



Brussels, 21 February 2023
(OR. en)

6208/23
CRS CRP 4

SUMMARY RECORD

PERMANENT REPRESENTATIVES COMMITTEE

31 January, 1 and 3 February 2023

I. Adoption of the agenda

5833/23 OJ CRP1 4

5845/1/23 REV 1 + REV 1 COR 1 OJ CRP2 4

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)

Transport

2. Regulation on the deployment of alternative fuels infrastructure, 5597/23
and repealing Directive 2014/94/EU (AFIR)
Preparation for the trilogue

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

Health

3. Regulation amending Regulations (EU) 2017/745 and (EU) 5585/23
2017/746 as regards transitional provisions for certain medical
devices (MDR) and in vitro diagnostic medical devices (IVDR)
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.

Energy

4. Revision of the Renewable Energy Directive 5822/23
Preparation for the trilogue

The Presidency took note of delegations' comment ahead of the forthcoming trilogue.

COREPER (PART 2)

TUESDAY 31 JANUARY 2023

Foreign Affairs

28. EU-Ukraine summit (3 February 2023): Preparation 5152/3/23 REV 3
Exchange of views

The Committee held an exchange of views and took note of the information provided by the cabinet of the President of the European Council. The Committee agreed that a new revised version of the draft joint statement would be circulated to delegations.

29. Russian aggression against Ukraine

- a) Council Decision and Regulation concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine 5268/23
Exchange of views 5270/23
- b) Council Decision and Regulation concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine 5246/23
Exchange of views 5248/23 + ADD 1

The Committee held an exchange of views on the oil price cap review, the price cap for petroleum products and the Belarus alignment package and agreed to revert at a next meeting.

WEDNESDAY 1 FEBRUARY 2023

General Affairs

30. Meeting of the Council (General Affairs) on 21 February 2023:
Agenda

The Presidency presented the main items on the agenda.

31. Meeting of the Council (General Affairs) on 6 February 2023:
Preparation

- a) EU-UK relations
State of play

The Committee prepared this item for the Council meeting.

- b) Other items in connection with the Council meeting

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

Foreign Affairs

32. Meeting of the Council (Foreign Affairs) on 20 February 2023:
Agenda

The EEAS presented the main items on the agenda.

The Committee took note of the information provided by the EEAS as regards its proposed new approach to the handling of current affairs.

The Committee agreed to the participation of Ukraine's Foreign Minister Kuleba for an informal exchange under the agenda item Russian aggression against Ukraine; Moldova's Deputy Prime Minister and Foreign Minister Popescu to the informal lunch; and UN deputy SG Amina Mohammed for an informal exchange under the agenda item on Afghanistan.

29. Russian aggression against Ukraine

- | | | |
|----|--|---------------------------------------|
| a) | Council Decision and Regulation concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine | 5272/23
5269/23
5271/23 |
| | <i>Approval</i> | |
| | <i>Decision to use the written procedure for the adoption</i> | |
| b) | Council Decision and Regulation concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine | 5250/23
5247/23
5249/23 + ADD 1 |
| | <i>Approval</i> | |
| | <i>Decision to use the written procedure for the adoption</i> | |

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

Economic and Financial Affairs

33. Meeting of the Council (Economic and Financial Affairs) on
14 February 2023: Preparation
Other items in connection with the Council meeting

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

FRIDAY 3 FEBRUARY 2023

Foreign Affairs

29. Russian aggression against Ukraine

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|----|--|---------------------------------------|
| a) | Council Decision and Regulation concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine | 5272/23
5269/23
5271/23 |
| | <i>Approval</i> | |
| | <i>Decision to use the written procedure for the adoption</i> | |
| b) | Council Decision and Regulation concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine | 5250/23
5247/23
5249/23 + ADD 1 |
| | <i>Approval</i> | |
| | <i>Decision to use the written procedure for the adoption</i> | |

The Committee confirmed its agreement on the text and decided to use the written procedure for its adoption.

General Affairs

31. Meeting of the Council (General Affairs) on 6 February 2023: Preparation

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| c) | Preparation of the special European Council on 9-10 February 2023: Conclusions | 5238/23 |
| | <i>Exchange of views</i> | |

The Committee prepared this item for the Council meeting.

SUNDAY 5 FEBRUARY 2023

The meeting was cancelled.

IV. Any other business

COREPER (PART 1)

Contribution to the February EUCO meeting 5933/23
Presentation by the Commission

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

COREPER (PART 2)

Stabilisation and Association Council meetings with Albania and North Macedonia

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

Accountability for international crimes in Ukraine and the use of frozen assets

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

The future of Schuman roundabout

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

Presentation of the Commission's contribution to the special European Council

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

"I" items approved

COREPER (PART 1)

Institutional Affairs

Written questions

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| 5. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 5639/23
PE-QE |
| a) | Jean-Lin Lacapelle (ID), Gunnar Beck (ID), Gilles Lebreton (ID), Catherine Griset (ID), Emmanouil Fragkos (ECR), Maximilian Krah (ID), Ladislav Ilčić (ECR), Gianna Gancia (ID), Eric Minardi (ID), Milan Uhrík (NI), France Jamet (ID), Mathilde Androuët (ID), François-Xavier Bellamy (PPE), Annika Bruna (ID), Jean-Paul Garraud (ID), Aurélia Beigneux (ID)
"EU sanctions against Azerbaijan following its aggression against Armenia" | 5128/23 |
| b) | Lukas Mandl (PPE)
"Prospects for the European Political Community" | 5131/23 |
| c) | Olivier Chastel (Renew)
"The European Union's failure to sign the post-Cotonou agreement" | 5134/23 |
| 6. | Minutes of the Council meetings
<i>Approval</i> | |
| a) | TTE 5-6.12.2022 | 15670/22 + ADD 1 |
| b) | Extra TTE (Energy) 13.12.2022 | 16274/22 + ADD 1 |
| c) | EPSCO 8-9.12.2022 | 16265/22 + COR 2
+ ADD 1 |
| d) | EYCS 28-29.11.2022 | 15341/22 + ADD 1 |

Appointments

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|----|---|----------------|
| 7. | One member (AT) of the Advisory Committee on Safety and Health at Work
<i>Adoption</i> | 5511/23
SOC |
| 8. | One alternate member (AT) of the Advisory Committee on Safety and Health at Work
<i>Adoption</i> | 5512/23
SOC |

9.	One alternate member (FR) of the Advisory Committee on Safety and Health at Work <i>Adoption</i>	5519/23 SOC
10.	One alternate member (LT) of the Advisory Committee on Safety and Health at Work <i>Adoption</i>	5520/23 SOC
11.	One member (MT) of the Advisory Committee on Safety and Health at Work <i>Adoption</i>	5513/23 SOC
12.	One alternate member (MT) of the Advisory Committee on Safety and Health at Work <i>Adoption</i>	5518/23 SOC
13.	One alternate member (EE) of the Advisory Committee on Safety and Health at Work <i>Adoption</i>	5683/23 SOC
14.	One alternate member (IT) of the Advisory Committee for the Coordination of Social Security Systems <i>Adoption</i>	5504/23 SOC
15.	One alternate member (SE) of the Advisory Committee for the Coordination of Social Security Systems <i>Adoption</i>	5506/23 SOC
16.	One member (SE) of the Management Board of the European Foundation for the Improvement of Living and Working Conditions <i>Adoption</i>	5521/23 SOC
Other		
17.	Attendance of third parties at the meetings of the Working Party on International Environment Issues (Biodiversity) during the first semester of 2023 <i>Approval</i>	5619/23 ENV
18.	Attendance of third parties at the meetings of the Working Party on International Environment Issues (Biosafety) during the first semester of 2023 <i>Approval</i>	5637/23 ENV
19.	Attendance of a third party at the Audiovisual and Media Working Party on 8 February 2023 <i>Approval</i>	5032/23 AUDIO

Judicial Affairs

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|-----|--|----------------|
| 20. | Case C-707/22 (Minister van Infrastructuur en Waterstaat and Avrotros)
<i>Information note</i> | 5399/23
JUR |
| 21. | Case T-681/22 (Kingdom of Spain v European Commission)
<i>Information note</i> | 5688/23
JUR |
| 22. | Case T-759/22 (Electrawinds Shabla Saut EAD v Council)
<i>Information note</i> | 5694/23
JUR |
| 23. | Case T-775/22 (TJ and others v Council)
<i>Information note</i> | 5693/23
JUR |
| 24. | Case T-795/22 (TV and TW v Council)
<i>Information note</i> | 5695/23
JUR |
| 25. | Case T-802/22 (ExxonMobil Producing Netherlands BV and Mobil Erdgas-Erdöl GmbH v Council)
<i>Information note</i> | 5705/23
JUR |
| 26. | Case T-803/22 (TZ v Council)
<i>Information note</i> | 5706/23
JUR |

Energy

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| 27. | Memorandum of Understanding between the EU and Ukraine on a Strategic Partnership on Biomethane, Hydrogen and other Synthetic Gases
<i>Authorisation to sign an NBI</i>
<i>Decision to use the written procedure</i> | 5505/23 + COR 1
ENER |
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Statement by Austria

“Im Sinne einer Kompromissfindung stimmt Österreich der Absichtserklärung zu, möchte jedoch folgende Punkte ausdrücklich festhalten:

Österreich ist der Auffassung, dass Wasserstoff und andere synthetische Gase, die mit Kernenergie produziert werden, keinesfalls eine nachhaltige Lösung für eine wettbewerbsfähige europäische Wasserstoffindustrie sind. Die Kernenergie ist weder eine nachhaltige Form der Energieversorgung noch eine sinnvolle Option für die Herstellung von Wasserstoff. Österreich ist der ausdrücklichen Auffassung, dass die EU sich klar auf den Aufbau eines internationalen und EU-weiten Markts für erneuerbaren Wasserstoff fokussieren soll, wie auch im REPowerEU-Plan festgehalten ist.

Die Zustimmung Österreichs zu der vorliegenden Absichtserklärung hat keinerlei Präjudizwirkung.“

Courtesy translation

“In the spirit of compromise, Austria supports the Memorandum of Understanding but would like to explicitly state the following points:

Austria believes that hydrogen and other synthetic gases produced with nuclear energy are by no means a sustainable solution for a competitive European hydrogen industry. Nuclear energy is neither a sustainable form of energy nor a viable option for the production of hydrogen. Austria is of the explicit opinion that the EU should clearly focus on the development of an international and EU-wide market for renewable hydrogen, as is also stated in the REPowerEU plan.

The approval of Austria to the present Memorandum of Understanding has no precedent effect.”

Statement by Spain

“Spain underlines the importance of promoting the domestic production of renewable hydrogen, biomethane and other renewable gases in the EU in order to reduce energy dependence, develop EU strategic value chains and minimise the carbon footprint. Once the potential for domestic renewable gases production to supply future European demand has been exhausted, we agree with the Commission’s REPowerEU Plan that imports of renewable gases, in particular renewable hydrogen, from reliable partners are the most appropriate option.

In this regard, any memorandum of understanding (MoU) or partnership on renewable gases imports, in particular renewable hydrogen, to be signed with third countries should not delay national decarbonisation roadmaps, while protecting access to energy and water and creating opportunities for local communities. Moreover, these collaborative frameworks must extend to renewable gases imports the same rules applicable to domestic production, ensuring a level playing field.

The ‘Memorandum of Understanding between the European Union and Ukraine on a Strategic Partnership on Biomethane, Hydrogen and other Synthetic Gases’ includes multiple references to non-renewable gases which are not reflecting the principles and goals of neither the EU Hydrogen Strategy, the REPowerEU Plan nor the External Energy Engagement Strategy.

In the spirit of compromise and solidarity with Ukraine, Spain supports the Memorandum of Understanding, while reminding the importance of maintaining consistency with our EU common goals and commitments in the context of any negotiation or authorisation to the Commission to sign these non-binding instruments.”

COREPER (PART 2)

WEDNESDAY 1 FEBRUARY 2023

Institutional Affairs

Appointments

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| 34. | An alternate member (CY) of the Committee of the Regions
<i>Adoption</i> | 15942/22
15943/22
CDR |
| 35. | An alternate member (IT) of the Committee of the Regions
<i>Adoption</i> | 5478/23
5476/23
CDR |
| 36. | Three members and an alternate member (IT) of the Committee of the Regions
<i>Adoption</i> | 5286/23
5285/23
CDR |

Other

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|-----|--|---------------------------|
| 37. | Attendance of third parties at the ACP Working Party from 1 October to 31 December 2022
<i>Information note</i> | 5547/23
ACP |
| 38. | Attendance of third parties at the ACP Working Party between 1 February and 30 June 2023
<i>Approval</i> | 5552/23
ACP |
| 39. | Attendance of third parties at the meetings or informal videoconferences of the members of the International Criminal Court Working Party (COJUR-ICC) during the Swedish Presidency
<i>Approval</i> | 5490/23
COJUR |
| 40. | Attendance of a third party at the Working Party on Development cooperation and international partnerships on 6 February 2023
<i>Approval</i> | 5697/1/23 REV 1
DEVGEN |
| 41. | Attendance of third parties at the Horizontal Working Party on Drugs (HDG) on 7-8 February 2023
<i>Approval</i> | 5620/23
CORDROGUE |
| 42. | Attendance of a third party at the Working Party on Human Rights (COHOM) on 8 February 2023
<i>Approval</i> | 5762/23
COHOM |

Economic and Financial Affairs

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| 43. | Conclusions on ECA SR No 25/2022 on the verification of Gross National Income for financing the EU budget
<i>Approval</i> | 5717/23
RESPR |
| 44. | Commission's request regarding the lease of premises for its representation in Paris (House of Europe)
<i>Approval</i> | 5763/23
FIN |

General Affairs

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| 45. | Our Ocean Conference 2023: list of commitments
<i>Approval</i> | 5452/23
POLMAR |
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Foreign Affairs

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| 46. | Exercise Specifications for the European Union Crisis Management Military Exercise 2023 (MILEX 23)
<i>Approval</i> | 5301/23
CSDP/PSDC |
| 47. | Joint statement on the establishment of the EU-India Trade and Technology Council
<i>Approval of an NBI</i> | 5509/23
TTC |
| 48. | EU-ECOWAS Ministerial Joint Communiqué
<i>Approval of an NBI</i>
<i>Decision to use the written procedure</i> | 5691/23
COAFR |
| 49. | PSC Decision EUMM Georgia/1/2023: appointment of the Head of Mission
<i>Decision to publish in the Official Journal</i> | 5500/23
5310/23
PSC DEC |
| 50. | Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
<i>Adoption</i> | 5535/23
5529/23
5534/23
CORLX |
| 51. | Council Decision extending the mandate of the European Union Special Representative for Human Rights
<i>Adoption</i> | 5567/23
16217/22
CORLX |
| 52. | Council Decision extending the mandate of the European Union Special Representative for Central Asia
<i>Adoption</i> | 5566/23
16118/22
CORLX |

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| 53. | Council Decision extending the mandate of the European Union Special Representative for the Middle East Peace Process
<i>Adoption</i> | 5645/23
16115/22
CORLX |
| 54. | Administrative Arrangement between the European Defence Agency and the United States Department of Defense
<i>Approval</i> | 5471/23
CORLX |
| 55. | Council Decisions on an assistance measure under the EPF to support the Ukrainian Armed Forces
<i>Decision to use the written procedure for the adoption</i> | 5323/1/23 REV 1
5320/23
5322/23
CORLX |

Statements by AT/IE/MT are set out in document CM 1393/23.

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| 56. | Council Decision on an assistance measure under the European Peace Facility to support the Jordanian Armed Forces
<i>Adoption</i> | 5087/23
5086/23
CORLX |
| 57. | Council Decision on an assistance measure under the EPF to support the Ukrainian Armed Forces trained by the EUMAM in support of Ukraine
<i>Decision to use the written procedure for the adoption</i> | 5334/23
5333/23
CORLX |

Statement by HU is set out in document CM 1393/23.

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| 58. | Restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine - pre-notifications
<i>Approval</i> | 5572/23
CORLX |
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EU positions for international negotiations

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| 59. | Council Decision on the EU position to be taken in Specialised Committee on Social Security Cooperation under the EU-UK TCA on the use of the Electronic Exchange of Social Security Information for the transmission of data
<i>Adoption</i> | 5336/1/23 REV 1
5382/23 + ADD 1
UK |
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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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|-----|--|------------------------------------|
| 60. | Council Decision on the EU position to be taken in the Specialised Committee on Energy under the EU-UK TCA regarding the EU-UK electricity trading arrangements
<i>Adoption</i> | 5337/23
5383/23 + ADD 1-2
UK |
|-----|--|------------------------------------|

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.”

FRIDAY 3 FEBRUARY 2023

Foreign Affairs

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| 61. | Memorandum of Understanding with the African Union on the African Continental Free Trade Area (AfCFTA)
<i>Authorisation to negotiate an NBI</i> | 5774/23
COAFR |
| 62. | <i>Ad hoc</i> Working Party on the Multi-agency Donor Coordination Platform for Ukraine: establishment and mandate
<i>Approval</i> | 5863/23
COEST |

Statement by the Commission

“The Commission, as the external representative of the Union, welcomes that the Council is setting up an ad hoc Working Party on the Multi-agency Donor Coordination Platform for Ukraine (“AHWP Ukraine platform”). This will allow for in depth exchanges with the Commission about the work of the Platform and allow the Commission to regularly brief Member States in full transparency about the work in the Platform. It should be noted that any decisions following from the work of the Platform with financial or budgetary implications are to be taken subsequently by the countries and Institutions participating in the Steering Committee of the Platform on the basis of their own decision making procedures.”

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| 63. | Restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine - pre-notifications
<i>Approval</i> | 5957/23
CORLX |
|-----|---|------------------|