

Brussels, 25 November 2022  
(OR. en, fr)

15311/22  
CRS CRP 43

**SUMMARY RECORD**  
PERMANENT REPRESENTATIVES COMMITTEE  
4 November 2022

**I. Adoption of the agenda**

14210/1/22 REV 1 OJ CRP1 38 + REV 1 ADD 1  
14266/1/22 REV 1 OJ CRP2 38

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)**

**Employment and Social Policy**

2. Council Decision on guidelines for the employment policies of the Member States (2022) 14111/22  
*Preparation for the adoption*

The Committee approved the draft Decision in principle and agreed to transmit it to lawyer-linguist finalisation.

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 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 concept of ‘gender’ as reference to ‘sex’ and the concept of ‘gender equality’ as ‘providing equal chances and opportunities for women and men’ in the council decision on guidelines for the employment policies of the Member States.”

## **Internal Market and Industry**

3. Regulation establishing a framework of measures for strengthening Europe's semiconductor ecosystem (Chips Act) 13894/22  
*Guidance for further work*

The Committee provided guidance for further work.

4. Regulation on general product safety (GPSR) 14103/1/22 REV 1  
*Preparation for the trilogue*

The Presidency took note of delegations' comments and the Committee gave the Presidency the requested flexibility to reach the desired compromises at the forthcoming trilogue.

## **Environment**

54. Commission's intention to join, on behalf of the EU, the Forests and Climate Leaders Partnership to be launched at COP27 on 7 November 2022 14350/22  
*Presentation by the Commission*  
*Exchange of views*  
*Decision to use the written procedure*

The Committee took note of the presentation by the Commission and comments by delegations.

The Committee did not decide on the use of the written procedure for the authorisation of the Commission to join the NBI on behalf of the EU.

The Presidency informed that a communication would be issued, proposing the use of the written procedure to authorise the signing of the non-binding instrument, with a deadline of Monday 7 November.

55. Commission's intention to join, on behalf of the EU, the International Drought Resilience Alliance to be launched at COP27 on 7 November 2022 14373/22  
*Presentation by the Spanish delegation and the Commission*  
*Exchange of views*  
*Decision to use the written procedure*

The Committee took note of the presentation by the Commission and comments by delegations.

The Committee did not decide on the use of the written procedure for the authorisation of the Commission to join the NBI on behalf of the EU.

The Presidency informed that a communication would be issued, proposing the use of the written procedure to authorise the signing of the non-binding instrument, with a deadline of Monday 7 November.

5. Revision of Regulation (EU) 2018/841 on greenhouse gas emissions and removals from land use, land use change and forestry (LULUCF) 14022/22  
*Preparation for the trilogue*
- The Committee agreed on a revised mandate for the forthcoming trilogue.
6. Fit for 55 package: ETS revision 14077/22  
+ ADD 1-2
- a) Revision of Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading (ETS)
- b) Revision of Decision (EU) 2015/1814 (market stability reserve)  
*Preparation for the trilogue*
- The Committee agreed on a revised mandate for the forthcoming trilogue.
7. Regulation on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation 14086/22  
*Preparation for the trilogue*
- The Committee agreed on a revised mandate for the forthcoming trilogue.

## **COREPER (PART 2)**

### **General Affairs**

21. Meeting of the Council (General Affairs) on 18 November 2022:  
Preparation

- a) Values of the Union in Hungary: Article 7(1) TEU 14124/22  
(reasoned proposal)  
*Hearing*

The Committee prepared this item for the Council meeting.

- b) Legislative programming: Commission work programme 13976/22  
for 2023 13847/22 + ADD 1  
*Presentation by the Commission*  
*Exchange of views*

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 and agreed to remove the item on the regulation on political advertising from the agenda.

22. Meeting of the Council (General Affairs/Cohesion) on  
22 November 2022: Agenda

The Presidency presented the main items on the agenda.

23. Revision of the Regulation on the statute and funding of  
European political parties and European political foundations  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 25 October 2022.

### **Foreign Affairs**

24. Meeting of the Council (Foreign Affairs/Trade) on  
25 November 2022: Agenda

The Presidency presented the main items on the agenda.

25. EU-Western Balkans Summit (Tirana, 6 December 2022) 14153/22  
*Orientation debate*

The Committee held an orientation debate on the upcoming summit.

## **Economic and Financial Affairs**

### 26. Meeting of the Council (Economic and Financial Affairs) on 8 November 2022: Preparation

- a) (poss.) Directive 1999/62/EC (Eurovignette) as regards certain provisions on vehicle taxation  
*Political agreement* 13790/22 + COR 1

The Committee prepared this item for the Council meeting.

- b) Implementation of Basel III  
*General approach* 13771/22  
13772/22 + COR 1  
13773/22 + COR 1

The Committee prepared this item for the Council meeting.

#### **Statement by Belgium**

"Belgium strongly believes finalising the implementation of the post-crisis Basel-III reforms of banks' prudential standards in a faithful manner is an important step to ensure financial stability in Europe, maintain a level playing field for banks across the world and guarantee the international credibility of the regulation, supervision and robustness of the European banking sector. Therefore, as a key principle, we believe it is essential to ensure that our EU prudential framework is Basel compliant and that any deviations or transitional arrangements are limited to the maximum extent possible."

- c) Inflation Reduction Act  
*Information from the Commission*  
*Exchange of views*

The Committee prepared this item for the Council meeting.

- e) Economic and financial impact of the Russian aggression against Ukraine  
*Exchange of views* 14315/22

The Committee prepared this item for the Council meeting.

- d) Other items in connection with the Council meeting

The Committee took note of the information provided by the Presidency and approved the attendance of the EIB President at the Council session and the informal breakfast session, as well as the attendance of the Managing Director of the ESM at the informal breakfast session.

27. Regulation establishing a carbon border adjustment mechanism (CBAM) 14085/22  
*Preparation for the trilogue*

The Committee prepared the forthcoming trilogue.

**IV. Any other business**

**COREPER (PART 1)**

None.

**COREPER (PART 2)**

Central Asia

The Committee took note of the information provided by the PEC CAB.

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**"I" items approved****COREPER (PART 1)****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* 14038/22  
PE-QE
- a) Leila Chaibi (The Left), Nikolaj Villumsen (The Left), José Gusmão (The Left), Eugenia Rodríguez Palop (The Left), Konstantinos Arvanitis (The Left), Marc Botenga (The Left)  
"The Uber Files: links between Emmanuel Macron and digital labour platforms such as Uber, in the context of the French Presidency of the European Union" 13195/22
- b) Cornelia Ernst (The Left)  
"Lists for SIS II alerts concerning persons from third countries" 13250/22
9. **Minutes of Council meetings**  
*Approval*
- a) AGRIFISH 26.9.2022 12807/22 + ADD 1
- b) COMPET 29.9.2022 13066/22 + ADD 1
- c) Extra TTE Energy 30.9.2022 13027/22 + ADD 1

**Other**

10. Attendance of a third party at the Working Party on Animals and Veterinary Questions (Chief Veterinary Officers) on 9 and 10 November 2022  
*Approval* 13918/22  
VETER

**Judicial Affairs**

11. Case T-577/22 (ClientEarth AISBL v Council)  
*Information note* 14116/22  
JUR

## **EU positions for international negotiations**

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| 12. | 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 2023<br><i>Adoption</i> | 13689/22<br>13637/22 + ADD 1<br>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.”

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| 13. | Coordination of the EU position in preparation for the 16th Regional Steering Committee of the Transport Community (Brussels, 14 November 2022)<br><i>Approval</i> | 13949/22<br>TRANS |
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| 14. | Council Decision on the EU position in UNECE (November 2022)<br><i>Adoption</i> | 13741/22<br>13763/22<br>MI |
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## **Internal Market and Industry**

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| 15. | Memorandum of Understanding to establish a partnership on sustainable raw materials value chains with Greenland<br><i>Authorisation to negotiate an NBI</i> | 13923/22<br>COMPET |
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## **Energy**

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| 16. | Memorandum of Understanding on a Strategic Partnership on Renewable Hydrogen between the EU and the Arab Republic of Egypt<br><i>Authorisation to sign an NBI</i> | 13704/22<br>ENER |
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### **Statement by France**

“La France se joint au consensus requis pour adopter l’autorisation donnée par le Conseil de signer le projet de mémorandum d’accord sur un partenariat stratégique sur l’hydrogène renouvelable entre l’Union européenne et l’Egypte.

Pour autant, ce type d'initiative pose des difficultés de cohérence politique, qui requièrent d'être traitées au fond par le Conseil, avant que tout autre projet de négociation d'un mémorandum avec un pays tiers prévoyant l'importation d'hydrogène soit soumis au Conseil.

Dans ce contexte, nous souhaitons qu'une discussion soigneusement préparée se tienne au niveau du COREPER, afin de mettre à plat les conditions dans lesquelles l'Union pourrait, le cas échéant, déployer une coopération en matière d'hydrogène avec des pays tiers et de doter l'Union d'une stratégie horizontale en la matière, cohérence avec notre ambition climatique et avec les besoins réels du Marché intérieur."

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| 17. | Joint Declaration from Energy Importers and Exporters on Reducing Greenhouse Gas Emissions from Fossil Fuels<br><i>Authorisation to sign an NBI</i> | 14207/22<br>ENER |
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### **Fisheries**

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| 18. | Council Regulation on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement with Mauritius<br><i>Adoption</i>                                              | 13913/22 + ADD 1<br>12786/22<br>PECHE |
| 19. | Council Decision on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement with Mauritius<br><i>Agreement in principle</i><br><i>Request for the consent of the European Parliament</i> | 13913/22 + ADD 1<br>12787/22<br>PECHE |

### **Statement by the Commission**

"By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the Decisions on the signing and provisional application as well as on the conclusion of a Protocol implementing the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (2022-2026), the Commission regrets the Council's amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph).

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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| 20. | Council Decision on the signing and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement with Mauritius<br><i>Adoption</i> | 13913/22 + ADD 1<br>12752/22<br>12785/22<br>PECHE |
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#### Statement by the Commission

“By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the Decisions on the signing and provisional application as well as on the conclusion of a Protocol implementing the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (2022-2026), the Commission regrets the Council’s amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph).

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.”

#### Statement by the Commission

“The Commission considers that the Decision on the signing and provisional application of the protocol should refer to the person designated by the negotiator as the one to be empowered to sign. Therefore, the changes that provide for the President of the Council to designate the person who is to sign the agreement on behalf of the Union are not in accordance with the Treaties.

All acts of external representation in the process of treaty-making, including the signature of an international agreement and the subsequent expression of the consent to be bound by it are in accordance with Article 17(1) TEU the institutional prerogatives of the Commission, with the exception of such acts pertaining to agreements falling exclusively or predominantly within the common foreign and security policy of the Union, where it is the High Representative who represents the Union externally according to Article 27(2) TEU. Without prejudice to this exception, when the Commission and another actor designated by the Council, co-sign an international agreement on behalf of the Union, only the signature of the Commission commits the Union.

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.”

## **COREPER (PART 2)**

### **Judicial Affairs**

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| 28. | Case T-494/22 (National Settlement Depository (NSD) v. Council)<br><i>Information note</i> | 14126/22<br>JUR |
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### **Institutional Affairs**

#### **Appointments**

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| 29. | Two alternate members (ES) of the Committee of the Regions<br><i>Adoption</i> | 13233/22<br>13232/22<br>CDR |
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#### **Other**

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| 30. | Attendance of a third party at the Dual Use Working Party on 9 November 2022<br><i>Approval</i>                     | 14158/22<br>COMER  |
| 31. | Attendance of third parties at the Working Party on JHA Information Exchange on 10 November 2022<br><i>Approval</i> | 13922/22<br>IXIM   |
| 32. | Attendance of a third party at the Working Party on Terrorism on 15 November 2022<br><i>Approval</i>                | 14025/22<br>CT     |
| 33. | Attendance of additional third parties at COHAFA on 15 and 16 November 2022<br><i>Approval</i>                      | 14123/22<br>COHAFA |
| 34. | Attendance of a third party at the Africa Working Party on 16 November 2022<br><i>Approval</i>                      | 13952/22<br>COAFR  |

### **Transparency**

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| 35. | Public access to documents<br>Confirmatory application No 12/c/02/22<br><i>Adoption</i> | 14024/22<br>INF |
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## **Economic and Financial Affairs**

36. Transfer No DEC 20/2022 (Section III - Commission) 13820/22  
*Approval* 13628/22  
FIN
37. Decision on the mobilisation of the European Union Solidarity Fund to provide assistance to Germany, Belgium, the Netherlands, Austria, Luxembourg, Spain and Greece further to natural disasters that took place in these countries in the course of 2021 13818/22  
*Approval* 13819/22  
FIN
38. Conclusions on the reform of the Code of Conduct for Business Taxation 13970/22  
*Approval* FISC

## **General Affairs**

39. Regulation on 2014-2020 cooperation programmes supported by the European Neighbourhood instrument (ENI-CBC) 13575/22  
*Adoption of the legislative act* PE-CONS 52/22  
COH

## **Justice and Home Affairs**

40. Council Decision on the suspension in whole of the application of the Agreement with Vanuatu on the short-stay visa waiver 13950/22 + COR 1  
*Adoption* 13631/22 + COR 1  
VISA

## **Foreign Affairs**

41. Just Energy Transition Partnerships with Vietnam and Indonesia 13650/22  
*Authorisation to sign an NBI* COASI
42. Council Decision and Regulation concerning restrictive measures in view of the situation in Mali 12451/22  
*Adoption* 12448/22 + ADD 1  
12450/22 + ADD 1  
CORLX
43. Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in Venezuela 12465/22  
*Decision to use the written procedure for the adoption* 12462/22  
12464/22  
CORLX
44. Council Decision and Regulation concerning restrictive measures in view of the situation in the Democratic Republic of the Congo 13606/22  
*Adoption* 13605/22  
13602/22  
CORLX

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| 45. | Council Decision and Implementing Regulation concerning restrictive measures against the proliferation and use of chemical weapons<br><i>Adoption</i>                                                                                                                               | 13826/22<br>13823/22<br>13825/22<br>CORLX         |
| 46. | Council Decision in support of strengthening biological safety and security in Ukraine in line with the implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery<br><i>Adoption</i> | 13860/22<br>12073/22<br>CORLX                     |
| 47. | Council Decision on Union support for the universalisation and effective implementation of the International Convention for the Suppression of the Acts of Nuclear terrorism (ICSANT)<br><i>Adoption</i>                                                                            | 13638/22<br>12978/22<br>CORLX                     |
| 48. | Council Implementing Decision and Implementing Regulation concerning restrictive measures against the Democratic People's Republic of Korea<br><i>Adoption</i>                                                                                                                      | 13801/22<br>13796/22<br>13799/22<br>CORLX         |
| 49. | Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in Myanmar/Burma<br><i>Adoption</i>                                                                                                                                           | 13855/22 + COR 1<br>13852/22<br>13854/22<br>CORLX |
| 50. | Access to documents' request 22/1992<br><i>Decision to make the results of votes public</i>                                                                                                                                                                                         | 13966/22<br>CORLX                                 |

### **Agriculture**

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| 51. | Conclusions on ECA SR No 12/2022 on rural development durability<br><i>Approval</i> | 13896/22<br>AGRI |
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### **Other items**

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| 52. | Information Assurance Security Policy (IASP) 2-3 on the Accreditation of Appropriately Qualified Authorities (AQUAs)<br><i>Approval</i> | 13352/2/22 REV 2<br>CSC<br>CSC |
| 53. | 2023 programme of EU security assessment visits<br><i>Approval</i>                                                                      | 13890/22<br>CSC                |