substances which are removed after a sorting operation and which are not subsequently recycled, based on average loss rates for sorted waste
Delegated act - Decision to raise objections
- 14556/21
11525/21
ENV

FRIDAY 10 DECEMBER 2021

Institutional Affairs

Other

102. Attendance of a third party at the informal videoconference of the Working Party on Shipping on 13 December 2021
Approval
- 14871/21
MAR
OMI

Research

25. Council Decision on composition and mandate of the European Research Area and Innovation Committee (ERAC)
Adoption
- 14381/21 + ADD 1
14239/21
RECH

Joint statement by Germany, Austria, Denmark, Finland, Ireland, the Netherlands, Romania, Slovenia and Sweden

"Im Geiste der am 26.11.2021 angenommenen Ratsempfehlung für einen Pakt für Forschung und Innovation in Europa sowie der Ratsschlussfolgerungen zur künftigen „Governance“ des Europäischen Forschungsraums ist für Deutschland, Österreich, Dänemark, Finnland, Irland, Niederlande, Rumänien, Slowenien und Schweden die kontinuierliche Zusammenarbeit mit den zum EU-Rahmenprogramm für Forschung und Innovation assoziierten Staaten von großer Bedeutung, um Offenheit und Exzellenz des Europäischen Forschungsraums sicherzustellen.

Der besondere Status der assoziierten Staaten – insbesondere auch der EFTA-EWR-Staaten – sollte daher in der Umsetzung der künftigen „Governance“ des Europäischen Forschungsraums anerkannt werden.

Daher halten Deutschland, Österreich, Dänemark, Finnland, Irland, Niederlande, Rumänien, Slowenien und Schweden eine kontinuierliche und enge Einbeziehung der assoziierten Staaten, insbesondere auch der EFTA-EWR-Staaten, im Ausschuss für den Europäischen Raum für Forschung und Innovation (ERAC) für erforderlich, im Einklang mit dem Abkommen über den Europäischen Wirtschaftsraum (Protokoll 31, Art. 1 (4)).

Dementsprechend sollte an der bisherigen Praxis der Einbindung von assoziierten Staaten bei ERAC-Sitzungen so weit wie möglich festgehalten werden."

Courtesy translation

"In the spirit of the Council Recommendation for a Pact for Research and Innovation in Europe and the Council Conclusions on the future governance of the European Research Area adopted on 26 November 2021, Germany, Austria, Denmark, Finland, Ireland, Netherlands, Romania, Slovenia and Sweden attach great importance to the continuous collaboration with the countries associated to the EU Framework Programme for Research and Innovation in order to ensure openness and excellence of the European Research Area.

The special status of the associated countries – in particular the EFTA-EEA states – should therefore be recognised in the implementation of the future governance of the European Research Area.

Germany, Austria, Denmark, Finland, Ireland, Netherlands, Romania, Slovenia and Sweden consider a continuous and close involvement of the associated countries, in particular including the EFTA-EEA states, in the European Research Area and Innovation Committee (ERAC) necessary, in accordance with the Agreement on the European Economic Area (Protocol 31, Art. 1 (4)). The existing practice of involving associated states in ERAC meetings should be continued as far as possible."

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| 26. | Council Decision amending Decision 2009/908/EU on the chairmanship of preparatory bodies of the Council | 14381/21 |
| | <i>Adoption</i> | 14240/21 |
| | | RECH |

Justice and Home Affairs

- | | | |
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| 27. | Launch of EU-Colombia Dialogue on Drugs | 14551/21 |
| | <i>Approval</i> | CORDROGUE |

COREPER (PART 2)

WEDNESDAY 8 DECEMBER 2021

Judicial Affairs

36. Case T-557/21 (Omeliyanuk v.Council) 14400/21
Information note for the Permanent Representatives Committee JUR
(Part 2)

Institutional Affairs

37. Minutes of Council meetings

Approval

- a) JHA 7-8.10.2021 12675/2/21 REV 2
+ ADD 1 REV 1
- b) GAC 19.10.2021 13100/21 + ADD 1
+ ADD 1 COR 1

Appointments

38. Appointment of an official to a post of Director-General of the 14242/21
Directorate-General for Competitiveness and Trade (COMPET) 14246/21
at the General Secretariat of the Council STAT
Adoption
39. Appointment of an official to a post of Director-General of the 14243/21
Directorate-General for Agriculture, Fisheries, Social Affairs 14247/21
and Health (LIFE) at the General Secretariat of the Council STAT
Adoption
40. Appointment of an official to a post of Director-General of the 14244/21
Directorate-General for the Economic and Financial Affairs 14248/21
(ECOFIN) at the General Secretariat of the Council STAT
Adoption
41. A member and an alternate member (NL) of the Committee of 14474/21
the Regions 14489/1/21 REV 1
Adoption CDR

Other

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|-----|---|------------------------------|
| 42. | Attendance of third parties at the Working Party on Maritime issues (EU Maritime Security Strategy) on 9 December 2021
<i>Approval</i> | 14423/21
POLMAR |
| 43. | Attendance of third parties at the informal videoconference of the members of the Working Party on International Environment Issues (Desertification) on 14 December 2021
<i>Approval</i> | 14552/21
DEVGEN |
| 44. | Attendance of a third party at the informal videoconference of the members of the Working Party on the 2030 Agenda for Sustainable Development on 10 December 2021
<i>Approval</i> | 14640/21
SUSTDEV |
| 45. | Attendance of third parties at the Joint Working Party of Financial Counsellors and Working Party on Development cooperation and international partnerships on 9 December 2021
<i>Approval</i> | 14650/21
ECOFIN
DEVGEN |
| 46. | Attendance of third parties at the Budget Committee on 21 January 2022
<i>Approval</i> | 14637/21
FIN |
| 47. | Attendance of a third party at the informal videoconference of the members of the ACP Working Party on 10 December 2021
<i>Approval</i> | 14664/1/21 REV 1
ACP |
| 48. | Attendance of third parties at the informal videoconference of the Security Committee meeting on 8 December 2021
<i>Approval</i> | 14322/1/21 REV 1
CSC |
| 49. | Attendance of a third party at the informal videoconference of the members of the Working Party on Human Rights on 15 December 2021
<i>Approval</i> | 14690/21
COHOM |
| 50. | Attendance of a third party at the meeting of the Political and Security Committee on 8 December 2021
<i>Approval</i> | 14709/21
COPS
POLMIL |

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| 51. | Attendance of a third party at the meeting of the Political and Security Committee on 8 December 2021
<i>Approval</i> | 14712/21
COPS
POLMIL |
| 52. | Attendance of third parties at the informal videoconference of the members of the Working Party on Frontiers on 14 December 2021
<i>Approval</i> | 14739/21
FRONT |
| 99. | Attendance of a ENISA representative at the HWP on cyber issues meeting on 14 December 2021
<i>Approval</i> | 14765/21
CYBER |
| 100. | Attendance of third parties at the informal videoconference of the members of the Law Enforcement Working Party (Customs) on 13 December 2021
<i>Approval</i> | 14772/21
ENFOCUSTOM |
| 101. | Attendance of third parties at the informal videoconference of the members of the Working Party on JHA Information Exchange on 14 December 2021
<i>Approval</i> | 11382/21
IXIM |

Transparency

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| 53. | Public access to documents
Confirmatory application No 38/c/05/21
<i>Adoption</i> | 14616/21 + ADD 1
14300/21
INF
API |
| 54. | Public access to documents
Confirmatory application No 40/c/01/21
<i>Adoption</i> | 14542/21
14305/21
INF
API |
| 55. | Public access to documents
Confirmatory application No 41/c/02/21
<i>Adoption</i> | 14615/21
14172/21 + COR 1
INF
API |

Economic and Financial Affairs

56. Council Implementing Decision authorising Italy to introduce a special measure derogating from Articles 218 and 232 of the VAT Directive
Adoption 14510/21
14010/21
FISC
57. Regulation on the application of Union tariff rate quota for high quality beef from Paraguay
Confirmation of the final compromise text with a view to agreement 14546/21
UD
58. PRIIPS Quick Fix Regulation
Adoption of the legislative act 14493/21
PE-CONS 71/21
EF
59. UCITS Quick Fix Directive
Adoption of the legislative act 14495/21
PE-CONS 72/21
EF

General Affairs

60. Council Decision appointing the members of the panel provided for in Article 255 TFEU
Adoption 14468/21
14102/21
13675/21 + ADD1
COUR
61. EU Position for Chapter 14, Serbia
Approval 14370/21
ELARG
62. EU Position for Chapter 15, Serbia
Approval 14371/21
ELARG
63. EU Position for Chapter 21, Serbia
Approval 14372/21
ELARG
64. EU Position for Chapter 27, Serbia
Approval 14373/21
ELARG
65. Chair's summary of the WP 2030 Agenda assessment of the Commission work programme for 2022
Information from the Presidency 14566/21
SUSTDEV
66. Cybercrime: position to guide EU engagement in negotiations 14565/1/21 REV 1
CYBER

67.	Conclusions on ECA SR No 24/2021 on performance-based financing in Cohesion policy <i>Approval</i>	14608/21 COH
<u>Justice and Home Affairs</u>		
68.	Civil Protection Presidency report	14524/1/21 REV 1 PROCIV
69.	Prüm Decisions: Conclusions on automated exchange of DNA data in Italy <i>Approval</i>	14153/21 13852/21 IXIM
70.	Prüm Decisions: Conclusions on automated exchange of dactyloscopic data in Italy <i>Approval</i>	14154/21 13771/21 IXIM
71.	Prüm Decisions: Conclusions on automated exchange of VRD data in Italy <i>Approval</i>	14155/21 13926/21 IXIM
72.	Prüm Decisions: Conclusions on automated exchange of VRD data in Greece <i>Approval</i>	14156/21 13931/21 IXIM
73.	Regulation replacing Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings <i>Adoption of the legislative act</i>	14593/21 PE-CONS 73/21 JUSTCIV
74.	Directive on the resilience of critical entities <i>General approach</i>	14594/21 PROCIV
75.	Council Decision on EU accession to the Judgments Convention <i>Request for the consent of the European Parliament</i>	13988/21 13494/21 + ADD 1 JUSTCIV

Statement by Austria

"The Republic of Austria would like to reiterate its concerns over the possible implications of an accession, without sufficient clarification, to the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (in the following the "Convention") by the European Union (EU) with respect to state immunity and Article 4 of the EU Blocking Statute (Council Regulation (EC) No. 2271/96). An accession of the EU to the Convention might oblige EU Member States to enforce foreign judgments even in cases where such judgments were rendered against an EU Member State in violation of the rules of state immunity under international law or by the extra-territorial application of national laws of third states, which would both constitute a violation of international law and thus not respect the fundamental principles of Union law. Austria would thus like to highlight the relevant parts of the Convention and of the Council Decision which allow the courts of EU

Member States to refuse recognition or enforcement of such foreign judgments:

1. Art. 2 para. 5 of the Convention foresees that “[n]othing in this Convention shall affect privileges and immunities of States or of international organisations, in respect of themselves and of their property”.

2. Art. 7 para. 1 lit. c of the Convention permits a State Party to refuse recognition or enforcement of a foreign judgement also “in situations involving infringements of security or sovereignty”.

3. According to the recitals of the Council Decision, “the Convention should only allow the recognition and enforcement of third-country judgments in the Union, where fundamental principles of Union law are respected”.

In accordance with these provisions, the Republic of Austria takes the view that EU Member States should refuse recognition or enforcement of a foreign judgment rendered in violation of international law either under the rules of state immunity or by the extra-territorial application of national laws of third states."

Statement by the Commission

"The Decision concerning the accession of the European Union to the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters should indicate the Commission as responsible to designate the person(s) empowered to deposit, on behalf of the Union, the instrument of accession referred to in Article 24(4) of the Convention. The changes to Article 2 that indicate that the President of the Council is responsible for such designation are thus not in accordance with the Treaties.

The designation of the person(s) empowered to deposit, on behalf of the Union, the instrument of accession to an international 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 Court of Justice has emphasized that consistent practice by Union institutions that is not in accordance with the EU Treaties ‘cannot alter the rules of the Treaties that the institutions are obliged to respect’ (Case C-687/15 Commission v Council, EU:C:2017:803, para. 42).

While not opposing the adoption of the amendment by the Council by a qualified majority vote, the Commission reserves all its rights in this regard."

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| 76. | Council Decision on the declaration of acceptance of the accession of certain States to the 1980 Hague Convention - Jamaica
<i>Adoption</i> | 13990/21
11957/21 + COR 1
JUSTCIV |
| 77. | Council Decision on the declaration of acceptance of the accession of certain States to the 1980 Hague Convention - Bolivia
<i>Adoption</i> | 13992/21
11959/21
JUSTCIV |

78.	Regulation on a Schengen evaluation and monitoring mechanism – Decision to consult the European Parliament and Decision to set a time limit for consultation of the European Parliament (Article 19 (7)(h) (i) of the Rules of Procedure of the Council) <i>Approval of a letter</i>	14344/1/21 REV 1 SCH-EVAL
79.	Rules on disciplinary procedures for members of the EPPO College <i>Approval of a letter</i>	14701/21 EPPO
<u>Foreign Affairs</u>		
80.	PSC Decision EUCAP Somalia/1/2021 - extending the mandate of the Head of Mission of EUCAP Somalia <i>Decision to publish in the Official Journal</i>	14197/21 14642/21 PSC DEC
81.	PSC Decision EUCAP Sahel Mali/2/2021 - extension of the mandate of the Head of Mission EUCAP Sahel Mali <i>Decision to publish in the Official Journal</i>	14168/21 14634/21 PSC DEC
82.	PSC Decision EUTM Mali/2/2021 - appointment of EU Mission Force Commander of EUTM Mali <i>Decision to publish in the Official Journal</i>	13873/21 14607/21 PSC DEC
83.	Draft Statements and Declarations expected to be adopted in the context of the postponement of the 12th Ministerial Conference of the WTO <i>Approval of an NBI</i>	14662/21 14663/21 WTO
84.	Angola-EU Ministerial Meeting - Draft Joint Communiqué <i>Approval</i>	14497/21 12974/1/21 REV 1 COAFR
85.	Conclusions on Civilian CSDP Compact <i>Approval</i>	14674/21 CIVCOM CSDP/PSDC
86.	Council Decision and Regulation concerning restrictive measures in view of the situation in Mali <i>Adoption</i>	14437/21 14434/21 14436/21 CORLX
87.	Council Implementing Decision and Regulation concerning restrictive measures in view of the situation in Libya <i>Adoption</i>	14515/21 14512/21 14514/21 CORLX

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| 88. | Regulation on measures against transport operators that facilitate or engage in trafficking in persons or smuggling of migrants in relation to illegal entry into the territory of the European Union
<i>Designation of a Working Party</i> | 14519/21
CORLX |
| 89. | Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
<i>Adoption</i> | 14522/21
14518/21
14521/21
CORLX |
| 90. | Restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine - pre-notifications
<i>Approval</i> | 14595/21
CORLX |
| 91. | Council Decision and Implementing Regulation concerning restrictive measures against serious human rights violations and abuses
<i>Adoption</i> | 14620/21
14536/21
14538/21
CORLX |
| 92. | Council Implementing Decision and Implementing Regulation - Syria restrictive measures
<i>Adoption</i> | 14621/21
14526/21
14528/21
CORLX |
| 93. | Council Regulation concerning restrictive measures in view of the situation in the Democratic Republic of the Congo
<i>Adoption</i> | 14683/21
14682/21
CORLX |
| 94. | Position to be taken on behalf of the EU within the WTO as regards the review of the "Bali Tariff Rate Quota Decision"
<i>Approval</i> | 14733/21
WTO |

EU positions for international negotiations

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| 95. | Council Decision on the EU position to be taken in the Partnership Council under the EU UK TCA regarding extension of the derogation from the obligation to delete PNR data
<i>Adoption</i> | 14432/21
14472/21
UK |
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Statement by Ireland

"Articles 16(2) and 87(2)(a) TFEU are the substantive legal bases for the draft Council Decision on the position to be taken on behalf of the European Union in the Partnership Council established by the Trade and Cooperation Agreement regarding the extension of the interim period referred to in Article 552 (11) of that Agreement during which the United Kingdom may derogate from the obligation to delete Passenger Name Record data of passengers after their departure from the United Kingdom. Given that Article 87 TFEU is within Title V of Part Three of the Treaty on the Functioning of the European Union, Ireland's clear view is that Protocol No. 21 to the TEU and the TFEU applies, pursuant to which Ireland has an entitlement to opt-in to the proposed measure within three months of its presentation to the Council.

The proposed measure was published by the Commission on 26 November 2021 and was initially intended to be adopted using a silence procedure by close of business on 29 November 2021. Given the sensitivities involved, which relate both to the EU Treaties and Ireland's Constitutional position on measures utilising a Title V TFEU legal base, it is most regrettable that the proposal was tabled so late and without regard for Protocol No. 21. This is particularly so given that these issues were clearly and repeatedly flagged in advance.

In the spirit of compromise, and to facilitate agreement in sufficient time to enable the subsequent decision be made by the Partnership Council before the end of the year, Ireland has with extreme reluctance agreed to accept the proposed text. However, it is important to note that this text is as at the absolute outer limit of what Ireland could accept.

Ireland intends to engage further with the Legal Services of the Commission and Council on the need for strict observance of the provisions of Protocol 21 in relation to any future legislation whose legal base requires the application of the protocol. "

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."

Agriculture

96. Conclusions on ECA SR No 11/2021 on EU milk producers in 2014–2016
Approval 14477/21
AGRI
97. Conclusions on ECA SR No 16/2021 on CAP and climate
Approval 14478/21
AGRI

Other items

98. Interim approval of a cryptographic product
Approval 14735/21 **R-UE**
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