

Brussels, 22 April 2022
(OR. en)

8316/22
CRS CRP 16

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
30 March and 1 April 2022

I. Adoption of the agenda

7610/1/22 REV 1 OJ CRP1 13
7636/2/22 REV 2 OJ CRP2 13

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 30 MARCH 2022

Internal Market and Industry

2. Regulation on a single market for digital services (Digital Services Act) and amending Directive 2000/31/EC 7391/22 + ADD 1
Preparation for the trilogue

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

Telecommunications

3. Regulation on ePrivacy 7458/22
Preparation for the trilogue

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

Education, Youth, Culture and Sport

5. Council meeting (Education, Youth, Culture and Sport) on 4 and 5 April 2022: preparation

The Committee decided to take all items prepared this week and last week, as well as two new AOBs added to the agenda by the Presidency, in public. The Committee agreed to the participation of representatives of the European Youth Forum and of the French National Youth Council for the AOB on the youth informal lunch.

1. Action to protect the cultural sector and those active in it affected by the situation in Ukraine 6751/22
Policy debate

The Committee prepared this item for the Council meeting. The Committee agreed to the change of the policy debate subject.

2. Promoting EU values through sport and the organisation of sport 7068/22
Policy debate

The Committee prepared this item for the Council meeting. The Committee agreed to invite the President of the European Olympic Committees for this item.

3. Strengthening crisis management and anticipation in the European Education Area 7212/1/22 REV 1
Policy debate

The Committee prepared this item for the Council meeting.

4. Mobility of young European volunteers: linking national and transnational experiences to make European citizenship a reality 6879/1/22 REV 1
Policy debate

The Committee prepared this item for the Council meeting.

FRIDAY 1 APRIL 2022

Environment

6. Fit for 55 package 7559/22
Guidance for further work

The Committee provided guidance for further work.

Internal Market and Industry

4. 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
Presidency debriefing on the outcome of the trilogue

The Committee agreed to postpone the above-mentioned item to its meeting next week.

Telecommunications

3. (cont.) Regulation on ePrivacy
Presidency debriefing on the outcome of the trilogue

The Committee agreed to postpone the above-mentioned item to its meeting next week.

Employment and Social Policy

7. Directive on adequate minimum wages in the European Union
Presidency debriefing on the outcome of the trilogue

The Committee agreed to postpone the above-mentioned item to its meeting next week.

8. Directive on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures
Presidency debriefing on the outcome of the trilogue

The Committee agreed to postpone the above-mentioned item to its meeting next week.

Internal Market and Industry

2. (cont.) Regulation on a single market for digital services (Digital Services Act) and amending Directive 2000/31/EC
Presidency debriefing on the outcome of the trilogue

The Committee agreed to postpone the above-mentioned item to its meeting next week.

COREPER (PART 2)

MERCREDI 30 MARS 2022

General Affairs

34. Follow-up to the European Council meeting on 24 and 25 March 2022
State of play

The Committee took note of the main outcomes of the European Council and the intended next steps.

Justice and Home Affairs

35. Council meeting (Justice and Home Affairs) on 28 March 2022:
follow-up

The Committee took note of the main outcomes of the Council and the intended next steps.

Foreign Affairs

38. Governance of the Global Gateway 7668/1/22 REV 1
Approval

The Committee held an exchange of views on the governance of the Global Gateway initiative and will revert to the topic at a next meeting. It furthermore approved a revised mandate for the RELEX working party.

39. EU-AU summit (Brussels, 17 and 18 February 2022) – follow-up
Exchange of views

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

Economic and Financial Affairs

40. Council meeting (Economic and Financial Affairs) on 5 April 2022: preparation
- (a) Directive on ensuring a global minimum level of taxation for multinational groups in the Union 7493/22
7495/22
General approach

The Committee prepared this item for the Council meeting.

- (b) Economic and financial aspects of the Ukraine crisis
Exchange of views

The Committee prepared this item for the Council meeting.

- (c) (poss.) Economic recovery
 - (i) State of play regarding the implementation of the RRF
Exchange of views
 - (ii) Council Implementing Decisions
Adoption

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

- (d) Preparation for the meeting of G20 finance ministers and central bank governors and for the spring meeting of the IMF: EU mandate for the G20; statement to the International Monetary and Financial Committee (IMFC)
Guidance for further work
*Approval*7487/22
7488/22

The Committee prepared this item for the Council meeting.

- (e) European financial architecture for development
Information from the Presidency and the Commission
*Exchange of views*14398/21
7573/22

The Committee prepared this item for the Council meeting and agreed to the participation of the EBRD President.

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

The Committee took note of the information provided by the Presidency on the withdrawal of the AOB on the state of play in the implementation of financial services legislation. The Committee also agreed to invite the EIB President to the Council and the breakfast and the DG of the ESM to the breakfast.

- 41. Regulation on digital operational resilience for the financial sector (DORA)
Presidency debriefing on the outcome of the trilogue

The Presidency debriefed on the trilogue which took place on 29 March 2022.

42. Regulation on markets in crypto-assets (MiCA)
Preparation for the trilogue

The Committee prepared the upcoming trilogue.

43. ‘Daisy Chain’ Regulation 7547/22
Preparation for the trilogue

The Committee prepared the upcoming trilogue.

Foreign Affairs

44. Regulation on the public procurement reciprocity instrument 7298/1/22 REV 1
Analysis of the final compromise text with a view to agreement

The Committee approved the text of the final compromise. The European Parliament will be informed.

General Affairs

45. Regulation on increased pre-financing from REACT-EU resources 7513/22
Presentation by the Commission

The Committee took note of the Commission’s new proposal on additional pre-financing under REACT-EU and agreed to revert on this issue at its meeting next week.

FRIDAY 1 APRIL 2022

Foreign Affairs

46. Preparation for the second meeting of the EU-US Trade and Technology Council
Exchange of views

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

General Affairs

47. Conclusions of the Cyber Exercise (EU CyCLES) 7502/22
Exchange of views

The Committee held an exchange of views.

Economic and Financial Affairs

42. Regulation on markets in crypto-assets (MiCA)
Presidency debriefing on the outcome of the trilogue

The Presidency debriefed on the trilogue which took place on 31 March 2022.

43. ‘Daisy Chain’ Regulation
Presidency debriefing on the outcome of the trilogue

The Presidency debriefed on the trilogue which took place on 31 March 2022.

Justice and Home Affairs

48. New legal framework for the transfer of personal data to the US
Exchange of views

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

Economic and Financial Affairs

100. Convertibility of the Ukrainian currency 7781/22
Presentation by the Commission

The Committee took note of the Commission’s presentation and held an exchange of views.

IV. Any other business

COREPER (PART 1)

Transferred from Wednesday's meeting

7406/22 + ADD 1

Proposal for a Regulation on gas storage

Presentation by the Commission

The Committee took note of the presentation by the Commission.

COREPER (PART 2)

Gas payments (requested by SK)

The Committee held an exchange of views on the Russian request to pay energy imports in rubles and agreed to revert on this issue when the Commission will have finalised its analysis.

NDICI (requested by IE)

The Committee held an exchange of views on the delay in the disbursement of EU assistance to Palestine.

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

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| 9. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 7525/22
PE-QE |
| (a) | Sylwia Spurek (Verts/ALE), Anja Hazekamp (The Left), Francisco Guerreiro (Verts/ALE), Eleonora Evi (Verts/ALE)
'Reduced VAT rates for animal products' | 6885/22 |
| (b) | José Ramón Bauzá Díaz (Renew)
'Single European Sky recast (2013/0186 COD)' | 6776/22 |

Appointments

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| 10. | Council Decision appointing members of the Management Board of the European Food Safety Authority
<i>Adoption</i> | 7322/22
7276/22
AGRILEG |
| 11. | One member (LU) of the Advisory Committee on Safety and Health at Work
<i>Adoption</i> | 7346/22
SOC |
| 12. | One alternate member (LU) of the Advisory Committee on Safety and Health at Work
<i>Adoption</i> | 7350/22 + COR 1
SOC |
| 13. | One member (PL) of the Management Board of the European Agency for Safety and Health at Work
<i>Adoption</i> | 7324/22
SOC |
| 14. | One alternate member (PL) of the Management Board of the European Agency for Safety and Health at Work
<i>Adoption</i> | 7325/22
SOC |
| 15. | One alternate member (SE) of the Management Board of the European Agency for Safety and Health at Work
<i>Adoption</i> | 7193/22
SOC |

Other

16. Attendance of third parties at the meeting of the European Research Area and Innovation Committee (ERAC) on 12 April 2022
Approval 7468/22
RECH

EU positions for international negotiations

17. Council Decision on the EU position at COP 10 to the Rotterdam Convention as regards amendments of Annex III
Adoption 7477/22 + ADD 1
7010/22
ENV
18. Council Decision on the EU position at COP 10 to the Stockholm Convention as regards the proposal for amendment of Annex A
Adoption 7476/22 + ADD 1
7009/22
ENV

Agriculture

19. Conclusions on sustainable carbon cycles
Approval 7184/22 + ADD 1
AGRI

Statement by Germany

“Deutschland dankt der Französischen Ratspräsidentschaft für die Erarbeitung von Ratsschlussfolgerungen für Land- und Forstwirtschaft zur Mitteilung der Europäischen Kommission zu nachhaltigen Kohlenstoffkreisläufen, mit denen ein wichtiges Thema im Rahmen des Pakets „Fit for 55“ und der Farm to Fork-Strategie aufgegriffen wird.

Deutschland begrüßt, dass insbesondere folgende Fragen adressiert worden sind:

- Dauerhaftigkeit bzw. Reversibilität der CO₂-Festlegung,
- Vermeidung von Emissionsverlagerungen,
- Vermeidung negativer Auswirkungen auf die Biodiversität,
- Vermeidung von Doppelanrechnungen in der Klimaberichterstattung.

Deutschland stimmt den Ratsschlussfolgerungen für Land- und Forstwirtschaft zur Mitteilung der Europäischen Kommission zu nachhaltigen Kohlenstoffkreisläufen im Kompromisswege zu, weist aber auch darauf hin, dass mit Blick auf das Konzept Carbon Farming und den von der Europäischen Kommission angekündigten Rechtsrahmen zur Zertifizierung nicht alle aus deutscher Sicht wichtigen Punkte in der gebotenen Klarheit angesprochen wurden. Auch weist Deutschland darauf hin, dass die Mitteilung der Europäischen Kommission zu nachhaltigen Kohlenstoffkreisläufen bislang noch nicht ausreichend in anderen Ausschüssen und Ratsformationen, insbesondere im für Klimapolitik zuständigen Umweltministerrat, behandelt wurde. Zu den aus deutscher Sicht wichtigen Punkten gehören:

- Eine grundsätzliche Begrüßung von Carbon Farming als neues grünes Geschäftsmodell erscheint verfrüht, solange die möglichen Beiträge im Rahmen vorhandener Instrumente und deren Finanzierung sowie die vielen offenen Fragen, die sich im Rahmen einer umweltintegroren Umsetzung stellen, nicht geklärt sind.
- Ein positiver Beitrag zum Biodiversitätserhalt sollte grundlegende Vorbedingung für die Zertifizierung und Förderung von Carbon Farming - Maßnahmen sein.

- Maßnahmen des Carbon Farming dürfen nicht im Widerspruch zu den EU-Biodiversitätszielen stehen.
- Carbon Farming Maßnahmen sollten nicht allein auf den Effekt der Kohlenstoffspeicherung beschränkt sein, sondern klima- und biodiversitätsfördernde Bewirtschaftungsformen voranbringen und so Transformationsprozesse anstoßen, die zu dauerhaften Veränderungen hin zu ökologisch sinnvollen und klimawirksamen Bewirtschaftungspraktiken führen, die das Gesamtökosystem und eine Vielzahl an Ökosystemleistungen im Blick haben. Die Eignung des geplanten Zertifizierungsrahmens muss an diesen Kriterien gemessen werden.
- Im Rechtssetzungsverfahren muss das Verhältnis eines neuen europäischen Zertifizierungssystems zu privaten und nationalen Zertifizierungssystemen geklärt werden.
- Carbon Farming sollte sich auf den LULUCF-Sektor beschränken. Eine Erweiterung auf andere Sektoren kann, wenn klima- und umweltpolitisch sinnvoll, geprüft werden.
- Für die Finanzierung von Carbon Farming ist eine wesentliche Forderung der Deutschen Bundesregierung, dass keine zusätzlichen EU-Finanzmittel in Anspruch genommen werden. Die finanzielle Vergütung muss auf der Grundlage einheitlicher und nachweisbarer Methoden und Maßnahmen zur Einbindung von CO₂ erfolgen und dafür müssen EU-weit einheitliche Standards gelten. Dabei ist nicht nur die Speicherleistung, sondern auch die Freisetzung von CO₂ zu berücksichtigen.

Davon unberührt bleibt die Tatsache, dass – neben der Stärkung der Klimaschutzwirkung der natürlichen Ökosysteme – eine deutliche Reduktion von Treibhausgasemissionen in allen Sektoren erfolgen muss, um die Klimaschutzziele der Europäischen Union zu erreichen.

Deutschland wird diese wichtigen Fragen in die Expertengruppe einbringen, die von der Europäischen Kommission zur Vorbereitung des Rechtstextes eingesetzt werden soll und wird die Diskussionen zu einem Rechtsrahmen aktiv und konstruktiv begleiten.”

Courtesy translation

“Germany thanks the French Presidency of the Council for drafting council conclusions for the agricultural and forestry sectors on the European Commission Communication on Sustainable Carbon Cycles, which address an important subject within the scope of the “Fit for 55” package and the Farm to Fork Strategy.

Germany particularly welcomes the fact that the following questions were addressed:

- longevity and reversibility of CO₂ fixations;
- avoidance of carbon leakage;
- prevention of negative impacts on biodiversity; and
- avoidance of double counting in climate reporting.

By way of compromise, Germany agrees with the council conclusions for the agricultural and forestry sectors on the European Commission Communication on Sustainable Carbon Cycles but also points out that, from the German point of view, not all important aspects with regard to the concept of carbon farming and to the legal framework concerning certification announced by the European Commission were addressed with the required clarity. Germany also points out that the European Commission Communication on Sustainable Carbon Cycles has not yet been sufficiently dealt with by other committees and council configurations, especially by the Environment Council which is responsible for climate policies. From the German standpoint, these important aspects include:

- welcoming Carbon Farming as the new green business model seems premature while the possible contributions under existing instruments, their financing and the many questions

that arise regarding an environmentally sensitive implementation remain unresolved.

- A positive contribution to biodiversity should be the fundamental precondition for the certification and promotion of carbon farming measures.
- Carbon farming measures must not conflict with the EU biodiversity goals.
- Carbon farming measures should not only be restricted to the effect of carbon storage, but should also advance climate-friendly and biodiversity-enhancing farming systems and consequently provide impetus to transformation processes that lead to a permanent shift towards ecologically meaningful and climate-effective farming practices that focus on the ecosystem as a whole and on a large number of ecosystem services. The suitability of the planned certification system must be measured against these criteria.
- The relation of a new European certification system to private and national certification systems must be clarified in the legislative process.
- Carbon farming should be limited to the LULUCF sector. An extension to other sectors can be reviewed if this makes sense from a climate and environment policy viewpoint.
- With regard to the financing of carbon farming, a key demand of the German Federal Government is that no additional EU funding is used. The financial allowance must be based on standard and verifiable methods and measures for the integration of CO₂, and for this, uniform standards must apply throughout the EU. Consideration should be given not only to storage capacity but also to the release of CO₂.

This has no bearing on the fact that -in addition to strengthening the ability of natural ecosystems to deal with the climate crisis - a significant reduction of greenhouse gas emissions must be undertaken in all sectors in order to achieve the European Union's climate goals.

Germany will feed these important questions into the expert group which is intended to be set up by the European Commission to prepare the legal text, and will actively and constructively flank the discussion relating to the legal framework.”

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| 20. | Conclusions with a view to the participation of the EU and its Member States in UNFF 17
<i>Approval</i> | 7565/22 + ADD 1
+ ADD 1 COR 1
+ ADD 1 COR 2
AGRI |
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Transport

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| 21. | IMO – joint submission to the ninth session of the International Maritime Organization's Sub-Committee on Navigation, Communications and Search and Rescue regarding the proposed revision of Recommendation ITU-R M.1371-5
<i>Approval</i> | 7132/22 + ADD 1
MAR
OMI |
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Statement by the Commission

“The Commission considers that Union submissions to be sent to the IMO are covered by EU exclusive competence. Submission of proposals to the IMO on issues of EU competence is an act of external representation, which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

In the Commission’s view, the procedural arguments against presenting submissions to the IMO by the Commission on behalf of the EU are not convincing. This is because there is no evidence to suggest that the IMO, as a specialised agency of the United Nations, would be in a position to reject such a submission.

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.”

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| 22. | IMO – joint submission to the 12th session of the International Maritime Organization’s Intersessional Working Group on Reduction of GHG Emissions from Ships proposing a combination of different types of global market-based measures with technical mid- and long-term measures | 7498/22 + ADD 1
MAR
OMI |
| | <i>Approval</i> | |

Statement by the Commission

“The Commission considers that Union submissions to be sent to the IMO are covered by EU exclusive competence. Submission of proposals to the IMO on issues of EU competence is an act of external representation, which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

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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.”

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| 23. | IMO – joint submission to the 12th session of the International Maritime Organization’s Intersessional Working Group on Reduction of GHG Emissions from Ships containing an initial impact assessment of a GHG fuel standard | 7542/22 + ADD 1
MAR
OMI |
| | <i>Approval</i> | |

Statement by the Commission

“The Commission considers that Union submissions to be sent to the IMO are covered by EU exclusive competence. Submission of proposals to the IMO on issues of EU competence is an act of external representation, which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

In the Commission’s view, the procedural arguments against presenting submissions to the IMO by the Commission on behalf of the EU are not convincing. This is because there is no evidence to suggest that the IMO, as a specialised agency of the United Nations, would be in a position to reject such a submission.

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.”

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| 24. | IMO – joint submission to the 12th session of the International Maritime Organization’s Intersessional Working Group on Reduction of GHG Emissions from Ships proposing a GHG Fuel Standard
<i>Approval</i> | 7499/22 + ADD 1
MAR
OMI |
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Statement by the Commission

“The Commission considers that Union submissions to be sent to the IMO are covered by EU exclusive competence. Submission of proposals to the IMO on issues of EU competence is an act of external representation, which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

In the Commission’s view, the procedural arguments against presenting submissions to the IMO by the Commission on behalf of the EU are not convincing. This is because there is no evidence to suggest that the IMO, as a specialised agency of the United Nations, would be in a position to reject such a submission.

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.”

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| 25. | IMO – joint submission to the 78th session of the International Maritime Organization’s Marine Environment Protection Committee on the revision of the Initial IMO Strategy on Reduction of Greenhouse Gas (GHG) Emissions from Ships
<i>Approval</i> | 7544/22 + ADD 1
MAR
OMI |
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Statement by the Commission

“The Commission considers that Union submissions to be sent to the IMO are covered by EU exclusive competence. Submission of proposals to the IMO on issues of EU competence is an act of external representation, which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

In the Commission’s view, the procedural arguments against presenting submissions to the IMO by the Commission on behalf of the EU are not convincing. This is because there is no evidence to suggest that the IMO, as a specialised agency of the United Nations, would be in a position to reject such a submission.

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.”

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| 26. | Coordination of the European Union’s position for the second session of OTIF’s Ad Hoc Committee on Legal Issues and International Cooperation (Geneva, 5-7 April 2022)
<i>Approval</i> | 7549/22
TRANS |
|-----|---|------------------|

Telecommunications

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| 27. | Regulation on roaming on public mobile communications networks within the Union
<i>Adoption of the legislative act</i> | 7483/22
PE-CONS 86/21
TELECOM |
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Internal Market and Industry

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| 28. | Regulation establishing a framework of measures for strengthening Europe’s semiconductor ecosystem
<i>Decision to consult an institution or body</i> | 7366/22
COMPET |
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Research

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| 29. | Joint Innovation Agenda between the European Union and the African Union
<i>Authorisation to negotiate a non-binding instrument</i> | 7215/22
RECH |
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Space

- | | | |
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| 30. | Decision on the extension of the Agreement on the Galileo and GPS satellite-based navigation systems between the European Community and its Member States and the United States of America
<i>Request for the consent of the European Parliament</i> | 7503/22 + ADD 1
6531/22
SPACE |
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Statement by the Commission

“The Commission reiterates that, in accordance with Article 17 TEU, the Commission represents the Union externally on matters not falling into the CFSP.

The power of external representation includes the power to negotiate international agreements (in accordance with a prior authorisation by the Council), sign, notify the conclusion or extension of those agreements and implement them.

Therefore, the decision on the extension of the Galileo-GPS Cooperation Agreement must designate the Commission to notify the US government of the Union’s completion of its internal procedures to extend the agreement.

As a consequence, it is not for the President of the Council or the Council to express the consent of the Union to be bound by the agreement in question. Should it do so, it will violate the external representation power of the Commission as well as the principle of inter-institutional balance enshrined in Article 13(2) TEU. ”

Fisheries

31. Council Regulation amending Regulation (EU) 2022/109 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters
Decision to use the written procedure for the adoption
- 7418/22 + ADD 1
7369/22 + ADD 1
PECHE

Delegated or Implementing Acts

Internal Market and Industry

32. Commission Regulation (EU) .../... of XXX correcting certain language versions of Annex I to Regulation (EC) No 2195/2002 of the European Parliament and of the Council on the Common Procurement Vocabulary (CPV)
Decision not to oppose adoption
- 7466/22
5764/22
MAP
33. Commission Delegated Regulation (EU) .../... of 16.2.2022 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures
Delegated act – Intention not to raise objections
- 7462/22
6328/22 + ADD 1
ENT

COREPER (PART 2)

WEDNESDAY 30 MARCH 2022

Judicial Affairs

49. Case T-75/22 Yevgeniy Viktorovich Prigozhin v Council of the European Union
Information note for the Permanent Representatives Committee (Part 2) 7176/22
JUR
50. Cases before the General Court of the European Union 7529/22
T-90/22, Alex Kande Mupompa v Council JUR
T-91/22, Éric Ruhorimbere v Council
T-92/22, Gabriel Amisi Kumba v Council
T-93/22, Ramazani Shadary v Council
T-94/22, Kalev Mutondo v Council
T-95/22, Célestin Kanyama v Council
T-96/22, Ilunga Kampete v Council
T-97/22, Ferdinand Ilunga Luyoyo v Council
T-98/22, Évariste Boshab v Council
Information note for the Permanent Representatives Committee (Part 2)

Institutional affairs

Appointments

51. One member (DE) of the Committee of the Regions 7424/22
Adoption 7422/22
CDR

Other

52. Attendance of a third party at the meeting of the Working Party 7401/22
on the Western Balkans Region on 7 April 2022 COWEB
Approval
53. Attendance of third parties in the margins of the informal video 7537/22
conference of the members of the COJUR-ICC Working Party COJUR
on 31 March 2022
Approval
54. Attendance of a third party at the informal video conference of 7435/22
the members of the EUMTG on 12 April 2022 EUMC
Approval

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| 55. | Attendance of a third party at the meeting of the EU Military Committee on 12 April 2022
<i>Approval</i> | 7586/22
EUMC |
| 56. | Attendance of a NATO representative at the meeting of the EUMC on 12 April 2022
<i>Approval</i> | 7589/22
EUMC |
| 57. | Attendance of a third party at the meeting of the CONOP configuration on 5 April 2022
<i>Approval</i> | 7512/22
CONOP |
| 58. | Attendance of a third party at the meeting of the COARM configuration on 6 April 2022
<i>Approval</i> | 7552/22
COARM |
| 60. | Attendance of a third party at the Export Credits Group meeting on 31 March 2022
<i>Approval</i> | 6857/2022
CCG |
| 61. | Attendance of a third party at the meeting of the Middle East/Gulf Working Party on 1 April 2022
<i>Approval</i> | 7588/22
MOG |

Economic and Financial Affairs

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| 62. | Decision on providing macro-financial assistance to the Republic of Moldova
<i>Adoption of the legislative act</i> | 7266/22
PE-CONS 9/22
ECOFIN |
| 63. | Directive authorising tax-free shops situated in the French terminal of the Channel Tunnel
<i>Adoption</i> | 7240/22
6800/22
FISC |
| 64. | Council Directive amending Directive 2006/112/EC as regards rates of value added tax
<i>Adoption</i> | 7428/22
5442/22
FISC |
| 65. | Council Implementing Decision authorising Poland to extend a VAT derogation
<i>Adoption</i> | 7437/22
7163/22
FISC |

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| 66. | Transfer No DEC 06/2022 (Section III – Commission)
<i>Approval</i> | 7360/22
6920/22
FIN |
| 67. | Council Regulation amending Regulation (EU, Euratom) No 609/2014 in order to enhance predictability for Member States and to clarify procedures for dispute resolution when making available the traditional, VAT and GNI based own resources
<i>Adoption</i> | 7363/22
6769/22
RESPR |

Statements by the Commission

on the use of statistical methods

“The Commission recalls that the establishment and collection of customs duties and the timely making available of the corresponding traditional own resources to the EU budget is the autonomous responsibility of Member States.

The Commission stresses the need to maintain the stability of the own resources system, where every Member State must contribute to the EU budget according to its obligations, so that no Member State has to compensate for the actions of others. This is the only way to ensure fairness and equal treatment of Member States.

To ensure this, the Commission has to revert to all the means at its disposal, including where necessary and justified the use of statistical methods to quantify losses of traditional own resources in cases where the impossibility to quantify these losses based on import transactions is the consequence of an insufficient cooperation of the Member State with the Commission from the point of view of making the necessary information available. The Commission will act in line with the case-law of the Court of Justice of the European Union. The Commission considers the preliminary notifications sent in 2021 to the Member States on the quantification of estimated loss of TOR in relation to undervalued import cases from China and the anti-dumping duties on solar panel modules from China, Malaysia and Taiwan as exceptional measures that had to be used given the potentially very significant financial impact on the EU budget in these cases.

The Commission will analyse the quantification methods used i.a. on the basis of remarks sent by Member States and will take into account the judgment in case C-213/19. It will present the results of this analysis to the Member States, together with recommendations related to the future use of such methods.”

on the weekly reporting

“The Commission takes note of the Member States’ request to obtain weekly non-binding forecasts of cash movements on own resources accounts to ease their cash management activities.

The Commission envisages to adjust its cash management model to ensure a better predictability of cash movements on own resources accounts in the context of the future implementation of its new financial and budgetary system, expected to be put in place by 2024.

The adjustments to the Commission’s cash management model could enable the production of weekly non-binding forecasts of cash movements on own resources accounts in the future.”

Statement by the Netherlands

“The Netherlands:

- Acknowledges the efforts by both the Slovenian and the French Presidencies in the negotiations on the revision of the MAR.
- Notes however that the priority of the Netherlands regarding periods in which the late-payment interest accumulates is not sufficiently addressed in the revision.
- Regrets that the revised MAR does not prevent a Member State from being confronted with previously unknown TOR-liabilities and related high late payment interest bills.”

68.	European Semester 2022 – Recommendation on the economic policy of the euro area <i>Adoption</i>	6150/22 5145/22 5081/22 UEM
69.	Recommendation on the appointment of the external auditor of the Bank of Greece <i>Adoption</i>	6706/22 6707/22 UEM
70.	Council opinion on the appointment of the Controller of procedural guarantees of OLAF <i>Adoption</i>	7400/22 6949/22 GAF

General Affairs

71.	EP resolutions and decisions (March II 2022)	7232/22 PE-RE
72.	Regulation on Cohesion’s Action for Refugees in Europe (CARE) <i>Adoption of the legislative act</i> <i>Decision to derogate from the eight-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU</i>	7267/22 PE-CONS 12/22 COH
73.	Pharmaceutical products package (a) Directives 2001/20/EC and 2001/83/EC concerning 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 in respect of Northern Ireland, as well as in Cyprus, Ireland and Malta <i>Confirmation of the final compromise text with a view to agreement</i>	7438/22 UK

Justice and Home Affairs

74. Regulation amending Regulation (EU) 2018/1862 on the Schengen Information System (SIS)
Confirmation of the final compromise text with a view to agreement 7303/22
SIRIS
75. Regulation amending Regulations (EU) No 514/2014, (EU) No 516/2014 and (EU) 2021/1147 on the funding of home affairs policies
Adoption of the legislative act
Decision to derogate from the eight-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU 7255/22 + ADD 1
PE-CONS 11/22
JAI
76. Second Additional Protocol to the Budapest Convention
(a) Council Decision authorising the signature
Adoption 7394/22
6427/22 + ADD 1
14898/21
(b) Council Decision authorising the ratification
Agreement in principle
Request for the consent of the European Parliament 6438/22 + ADD 1
14898/21
COPEN

Statement by Germany

“Germany welcomes the signature and ratification of the Second Additional Protocol to the Budapest Convention by member states of the European Union. With regards to Data Protection, the standards laid down in Article 14 of the Protocol are elementary. Germany wishes to underline the fact that the jurisdiction of the Court of Justice of the European Union (CJEU) attaches special importance to the effectiveness of legal remedies, especially in relation to the United States. To meet the requirements set out by the CJEU, every party to the Second Additional Protocol has to provide an effective legal remedy to all persons whose personal data were processed by law enforcement authorities according to the measures laid out in the Second Additional Protocol. Therefore, Germany would like to point to the progress made by the Commission and the United States with regard to the access to data by U.S. intelligence authorities by agreeing in principle on a Trans-Atlantic Data Privacy Framework which includes a new two-tier redress system to investigate and resolve complaints of European citizens and introduces a Data Protection Review Court.”

77. Prüm Decisions: Council Implementing Decision on automated data exchange with regard to vehicle registration data (VRD) in Greece
Adoption 7520/22
14839/21
13930/21 + COR 1
IXIM
78. Prüm Decisions: Council Implementing Decision on automated DNA data exchange in Italy
Adoption 7521/22
14836/21
13919/21
IXIM

79.	Prüm Decisions: Council Implementing Decision on automated dactyloscopic data exchange in Italy <i>Adoption</i>	7523/22 14837/21 13923/21 IXIM
80.	Prüm Decisions: Council Implementing Decision on automated data exchange with regard to vehicle registration data (VRD) in Italy <i>Adoption</i>	7524/22 14838/21 13925/21 IXIM
81.	Council Decision on the conclusion of the Agreement with the Republic of Moldova on operational activities carried out by the European Border and Coast Guard Agency in the Republic of Moldova <i>Adoption</i>	7557/22 + COR 1 7202/22 7204/22 FRONT
82.	Council Decision on the conclusion of the Agreement amending the Agreement with Brazil on short-stay visa waiver for holders of diplomatic, service or official passports <i>Adoption</i>	7569/1/22 REV 1 13445/1/18 REV 1 13446/18 VISA
83.	Council Decision on the conclusion of the Agreement amending the Agreement with Brazil on short-stay visa waiver for holders of ordinary passports <i>Adoption</i>	7570/1/22 REV 1 13448/1/18 REV 1 13449/18 VISA
84.	Regulation amending Regulation (EC) No 168/2007 establishing a European Agency for Fundamental Rights <i>Adoption</i>	7579/22 9827/21 JAI

Statement by the Commission

“The Commission regrets that Article 3, paragraph 3, provides for an exception for Union or Member States’ acts or activities in relation with or in the framework of the Common Foreign and Security Policy (CFSP).

The Commission underlines that the Charter of Fundamental Rights of the European Union applies to all areas of competencies of the Union, including the CFSP.

The Commission also recalls that following the entry into force of the Treaty of Lisbon, CFSP matters have become part of Union law and should therefore be within the Agency’s scope of activities, as all areas falling within the competences of the Union, under Article 3(1) of Council Regulation (EC) n°168/2007.”

Foreign Affairs

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| 85. | PSC Decision EUNAVFOR MED IRINI/1/2022 –
reconfirmation of the authorisation of the European Union
military operation in the Mediterranean
(EUNAVFOR MED IRINI)
<i>Decision to publish in the Official Journal</i> | 7332/22
6883/22
PSC DEC |
| 86. | PSC Decision EUNAVFOR MED IRINI/2/2022 – appointment
of the Force Commander
<i>Decision to publish in the Official Journal</i> | 7461/22
7398/22
PSC DEC |
| 87. | South Sudan – restrictive measures – pre-notification
<i>Approval</i> | 5631/2/22 REV 2
CORLX |
| 88. | Council Decision in support of the implementation of United
Nations Security Council Resolution 1540 (2004) on the
non-proliferation of weapons of mass destruction and their
means of delivery
<i>Adoption</i> | 6942/22 + COR 1
6941/22
CORLX |
| 89. | Council Decision in support of activities of the Organisation for
the Prohibition of Chemical Weapons (OPCW) in the
framework of the implementation of the EU Strategy against
Proliferation of Weapons of Mass Destruction
<i>Adoption</i> | 6944/22
6939/22
CORLX |
| 90. | Council Decision promoting the European network of
independent non-proliferation and disarmament think tanks
<i>Adoption</i> | 7112/22
6607/22
CORLX |
| 91. | Council Implementing Decision and Regulation concerning
restrictive measures in view of the situation in Syria
<i>Adoption</i> | 7469/22
7383/22
7385/22
CORLX |

92. Conclusions on the 2021 Annual Report on the implementation of the European Union's External Action Instruments in 2020
Approval

7459/22
DEVGEN

Statement by Hungary

“First, we would like to thank the French Presidency for its tireless work to conclude the negotiations regarding the Council Conclusions on the 2021 Annual Report on the implementation of the EU's external action instruments in 2020.

The Annual Report provides a good basis for reviewing and evaluating our efforts done in 2020, and it is indeed an important tool to enhance the transparency and accountability on the implementation and results of the EU external action.

However, the Report contains references to Sexual and Reproductive Health and Rights (SRHR) and legal migration as well as to the Global Compact on Refugees (GCR), which are not in line with the Hungarian position and therefore Hungary does not agree with these references. For these reasons, Hungary would like to highlight its interpretation on the mentioned issues.

Regarding SRHR, we would like to underline that the adoption of the Programme of Action of the International Conference on Population and Development (ICPD) and the Beijing Platform for Action of the Fourth World Conference on Women marked a remarkable consensus. They placed the enjoyment of human rights at the heart of development and important gains in the fields of health, equality between women and men and education have been achieved since their adoption. These fields are at the core of the 2030 Agenda for Sustainable Development incorporating as founding principles the universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination.

Hungary remains dedicated to its human rights commitments, including the protection and promotion of women's rights and equality between women and men. Hungary is deeply committed to the implementation of the ICPD Programme of Action and Beijing Platform for Action as well as the 2030 Agenda, serving also as basic references in the field of Sexual and Reproductive Health and Reproductive Rights (SRHRR). Hungary notes, that among others the term of Sexual and Reproductive Health and Rights is lacking consensual definition at international level, including within the European Union. This issue is interpreted and promoted by Hungary in the context of the 2030 Agenda, the ICPD Programme of Action and the Beijing Declaration and Platform for Action and in line with its national legislation.

As for the Global Compact on Refugees, we would like to underline that not all EU Member States were in favour of adopting the document, including Hungary, therefore, we are not participating in its implementation. For this reason, any reference to the GCR is unacceptable for Hungary.

Moreover, Hungary wishes to highlight that legal migration is a national competence, which means that the Member States have the right to decide on the number of workers to be admitted into their own labour markets. The pandemic has caused unprecedented socio-economic challenges in most countries of the world, and we believe that legal migration is not the right solution to address these economic and labour market challenges. Focus instead should be placed on providing decent work and living conditions in countries of origin in order to prevent migration towards the EU. In addition to addressing the root causes, we also should focus on fighting against human trafficking and migrant smuggling, strengthening our cooperation on border protection and promoting effective return and reintegration.”

Statement by Poland

“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 framework of the Polish national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, in place where the conclusions refer to gender equality Poland will interpret it as equality between women and men, according to Article 2 of the Treaty on European Union, Article 8 and 10 of the Treaty on the Functioning of the European Union, as well as Article 23 of the EU Charter of Fundamental Rights.”

93. Memorandum of Understanding between the European Union and Switzerland on a contribution by Switzerland towards reducing economic and social disparities and for cooperation in the area of migration in the European Union
Approval of a non-binding instrument
- 7337/22
7336/22
AELE

EU positions for international negotiations

94. Council Decision on the position to be taken by the European Union in the Partnership Council established by the Trade and Cooperation Agreement between the EU and the United Kingdom on the adoption of the guidelines of the Civil Society Forum
Adoption
- 7205/22
7208/22 + ADD 1
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.”

95. Council Decision on the EU position within the EEA Joint Committee as regards the amendment of Protocol 4 on rules of origin to that Agreement
Adoption
- 7479/22
5385/22
UD
96. Council Decision on the EU position in the Special Committee on Customs and Trade Facilitation set up by the EU-SADC EPA as regards the adoption of the Rules of Procedure for the Special Committee on Customs and Trade Facilitation
Adoption
- 7417/22
7222/22 + ADD 1
ACP

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Institutional affairs

Other

97. Attendance of a third party at the meeting of the Horizontal Working Party on Drugs on 6 April 2022
Approval 7663/22
CORDROGUE

Economic and Financial Affairs

101. Conclusions on the EU's strategic autonomy in the economic and financial field
Approval 6300/22
6301/22

General Affairs

98. Regulation on information security
Mandate for the Council Security Committee 7676/22
CSC

Agriculture

99. Council Decision on the position to be taken, on behalf of the European Union, as regards the Council declaration with a view to the special session of the International Grains Council on the consequences of Russia's invasion of Ukraine on global markets for cereals and oilseeds and on world food security
Adoption 7633/22
PROBA
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