

Brussels, 19 January 2022  
(OR. en)

15219/21  
CRS CRP 47

## **SUMMARY RECORD**

PERMANENT REPRESENTATIVES COMMITTEE (Part 1)

15 and 17 December 2021

### **I. Adoption of the agenda**

14944/1/21 REV 1 OJ CRP1 44

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**

#### **WEDNESDAY 15 DECEMBER 2021**

##### **Energy**

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

The Presidency debriefed on the trilogue which took place on 14 December 2021.

##### **Telecommunications**

3. Regulation on European data governance (Data Governance Act) 14606/21  
*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.

4. Regulation on roaming on public mobile communications networks within the Union 14840/21  
*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.

### **Health**

5. Council Regulation on the emergency framework regarding medical countermeasures 14849/21  
*Preparation for a political agreement*

The Committee discussed the item and agreed to revert.

## **FRIDAY 17 DECEMBER 2021**

### **Employment and Social Policy**

6. Revision of Directive on carcinogens and mutagens at work (fourth batch)  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 15 December 2021.

7. Revision of Regulations on coordination of social security systems (883/04 and 987/09)  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 16 December 2021.

### **Health**

5. (continuation) Council Regulation on the emergency framework regarding medical countermeasures 15110/21  
*Preparation for a political agreement*

The Committee prepared the item for a political agreement.

#### Statement by Bulgaria

“The Government of the Republic of Bulgaria supports the efforts to put in place a framework of measures to be activated in case of a public health emergency by enabling the Member States and the Union to take the necessary measures for a sufficient and timely availability and supply of crisis-relevant medical countermeasures.

Bulgaria considers that the Slovenian Presidency has improved substantially the initial text of the proposal for a Council Regulation. Still, the text remains partially unclear, showing signs of fragility and ambiguity, when it comes to elements concerning the organisation and delivery of health services and medical care: a domain, which is exclusive national competence, as provided for in Art. 168 (7) of the Treaty on the Functioning of the European Union. This goes in particular for activities at EU level, which can directly impact the financial sustainability and all related activities for coordination and governance of the health preparedness and response.

When it comes to Article 7, there is still a need for adequate mechanisms for control by *each* Member State. This includes sufficient possibilities to amend the draft texts of the agreements, negotiated at EU level, so that public interest is defended in an optimal way, liability arrangements support public trust and encourage responsibility of the manufacturers, and Member States have at disposal legal means to effectively defend their rights. In our view in that sense the proposal does not entirely reflect the lessons learned from the ongoing crisis with COVID-19, in particular the experiences with advance purchase agreements and purchase agreements for vaccines. We do hope that at the stage of implementation this legal act will turn into instrument, which safeguards also the interests of Member States with lower GDP and that a surplus of vaccines, such as the current one in EUMS shall be prevented in the context of future joint procurements of any medical countermeasures at EU level.

In view of these considerations, the Republic of Bulgaria will implement the Regulation within the Union competences as laid down in the primary law of the European Union, with the key aim to ensure that future process of purchasing is based on transparency, trust, priority for public interests and patients' health.”

#### **IV. Any other business**

##### **COREPER (PART 1)**

None.

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**"I" items approved****Institutional Affairs****Written questions**

8. Replies to questions for written answer submitted to the Council by Members of the European Parliament  
*Adoption by silence procedure* 14842/21  
PE-QE

Klemen Grošelj (Renew) 14216/21  
"Access to EU Council non-paper on borders in the Western Balkans"

**Other**

9. List of Working Parties and Committees which will be officially organised in France under the French Presidency (first half of 2022)  
*Information note for the Permanent Representatives Committee (Part 1)* 14900/21  
POLGEN
10. Attendance of a third party at the Working Party on the Environment on 6 January 2022  
*Approval* 14815/21  
ENV
11. Attendance of third parties at the informal videoconference of the members of the Working Party on Judicial Cooperation in Criminal matters (COPEN) on 20 December 2021  
*Approval* 14678/21  
COPEN
12. Attendance of a third party at the informal videoconference of the members of the Law Enforcement Working Party (Police) on 20 December 2021  
*Approval* 14841/21  
ENFOPOL
13. Attendance of a third party at an informal breakfast meeting of the members of the Political and Security Committee on 17 December 2021  
*Approval* 14956/21  
COPS  
POLMIL

## **Research**

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| 14. | Council Decision on the renewal of the scientific and technological cooperation agreement with Brazil<br><i>Request for the consent of the European Parliament</i> | 14589/21<br>14207/21<br>RECH |
| 15. | Declaration to be signed on behalf of the European Union at the All Atlantic Ocean Research Forum in Spring 2022<br><i>Authorisation to negotiate an NBI</i>       | 14802/21<br>RECH             |

## **Health**

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| 16. | Regulation amending Regulation (EU) 2017/746 on in vitro diagnostic medical devices (IVDR)<br><i>Adoption of the legislative act</i> | 14827/21<br>PHARM |
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## **Youth**

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| 17. | Decision on a European Year of Youth 2022<br><i>Adoption of the legislative act</i> | 14820/21<br>+ ADD 1-3<br>JEUN |
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### Statement by the Commission

“The Commission takes note of the agreement of the co-legislators to introduce a minimum operational budget of EUR 8 million for the implementation of the European Year of Youth (2022), without prejudice to the possibility of complementary contributions from other relevant Union programmes and instruments in addition to this amount of EUR 8 million.

In addition, the Commission will carry out a mapping exercise throughout the Year and will regularly update it outlining the possible and actual contributions by EU programmes and instruments to the implementation of the European Year of Youth and reporting on the activities. The progress in the deployment of contributions by the Union programmes will be regularly presented to the European Parliament and the Council. These contributions should be considered as complementary and above the minimum operational budget of EUR 8 million.”

### 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.”

### 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 ‘gender equality’ as referring to equality between women and men as established in Articles 2 and 3 TEU.

In addition, the Republic of Poland understands ‘gender’ as ‘sex’ in accordance with Article 10, Article 19(1) and Article 157(2) and (4) TFEU.”

### **Transport**

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| 18. | Directive amending Directive 2006/1/EC on the use of hired vehicles<br><i>Adoption of the Council's position at first reading and of the statement of the Council's reasons</i> | 14832/21<br>13531/21 + ADD 1<br>TRANS |
| 19. | Joint Letter to ICAO on migrant smuggling and trafficking in persons<br><i>Approval of a letter</i>   | 14816/21 + COR 1<br>AVIATION          |

### **Delegated or Implementing Acts**

#### **Internal Market and Industry**

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| 20. | Commission Delegated Regulation (EU) .../... of 10.11.2021 amending Directive 2014/23/EU of the European Parliament and of the Council in respect of the thresholds for concessions<br><i>Delegated act - Intention not to raise objections</i>   | 14799/21<br>13792/21<br>MAP |
| 21. | Commission Delegated Regulation (EU) .../... of 10.11.2021 amending Directive 2014/24/EU of the European Parliament and of the Council in respect of the thresholds for public supply, service and works contracts, and design contests<br><i>Delegated act - Intention not to raise objections</i> | 14798/21<br>13797/21<br>MAP |
| 22. | Commission Delegated Regulation (EU) .../... of 10.11.2021 amending Directive 2014/25/EU of the European Parliament and of the Council in respect of the thresholds for supply, service and works contracts, and design contests<br><i>Delegated act - Intention not to raise objections</i>        | 14800/21<br>13808/21<br>MAP |

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| 23. | Commission Delegated Regulation (EU) .../... of 29.10.2021 supplementing Directive 2014/53/EU of the European Parliament and of the Council with regard to the application of the essential requirements referred to in Article 3(3), points (d), (e) and (f), of that Directive<br><i>Delegated act - Intention not to raise objections</i> | 14795/21<br>13413/21<br>MI |
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**EU positions for international negotiations**

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| 24. | Council Decision on the EU position in the Joint Committee established by Article 63(1) extending trade and cooperation with the Palestinian Authority<br><i>Adoption</i> | 14844/21<br>14490/21<br>14502/21<br>MAMA |
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**Transparency**

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| 25. | Public access to documents<br>- Confirmatory application No 39/c/01/21<br><i>Adoption</i> | 14613/1/21 REV 1<br>+ ADD 1<br>14174/21<br>INF<br>API |
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Statement by Finland

“Finland considers that some of the requested documents contain parts, which could be released pursuant to Article 4(6) of Regulation 1049/2001. In particular, Finland positions contained in the documents could be released.”

Statement by Sweden

“Sweden cannot concur with the reasoning in the draft reply. Sweden considers that it is unclear and not sufficiently motivated how disclosure of the documents specifically and actually undermines the protection of legal advice or the decision making process and how this risk is reasonably foreseeable and not purely hypothetical.”

Statement by the Netherlands

“The Netherlands cannot concur with the reasoning in the draft reply to confirmatory application No 39/c/01/21 that (partial) disclosure of the requested documents would (seriously) undermine the ongoing decision-making process and the protection of court proceedings and legal advice. Considering the restrictive interpretation of these exceptions by the Court regarding documents that relate to legislative procedures, the Netherlands believes that it is not sufficiently motivated how these interests are undermined. More specifically, the Netherlands is not convinced that the external pressure is established with certainty (T-540/15 De Capitani, par. 99) and the scope of the legal advice has a particularly sensitive nature or a particularly wide scope that goes beyond the context of the legislative process in question (39/05 P and C 52/05 P Sweden & Turco, par. 69).”

## **Economic and Financial Affairs**

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| 26. | Regulation on Quotas for certain agricultural and industrial products<br><i>Adoption</i>  | 14530/21<br>14314/21<br>UD |
| 27. | Regulation on Suspensions on certain agricultural and industrial products<br><i>Adoption</i>  | 14531/21<br>14387/21<br>UD |
| 28. | Regulation establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013<br><i>Mandate for negotiations with the European Parliament</i> | 14797/21<br>UD             |

## **Justice and Home Affairs**

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| 29. | Regulation on e-CODEX system and amending Regulation (EU) 2018/1726<br><i>Confirmation of the final compromise text with a view to agreement</i> | 14774/21<br>EJUSTICE |
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## **Agriculture**

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| 30. | Conclusions on the ECA Special Report 21/2021 entitled “EU funding for biodiversity and climate change in EU forests”<br><i>Approval</i> | 14847/21<br>FORETS |
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## **Foreign Affairs**

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| 31. | Political Declaration for “One Ocean’s Summit”<br><i>Authorisation to negotiate an NBI</i> | 14788/21<br>COMAR              |
| 32. | EDA Report to Council 2021   | 14873/21<br>13496/21<br>POLMIL |