

Brussels, 19 January 2022
(OR. en)

15220/21
CRS CRP 48

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
21 and 22 December 2021

I. Adoption of the agenda

15148/2/21 REV 2 OJ CRP2 45
15182/21 OJ CRP1 45

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)

General Affairs

2. 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. Meeting of the Council (General Affairs) on 14 December 2021:
Follow-up

The Committee took note of the main outcomes of the General Affairs Council.

Foreign Affairs

40. EU-AU Summit (Brussels, 17-18 February 2022)
State of play

The Committee took note of the update on the preparations of the summit and agreed to revert on this issue at one of its next meetings in January.

Economic and Financial Affairs

6. Meeting of the Council (Economic and Financial Affairs) on
18 January 2022: Agenda

The Committee took note of the main items on the agenda, as presented by the incoming Presidency.

Justice and Home Affairs

8. Amended proposal for Eurodac Regulation 15002/21
Information from the Presidency

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

COREPER (PART 1)

Agriculture and Fisheries

43. Meeting of the Council (Agriculture and Fisheries) on 17 January 2022: Agenda
(For the items in the remit of the Permanent Representatives Committee)

The incoming Presidency presented the main items on the agenda.

Energy

44. Revision of the TEN-E Regulation 15036/21
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.

Employment and Social Policy

45. Revision of Directive on carcinogens and mutagens at work 15069/1/21 REV 1
(fourth batch) + ADD 1 REV 1
Analysis of the final compromise text with a view to agreement + ADD 2

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.

Statements by the Commission

"Hazardous medicinal products

The Commission highlights the importance of protecting workers from the adverse health effects that occupational exposure to certain hazardous medicinal products can have.

In this regard, it is acknowledged that certain hazardous medicinal products which contain one or several substances meeting the criteria for classification as carcinogenic (categories 1A or 1B), mutagenic (categories 1A or 1B) or reprotoxicant (categories 1A or 1B) in accordance with Regulation (EC) No 1272/2008, fall under the scope of Directive 2004/37/EC."

"The obligations imposed on the Commission in Article 18(A) new regarding the presentation of an action plan and the presentation of a legislative proposal cannot go against the institutional prerogatives of the Commission and its right of initiative deriving directly from the treaties.

Article 18A (new) refers to Article 16 of Directive 2004/37/EC, which lays down an obligation to set limit values on the basis of the available information, including scientific and technical data, in respect of all those substances for which this is possible. In implementing this provision, the Commission is also invited to present the action plan referred to in Article 18 A (new). For reasons of transparency, this action plan will consist of a listing of the next 25 new or revised substances to be scientifically evaluated. The evaluations of the listed substances will form part of the established procedure including consultation of social partners, the opinion of the ACSH and impact assessment preparing any necessary legislative proposals in due time."

46. Revision of Regulations on coordination of social security systems (883/04 and 987/09) 15068/21 + ADD 1
+ COR 1
Analysis of the final compromise text with a view to agreement

The Committee agreed to revert to this item.

Statement by the Commission

"The Commission underlines that, in order to step up efforts in combatting letterbox companies, the rules for determining the applicable legislation for persons who pursue their activity as an employed person in two or more Member States must be clear. To this respect all factors referred to in Article 14(5a) of Regulation 987/2009 to assist institutions in the determination of the Member State in which the registered office or place of business is located should be taken into account in the framework of an overall and balanced assessment without giving predominance to a single factor and should not lead to frequent changes in the applicable legislation of the employed person. [The Commission will contribute to the work of the Administrative Commission in laying down the detailed arrangements for the determination as referred to in Article 14(5a) of Regulation 987/2009.]"

Statement by Germany

"Die Koordinierung der Systeme der sozialen Sicherheit ist eine der Säulen der Europäischen Union. Die Koordinierungsverordnungen bilden den Eckpfeiler des Rechts auf Freizügigkeit. Ohne sie wären die Arbeitnehmer*innen nicht in der Lage, sich wirklich frei in der Europäischen Union zu bewegen. Ohne sie wären die Sozialversicherungsrechte mobiler Bürger nicht geschützt.

Die Verordnungen haben zugleich die Aufgabe, das Funktionieren des Binnenmarktes zu unterstützen. Die Regierung der Bundesrepublik Deutschland ist der Auffassung, dass die Dienstleistungsfreiheit und die Freizügigkeit sowie der Kampf gegen Sozialdumping und Schwarzarbeit in einem ausgewogenen Verhältnis stehen müssen. Dies ist aus Sicht der Bundesregierung bei der vorläufigen Einigung mit dem Europäischen Parlament nicht gewahrt. Wir brauchen aus Sicht der Bundesregierung einen Digitalisierungsschub zum Abbau von Bürokratie, zur einfachen Handhabung von Freizügigkeit, schnelleren Geltendmachung bestehender Ansprüche sowie zur Erleichterung des Kampfs gegen Betrug und Missbrauch. Wir appellieren daher an die Europäische Kommission, Vorschläge zum Ausbau und zur besseren Nutzung digitaler Strukturen (wie beispielsweise einer Europäischen Sozialversicherungsnummer) zu erarbeiten und vorzulegen. "

Courtesy translation

"The coordination of social security systems is one of the pillars of the European Union. The Regulations on the coordination are the cornerstone of the freedom of movement of workers. Without them, workers would not be able to move truly freely within the European Union. Without them, the social security rights of mobile citizens would not be protected.

At the same time, the regulations need to support the functioning of the internal market. The government of the Federal Republic of Germany believes that the freedom to provide services and the freedom of movement of workers, as well as the fight against social dumping and undeclared work, need to be balanced. In the view of the German government, this balance has not been maintained in the provisional agreement with the European Parliament.

In the view of the German government, we need a digitalization push to reduce bureaucracy, simplify the handling of the freedom of movement of workers, accelerate the assertion of existing entitlements, and facilitate the fight against fraud and abuse. We therefore call on the European Commission to develop and present proposals for the further development and better use of digital structures (such as a European Social Security Number)."

IV. Any other business

COREPER (PART 2)

None.

COREPER (PART 1)

Bilateral EU-UK consultations on fishing opportunities for 2022

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

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

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| 9. | Case C-560/21 KISA (referring Court: Bundesarbeitsgericht, Allemagne)"
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 14875/21
JUR |
| 10. | Case T-579/21 (Siarheï GUSACHENKA v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 14953/21
JUR |
| 11. | Case T-580/21 (Aleh HAIDUKEVICH v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 14790/21
JUR |
| 12. | Case T-581/21 (Siarhei SKRYBA v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 14955/21
JUR |
| 13. | Case T-582/21 (Siarhei RUBNIKOVICH v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 14957/21
JUR |
| 14. | Case T-583/21 (Aliaksandr BAKHANOVICH v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 14959/21
JUR |

Institutional Affairs**Other**

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| 15. | Attendance of a third party at the Budget Committee on 21 January 2022
<i>Approval</i> | 14991/21
FIN |
| 16. | Attendance of third parties at the Working Party on Humanitarian Aid and Food Aid on 12 January 2022
<i>Approval</i> | 15129/21
COHAFA |
| 17. | Attendance of a third party at the EUMCWG/HTF meetings from 1 January 2022 to 30 June 2022
<i>Approval</i> | 15183/21
EUMC |

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| 18. | EP request for access to the Strategic Compass documents
<i>Approval</i> | 15108/21
13637/21
13638/21
POLMIL |
| 19. | Compliance with the Arrangements on non-binding instruments
<i>Approval of a letter</i> | 15174/21 + COR 1
JUR |

Economic and Financial Affairs

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| 20. | Solvency amending Directive and Insurance recovery and resolution Directive
<i>Progress report</i> | 14759/1/21 REV 1
14760/21
14828/21
+ ADD 1-2
EF |
| 21. | European Green Bonds Regulation
<i>Progress report</i> | 14989/21
15018/21
15115/21
EF |
| 22. | Basel III finalisation package, regulations and directive (Banking package)
<i>Progress report</i> | 15027/21
15028/21
EF |
| 23. | Digital finance - DLT pilot regime regulation
<i>Confirmation of the final compromise text with a view to agreement</i> | 14992/21
14993/21
EF |

Statement by the Commission

"The European Commission appreciates the efforts of the co-legislators to reach an agreement and supports the overall result achieved. However, it is concerned that the amendment of Directive 2014/65/EU on Markets in Financial Instruments (MiFID) through the Regulation on a pilot regime for market infrastructures based on distributed ledger technology is not legally sound and will create legal uncertainty and inconsistencies.

Such an amendment goes against the principle of parallelism of forms according to which, for various reasons, directives should be amended by directives.

The European Commission is of the opinion that this amendment should had been achieved through an amending Directive, as originally proposed."

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| 24. | Daisy chain (CRR/BRRD) Regulation
<i>Mandate for negotiations with the European Parliament</i> | 15060/1/21 REV 1
15061/1/21 REV 1
EF |
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25.	ECA SR No 25/2021 on ESF support to combat long-term unemployment <i>Designation of a Working Party</i> <i>Attendance of the European Court of Auditors at the Working Party meeting</i>	15013/21 FIN
26.	ECA SR No 27/2021 on EU support to tourism <i>Designation of a Working Party</i> <i>Attendance of the European Court of Auditors at the Working Party meeting</i>	15024/21 FIN
27.	Luxembourg national side of collectively issued commemorative coin	14571/21 UEM
<u>General Affairs</u>		
28.	EP Resolutions and Decisions (December 2021)	14882/21 PE-RE
29.	Implementation of the Interinstitutional Agreement on Better Law-Making <i>State of play</i>	14699/21 INST
30.	Regulation on the transparency and targeting of political advertising <i>Decision to consult an institution or body</i>	14928/21 14374/21 + ADD 1 + ADD 1 COR 1 REV 1 INST
31.	Council Decision on the update of the population figures of the Union and of the Member States <i>Decision to use the written procedure for the adoption</i>	15084/21 15029/21 INST POLGEN

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| 32. | Draft reply to an EP letter on an EU mechanism for the Rule of Law
<i>Approval of a letter</i> | 15011/21
AG |
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Statement by Hungary

"Hungary agrees with the final conclusion of the Council's reply according to which the inter-institutional agreement suggested by the Parliament is not appropriate and has no added value to the existing arrangements and instruments.

Notwithstanding, as far as some concrete references to the existing arrangements and instruments are concerned, Hungary reiterates that the Commission's Rule of Law Report does not offer a proper basis for evaluating the rule of law situation in Member States. We maintain our well-known objections to the scope, methodology, content and the legal soundness of the Commission's Rule of Law Report, and we have persistent conceptual concerns about the current format of the Council's annual rule of law dialogue, primarily based on the fact that the Commission's Rule of Law Report sets the framework for this exercise. Hungary is of the firm position that there is no need for an external intermediary for Member States to engage in a constitutional dialogue with each other and there is no need for an external actor to examine or assess the situation of the rule of law in the Member States."

Justice and Home Affairs

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| 33. | Council Resolution on a revised appendix I to the model agreement for setting up a joint investigation team (JIT)
<i>Approval</i>
<i>Decision to use the written procedure</i> | 15086/21
15085/21
COPEN |
| 34. | Regulation amending Regulation (EU) 2016/794 on Europol
<i>Progress report</i> | 14967/21
ENFOPOL |

Foreign Affairs

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| 35. | Council Decision on Union outreach activities in support of the implementation of the Arms Trade Treaty
<i>Decision to use the written procedure for the adoption</i> | 13814/21
13813/21 + ADD 1
CORLX |
| 36. | Council Decision to authorize the signing and conclusion of the Agreement between the EU and the Republic of Peru establishing a framework for the participation of the Republic of Peru in European Union Crisis Management operations
<i>Decision to use the written procedure for the adoption</i> | 14888/21 + COR 1
14384/21
14385/21
CORLX |

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| 37. | Tunisia restrictive measures: pre-notifications
<i>Approval</i>
<i>Decision to use the written procedure</i> | 15156/21
CORLX |
| 38. | Post-Cotonou
<i>Progress report</i> | 15047/1/21 REV 1
ACP |
| 41. | Restrictive measures to combat terrorism - Common Position
2001/931/CFSP - pre-notifications of updated statements of
reasons
<i>Approval</i>
<i>Decision to use the written procedure</i> | 15093/21 + ADD 1
CORLX |
| 42. | Council Decision concerning restrictive measures in view of
Russia's actions destabilising the situation in Ukraine
<i>Decision to use the written procedure for the adoption</i> | 15037/21
14987/21
CORLX |

EU positions for international negotiations

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| 39. | Council Decision on the EU position to be adopted within the
EEA Joint Committee, concerning the amendment to Annex II
(Technical regulations, standards, testing and certification) to
the EEA Agreement (Tobacco Product Directive)
<i>Adoption</i> | 14304/21
14302/21
14303/21
AELE |
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COREPER (PART 1)

Institutional Affairs

47. Minutes of Council Meetings

Approval

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| a) TTE Energy extra 26.10.2021 | 13287/21 |
| b) AGRIFISH 15.11.2021 | 13980/21 + COR 1
+ ADD 1 |

Other

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| 48. Attendance of a third party at the Youth Working Party on 5 January 2022
<i>Approval</i> | 14970/21
YOUTH |
| 49. Attendance of a third party at the Working Party on Competitiveness and Growth (Industry) on 12 January 2022
<i>Approval</i> | 14948/21
COMPET |

Transport

- | | |
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| 50. IMO - Joint submission - PPR 9 on the Control of Harmful Anti-fouling Systems in Ships
<i>Endorsement</i> | 14990/21 + ADD 1
MAR
OMI |
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Statement by the Commission

"The Commission considers that Union submissions to be sent to the IMO are covered by EU exclusive competence. Submission of proposals to the IMO on issues of EU competence is an act of external representation, which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

In the Commission's view, the procedural arguments against presenting submissions to the IMO by the Commission on behalf of the EU are not convincing. This is because there is no evidence to suggest that the IMO, as a specialised agency of the United Nations, would be in a position to reject such a submission.

The Treaty provisions on external representation of the Union must be applied. It should therefore be made by the European Commission on behalf of the European Union and sent to the IMO by the Commission.

The Commission reserves all its rights in this regard. "

51. IMO - Joint submission - SSE 8 on Fire Protection (SSE 8/6)
Endorsement

15038/21 + ADD 1
MAR
OMI

Statement by the Commission

"The Commission considers that Union submissions to be sent to the IMO are covered by EU exclusive competence. Submission of proposals to the IMO on issues of EU competence is an act of external representation, which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

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