

Brussels, 7 February 2023
(OR. en)

6164/23
CRS CRP 2

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
18 January 2023

I. Adoption of the agenda

5287/23 OJ CRP1 2
5357/23 OJ CRP2 2

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)

Agriculture and Fisheries

2. Meeting of the Council (Agriculture and Fisheries) on 30 January 2023: Preparation

Work programme of the Presidency
Presentation by the Presidency

The Committee prepared this item for the Council meeting.

Environment

3. Regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020 5217/23
Analysis of the final compromise text with a view to agreement

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

Statement by the Commission

“The Commission notes that the approach agreed by the co-legislators linking the applicability of certain sustainability rules with the adoption of the respective delegated or implementing acts by the Commission may impinge on the legal certainty for the economic operators about the applicability of the rules in the Regulation.”

Statement by the Commission

“The Commission regrets the short deadlines for the adoption of delegated and implementing acts as well as several other follow-up actions and expresses concern about the feasibility to comply with these deadlines in time. The Commission notes that the implementation of the Regulation will require significant resources in the Commission.”

COREPER (PART 2)

General Affairs

12. Meeting of the Council (General Affairs) on 6 February 2023:
Agenda

The Presidency presented the main items on the agenda.

13. IPCR working methods under the Swedish Presidency 5241/23
Information from the Presidency

The above-mentioned item was postponed to a forthcoming meeting.

Foreign Affairs

14. EU-Ukraine Summit (3 February 2023): Preparation 5152/1/23 REV 1
Exchange of views

The Committee took note of the information provided by the Cabinet of the President of the European Council and held an exchange of views.

15. Meeting of the Council (Foreign Affairs) on 23 January 2023:
Preparation

- a) Current affairs

The Committee prepared this item for the Council meeting.

- b) Russian aggression against Ukraine
Exchange of views

The Committee prepared this item for the Council meeting.

- c) Sahel and coastal countries of West Africa
Exchange of views

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 EEAS and approved the attendance by videoconference of the Foreign Minister of Ukraine for an informal exchange under the agenda item on Russian aggression against Ukraine, as well as an informal exchange with the Palestinian Prime Minister, accompanied by the Palestinian Foreign Minister, over an informal lunch.

Economic and Financial Affairs

16. Meeting of the Council (Economic and Financial Affairs) on
17 January 2023: Follow-up

The above-mentioned item was withdrawn.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

Communication on harnessing talent in Europe's regions

The Committee took note of the presentation by the Commission.

International donor platform for Ukraine's reconstruction

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

Iran restrictive measures

The Committee took note of the information provided by the Council Legal Service.

"I" items approved**COREPER (PART 1)****Written questions**

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| 4. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 5183/23
PE-QE |
| a) | Lukas Mandl (PPE)
"EU-Israel Association Council" | 16204/22 |
| b) | Sandra Pereira (The Left)
"Regulation (EU) 2022/1904 and its attack on constitutional rights" | 16047/22 |

Other

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| 5. | Attendance of a third party at the meeting of the Working Party Transport –Intermodal Questions and Networks on 27 January 2023
<i>Approval</i> | 5065/23
TRANS |
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Fisheries

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| 6. | Council Decision on the signing and provisional application of an Agreement between the European Union and the Republic of Seychelles on access for Seychelles fishing vessels to the waters of Mayotte
<i>Adoption</i> | 16197/22 + ADD 1
15045/22
15088/22
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 an Agreement between the European Union and the Republic of Seychelles on access for Seychelles fishing vessels to the waters of Mayotte, 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 Agreement 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.”

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| 7. | Council Decision on the conclusion of an Agreement between the European Union and the Republic of Seychelles on access for Seychelles fishing vessels to the waters of Mayotte
<i>Agreement in principle</i>
<i>Request for the consent of the European Parliament</i> | 16197/22 + ADD 1
15048/22
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 an Agreement between the European Union and the Republic of Seychelles on access for Seychelles fishing vessels to the waters of Mayotte, 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.”

Energy

8. Memorandum of Understanding on a Strategic Partnership on Renewable Gases between the EU and Ukraine
Authorisation to negotiate an NBI 5084/23
ENER

Transport

9. High-level agreement between the EU, the Republic of Moldova and Ukraine (TEN-T Regulation)
Authorisation to negotiate an NBI 5213/23
TRANS

Delegated or Implementing Acts

Agriculture

10. Commission Delegated Regulation (EU) .../... of 28.11.2022 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council as regards rules for the use of certain veterinary medicinal products for the purpose of prevention and control of certain listed diseases
Delegated act - Intention not to raise objections 5067/23
15499/22 + ADD 1
VETER

Energy

11. Commission Regulation (EU) .../... of XXX laying down ecodesign requirements for off mode, standby mode, and networked standby energy consumption of electrical and electronic household and office equipment pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulation (EC) No 1275/2008 and Commission Regulation (EC) No 107/2009
Decision not to oppose adoption 5109/23
15665/22 + ADD 1
ENER

COREPER (PART 2)

Judicial Affairs

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| 17. | Case C-1/23 PPU (Afrin)
<i>Information note</i> | 5118/23
JUR
JAI |
| 18. | Case T-731/22 (Andrey Kozitsyn v. Council)
<i>Information note</i> | 5216/23
JUR |
| 19. | Case T-739/22 (Vladimir Rashevsky v. Council)
<i>Information note</i> | 5104/23
JUR |

Institutional Affairs

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| 20. | Minutes of Council meetings
<i>Approval</i> | |
| | a) ECOFIN 8.11.2022 | 14496/22 + ADD 1 |
| | b) FAC 14-15.11.2022 | 14945/22
+ ADD 1 REV 1 |
| | c) GAC 18.11.2022 | 15221/22 + ADD 1 |
| | d) GAC/Cohesion 22.11.2022 | 15132/22 + ADD 1 |
| | e) FAC/Trade 25.11.2022 | 15314/22 + ADD 1 |
| | f) Extraordinary JHA 25.11.2022 | 15316/22 + ADD 1 |
| | g) FAC/Development 28.11.2022 | 15389/22
+ ADD 1 REV 1 |

Appointments

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| 21. | A member (AT) of the Committee of the Regions
<i>Adoption</i> | 15939/22
15937/22
CDR |
| 22. | Two alternate members (DE) of the Committee of the Regions
<i>Adoption</i> | 16038/22
16040/22
CDR |

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| 23. | An alternate member (RO) of the Committee of the Regions
<i>Adoption</i> | 15940/22
15941/22
CDR |
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Other

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| 24. | Attendance of third parties at the meetings of the PSC and CFSP Working Parties, or in the margins of such meetings from 1 July to 31 December 2022
<i>Information note</i> | 5205/23
COPS |
| 25. | Attendance of a third party at the Working Party on Law of the Sea on 19 January 2023
<i>Approval</i> | 5257/23
COMAR |
| 26. | Attendance of third parties at the Working Party on Latin America and the Caribbean on 24 January 2023
<i>Approval</i> | 5234/23
COLAC |
| 27. | Attendance of third parties at the Working Party on Customs Union (Directors General of Customs) on 25 January 2023
<i>Approval</i> | 5236/23
UD |
| 28. | Attendance of a third party at the informal lunch in the margins of the Trade Policy Committee (Full Members) meeting on 25 January 2023
<i>Approval</i> | 5263/23
POLCOM |
| 29. | Attendance of a third party at the Working Party on the Western Balkans Region (COWEB) on 26 January 2023
<i>Approval</i> | 5244/1/23 REV 1
COWEB |
| 30. | Attendance of a third party at the IMEX Expulsion Working Party on 3 February 2023
<i>Approval</i> | 5265/23
MIGR |

Transparency

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| 31. | Public access to documents
Confirmatory application No 21/c/01/22
<i>Adoption</i> | 15705/22 + ADD 1
INF |
| 32. | Public access to documents
Confirmatory application No 22/c/01/22
<i>Adoption</i> | 5209/23
INF |

General Affairs

33. Public access to documents: request 22/2565
Decision to make the statements entered in the Council minutes public 5288/23
API
34. Security accreditation of the system for handling and
exchanging high classified information - Residual risks
Endorsement 5193/23
14709/1/22 REV 1
R-UE
CIS

Foreign Affairs

35. (poss.) Conclusions on EU Priorities in UN Human Rights Fora
2023
Approval 5186/23
COHOM
- The above-mentioned item was withdrawn.
36. Iran restrictive measures - coordination with third countries
Approval 5221/23
MOG
37. EU - Cabo Verde Ministerial Joint Communiqué
Approval of an NBI 5251/23
COAFR
38. South Africa - EU Ministerial Dialogue: Joint Statement
Approval of an NBI 5266/23
COAFR
39. Conclusions of the EU-Central Asia High-Level Conference on
Environment and Water Cooperation (22-24 February 2023)
Authorisation to negotiate an NBI 5223/23 + COR 1
COEST
- Joint statement by Cyprus and Greece is set out in 5223/23 ADD 1.
40. (poss.) Conclusions on EU priorities for cooperation with the
Council of Europe 2023-2024
Approval 5262/23
COSCE
- The above-mentioned item was withdrawn.
41. Guidelines for command and control structure for civilian CSDP
missions
Approval 5121/23
5095/23
CIVCOM
CSDP/PSDC
42. Council Decision and Implementing Regulation concerning
restrictive measures directed against certain persons and entities
in view of the situation in Tunisia
Adoption 5062/23
5059/23
5061/23
CORLX

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| 43. | Restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine - pre-notifications
<i>Approval</i> | 5235/23
CORLX |
| 44. | Council Implementing Decision and Implementing Regulation concerning restrictive measures directed against certain persons and entities in view of the situation in Iran
<i>Adoption</i> | 5161/23 + COR 1
5158/23
5160/23
CORLX |
| 45. | Council Decision on Union support for activities of the ATT Secretariat in support of the implementation of the Arms Trade Treaty
<i>Adoption</i> | 16092/22
16091/22
CORLX |
| 46. | Council Decision on a European Union mission in Armenia (EUMA)
<i>Adoption</i> | 16343/22
16342/22
CORLX |

Agriculture

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| 47. | Conclusions on ECA SR No 10/2022 on LEADER and community-led local development
<i>Approval</i> | 16127/22
AGRI |
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EU positions for international negotiations

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| 48. | Council Decision on the EU position on the modification of Annex XI-B to the EU-Georgia Association Agreement
<i>Adoption</i> | 5256/23
14737/22 + ADD 1
COEST |
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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.”