

Brussels, 21 December 2022
(OR. en)

16316/22
CRS CRP 47

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
23, 25 and 28 November 2022

I. Adoption of the agenda

14972/2/22 REV 2 OJ CRP1 41
15029/1/22 OJ CRP2 41 + ADD 1

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 23 NOVEMBER 2022

Employment, Social Policy, Health and Consumer Affairs

54. Meeting of the Council (Employment, Social Policy, Health and Consumer Affairs)
on 8 and 9 December 2022: Preparation

1. Directive on improving working conditions in platform work
General approach 14514/22 + COR 1

The Committee started preparing this item for the Council meeting.

Transport, Telecommunications and Energy

55. Meeting of the Council (Transport, Telecommunications and Energy) on 5 and 6 December 2022: Preparation

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|----|---|----------|
| 1. | Regulation on harmonised rules on fair access to and use of data (Data Act)
<i>Progress report</i> | 14749/22 |
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The Committee prepared this item for the Council meeting.

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| 2. | Digital skills for the Digital Decade
<i>Policy debate</i> | 14868/22 |
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The Committee prepared this item for the Council meeting.

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| 3. | Regulation on horizontal cybersecurity requirements for products with digital elements and amending Regulation (EU) 2019/1020
<i>Progress report</i> | 14477/22 |
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The Committee prepared this item for the Council meeting.

Telecommunications

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| 56. | European Declaration on Digital Rights and Principles for the Digital Decade
<i>Preparation for the approval</i> | 14881/22 |
|-----|---|----------|

The Committee analysed the final compromise text of the declaration and prepared this item for approval by the Council.

Competitiveness

57. Meeting of the Council (Competitiveness (Internal Market, Industry, Research and Space)) on 1 and 2 December 2022: Preparation

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|----|---|----------|
| 1. | Regulation establishing a framework of measures for strengthening Europe's semiconductor ecosystem (Chips Act)
<i>General approach</i> | 14454/22 |
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The Committee prepared this item for the Council meeting.

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|----|--|----------|
| 2. | Conclusions on Research Infrastructures
<i>Approval</i> | 13921/22 |
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The Committee prepared this item for the Council meeting.

3. Conclusions on the New European Innovation Agenda 14705/22
Approval

The Committee prepared this item for the Council meeting.

Statement by Luxembourg, Austria and Germany

"In the view of the German government, only hydrogen produced on the basis of renewable energies ("green" hydrogen) is sustainable in the long term."

4. Council Recommendation on the guiding principles for 14753/22
knowledge valorisation 14448/22
Adoption

The Committee prepared this item for the Council meeting.

5. Science as an instrument to facilitate policy making in the 14517/22
Member States
Policy debate

The Committee prepared this item for the Council meeting.

6. EU Space Data Exploitation 14231/1/22 REV 1
Policy debate

The Committee prepared this item for the Council meeting.

The Committee agreed to take the AOB item requested by the Commission on "EIT Culture and Creativity Knowledge and Innovation Community (KIC)" in public session.

Space

58. Regulation establishing the Union Secure Connectivity 14764/22 + COR 1
Programme for the period 2023-2027 + ADD 1 REV 2
Analysis of the final compromise text with a view to agreement + ADD 2 REV 1

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 Greece

"Greece was from the very beginning a strong supporter of the Commission's secure connectivity initiative and welcomes the swift completion of the Regulation establishing the Union Secure Connectivity Programme for the period 2023-2027 and hopefully beyond.

Connectivity is a core political priority for Greece and this has been reflected in its RRF programme. Blending space and terrestrial infrastructure can provide connectivity in a secure and resilient manner, which is necessary for our governments, economy and society. Greece has its own GOVSATOM system ("GreeCom"), participates actively in EU programmes such as Galileo, Copernicus and EuroQCI, is one of the members of the SST Consortium and has launched a national microsatellite project aiming to strengthen and maximise the engagement of all space actors, utilise and expand its infrastructure and respond to the needs for secure connectivity.

In this spirit, Greece underlines the need to ensure a balanced distribution of the Union Secure Connectivity Programme's capacities among the Member States and stresses the absolute necessity to guarantee the interoperability and the complementarity of the Union Programme with the national relevant activities, capacities and infrastructure during the preparation, the development, the implementation and the running of the Programme."

Education, Youth, Culture and Sport

59. Meeting of the Council (Education, Youth, Culture and Sport) on 28 and 29 November 2022: Preparation

Regulation establishing the European Media Freedom Act 14440/22
Progress report

The Committee prepared this item for the Council meeting.

The Committee agreed to take an AOB requested by the Commission on the EU as guest of honour at the Guadalajara International Book Fair 2023 and the AOB requested by the Dutch delegation last week, on the importance of respecting human rights in sport, in public.

Transport, Telecommunications and Energy

60. Extraordinary meeting of the Transport, Telecommunications and Energy Council on 24 November 2022: Preparation

1. Council Regulation on enhancing solidarity through better 14961/22
coordination of gas purchases, exchanges of gas across
borders and reliable price benchmarks
Political agreement

The Committee prepared this item for the Council meeting.

2. Council Regulation establishing a market correction 15031/22
mechanism to protect citizens and the economy against
excessively high prices
Presentation by the Commission
Exchange of views

The Committee prepared this item for the Council meeting.

Energy

61. Partnerships with third countries on hydrogen: State of play of the NBIs
Exchange of views

The Committee held an exchange of views.

Competitiveness

57. (continuation) Meeting of the Council (Competitiveness (Internal Market, Industry, Research and Space)) on 1 and 2 December 2022: Preparation

7. Directive on corporate sustainability due diligence 14791/22
(*poss.*) *General approach*

The Committee prepared this item for the Council meeting.

Statement by Germany

"Deutschland unterstützt eine wirksame EU-RL über die Sorgfaltspflichten von Unternehmen im Hinblick auf Nachhaltigkeit, basierend auf den UN-Leitprinzipien Wirtschaft und Menschenrechte, das kleinere und mittlere Unternehmen nicht überfordert. In diesem Sinne stimmt DEU dem von der Präsidentschaft zu Erreichung der Allgemeinen Ausrichtung vorgelegten Text (14791/22) zu und stellt dabei eigene Anliegen zu Teilaspekten im Sinne des Ratskompromisses zunächst zurück. DEU wünscht den zukünftigen Präsidentschaften für die Trilogverhandlungen viel Erfolg.

Die anstehenden Verhandlungen sollten aus unserer Sicht dazu genutzt werden, noch einige Aspekte im RL-Text stärker herauszustellen bzw. zu verankern, auf die wir auch während der Verhandlungen hingewiesen haben:

1) Mit Blick auf die Beendigung der Geschäftsbeziehungen sieht DEU die Notwendigkeit, den Grundsatz „Rückzug als Ultima ratio“ im Sinne des Primats der Menschenrechte und des Umweltschutzes auszugestalten. Es gilt, einerseits überstürzte Rückzüge aus Beschaffungsmärkten zu vermeiden und die Befähigung der Zulieferer in den Fokus zu stellen. Andererseits kann die Beendigung in letzter Konsequenz unausweichlich werden und darf im äußersten Fall auch mit Verweis auf das Unternehmenswohl nicht unterlassen werden.

2) DEU begrüßt es grundsätzlich, dass die RL Vorschriften zum Zugang zu Abhilfe und Justizgewährung enthält. Aus unserer Sicht muss aber ein zusätzlicher Anreiz zur Umsetzung der RL-Bestimmungen gesetzt werden. Hierzu ist eine Haftungsprivilegierung für leichte Fahrlässigkeit bei der Befolgung von freiwilligen Brancheninitiativen oder der Verwendung qualifizierter Zertifizierungen ("Safe Harbour") zwingend erforderlich. Diese setzt einen positiven Anreiz zur Umsetzung der Sorgfaltspflichten und honoriert entsprechende Bemühungen der Unternehmen. DEU wird nur einem RL-Text zustimmen, der diese Bedingungen erfüllt.

3) Der Zugang zu Abhilfe für Opfer von Menschenrechtsverletzungen sollte darüber hinaus in praxistauglicher Weise weiter gestärkt werden. Dabei wird zu klären sein, inwieweit die im deutschen Lieferkettensorgfaltspflichtengesetz enthaltene Prozessstandschaft und ein Akteneinsichtsrecht in den Regelungsbereich einzubeziehen sein werden.

4) DEU begrüßt, dass die CSDDD einen wichtigen Beitrag zum Schutz der im Annex I Teil 1 aufgelisteten Menschenrechte leisten wird. Die Auflistung der menschenrechtlichen Standards bedarf aber weiterer Konkretisierungen, zudem bedarf es einer Einschränkung der Auffangklausel, um dem in den Verfassungen der Mitgliedstaaten, aber auch in der EU-Grundrechtecharta verankerten Bestimmtheitsgrundsatz gerecht zu werden. Unternehmen müssen zweifelsfrei erkennen können, welchen konkreten Verhaltenspflichten sie unterliegen.

5) Deutschland begrüßt ausdrücklich, dass im Annex I Teil 2 aufgelisteten Umweltbelange durch die CSDDD gestärkt werden. Gleichwohl sprechen wir uns dafür aus, dass als weitere

wichtige Belange ausdrücklich klargestellt wird, dass Schutzgebiete i.S.d. Art. 8a) Biodiversitätskonvention erfasst sind, und dass Bestimmungen aus dem Londoner Protokoll zum Übereinkommen von 1972 über die Verhütung der Meeresverschmutzung durch das Einbringen von Abfällen und anderen Stoffen sowie Bestimmungen zu Abbau und Forschung am Tiefseeboden nach Art. 153 (3) UNCLOS aufgenommen werden."

Courtesy translation

"Germany supports an effective EU Directive on corporate sustainability due diligence based on the UN Guiding Principles on Business and Human Rights which does not overburden small and medium-sized enterprises. In this spirit, Germany supports the text proposed by the Presidency (1479/22) to achieve a General Approach and puts aside its concerns about some aspects in favour of a compromise in the Council for the time being. Germany wishes the future Presidencies every success for the trilogue negotiations.

In our opinion, the upcoming negotiations should be used to put more emphasis on some aspects of the draft Directive and/or enshrine them in the text. We already highlighted these aspects during the negotiations:

- 1) With a view to the termination of business relationships, Germany deems it necessary to specify the principle "withdrawal as a last resort" in the spirit of the primacy of human rights and environmental protection. On the one hand, rash withdrawals from procurement markets must be avoided and the focus must be put on capacity building among suppliers. On the other hand, a termination of the business relationship can ultimately become unavoidable. In such a worst-case scenario, companies must not refrain from such a step, even when pointing out their business interests.
- 2) Generally, Germany welcomes the fact that the Directive contains provisions on access to remedies and justice. However, we believe that it is necessary to provide an additional incentive promoting the implementation of the provisions contained in the Directive. To this end, a safe harbour provision for ordinary negligence for companies adhering to voluntary industry initiatives or using quality certifications is absolutely indispensable. This would provide a positive incentive to implement due diligence obligations and would reward efforts by companies to this end. Germany will only endorse a Directive that meets these conditions.
- 3) In addition, access to remedies for victims of human rights violations should be boosted further in a practical manner. In this regard, it will have to be clarified to what extent the possibility to sue on victims' behalf - as contained in Germany's Supply Chain Act - and a right to access documents will have to be included in the Directive.
- 4) Germany welcomes the fact that the CSDDD will make an important contribution to the protection of the human rights listed in Annex I Part 1. However, it is necessary to render the list of human rights standards more concrete. In addition, the catch-all clause must be limited in order to do justice to the principle of legal certainty enshrined in the constitutions of the Member States, as well as in the EU Charter of Fundamental Rights. Companies must be able to know the conduct required of them beyond doubt.
- 5) Germany expressly welcomes the fact that the CSDDD strengthens the environmental concerns listed in Annex I Part 2. At the same time, we are in favour of clarifying that protected areas within the meaning of Art. 8a of the Convention on Biological Diversity are covered and that provisions from the London Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, as well as provisions on exploration and exploitation on the deep ocean floor specified in Art. 153 (3) of UNCLOS are included as other important concerns."

Internal Market and Industry

62. Regulation on general product safety (GPSR) 14854/1/22 REV 1
Preparation for the trilogue + REV 1 ADD 1

Coreper gave the Presidency the requested flexibility to reach the desired compromises at the forthcoming trilogue.

Fisheries

63. Regulation amending various Regulations as regards fisheries control
Presidency debriefing on the outcome of the trilogue

The Presidency debriefed on the trilogue which took place on 22 November 2022.

Energy

64. Revision of the Energy Efficiency Directive (recast)
Presidency debriefing on the outcome of the trilogue

The Presidency debriefed on the trilogue which took place on 22 November 2022.

Environment

65. Fit for 55 package: ETS revision

Revision of Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading (ETS)
Presidency debriefing on the outcome of the trilogue

The Presidency debriefed on the trilogue which took place on 22 November 2022.

66. Regulation establishing a Social Climate Fund 14795/22 + ADD 1
Preparation for the trilogue

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

Employment and Social Policy

67. Directive on binding pay transparency measures 14805/22
Preparation for the trilogue

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

Transport, Telecommunications and Energy

55. (continuation) Meeting of the Council (Transport, Telecommunications and Energy) on 5 and 6 December 2022: Preparation

4. Conclusions on the ongoing development of inland waterway transport (NAIADES III) 13651/22
Approval

The Committee prepared this item for the Council meeting.

5. Revision of the Regulation on Union guidelines for the development of the trans-European transport network (TEN-T) 14717/22
+ ADD 1-47
General approach

The Committee prepared this item for the Council meeting.

The Committee agreed to invite the Ukrainian Deputy Minister for Eurointegration, Valeriya Ionan to take part, via VTC, in the Telecommunications part of the Council for the agenda item 10, policy debate on digital skills for the digital decade, and the AOB item on Telecom support for Ukraine.

Employment, Social Policy, Health and Consumer Affairs

54. (continuation) Meeting of the Council (Employment, Social Policy, Health and Consumer Affairs) on 8 and 9 December 2022: Preparation

2. Conclusions on gender equality in disrupted economies: 14588/22
Focus on the young generation + ADD 1-2
Approval

The Committee prepared this item for the Council meeting.

Statement by Hungary

"Hungary welcomes the general objective of the Council conclusions to support women in difficult situations caused by crises, as for Hungary it is a high priority to promote the achievement of work-life balance and to encourage women's participation in the labour market.

Hungary recognises 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 international law. 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 a

reference to 'sex' in the *Council Conclusions on gender equality in disrupted economies: focus on the young generation*.

Moreover, the text of the *Council Conclusions on gender equality in disrupted economies: focus on the young generation* refers to several documents to which previously Hungary submitted a national statement. Hungary maintains all its national statements made earlier."

Statement by Poland

"Równość kobiet i mężczyzn została zapisana w Traktatach Unii Europejskiej jako podstawowe prawo. Polska zapewnia równość kobiet i mężczyzn w ramach polskiego krajowego systemu prawnego zgodnie z międzynarodowymi traktatami praw człowieka oraz w ramach podstawowych wartości i zasad Unii Europejskiej. Z tych powodów, wyrażenie "gender equality" Polska będzie interpretowała jako równość kobiet i mężczyzn, a wyrażenie "gender balance" Polska będzie interpretowała jako równowagę kobiet i mężczyzn, zgodnie z art. 2 i 3 Traktatu o Unii Europejskiej oraz art. 8 i 157 para 3 Traktatu o Funkcjonowaniu Unii Europejskiej. W związku z powyższym, pozostałe wyrażenia zawierające termin "gender", Polska będzie interpretowała jako płeć ("sex"), zgodnie z art. 10, art. 19 para 1 oraz art. 157 para 2 i 4 Traktatu o Funkcjonowaniu Unii Europejskiej."

Courtesy translation

"Equality between women and men is enshrined in the Treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the Polish national legal system in accordance with international human rights treaties and within the framework of the fundamental values and principles of the European Union. For these reasons, the expression "gender equality" will be interpreted by Poland as equality between women and men, the expression "gender balance" will be interpreted by Poland as balance between women and men, in accordance with Article 2 and 3 of the Treaty on European Union and Article 8 and 157 para 3 of the Treaty on the Functioning of the European Union.

In connection with the above, the remaining expressions containing the term "gender" will be interpreted by Poland as "sex", in accordance with Article 10, Article 19 para 1 and Article 157 para 2 and 4 of the Treaty on the Functioning of the European Union."

3. Directive on the protection of workers from the risks related to exposure to asbestos at work
General approach 14516/22 + ADD 1

The Committee prepared this item for the Council meeting.

4. Directive on equal treatment (Article 19)
Progress report 13070/22

The Committee prepared this item for the Council meeting.

5. Conclusions on vaccination as one of the most effective tools for preventing disease and improving public health
Approval 14610/22

The Committee prepared this item for the Council meeting.

The Committee also agreed to invite the Council to decide to have the conclusions published in the Official Journal of the European Union after approval.

6. Council Recommendation on strengthening prevention through early detection: A new EU approach on cancer screening replacing Council Recommendation 2003/878/EC
Adoption 14608/22

The Committee prepared this item for the Council meeting.

7. COVID-19 vaccine procurement
Exchange of views 14607/22

The Committee prepared this item for the Council meeting.

The Committee agreed to invite the ECDC Director and the EMA Executive Director for this agenda item.

COREPER (PART 2)

WEDNESDAY 23 NOVEMBER 2022

General Affairs

3. Meeting of the Council (General Affairs/Cohesion) on 22 November 2022: Follow-up

The above-mentioned item was withdrawn.

4. Meeting of the Council (General Affairs) on 13 December 2022: Agenda

The Presidency presented the main items on the agenda.

5. Regulation on the statute and funding of European political parties and European political foundations 14775/22
Preparation for the trilogue

The Committee prepared the forthcoming trilogue.

Foreign Affairs

6. Meeting of the Council (Foreign Affairs/Development) on 28 November 2022: Preparation

- a) EU-African Union summit follow-up
Exchange of views

The Committee prepared this item for the Council meeting.

- b) Team Europe in crisis response:
- Ukraine
- Afghanistan
Exchange of views

The Committee prepared this item for the Council meeting.

- c) Other items in connection with the Council meeting

No other items were raised. .

7. Meeting of the Council (Foreign Affairs) on 12 December 2022: Agenda

EEAS presented the main items on the agenda. The Committee agreed to include a discussion item on Iran.

8. EU-ASEAN summit (Brussels, 14 December 2022): preparation
Exchange of views

The Committee took note of the information provided by the cabinet of the President of the European Council, and agreed to revert to the joint statement before the summit.

9. EU-Western Balkans summit (Tirana, 6 December 2022): draft declaration
Exchange of views 14154/1/22 REV 1

The Committee held an exchange of views and agreed to circulate a revised version of the draft declaration after the meeting.

10. Preparation of the EU-US Trade and Technology Council (Washington, 5 December 2022): draft joint statement
Exchange of views 13928/22

The Committee took note of the information provided by the Commission and agreed to revert at a forthcoming meeting.

11. European Peace Facility: financial sustainability
Exchange of views

The Committee held an exchange of views and agreed to revert at a forthcoming meeting.

85. Council Decision and Regulation concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine
Approval 14253/22
Decision to use the written procedure for the adoption 14250/22
14252/22

The Committee held an exchange of views and agreed to revert at its next meeting.

Economic and Financial Affairs

12. Meeting of the Council (Economic and Financial Affairs) on 6 December 2022: Preparation
Other items in connection with the Council meeting

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

Justice and Home Affairs

13. Extraordinary meeting of the Council (Justice and Home Affairs) on
25 November 2022: Agenda and preparation

- a) The current situation along all migratory routes - taking stock of the urgent challenges and joint way forward¹ 14971/22
Exchange of views

The Committee prepared this item for the Council meeting.

- b) Other items in connection with the Council meeting

The Committee approved the attendance of Schengen Associated Countries at this extraordinary meeting.

14. Meeting of the Council (Justice and Home Affairs) on
8-9 December 2022: Preparation

- a) Conclusions on the fight against impunity regarding crimes committed in connection with Russia's war of aggression against Ukraine 14878/22 + **COR 1**
Approval

The Committee prepared this item for the Council meeting.

- b) Cooperation between competent authorities dealing with counter-terrorism
State of play presented by the Presidency of the Counter Terrorism Group (CTG)

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 the Commission.

15. E-evidence 14811/22
- a) Regulation on European Production and Preservation Orders for e-evidence
- b) Directive on legal representatives for gathering evidence
Preparation for the trilogue

The Committee prepared the forthcoming trilogue.

¹ Exceptionally, in the presence of the Schengen Associated States

MONDAY, 28 NOVEMBER 2022

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|-----|--|------------------------------|
| 85. | Council Decision and Regulation concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine | 14253/1/22 |
| | <i>Approval</i> | + ADD 1
14250/1/22 |
| | <i>Decision to use the written procedure for the adoption</i> | 14252/1/22 |

The Committee held an exchange of views and agreed to revert at its next meeting.

IV. Any other business

COREPER (PART 1)

Material support for Ukraine
Information from the Polish delegation

The Committee took note of the information provided by the Polish delegation.

EU statement at COP27
Information from the Commission requested by the Hungarian delegation

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

COREPER (PART 2)

None.

"I" items approved

COREPER (PART 1)

WEDNESDAY 23 NOVEMBER 2022

Institutional Affairs

Written questions

68. Reply to a question for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure 14850/22
PE-QE
- Eugen Jurzyca (ECR) 14852/22
"Tariffs on Russian energy imports"
69. **Minutes of Council meetings**
Approval
- AGRIFISH 17.10.2022 13665/22 + ADD 1

Appointments

70. One alternate member (PT) of the Management Board of the European Foundation for the Improvement of Living and Working Conditions
Adoption 14834/1/22 REV 1
SOC
71. One member (DK) of the Advisory Committee on Safety and Health at Work
Adoption 14849/1/22 REV 1
SOC

Other

72. Attendance of third parties at the Working Party on International Food and Agricultural Questions (FAO) on 24 November 2022
Approval 14754/1/22 REV 1
AGRI

Judicial Affairs

74. Case C-675/22 (Poland v Council)
Information note 14906/22
JUR

EU positions for international negotiations

75. Council Decision on the EU position in the 42nd meeting of the Standing Committee of the Bern Convention 14861/22
14590/22
Adoption ENV

The statement by France is set out in the ADD 1 to this document.

Internal Market and Industry

76. Directive amending Directive 2013/34/EU, Directive 2004/109/EC, Directive 2006/43/EC and Regulation (EU) No 537/2014, as regards corporate sustainability reporting 14833/22
PE-CONS 35/22
Adoption of the legislative act DRS
77. Regulation on foreign subsidies distorting the internal market 14648/22 + ADD 1
Adoption of the legislative act PE-CONS 46/22
RC

Telecommunications

78. Directive on measures for a high common level of cybersecurity across the Union 14828/1/22 REV 1
Adoption of the legislative act + REV 1 ADD 1
PE-CONS 32/22
CYBER

Statement by Croatia

"The Republic of Croatia would like to express its support for the adoption of the Directive on measures for a high common level of cybersecurity across the Union (NIS 2 Directive). However, the Republic of Croatia wishes to reiterate its discontent with the current Croatian linguistic version of the Directive, i.e. with the Croatian equivalent of the English term "cyber" and its derivatives into the Croatian language, an issue that we have continuously raised on several levels within the Council during the last few years.

The Republic of Croatia has been seriously concerned that the current Croatian version of the Directive may lead to legal uncertainty. Namely, the current Croatian version of the Directive uses terminology that is non-existent in Croatian cyber legislation and professional use, thus creating confusion and undermining legal certainty, coherence and clarity.

The Republic of Croatia reiterates its position that the terminology used by the EU institutions should be aligned with the already existing national legal terminology to ensure legal certainty.

The Republic of Croatia remains committed to promoting open, free, stable and secure cyberspace and continues to support the adoption of the NIS 2 Directive."

Culture/Audiovisual Matters

79. Council Decision amending Decision (EU) 2015/2169 on the conclusion of the Free Trade Agreement with the Republic of Korea 14890/22
Adoption CULT
AUDIO

Delegated or Implementing Acts

Internal Market and Industry

80. Commission Regulation (EU) .../... of XXX amending
Commission Regulation (EU) 2017/1151 as regards the emission
type approval procedures for light passenger and commercial
vehicles
Decision not to oppose adoption 14853/22
12421/22
+ ADD 1-4
ENT
81. Commission Regulation (EU) .../... of XXX amending, for the
purpose of its adaptation to technical progress, the Annex to
Regulation (EC) No 440/2008 laying down test methods pursuant
to Regulation (EC) No 1907/2006 of the European Parliament
and of the Council on the Registration, Evaluation, Authorisation
and Restriction of Chemicals
Decision not to oppose adoption 14848/22
13037/22 + ADD 1
ENT

Statement by Germany

"Mit Blick auf die deutsche Übersetzung:

Deutschland geht davon aus, dass die deutsche Übersetzung wie folgt geändert wird:

Erwägungsgrund 3, Satz 2: „Diese Methoden werden *häufig* überprüft und angepasst (...)“. Ersetzt durch: „Diese Methoden werden *regelmäßig* überprüft und angepasst (...)“.

Erwägungsgrund 7, Satz 1: „... sollte eine Tabelle in den Anhang der genannten Verordnung aufgenommen werden, in der eine umfassende Liste dieser Methoden mit der *Fundstelle* der jeweiligen internationalen Prüfmethode aufgeführt ist.“

Ersetzt durch: „...sollte eine Tabelle in den Anhang der genannten Verordnung aufgenommen werden, in der eine umfassende Liste dieser Methoden mit der *Quellenangabe* der jeweiligen internationalen Prüfmethode aufgeführt ist.“

Anhang 1, Tabelle 1, Spalte 1 (Endpunkt): „*Entzündlichkeit*“ ersetzt durch: „*Entzündbarkeit*“

Anhang 1, Tabelle 1, Spalte 1 (Endpunkt): „*Selbstentzündungstemperatur*“ ersetzt durch: „*Zündtemperatur*“.

Anhang 1, Tabelle 1, Spalte 1 (Endpunkt): „*Explosionsfähigkeit*“ ersetzt durch: „*Explosive Eigenschaften*“

Anhang 1, Tabelle 1, Spalte 1 (Endpunkt): „*Brandfördernde Eigenschaften*“ ersetzt durch: „*Oxidierende Eigenschaften*“.

Anhang 1, Tabelle 1, Spalte 1 (Endpunkt): „*Pyrophorizität*“ ersetzt durch „*Pyrophore Eigenschaften*“

Courtesy translation

"Regarding the German translation:

Germany assumes that the German translation is changed as follows:

Recital 3, sentence 2: „Diese Methoden werden *häufig* überprüft und angepasst (...)“ is replaced by: „Diese Methoden werden *regelmäßig* überprüft und angepasst (...)“.

Recital 7, sentence 1: „... sollte eine Tabelle in den Anhang der genannten Verordnung aufgenommen werden, in der eine umfassende Liste dieser Methoden mit der *Fundstelle* der jeweiligen internationalen Prüfmethode aufgeführt ist.“

is replaced by: „...sollte eine Tabelle in den Anhang der genannten Verordnung aufgenommen werden, in der eine umfassende Liste dieser Methoden mit der *Quellenangabe* der jeweiligen internationalen Prüfmethode aufgeführt ist.“

Annex 1, table 1, column 1 (Endpoint): „*Entzündlichkeit*“ is replaced by: „*Entzündbarkeit*“

Annex 1, table 1, column 1 (Endpoint): „*Selbstentzündungstemperatur*“ is replaced by: „*Zündtemperatur*“.

Annex 1, table 1, column 1 (Endpoint): „*Explosionsfähigkeit*“ is replaced by: „*Explosive Eigenschaften*“

Annex 1, table 1, column 1 (Endpoint): „*Brandfördernde Eigenschaften*“ is replaced by: „*Oxidierende Eigenschaften*“.

Annex 1, table 1, column 1 (Endpoint): „*Pyrophorizität*“ is replaced by: „*Pyrophore Eigenschaften*“

FRIDAY 25 NOVEMBER 2022

Energy

- | | | |
|-----|--|-----------------------------------|
| 82. | EU-ASEAN Energy Dialogue
<i>Authorisation to sign an NBI</i> | 14955/22
ENER |
| 83. | Memorandum of Cooperation on Hydrogen between Japan and
the EU
<i>Authorisation to sign an NBI</i> | 14956/22
+ ADD 1 REV 1
ENER |

The statement by Austria, Spain and Luxemburg is set out in document 14956/22 ADD 1 REV 1.

Foreign Affairs

- | | | |
|--|--|---------------------------------|
| 86. | Conclusions on the Youth Action Plan in EU external action
<i>Approval</i> | 14756/22
+ ADD 1-2
DEVGEN |
| The statement by Poland is set out in document 14756/22 ADD 1 and statement by Hungary in document 14756/22 ADD 2. | | |
| 87. | ACP-EU Council of Ministers, 29 November 2022 - Draft
annotated agenda
<i>Approval</i> | 14872/22 + COR 1
ACP |

COREPER (PART 2)

Judicial Affairs

- | | | |
|-----|---|-----------------|
| 16. | Case before the General Court of the European Union:
T-605/22 (RT France v. Council)
<i>Information note</i> | 14802/22
JUR |
| 17. | Case T-642/22 (O. V. Yanukovich v. Council)
<i>Information note</i> | 14801/22
JUR |
| 18. | Case T-643/22 (V. F. Yanukovich v. Council)
<i>Information note</i> | 14804/22
JUR |
| 19. | Case T-649/22 (I. Shammout v. Council)
<i>Information note</i> | 14807/22
JUR |
| 20. | Case before the Court of Justice of the European Union:
C-620/22 P, RT France v. Council and others
<i>Information note</i> | 14806/22
JUR |

Institutional Affairs

21. Minutes of Council meetings

Approval

FAC 17.10.2022

13777/22+ ADD 1

Appointments

- | | | |
|-----|--|------------------------------|
| 22. | Appointment of an official to a post of Director-General at the
General Secretariat of the Council
<i>Adoption</i> | 13647/22
14576/22
STAT |
| 23. | A member (ES) of the European Economic and Social
Committee
<i>Adoption</i> | 13376/22
13378/22
CES |
| 24. | Appointment of the Chair and a full-time member of the Single
Resolution Board (SRB)
<i>Adoption</i> | 14671/22
14620/22
EF |

Other

- | | | |
|-----|---|-------------------------------|
| 25. | Attendance of third parties at the Conventional Arms Exports (COARM) Subgroup of the Working Party on Non-Proliferation and Arms Exports on 23 November 2022
<i>Approval</i> | 14773/22
COARM |
| 26. | Attendance of a third party at Horizontal Working Party on Enhancing Resilience and Countering Hybrid Threats on 24 November 2022
<i>Approval</i> | 14856/22
HYBRID
DISINFO |
| 27. | Attendance of a third party at the informal meeting of the members of the Political and Security Committee on 28 November 2022
<i>Approval</i> | 15017/22
COPS |
| 28. | Attendance of a third party at the Budget Committee on 29 November 2022
<i>Approval</i> | 14781/22
FIN |
| 29. | Attendance of a third party at the IMEX Admission Working Party on 30 November 2022
<i>Approval</i> | 14459/22
MIGR |
| 30. | Attendance of a third party at the Working Party on Human Rights (COHOM) on 30 November 2022
<i>Approval</i> | 14621/22
COHOM |
| 31. | Attendance of a third party at the Working Party on the Western Balkans Region (COWEB) on 1 December 2022
<i>Approval</i> | 14836/22
COWEB |
| 32. | Attendance of third parties at the EUMC Working Group/Headline Goal Task Force (HTF) on 1 December 2022
<i>Approval</i> | 14901/22
EUMC |
| 33. | Attendance of a third party at the Working Party on Law of the Sea on 1 December 2022
<i>Approval</i> | 14900/22
COMAR |
| 34. | Attendance of third parties at the Working Party on Development cooperation and international partnerships on 1 and 12 December 2022
<i>Approval</i> | 14755/22
DEVGEN |

35. Participation of a third party at the Working Party on Terrorism (international aspects) on 7 December 2022
Approval 14898/22
COTER

Economic and Financial Affairs

36. Regulation on digital operational resilience for the financial sector
Adoption of the legislative act 14646/22
PE-CONS 41/22
EF
37. Directive on digital operational resilience for the financial sector
Adoption of the legislative act 14647/22
PE-CONS 42/22
EF

Justice and Home Affairs

38. Regulation on horizontal cybersecurity requirements for products with digital elements
Decision to consult an institution or body 15008/22
CYBER

Foreign Affairs

40. Regulation on establishing European defence industry reinforcement through common procurement act (EDIRPA)
General approach 14948/22 +COR 1
+ ADD 1
INDEF

Statement by Austria

“It is Austria's understanding that the instrument as defined by the EDIRPA regulation will be used for common procurement of defence products required by Member States and associated countries, not intended for the transfer to third countries. It is further her understanding that no nuclear defence products will be procured with the instrument.”

Joint statement by Greece and Cyprus

“The Hellenic Republic and the Republic of Cyprus recall that this Regulation refers to a short-term instrument, designated in a spirit of solidarity, to pursue common procurement to fill the most urgent and critical defence capability gaps, under specific conditions and criteria determined by specific circumstances, namely those created by the response to the current Russia's aggression and does not create in any way a precedent as to the proposal of other instruments in the area of defence capabilities and the conditions and the criteria of application thereof, including the definition of security and defence interests of the Union and its Member States in the case of contractors or subcontractors controlled by a non-associated third country or a non-associated third country entity, with a view to strengthening the European defence industry.

Full respect of the principle of good neighbourly relations, in the case of contractors or subcontractors controlled by a non-associated third country or a non-associated third country entity, remains a crucial factor in the determination of the Union's and member states' security and defence interests, as well as in the award of Union's grants in relation to proposals of common procurement.”

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|-----|---|--|
| 41. | Launch statement for the Coalition of Trade Ministers on Climate
<i>Authorisation to negotiate an NBI</i> | 14883/22
POLCOM |
| 42. | Council Decision on the conclusion of an agreement on the modification of schedules of specific commitments under the GATS Domestic Regulation
<i>Adoption</i> | 14757/22
9982/22 + ADD 1
POLCOM |
| 43. | PSC Decision EUNAVFOR MED IRINI/5/2022: reconfirmation of the authorisation
<i>Decision to publish in the Official Journal</i> | 14887/22
14609/22
PSC DEC |
| 45. | Council Decisions on the signing and conclusion of a Protocol to the Partnership and Cooperation Agreement with Turkmenistan
<i>Adoption of the Irish language version</i> | 14873/22
7417/16
7418/16
7419/16
COEST |
| 46. | South Africa - EU Ministerial Dialogue: joint statement
<i>Authorisation to negotiate an NBI</i> | 14851/22
COAFR |
| 47. | Council Decision in support of the implementation of a project on “Unlocking Innovation: Enabling Technologies and International Security”
<i>Adoption</i> | 14544/22
14543/22 + ADD 1
CORLX |
| 49. | Council Decision in support of SEESAC for the implementation of the regional roadmap on combating illicit arms trafficking in the Western Balkans and to disarmament and arms control activities in South-East and East Europe
<i>Adoption</i> | 14550/22 + ADD 1
14549/22 + ADD 1
CORLX |
| | <u>Statement by Hungary</u>
Statement is set out in doc 14550/22 ADD 1. | |
| 50. | Council Decision and Regulation concerning restrictive measures in view of the situation in the Democratic Republic of the Congo
<i>Adoption</i> | 14655/22
14652/22
14654/22
CORLX |

- | | | |
|-----|--|--|
| 51. | Council Decision on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast
<i>Adoption</i> | 14715/1/22 REV 1
14714/22
CORLX |
| 52. | Restrictive measures in view of the situation in Belarus – authorisation to produce a Council document before UK court
<i>Authorisation to produce a copy of or an extract from a Council document for use in legal proceedings</i> | 15011/22
CORLX |
| 84. | Restrictive measures Ukraine misappropriation: pre-notifications
<i>Approval</i> | 14986/22
CORLX |

EU positions for international negotiations

- | | | |
|-----|--|-------------------------------|
| 53. | Council Decision on the EU position within IOC concerning trade standard applying to olive oils and olive-pomace oils
<i>Adoption</i> | 14197/22
14200/22
PROBA |
|-----|--|-------------------------------|
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