

Brussels, 30 March 2022
(OR. en)

7753/22
CRS CRP 11

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
7, 8, 9 and 11 March 2022

I. Adoption of the agenda

6867/3/22 REV 3 OJ CRP2 10 COMIX 114
6880/2/22 REV 2 OJ CRP1 10

The Committee adopted the agenda.

II. Approval of the "I" items

The Committee approved the "I" items as set out in the Annex.

III. Discussion items

COREPER (PART 2)

MONDAY 7 MARCH 2022

General Affairs

2. Informal meeting of Heads of State or Government on 10 and
11 March 2022
Exchange of views

The Committee held an exchange of views on the draft declaration and agreed to revert on this item with an updated text.

Foreign Affairs

3. Russian aggression against Ukraine
Exchange of views

The Committee took note of the latest developments and agreed to revert on this issue at its next meeting.

Economic and Financial Affairs

4. Informal video conference of economy and finance ministers on 2 March 2022: follow-up

The Committee took note of the intended follow-up.

Foreign Affairs

5. Extraordinary meeting of the Council (Foreign Affairs) on 4 March 2022: follow-up

The Committee took note of the intended follow-up.

Justice and Home Affairs

6. Meeting of the Council (Justice and Home Affairs) on 3 and 4 March 2022: follow-up

The Committee took note of the intended follow-up.

General Affairs

7. Regulations amending Regulations (EU) 2021/953 and (EU) 2021/954 on the EU Digital COVID-19 Certificate
Mandate for negotiations with the European Parliament 6718/22

The Committee agreed on a mandate for negotiations with the European Parliament.

Statement by Austria

“Austria supports the compromise text on the COVID certificate of the European Union in principle, but would like to put the following statement on record:

- The joint development of the DCC is an unprecedented digitization project that demonstrates the possibilities for fast and broad cooperation among EU member states. Until then, it was unthinkable to develop a common technical infrastructure - including the associated Regulation in only 3 months, which is available to more than 400 million EU citizens. The way, how to implement the certificate digitally was left open to Member States given the short time frame.
- Due to the rapid implementation of the systems, Austria has built on existing digital systems, such as the e-vaccination passport (eImpfpass) or the EMS. The Austrian eImpfpass is designed in a way to ensure the quality of the registered vaccinations.

Accordingly, entries and additions can only be made by authorized bodies (physicians, public health officers) in order to ensure the highest possible data quality in terms of medical documentation. In addition, the question of liability must also be taken into account. Some authorities are already refusing to register vaccinations due to concerns about liability in the event of incorrect facts being entered. In addition to the interoperability of the certificates, the prevention of fraud and forgery is also at the center of the EU Regulation, which is why special attention should also be paid to this.

- Although a uniform procedure for the registration of vaccination certificates and the issuance of certificates at EU level is desirable, we see Recital 3 of the proposal as extremely critical.
- From a medical point of view, it is essential to establish a quality network in terms of data quality on the one hand and to take into account the medical opinion when issuing certificates on the other hand. Therefore, it is necessary to define minimum intervals between vaccinations (especially the third dose) at EU level. Since some topics such as minimum intervals or cross-vaccination could not (yet) be taken into account when the Regulation was drafted last year, it now seems necessary to set the necessary minimum standards at EU level. In the view of AT, the DCC should not only represent a vaccination certificate, but also prove a low epidemiological risk – this is how DCCs have already been used in recent months. According to AT, it is not appropriate to deviate from this central benefit of the DCC. For this purpose, minimum intervals are to be defined, since the system otherwise differs only slightly from the analogous international vaccination certificate of WHO.
- According to the Austrian understanding, recital 3 states that a certificate with further coding must be issued for each vaccination, although the required minimum intervals for immunity maturation (minimum interval to allow the optimal effect of the vaccination) is not given. For example, three vaccinations could be administered on three consecutive days to take advantage of a "booster" certificate. This problem should be prevented with the introduction of minimum intervals, especially since control of intervals between vaccinations often cannot be adequately ensured when vaccinations are administered in different Member States. In addition, this approach can prevent the need to present and verify all underlying certificates as well in order to determine the immune status in case of a possible verification of the certificates.”

Justice and Home Affairs

8. Regulation amending Regulation (EU) 2018/1862 on the Schengen Information System (SIS) 6811/22
Preparation for the trilogue

The Committee prepared the forthcoming trilogue on 15 March 2022.

General Affairs

43. Application of Ukraine for membership of the European Union 6739/22
Approval of a letter
Decision to use the written procedure

The Committee approved the draft letter inviting the Commission to present its opinion on Ukraine's application for membership of the European Union and agreed to use the written procedure for the approval of the letter by the Council.

44. Application of Georgia for membership of the European Union 6897/22
Approval of a letter
Decision to use the written procedure

The Committee approved the draft letter inviting the Commission to present its opinion on Georgia's application for membership of the European Union and agreed to use the written procedure for the approval of the letter by the Council.

45. Application of the Republic of Moldova for membership of the European Union 6898/22
Approval of a letter
Decision to use the written procedure

The Committee approved the draft letter inviting the Commission to present its opinion on Moldova's application for membership of the European Union and agreed to use the written procedure for the approval of the letter by the Council.

Foreign Affairs

9. Strategic Compass 13638/3/21 REV 3
Exchange of views

The Committee held an exchange of views and agreed to revert on this issue at one of its next meetings.

10. Defence package 6704/1/22 REV 1
Exchange of views

The Committee held an exchange of views.

TUESDAY 8 MARCH 2022

Foreign Affairs

3. Russian aggression against Ukraine

- | | |
|--|----------------------------|
| (a) Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine | 6950/22
6952/22 |
| (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 | 6835/22
6837/22 + ADD 1 |
| (c) Council Decision and Regulation concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine | 6970/22
6972/22 + ADD 1 |

Exchange of views

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

WEDNESDAY 9 MARCH 2022

Foreign Affairs

3. Russian aggression against Ukraine

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|--|-------------------------------|
| (a) Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine | 6954/22
6951/22
6953/22 |
| <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 | 6839/22
6836/22
6838/22 |
| <i>Approval</i>
<i>Decision to use the written procedure for the adoption</i> | |
| (c) Council Decision and Regulation concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine | 6974/22
6971/22
6973/22 |
| <i>Approval</i>
<i>Decision to use the written procedure for the adoption</i> | |

The Committee approved the texts and agreed to use the written procedure for their adoption.

General Affairs

- #### 2. Informal meeting of Heads of State or Government on 10 and 11 March 2022
- Exchange of views*

The Committee held an exchange of views on the draft statement on Ukraine and draft Versailles declaration.

Foreign Affairs

- #### 11. Meeting of the Council (Foreign Affairs) on 21 March 2022: 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) Humanitarian aspects
Exchange of views

The Committee agreed to remove this item from the Council agenda.

- (d) Mali
Exchange of views

The Committee prepared this item for the Council meeting.

- (e) Strategic Compass
Exchange of views

The Committee prepared this item for the Council meeting.

- (f) Other items in connection with the Council meeting

The Committee took note of the information provided by the EEAS and agreed on the participation of the foreign minister of Moldova. The defence minister of Ukraine will participate via videoconference in the session of defence ministers.

Economic and Financial Affairs

12. Meeting of the Council (Economic and Financial Affairs)
on 15 March 2022: preparation

- (a) Directive on ensuring a global minimum level of taxation
for multinational groups in the Union
Policy debate/General approach 6700/22
6815/22

The Committee prepared this item for the Council meeting.

- (b) Regulation establishing a carbon border adjustment
mechanism 6771/1/22 REV 1
Policy debate/General approach 6772/22

The Committee prepared this item for the Council meeting.

- (c) Economic governance review 6778/22
Presentation by the Commission
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 Presidency.

Foreign Affairs

13. Regulation on the public procurement reciprocity instrument
Preparation for the trilogue

The Committee prepared the forthcoming trilogue.

General Affairs

46. Cohesion Action for Refugees in Europe 6993/22
Presentation by the Commission

The Committee took note of the presentation by the Commission and agreed to revert at its next meeting, if need be.

COREPER (PART 1)

WEDNESDAY 9 MARCH 2022

Health

48. Regulation on serious cross-border threats to health and repealing Decision No 1082/2013/EU
Presidency debriefing on the outcome of the trilogue

The Presidency debriefed on the trilogue which took place on 4 March 2022.

Employment, Social Policy, Health and Consumer Affairs

49. Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 29 March 2022: agenda

The Presidency presented the main items on the agenda. The Committee decided to take in public those points flagged as such on the agenda at this stage. The Committee also approved the attendance of the Executive Director of EMA and of the Director of the ECDC for the exchange of views on Covid-19.

50. Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 14 March 2022: preparation

The Committee decided to take a new AOB on Ukraine in public.

1. Conclusions on the special report by the European Court of Auditors on long-term unemployment 6575/1/22 REV 1
Approval

The Committee prepared this item for the Council meeting.

2. Combating discrimination in recruitment and promoting diversity in the world of work: tools and experiences 6722/22
Policy debate

The Committee prepared this item for the Council meeting.

3. Fostering full participation by older people in the labour market 6463/22
Policy debate

The Committee prepared this item for the Council meeting.

FRIDAY 11 MARCH 2022

Environment

51. Regulation amending Annexes IV and V to Regulation (EU) 2019/1021 on persistent organic pollutants (POPs) 6738/22
Mandate for negotiations with the European Parliament

The Committee agreed on a mandate for negotiations with the European Parliament and agreed to make the mandate public.

52. Council meeting (Environment) on 17 March 2022: preparation

1. Regulation concerning batteries and waste batteries, 6733/22 + COR 1
repealing Directive 2006/66/EC and amending Regulation
(EU) No 2019/1020
General approach

The Committee prepared this item for the Council meeting.

2. Greening the European Semester 6691/22
Exchange of views

The Committee prepared this item for the Council meeting. The Committee decided not to take this item in public.

3. Fit for 55 package 6668/22

- (a) Revision of Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading (ETS)
- (b) Revision of Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 (ESR)
- (c) Revision of Regulation (EU) 2018/841 on greenhouse gas emissions and removals from land use, land use change and forestry (LULUCF)
- (d) Revision of Regulation (EU) 2019/631 setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles
- (e) Regulation establishing a Social Climate Fund
Policy debate

The Committee prepared this item for the Council meeting.

Employment, Social Policy, Health and Consumer Affairs

61. Informal video conference of the Ministers of Health on 15 March 2022

1. Agenda

The Presidency presented the agenda. The Committee approved the attendance of representatives from EMA, ECDC, WHO Europe and EFTA states.

2. Preparation

Coordinated and united Union response to the health
consequences of the war in Ukraine

7033/22

Exchange of views

The Committee prepared this item.

IV. Any other business

COREPER (PART 2)

None.

COREPER (PART 1)

None.

"I" items approved

COREPER (PART 2)

MONDAY 7 MARCH 2022

EU positions for international negotiations

14. Statement of the European Union and its Member States supporting Ukraine in the World Customs Organization
Approval
Decision to use the written procedure for the adoption 6830/22 + ADD 1
UD

WEDNESDAY 9 MARCH 2022

Judicial Affairs

15. Case T-160/19 P, LTTE v Council (CP 931 EU terrorism sanctions)
Information note for the Permanent Representatives Committee (Part 2) 6717/22
JUR
16. Case C-833/19 P, Hamas v Council (CP 931 EU terrorism sanctions)
Information note for the Permanent Representatives Committee (Part 2) 6720/22
JUR
17. Case T-803/21 (NQ v Council of the European Union, European Commission and European External Action Service)
Information note for the Permanent Representatives Committee (Part 2) 6821/22
JUR

Institutional affairs

Other

18. Attendance of a third party at the meeting of the CONOP configuration on 15 March 2022
Approval 6647/22
CONOP
19. Attendance of a third party at the meeting of the subgroup COARM on 16 March 2022
Approval 6644/22
COARM

- | | | |
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| 20. | Attendance of a third party at the meeting of the Law Enforcement Working Party (Customs) on 16 March 2022
<i>Approval</i> | 6702/22
ENFOCUSTOM |
| 21. | Attendance of a third party at the informal video conference of the members of the Working Party on the 2030 Agenda for Sustainable Development (WP 2030) on 16 March 2022
<i>Approval</i> | 6816/22
SUSTDEV |
| 22. | Attendance of a third party at a meeting of the members of the Political and Security Committee on 16 March 2022
<i>Approval</i> | 6820/22
COPS |
| 23. | Attendance of third parties at the informal video conference of the Financial Services Committee on 16 March 2022
<i>Approval</i> | 6822/22
EF |
| 24. | Attendance of a third party at the meeting of the Working Party on Frontiers on 16 March 2022
<i>Approval</i> | 6844/22
FRONT |
| 25. | Attendance of third parties at the meeting of the HWP ERCHT on 17 March 2022
<i>Approval</i> | 6716/22
HYBRID |
| 26. | Attendance of a third party at the meeting of the Security Accreditation Board on 17 March 2022 of representatives of the European Defence Agency
<i>Approval</i> | 6725/22
SAB |
| 27. | Attendance of third parties at the meeting of the Horizontal Working Party on Cyber Issues on 15 March 2022
<i>Approval</i> | 6887/22
CYBER |

Transparency

- | | | |
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| 28. | Public access to documents
Confirmatory application No 02/c/01/22
<i>Adoption</i> | 6047/22
6046/22
INF
API |
|-----|---|----------------------------------|

Economic and Financial Affairs

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|-----|---|-----------------------------------|
| 29. | Decision of the Council on the approval of a draft design for a 2 euro commemorative coin submitted by Greece | 6216/22
UEM |
| 30. | Decision of the Council on the approval of a draft design for a 2 euro commemorative coin submitted by Belgium | 6360/22
UEM |
| 31. | Conclusions on export credits
<i>Approval</i> | 6500/22 + ADD 1
CCG |
| 32. | Conclusions on the implementation of the VAT e-commerce package
<i>Approval</i> | 6534/22 + COR 1
FISC |
| 33. | Report on the developments in the EU's export finance system
<i>Approval</i> | 6501/22 + COR 1
+ ADD 1
CCG |
| 35. | Decision appointing the members of the Supervisory Committee of OLAF
<i>Adoption</i> | 6502/22
6503/22
GAF |
| 36. | Appointment of a member of the European Statistical Governance Advisory Board – consultation procedure
<i>Approval</i> | 6692/22
STATIS |
| 37. | European Court of Auditors Special Report No 04/2022 on investment funds
<i>Designation of a Working Party</i>
<i>Attendance of the European Court of Auditors at the Working Party meeting</i> | 6819/22
FIN |

General Affairs

38. Pharmaceutical products package 6229/22
(a) Directives 2001/20/EC and 2001/83/EC concerning UK
certain medicinal products for human use made available
in the United Kingdom in respect of Northern Ireland, as
well as in Cyprus, Ireland and Malta
(b) Regulation (EU) No 536/2014 concerning investigational
medicinal products made available in the United Kingdom
with respect to Northern Ireland as well as in Cyprus,
Ireland and Malta

Mandate for negotiations with the European Parliament

Statement by the Commission

on medicines supply to Cyprus, Ireland and Malta

“The withdrawal of the United Kingdom from the Union has posed particular challenges for those Member States (Cyprus, Ireland and Malta) that during many years were being supplied with medicines from or through parts of the United Kingdom.

The Commission recognises the progress that has been made by Cyprus, Ireland and Malta and industrial operators to implement the necessary changes to facilitate the ongoing supply of medicines following the United Kingdom’s withdrawal from the EU.

In order to ensure a long-term security of supply of medicines, the Commission stresses the need for enhanced efforts of all concerned parties in fostering the adaptation of the supply chains to the situation after the United Kingdom’s withdrawal.

The Commission is fully committed to accompanying Cyprus, Ireland and Malta in their efforts towards phasing out the temporary derogations provided for in Directive [XXX] and Regulation [XXX] within three years.

To that end, the Commission will, in accordance with Union law and in full respect of the distribution of competences between the Union and Member States in the area of medicines for human use, continuously follow developments in the concerned Member States and will closely accompany the competent authorities of Cyprus, Ireland and Malta in their efforts to decrease the dependency of their domestic markets on the supply with medicinal products from or through parts of the United Kingdom other than Northern Ireland.

The Commission will invite the competent authorities of Cyprus, Ireland and Malta to provide it, on a regular basis, with information on these efforts.

Taking this information into account, the Commission will report in writing to the European Parliament and the Council within 18 months from the date of entry into force of Directive [XXX] and Regulation [XXX] on the progress accomplished in Cyprus, Ireland and Malta towards the complete phasing out of the derogations and the actions of the Commission to closely accompany the competent authorities of those Member States in that regard.

The Commission will remind the industrial operators concerned who still need to make changes to their supply chains that they urgently should make the necessary adaptations to ensure access to medicines in the smaller markets. In this context, the Commission will monitor the progress made by operators involved in the supply of medicines in these Member States regarding their ability to fulfil those requirements of Union law from which Directive [XXX] and Regulation [XXX] provide for temporary derogations.

In addition and beyond these immediate and necessary steps, as announced in the “Pharmaceutical Strategy for Europe”¹, the Commission will make proposals by the end of 2022 to revise the pharmaceutical legislation of the Union. These proposals will seek to provide longer-term structural solutions, in particular, to the issue of access to medicines, with special attention to enhancing security of supply and addressing risks of shortages in the smaller markets of the Union.”

39. A vision for the future of the internet 6521/22
Authorisation to negotiate a non-binding instrument CYBER

47. EP Resolutions and Decisions (March 2022) 6757/22
 PE-RE

Justice and Home Affairs

40. Ninth round of mutual evaluations – reports on Bulgaria and Italy 6764/22
Approval 5985/1/22 REV 1
 5992/1/22 REV 1
 COPEN

Foreign Affairs

41. Council Decision on the position to be taken on behalf of the European Union in the International Centre for Settlement of Investment Disputes (ICSID) 6124/1/22 REV 1
Adoption + REV 1 ADD 1
 6125/22
 FDI

Statement by the Commission

“The Commission notes that according to Opinion 2/15 of Court of Justice of the European Union, foreign non-direct investment and investment dispute settlement fall within a competence shared between the Union and its Member States. The Commission notes that the revised Council Decision has deleted this part of the references to Opinion 2/15 from Recital 3 of the Decision. The Commission wishes to remind that the Court of Justice has explicitly expressed this position in paragraph 293, in paragraph 305, as well as in the operative part of Opinion 2/15. The Commission therefore considers that the revised recital 3 of the Council Decision does not accurately reflect the substance of the Opinion of the Court as regards the delimitation of competences in the field of investment dispute settlement.”

42. EU IR22 (PACE) - EXSPEC 6446/22
Approval 15010/21
 POLMIL

¹ Commission Communication “Pharmaceutical Strategy for Europe”, COM(2020) 761 final, 25.11.2020

COREPER (PART 1)

WEDNESDAY 9 MARCH 2022

Institutional affairs

Appointments

53. One alternate member (EE) of the Advisory Committee for the Coordination of Social Security Systems
Adoption 6511/1/22 REV 1
SOC

Other

54. Attendance of a third party at the informal video conference of the members of the Working Party on Sport on 16 March 2022
Approval 6748/22
SPORT
55. Attendance of third parties at the informal video conference of the members of the Working Party on International Food and Agricultural Questions (Codex Alimentarius) (CAC) on 15 March 2022
Approval 6763/22
AGRI
56. Attendance of a third party at the meeting of the Working Party on International Environment Issues (Climate Change) on 23 March 2022
Approval 6732/22
CLIMA

EU positions for international negotiations

57. Council Decision on the EU position at COP 4.2 of the Minamata Convention on amending Annexes A and B to the Convention
Adoption 6740/1/22 REV 1
6421/1/22 REV 1
ENV
58. Council Decision on the EU position at COP 4.2 of the Minamata Convention on thresholds for mercury waste
Adoption 6741/22
6433/22
ENV

Agriculture

59. Decision on the period of application and the equivalence of seed produced in Bolivia
Mandate for negotiations with the European Parliament 6743/22 + ADD 1
AGRILEG

Transport

60. IMO – draft joint submission to the IMO Council – Impacts on shipping and seafarers in the Black Sea and the Sea of Azov
Approval 6945/22 + ADD 1
MAR

Statement by the Commission

“The Commission considers that this exceptional submission to be sent to the IMO extraordinary Council covers matters of EU exclusive competence and should be made as a Union submission on the basis of a Commission initiative.

Submission of proposals to the IMO on issues of EU competence is an act of external representation, which, in the area of non-CFSP, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

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

The Commission reserves all its rights in this regard.”

FRIDAY 11 MARCH 2022

Energy

62. (poss.) Emergency synchronisation with the Ukrainian and Moldovan power grids
Approval 7031/22
Decision to use the written procedure ENER

The above-mentioned item was withdrawn.