

Brussels, 3 May 2023  
(OR. en)

8375/23  
CRS CRP 14

**SUMMARY RECORD**  
PERMANENT REPRESENTATIVES COMMITTEE  
19 April 2023

**I. Adoption of the agenda**

8330/1/23 REV 1 OJ CRP1 14  
8323/2/23 REV 2 OJ CRP2 14

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)**

**Internal Market and Industry**

2. Directive on multiple-vote share structures (MVSD) 8192/23  
*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.

**Employment and Social Policy**

3. Council Decision authorising Member States to ratify the 2019 8079/1/23 REV 1  
ILO Convention on Violence and Harassment (No. 190)  
*Guidance for further work*

The Committee provided guidance for further work.

## **Telecommunications**

4. Regulation on harmonised rules on fair access to and use of data (Data Act)  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 29 March 2023.

## **Internal Market and Industry**

5. Regulation establishing a framework of measures for strengthening Europe's semiconductor ecosystem (Chips Act)  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 18 April 2023.

## **Agriculture and Fisheries**

70. Meeting of the Council (Agriculture and Fisheries) on 25 April 2023

The Committee agreed to add a new discussion point to the Council agenda.

## **Transport**

6. Regulation on ensuring a level playing field for sustainable air transport (ReFuelEU Aviation initiative) 7382/23  
*Preparation for the trilogue*

The Presidency took note of delegations' comments in view of the forthcoming trilogue.

## **COREPER (PART 2)**

### **Foreign Affairs**

#### 30. Meeting of the Council (Foreign Affairs) on 24 April 2023: Preparation

##### a) Current affairs

The Committee prepared this item for the Council meeting.

##### b) Russian aggression against Ukraine *Exchange of views*

The Committee prepared this item for the Council meeting.

##### c) Implementation of the EU action plan on the geopolitical consequences of the Russian aggression against Ukraine: engagement with third countries *Exchange of views*

The Committee prepared this item for the Council meeting.

##### d) Other items in connection with the Council meeting

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

#### 31. Tunisia *Exchange of views*

The Committee took note of the information provided by the Commission on macro-financial, economic and migration aspects and by the EEAS on the overall political situation and held an exchange of views.

32. Council Decision on the signing and provisional application of the EU-OACPS Partnership (“post-Cotonou”) Agreement	8280/23 <b>R-UE</b>
<i>Preparation for the adoption</i>	8371/23 <b>R-UE</b>
<i>Decision to use the written procedure</i>	8372/23 <b>R-UE</b>

The Committee took note of the compromise text presented by the Presidency. The Committee agreed to revert on this issue at its next meeting.

33. Preparation for the fourth meeting of the EU-US Trade and Technology Council (30-31 May 2023 in Luleå, Sweden)  
*Exchange of views*

The Committee took note of the information provided by the Presidency and the Commission and held an exchange of views. The Committee will revert to discuss the draft joint statement at one of its next meetings.

34. Council Decision on assistance measure under the European Peace Facility to support the Ukrainian Armed Forces 8262/23  
*Preparation for the adoption* 7344/23

The Committee remains seized on this item and agreed to revert at one of its next meetings.

35. Renewal of Regulation on temporary trade liberalisation supplementing trade concessions under the EU-Ukraine Association Agreement  
*State of play*

The Committee took note of the information provided by the Commission and agreed to revert on this issue at one of its next meetings.

#### **IV. Any other business**

##### **COREPER (PART 2)**

Meeting of the European Political Community on 1 June 2023, Moldova

The Committee took note of the information provided by the cabinet of the President of the European Council.

WHO platform on global health certification

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

FAC Development on 4 May 2023: agenda

The Committee took note of the information provided by the EEAS. One new discussion item on global consequences of war in Ukraine was added to the Council agenda.

Coreper away-day

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

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

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|----|--|------------------|
| 7. | Replies to questions for written answer submitted to the Council by Members of the European Parliament<br><i>Adoption by silence procedure</i> | 8209/23<br>PE-QE |
| a) | Emmanouil Fragkos (ECR)<br>"Conditions for EU loans to Skopje"   | 7394/23          |
| b) | Janina Ochojska (PPE)<br>"Conclusions of the special meeting of the European Council of 9 February 2023"                                       | 7764/23          |
| c) | Pernille Weiss (PPE)<br>"Abolition of seasonal time changes"   | 7503/23          |

**Appointments**

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| 8. | One alternate member (PL) of the Management Board of the European Institute for Gender Equality<br><i>Adoption</i> | 8025/23<br>SOC |
| 9. | One member (PL) of the Management Board of the European Institute for Gender Equality<br><i>Adoption</i>           | 8029/23<br>SOC |

**Other**

- |     |  |                          |
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| 10. | Attendance of a third party at the Working Party on Transport - Intermodal Questions and Networks on 28 April 2023<br><i>Approval</i>  | 8047/23<br>TRANS         |
| 11. | Attendance of a third party at the Working Party on Land Transport on 19 April 2023<br><i>Approval</i>                                 | 8091/1/23 REV 1<br>TRANS |
| 12. | Attendance of third parties at the Working Party on Competitiveness and Growth (Better Regulation) on 20 April 2023<br><i>Approval</i> | 8208/23<br>BETREG        |

13. Attendance of a third party at the Cultural Affairs Committee on 20 April 2023  
*Approval* 8075/23  
CULT

### **Judicial Affairs**

14. Case C-45/23 (MS Amlin Insurance)  
*Information note* 8135/23  
JUR

### **EU positions for international negotiations**

15. Council Decision on the EU position at COP 16 to the Basel Convention regarding certain amendments of Articles and Annexes  
*Adoption* 8201/23  
7759/23  
ENV

Statement by the Commission is set out in the ADD 1 to this document.

16. Council Decision on the EU position at COP 11 to the Rotterdam Convention regarding certain amendments to the Convention and its Annex III  
*Adoption* 8195/23  
7460/23  
ENV

Statement by the Commission is set out in the ADD 1 to this document.

17. Council Decision on the EU position at COP 11 to the Stockholm Convention regarding amendment on Annex A  
*Adoption* 8197/23  
7438/23  
ENV

Statement by the Commission is set out in the ADD 1 to this document.

18. Decision on a European Year of Skills 2023  
*Adoption of the legislative act*

7844/23 + ADD 1  
PE-CONS 12/23  
SOC

Statement by Hungary

“Hungary is committed to fully support the aims of the European Year of Skills 2023 initiative with regard to the re- and upskilling of people and recognize that a skilled workforce is crucial to ensuring just green and digital transitions. We acknowledge that the final compromise text set out in document 7219/23+ADD 1 is the result of long-lasting negotiations, due to certain elements in the text which are not in line with our position on legal migration in general, Hungary abstains from voting. We regret to note that certain provisions of the decision on legal migration do not reflect sufficiently the need to respect national competences as set out in Article 79(5) TFEU, according to which the Member States’ right to determine volumes of admission of third-country nationals in order to seek work, shall not be affected. In this context, Hungary does not consider “Attracting people from third-countries”, i.e. encouragement of legal migration on the Union level as an appropriate and legally sound tool to resolve the Union’s skills and labour shortage.

Furthermore Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as commitments and principles stemming from the international law. Furthermore, equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. In line with these and its national legislation, Hungary interprets the concept of ‘gender’ as reference to ‘sex’ and the concept of ‘gender convergence’ as ‘convergence between women and men’ in the Decision of the European Parliament and of the Council on a European Year of Skills 2023.”

19. Directive on binding pay transparency measures  
*Adoption of the legislative act*

7845/23 + ADD 1  
PE-CONS 81/22  
SOC

Joint statement by Austria and Germany

“Österreich und Deutschland erachten die Verwendung der Formulierung „Frauen unterschiedlicher Rasse“ in Erwägungsgrund 25 der deutschen Sprachfassung der Entgelttransparenz-Richtlinie als zutiefst problematisch.

Österreich und Deutschland gehen davon aus, dass die Klarstellung zur Verwendung des Begriffs „Rasse“ in Erwägungsgrund 6 der Richtlinie 2000/43 des Rates vom 29. Juni 2000 zur Anwendung des Gleichbehandlungsgrundsatzes ohne Unterschied der Rasse oder der ethnischen Herkunft, auf die in Erwägungsgrund 25 der Entgelttransparenz-Richtlinie verwiesen wird, auch im Rahmen der Entgelttransparenz-Richtlinie gilt: „Die Europäische Union weist Theorien, mit denen versucht wird, die Existenz verschiedener menschlicher Rassen zu belegen, zurück. Die Verwendung des Begriffs "Rasse" in dieser Richtlinie impliziert nicht die Akzeptanz solcher Theorien.“

Courtesy translation:

“Austria and Germany consider the use of the wording “Frauen unterschiedlicher Rasse” in recital 25 of the German language version of the Pay Transparency Directive to be deeply problematic.

Austria and Germany assume that the clarification on the use of the term “race” in recital 6 of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, which is referred to in recital 25 of the Pay Transparency Directive, also applies to the Pay Transparency Directive: “The European Union rejects theories which attempt to determine the existence of separate human races. The use of the term "racial origin" in this Directive does not imply an acceptance of such theories.”



## Statement by Bulgaria

“Ефективното прилагане на принципа за равно заплащане на мъжете и жените за равен труд или за труд с равна стойност е основополагащо условие за премахването на неравенствата, насърчаването на равенството между мъжете и жените и постигане на възходящо социално сближаване в Съюза. В тази връзка Република България подкрепя целите на Директивата на Европейския парламент и на Съвета за укрепване на прилагането на принципа за равно заплащане на жените и мъжете за равен труд или за труд с равна стойност чрез прозрачност в заплащането и механизми за контрол на прилагането.

В същото време в хода на преговорите по предложението за Директива в текста бяха направени промени, които са неприемливи за страната.

Значително се разширява обхватът на работодателите, за които се създават нови задължения, без да се отчита специфичното положение на малките и средните предприятия. За Република България е важно залегналите в първоначалното предложение на Европейската комисия задължения за докладване на различията в заплащането на персонала между жените и мъжете и извършването на съвместна оценка на заплащането да бъдат приложими само за относително големи компании, които ще разполагат със съответните финансови и човешки ресурси за изпълнението им.

На следващо място, включването на комбинираната дискриминация в оперативната част на Директивата създава правна несигурност предвид правното основание за приемането на Директивата (чл. 157, пар. 3 от ДФЕС), което обхваща само закрилата по признак „пол“ (равнопоставеност между мъже и жени), но не и закрила по други признаци или комбинация от такива.

Не на последно място, през 2018 г. Конституционният съд на Република България прие решение, в което се посочва, че Конвенцията на Съвета на Европа за превенция и борба с насилието над жени и домашното насилие („Истанбулската конвенция“) утвърждава правни концепции, свързани с понятието „социален пол“ (англ. „gender“), които са несъвместими с основните принципи на Конституцията на Република България. През 2021 г. Конституционният съд допълнително поясни, че терминът „пол“ (англ. „sex“), използван в Конституцията, в контекста на националния правов ред, трябва да се разбира само в неговия биологичен смисъл (мъже и жени). В съответствие с посочените решения Република България заявява, че не може да приеме концепции, които имат за цел да разграничат „пол“ („sex“) като биологична категория (мъже и жени) от „социален пол“ („gender“) като социална категория, и че ще тълкува използването на термина „gender“ в Директивата само в неговия биологичен смисъл. Поради това Съображение 6 е неотносимо за Република България предвид националния ѝ конституционен ред.

Поради посочените съображения Република България не подкрепя текста на Директивата на Европейския парламент и на Съвета за укрепване на прилагането на принципа за равно заплащане на жените и мъжете за равен труд или за труд с равна стойност чрез прозрачност в заплащането и механизми за контрол на прилагането.”

Courtesy translation:

“The effective implementation of the principle of equal pay for men and women for equal work or work of equal value is an essential condition for the elimination of inequalities, the promotion of equality between women and men, and the achievement of upward social convergence in the Union. In this regard, the Republic of Bulgaria supports the objectives of the Directive of the European Parliament and of the Council on strengthening the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms.

At the same time, amendments have been made to the text of the proposal during the negotiations on the Directive that are unacceptable for the Republic of Bulgaria.

The scope of employers for whom new obligations are created is significantly expanded, without taking into account the specific situation of small and medium-sized enterprises. It is important for the Republic of Bulgaria that the initially proposed obligations in the proposal of the European Commission for reporting on pay gap between female and male workers and on conducting a joint assessment of pay are applicable only to relatively large companies that will have the corresponding financial and human resources to implement them.

Furthermore, the inclusion of intersectional discrimination in the operative part of the Directive creates legal uncertainty in view of the legal basis for the Directive’s adoption (Article 157(3) TFEU), which only covers protection on the ground of "sex" (equality between men and women), but not protection on other grounds or on a combination of such grounds.

Last but not least, in 2018 the Constitutional Court of the Republic of Bulgaria adopted a decision stating that the Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence (the "Istanbul Convention") promotes legal concepts related to the notion of "gender" that are incompatible with the fundamental principles of the Constitution of the Republic of Bulgaria. In 2021, the Constitutional Court further clarified that the term "sex" used in the Constitution, in the context of the national legal order shall only be understood in the sense of biological determination (men and women). In accordance with the aforementioned decisions, the Republic of Bulgaria declares that it cannot accept concepts that intend to differentiate between “sex” as a biological category (women and men) and “gender” as a social construct and that it shall interpret the use of the term "gender" in the Directive in its biological sense only. Therefore, Recital 6 is irrelevant for the Republic of Bulgaria in view of its national constitutional order.

For the stated reasons, the Republic of Bulgaria does not support the text of the Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms.”

#### Statement by Hungary

“Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as commitments and principles stemming from the international law. Furthermore, equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. In line with these and its national legislation, Hungary interprets the concept of ‘gender’ as reference to ‘sex’ and the concept of ‘gender equality’ as reference to ‘providing equal rights, chances and opportunities for women and men’ in the Proposal for a Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms.”

#### Statement by Latvia

“Latvia supports the aim of addressing the gender pay gap and the objectives of *the Proposal for a Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms*. Nonetheless, Latvia has concerns about the envisaged enforcement mechanism and regrets that the final compromise agreement on the Directive to be adopted in the Council on 24 April 2023 might impose an excessive and disproportionate administrative burden on private and public sectors.”

#### Statement by Poland

“Równość kobiet i mężczyzn została zapisana w traktatach Unii Europejskiej jako podstawowe prawo. Polska zapewnia równość kobiet i mężczyzn w ramach polskiego krajowego systemu prawnego zgodnie z międzynarodowymi traktatami praw człowieka oraz w ramach podstawowych wartości i zasad Unii Europejskiej. Z tych powodów, wyrażenie "gender equality" Polska będzie interpretowała jako równość kobiet i mężczyzn, zgodnie z art. 2 i 3 Traktatu o Unii Europejskiej oraz art. 8 i 157 ust. 3 Traktatu o Funkcjonowaniu Unii Europejskiej, natomiast wyrażenie „gender pay gap” jako lukę płacową między kobietami i mężczyznami. W związku z powyższym, pozostałe wyrażenia zawierające termin "gender", Polska będzie interpretowała jako płeć ("sex"), zgodnie z art. 10, art. 19 ust. 1 oraz art. 157 ust. 2 i 4 Traktatu o Funkcjonowaniu Unii Europejskiej. Jednocześnie, Polska nie uznaje kategorii płci innych niż „kobieta” i „mężczyzna”, zatem motywy 3a i 3b nie odnoszą się do sytuacji w Polsce.”

#### Courtesy translation:

“Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the Polish national legal system in line with international human rights treaties and within the framework of the fundamental values and principles of the European Union. For these reasons, the expression "gender equality" will be interpreted by Poland as equality between women and men, in accordance with Article 2 and 3 of the Treaty on European Union and Article 8 and 157 para 3 of the Treaty on the Functioning of the European Union, while expressing "gender pay gap" as the "pay gap between women and men". In connection with the above, the remaining expressions containing the term "gender" will be interpreted by Poland as "sex", in accordance with Article 10, Article 19 para 1 and Article 157 para 2 and 4 of the Treaty on the Functioning of the European Union. At the same time, Poland does not recognize categories of sex other than "female" and "male", therefore recitals 3a and 3b will not refer to situation in Poland.”

### Statement by the Commission

The Commission takes note of the compromise reached between the co-legislators on a transposition period of three years for the entry into application of the new rules on pay transparency. The Commission would like to point out that this deviation from the standard two-year transposition period should not be seen as a precedent. It only aims at ensuring that employers will have non-discriminatory pay structures in place so as to ensure full application of the new rules at the time of transposition.

### **Internal Market and Industry**

#### 20. Regulation on general product safety (GPSR)

*Adoption of the legislative act*

7846/23  
+ ADD 1 REV 2  
PE-CONS 79/22  
CONSOM

### Joint statement by Denmark, France, Germany, Portugal and Spain

“Denmark, France, Germany, Portugal and Spain fully support the goals of the General Product Safety Regulation and welcome the updating and improvements of product safety legislation to make sure it matches the new more digital and technological reality.

However, we expected a higher level of ambition with regard to regulating the role of providers of online marketplaces in preventing the reappearance on the market of already notified dangerous products.

Throughout the last decade, the role of providers of online marketplaces in the distribution of products into the Union market has grown rapidly. Although some of them have voluntary commitments and internal policies focused on product safety and most of them usually take down unsafe products when informed, they too often reappear and the existing tools have proven not to be effective enough to prevent it. This reflects a complex and challenging consumer enforcement environment that requires a more proactive approach, making better use of the possibilities offered by technology to perform ex ante random checks in an automatized way.

Hence, we we will closely monitor the implementation of the GPSR in connexion with the DSA and we expect that further responsibilities for providers of online marketplaces in regards to product safety will be considered in future proposals.”

### Statement by Hungary

“Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as commitments and principles stemming from the international law. Furthermore, equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. In line with these and its national legislation, Hungary interprets the concept of ‘gender’ as reference to ‘sex’ and the concept of ‘gender equality’ as reference to ‘providing equal rights, chances and opportunities for women and men’ in the Regulation of the European Parliament and of the Council on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC.”

## **Transport**

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| 21. Directive amending Directive 2003/25/EC introducing improved stability requirements for ro-ro passenger ships<br><i>Adoption of the legislative act</i> | 7988/23<br>PE-CONS 76/22<br>MAR |
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## **Environment**

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| 22. Regulation establishing a Social Climate Fund<br><i>Adoption of the legislative act</i> | 7984/23 + ADD 1<br>CLIMA |
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### **Statement by Lithuania**

“Lithuania endorses the final compromise text on amendment of the Regulation establishing a Social Climate Fund.

Lithuania supports the need for higher GHG mitigation ambitions to achieve long-term climate neutrality target. The strengthened and extended EU ETS to the new sectors is the effective tool for the GHG emission reduction. The EU ETS extension to transport, buildings and other sectors is an instrument that should provide EU level harmonized approach to mitigating non-ETS GHG emissions especially in transport sector. Nevertheless, it will also cause additional socio-economic challenges with the most adverse effects born on the Member States with lower GDP and the highest energy poverty rates.

In this regard, Lithuania welcomes the establishment of Social Climate Fund as a tool to mitigate adverse social impacts of the proposed EU ETS for buildings and road transport (ETS BRT) on vulnerable households, micro-enterprises, and transport users, through measures and investments as well as temporary direct income support. It is critical to ensure that the Member States with lower GDP and experiencing the greatest energy poverty at least recover the expenses incurred under the ETS BRT through auctioning rights and the Social Climate Fund.

Lithuania regrets that the Social Climate Fund will be established at a fixed size without possibility of the dynamical increase of its size in line with the increase of the price of allowances (especially over 55 Euros) to adequately react to the changes in costs incurred to consumers.

It is also regrettable that the established allowances price regulation mechanism may not effectively provide predictability of the carbon price for a longer period as it is only set for the years 2028 and 2029 (Art 30 h).”

### **Statement by Poland**

”In Poland’s view, it is crucial that the EU’s transition towards climate neutrality be fair.

In this context, we support the idea of allocating additional EU funding to compensate for the costs of the energy transition, for entities in energy poverty and transport exclusion, and for vulnerable households, vulnerable micro-enterprises and vulnerable transport users.

However, making the creation of the Social Climate Fund conditional on the introduction of solutions that place an additional burden on households, thereby increasing and deepening poverty, is inappropriate.

Furthermore, Poland reiterates its negative position on the ‘Fit for 55’ package as a whole, which sets unrealistic targets and ambitions and has a significant impact on Member States’ energy mix.

Poland is of the opinion that most of the package is being dealt with on an incorrect legal basis, which creates a dangerous precedent.

For this reason, Poland is refraining from voting in favour of this legislation.”

## Statements by the Commission

### Statement 1

As part of the negotiations under the recast of the Energy Efficiency Directive (EED recast), the Commission's intention is to present a targeted amendment to the Regulation establishing a Social Climate Fund to update the definition of energy poverty in line with the agreement reached on the definition of energy poverty in the EED recast.

### Statement 2

In the Inter-institutional Agreement of 16 December 2020 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap for the introduction of new own resources, points 30 to 33 require the Commission to make available an integrated and interoperable information and monitoring system including a single data-mining and risk-scoring tool to access and analyse the required data with a view to a generalised application by Member States. In addition, the three institutions agreed to sincerely cooperate, in the course of the legislative procedure relating to the relevant basic acts, to ensure the follow up to the European Council conclusions of July 2020 regarding this element.

The Commission considers that the agreement reached by the co-legislators on the use of a single data-mining tool and the collection and analysis of data on the beneficial owners of the recipients of funding is not sufficient to enhance the protection of the Union budget against fraud and irregularities and to ensure efficient checks on conflicts of interests, irregularities, issues of double funding, and criminal misuse of the funds. Therefore, the approach agreed by the co-legislators in the Regulation establishing a Social Climate Fund does not appropriately reflect the desired ambition and spirit of the Inter-institutional Agreement.

### Statement 3

The Commission considers that the agreement reached by the co-legislators under “Annex III - Key requirements for the Member State’s control system” of the Regulation establishing a Social Climate Fund concerning Member States’ possibility to designate more than one authority that can be entrusted with the responsibility to sign the management declaration accompanying the payment requests could lead to inefficiencies and a dilution of responsibilities as well as create confusion about the roles of the authorities.

Statement by Hungary

“Hungary supports and is strongly committed to the transition to climate neutrality and to adopt effective mitigation measures. We agree with the view, that the European Union needs to remain ambitious, but we need to act responsibly. At the same time, we have to ensure that energy is provided at a price that is affordable for households and companies in order to maintain the public support for a fair and socially inclusive green transition.

We are concerned that the BRT ETS will place an excessive burden on European households and undermine the competitiveness of our economies, especially in lower-income Member States, most of which are more exposed to the effects of the current crises, while these measures will not contribute significantly to the EU’s emission reduction efforts.

During the times of a global energy crisis, the Russian invasion of Ukraine, rising inflation and uncertainties throughout Europe, we believe that now it is not the right time to adopt measures, which will further aggravate the life of the most vulnerable households, potentially increase energy poverty and risk undermining business confidence and the support for climate action. Therefore, Hungary cannot accept a decision that will force citizens to pay more due to the introduction of an EU-wide uniform carbon price.“

Statement by Lithuania

“Lithuania endorses the final compromise text on amendment of the Directive on the EU Emissions Trading System (ETS).

Lithuania supports the need for higher GHG mitigation ambitions to achieve long-term climate neutrality target. The strengthened and extended EU ETS to the new sectors is the effective tool for the GHG emission reduction. The EU ETS extension to transport, buildings and other sectors is an instrument that should provide EU level harmonized approach to mitigating non-ETS GHG emissions especially in transport sector. Nevertheless, it will also cause additional socio-economic challenges with the most adverse effects born on the Member States with lower GDP and the highest energy poverty rates.

In this regard, Lithuania welcomes the establishment of Social Climate Fund as a tool to mitigate adverse social impacts of the proposed EU ETS for buildings and road transport (ETS BRT) on vulnerable households, micro-enterprises, and transport users, through measures and investments as well as temporary direct income support. It is critical to ensure that the Member States with lower GDP and experiencing the greatest energy poverty at least recover the expenses incurred under the ETS BRT through auctioning rights and the Social Climate Fund.

Lithuania regrets that the Social Climate Fund will be established at a fixed size without possibility of the dynamical increase of its size in line with the increase of the price of allowances (especially over 55 Euros) to adequately react to the changes in costs incurred to consumers.

It is also regrettable that the established allowances price regulation mechanism may not effectively provide predictability of the carbon price for a longer period as it is only set for the years 2028 and 2029 (Art 30 h).”

### Statement by Poland

"In Poland's view, the EU ETS system requires in-depth reform, but a significant part of the modifications introduced in the directive do not go in the right direction or are insufficient. The proposed changes exacerbate the structural problems of the EU-wide Emissions Trading System without providing the required solutions.

Two points should be noted in particular. First, there is a need for an efficient and credible mechanism to regulate the price of allowances. The proposed solutions are insufficient and have a negative impact on EU energy prices and the competitiveness of European industry. In Poland, the cost of allowances can account for up to 40% of the price of electricity and 55% of the cost of district heating. This situation is unacceptable and unsustainable. It represents an overwhelming financial burden for households and an obstacle for businesses to modernise and make environmentally friendly investments, as the funds planned for this purpose are allocated to the purchase of allowances. Thus, in its current form, the EU ETS is actually slowing down the energy transition. During the negotiations, Poland made constructive proposals for potential improvements to the EU ETS and remains open to discussions on the matter.

Secondly, the inclusion of households in the ETS should be unequivocally considered negative. Households are already suffering as a result of the high price of EU ETS allowances, and now they will face higher heating and transport costs. The new market will be driven by allowance purchases for the most polluting fuels, which are used by the poorest households. They will bear the burden of this system, which deepens the social divide and directly contravenes the principles of justice and solidarity. Depriving households of funds does not lead to a gradual energy transition, but to energy poverty. The new fund does not offset the negative effects of the changes on Polish society, which accounts for 87% of coal-heated homes in the EU. This is why we cannot agree to a new allowances market that includes households.

Furthermore, given the impact of the proposed regulation on the energy mix of the Member States and the resulting negative social consequences, in Poland's view, the legal basis for the proposed act should be Article 192(2)(c) TFEU.

In view of the above, Poland cannot support the draft that has been presented, as we do not see adequate solutions to the problems highlighted above.

Poland also reiterates its negative position on the whole Fit for 55 package, which sets unrealistic goals and ambitions and significantly affects the Member States' energy mix. Poland is of the opinion that most of the package is being dealt with on an incorrect legal basis, which creates a dangerous precedent."



### Statement by Slovakia

“First of all, the Slovak Republic would like to thank the Council Presidencies and the Commission for their determination and work on the "Fit for 55" legislative package. The Slovak Republic remains committed to the increased ambition, as we have jointly agreed to reduce the greenhouse gas emissions by at least 55% by 2030 and to achieve climate neutrality by 2050.

The implementation of the "Fit for 55" legislative package will be a central topic in the near future. Therefore, we consider it extremely important to draw attention to the transposition deadlines. They do not provide a sufficient amount of time, nor take into account national legislative rules. In particular, the introduction of a new emission trading system for buildings, road transport and additional sectors enormously increases the administrative burden and extends the complexity of the entire emission trading system. The distribution of regulated entities of the new emission trading system in terms of administrative division and their number, which in the case of the Slovak Republic is up to ten times greater than the number of stationary installations in the current emission trading system, requires demanding implementation. The transposition deadlines do not take this into account at all. On the contrary, the transposition period is unusually short. In addition, the revision of the current emission trading system also changes the system for the stationary installations, the aviation and incorporates the maritime transport.

The Slovak Republic would like to point out that there is a significant risk of not being able to transpose the ETS Directive within the set deadline. For the reasons mentioned, we would like to ask the Commission to take these facts into account.”

## Statements by the Commission

### Statement 1

“In order to further enhance the integrity and transparency of the European carbon market, the Commission will introduce changes in the delegated acts which govern the auctioning of emission allowances and functioning of the Union Registry, to improve regulatory reporting and market monitoring in the market of emission allowances and derivatives thereof, promote the prevention and detection of market abuse and help in maintaining orderly markets for emission allowances and related derivatives.

Article 36 of Commission Regulation (EU) No 1031/2010 (Auctioning Regulation) establishes an obligation for the auction platform to report the complete and accurate details of every auctioning transaction to their competent national authority designated under Directive 2014/65/EU (MiFID 2). In the upcoming revision of the Auctioning Regulation, the Commission will provide for data on auctions to also be reported directly to the European Securities and Markets Authority (ESMA). This will enhance the efficient monitoring of auctions in emission allowances and relevant linkages with the secondary market.

Article 55(4) of Commission Regulation (EU) No 2019/1122 (Registry Regulation) provides that purely bilateral OTC transactions have to be marked upon the initiation of a transfer of emission allowances in the Union Registry. However, this marking is not done systematically by market participants. The Commission will amend the requirement of marking of purely bilateral OTC transaction, in order to better inform account holders and to ensure a better implementation of this provision. In addition, the Commission will implement technical adjustments in the system of the Union Registry to make this marking a mandatory requirement for the execution of transactions.

In order to improve the quality of data available to market regulators for the so-called spot market of emission allowances, the Commission will also amend the Registry Regulation to allow the market regulators to request regular access to data from the Union Registry. This will allow regulators to receive timely information which can be cross-checked with regulatory data received on derivatives markets and to intervene if appropriate in order to uphold the proper functioning of the European carbon market.

Finally, the Commission would like to remind that, as from January 2018, emission allowances are classified as financial instruments by the Directive on Markets in Financial Instruments (MiFID2). Previously, only the derivative contracts of emission allowances were in the scope of financial market rules. In practice, this classification creates very specific obligations for entities trading in the European carbon market.

According to Article 58 of Directive 2014/65/EU (MiFID2), all market participants must report on a daily basis the number of positions they are holding in the carbon market (position reporting). These position reports are submitted to relevant national competent authorities and are published on a weekly basis by ESMA.

According to Article 26 of Regulation (EU) No 600/2014 (MiFIR), market participants must also report details of all their financial transactions in emission allowances and derivatives thereof, including over-the-counter transactions, to national authorities (obligation to report transactions). According to Article 16 of Regulation (EU) No 596/2014 (Market Abuse Regulation), all market participants are subject to strict rules on preventing market abuse, including legal obligation to notify any suspicious trading behavior to the relevant financial authorities.

Market participants must report their transactions in allowances and derivatives thereof to the relevant national competent authorities, which are responsible for the oversight of the carbon market. At European level, their actions are coordinated by the ESMA, as is the case for other financial instruments.”

## Statement 2

“The dedicated topics for maritime in calls for proposal referred to in Article 10a(8) should deploy 20 million allowances up to 2030 in these areas, following the applicable rules thereunder.”

## Statement 3

“The Commission considers that Articles 3d(4), 10(3) and 30d(6) of Directive 2003/87/EC do not oblige Member States to set aside any funds at national level. That Directive establishes both the source of the revenue and sets general purposes for the Member States to choose from for the use of that revenue.

The Commission confirms that Member States are not required to earmark the revenues from the auctioning of ETS allowances, but may use ‘the equivalent in financial value’ of these revenues.”

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| 24. | Amendment of the MRV shipping Regulation<br><i>Adoption of the legislative act</i>   | 7986/1/23 REV 1<br>+ ADD 1<br>CLIMA |
| 25. | Revision of Directive 2003/87/EC as regards aviation’s contribution (ETS Aviation)<br><i>Adoption of the legislative act</i> | 7987/1/23 REV 1<br>+ ADD 1<br>CLIMA |
| 26. | Green Alliance with Norway<br><i>Authorisation to sign an NBI</i>  | 8241/23<br>CLIMA                    |

## **Fisheries**

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|-----|---|-------------------------------------|
| 27. | Regulation on certain provisions for fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement area (recast)<br><i>Revised mandate for negotiations with the European Parliament</i> | 8165/23<br>7943/2/23 REV 2<br>PECHE |
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## **Telecommunications**

- |     |   |                    |
|-----|---|--------------------|
| 28. | Regulation on Gigabit Infrastructure Act<br><i>Decision to consult an institution or body</i> | 7865/23<br>TELECOM |
|-----|---|--------------------|

## **Agriculture**

- |     |   |                 |
|-----|---|-----------------|
| 29. | 172nd session of the FAO Council (Rome, 24-28 April 2023): Declaration of Competence and Voting Rights<br><i>Approval</i> | 8221/23<br>AGRI |
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Statement by the Commission is set out in the ADD 1 to this document.

## **COREPER (PART 2)**

### **Judicial Affairs**

36. Cases: 8193/23  
T-132/23 (Óbuda University v. Council and Commission) JUR  
T-133/23 (University of Veterinary Medicine v. Council and Commission)  
T-138/23 (Simmelweis University v. Council)  
T-139/23 (University of Miskolc v. Council and Commission)  
T-140/23 (University of Dunaujvárosi v. Council and Commission)  
T-115/23 (University of Debrecen v. Council)  
T-115/23 Request for interim measures  
*Information note*

### **Institutional Affairs**

#### **Appointments**

37. A member (CY) of the European Economic and Social Committee 7151/23  
7150/23  
*Adoption* CES
38. An alternate member (LU) of the Committee of the Regions 7709/23  
7708/23  
*Adoption* CDR

#### **Other**

39. Attendance of a third party at the Horizontal Working Party on Cyber Issues on 20 April 2023 8248/23  
CYBER  
*Approval*
40. Attendance of a third party at the RELEX Counsellors Horizontal Questions Working Party on 21 April 2023 8225/23  
RELEX  
*Approval*
41. Attendance of a third party at the Working Party on General Affairs on 27 April 2023 8136/23  
8137/23  
*Approval* INST

### **Transparency**

42. Public access to documents requests 23/0961 and 23/0966 8111/23  
*Decision to make the statements public* CORLX
43. Public access to documents request 23/0986 8099/23  
*Decision to make the results of votes and the statements entered in the Council minutes public* COTRA

- |     |   |                |
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| 44. | Public access to documents requests 23/0482 and 23/0697<br><i>Decision to make the statements entered in the Council minutes public</i> | 8150/23<br>API |
| 45. | Public access to documents<br>Complaint 788/2022/SF<br><i>Approval</i>  | 8238/23<br>INF |

### **Economic and Financial Affairs**

- |     |   |  |
|-----|---|--|
| 46. | Regulation establishing a carbon border adjustment mechanism (CBAM)<br><i>Adoption of the legislative act</i> | 7995/2/23 REV 2<br>+ ADD 1 REV 2<br>ECOFIN |
|     | Statements by Germany, Portugal and the Commission are set out in document 7995/23 ADD 1 REV 2.               |  |
| 47. | Council Decision approving the external auditors of Hrvatska narodna banka<br><i>Adoption</i>                 | 7579/23<br>7578/23<br>UEM                  |
| 48. | ECA SR No 5/2023 on the EU's financial landscape<br><i>Approval</i>   | 8210/23<br>FIN                             |

### **General Affairs**

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| 49. | Regulation of the medicinal products for human use to be placed on the market in Northern Ireland<br><i>Confirmation of the final compromise text with a view to agreement</i> | 8159/23<br>UK |
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Statement by the Commission is set out in the ADD 1 to this document.

### **Justice and Home Affairs**

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| 50. | Appointments in Europol 2023: Selection of a Deputy Executive Director<br><i>Approval</i>  | 8218/23<br>ENFOPOL   |
| 51. | Council Decision on the application of the provisions of the Schengen <i>acquis</i> relating to the SIS in the Republic of Cyprus<br><i>Adoption</i>   | 8181/1/23 REV 1<br>7194/23<br>SCH-EVAL                       |
| 52. | Directive amending Council Decision 2005/671/JHA, as regards its alignment with Union rules on the protection of personal data<br><i>Mandate for negotiations with the European Parliament</i> | 7921/1/23 REV 1<br>7923/1/23 REV 1<br>+ ADD 1 REV 1<br>COPEN |

53. Regulation on European Union Drugs Agency  
*Confirmation of the final compromise text with a view to agreement* 7965/23  
CORDROGUE

Statements by Bulgaria and Hungary are set out in the ADD 1 to this document.

54. Information Exchange Directive (IED)  
*Adoption of the legislative act* 7947/23 + ADD 1  
7947/23 COR 1  
PE-CONS 70/22  
IXIM

Statement by Austria

“Austria stresses its full support for enhanced police cooperation and improved information exchange between law enforcement authorities.

Regrettably, the current text contains provisions which Austria considers problematic. These are (1) the prescribed time-bound review period for data in the national case management systems, which unduly interferes with national legislative competence, and (2) the possibility of changing communication channels while an exchange of information is ongoing.

In Austria’s view, these points will make police work more difficult and should have been deleted. In light of this, Austria abstains.”

55. Regulation establishing a Joint Investigation Teams  
collaboration platform 7950/23 + ADD 1  
*Adoption of the legislative act* PE-CONS 73/22  
JAI

Statement by Croatia

“The Republic of Croatia expresses its full support for the adoption of the Regulation of the European Parliament and of the Council establishing a collaboration platform to support the functioning of Joint Investigation Teams and amending Regulation (EU) 2018/1726.

However, the Republic of Croatia reiterates its discontent with the current Croatian linguistic version of the proposal for the Regulation, i.e. with the Croatian equivalent of the English term “cyber” and its derivatives into the Croatian language , an issue which we have continuously raised on several levels within the Council during the last few years.

The current Croatian version of the proposal for the Regulation uses terminology that is non-existent in Croatian cyber legislation and professional use, thus creating confusion and undermining legal certainty, coherence and clarity.

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

The Republic of Croatia remains committed to improvement of judicial cooperation in criminal matters, as regards secure and fast electronic communication between members of joint investigation teams and the exchange of evidence, and continues to support the adoption of the Regulation.”

## **Foreign Affairs**

- |     |  |   |
|-----|--|---|
| 56. | Conclusions on Ethiopia<br><i>Approval</i>   | 8244/23<br>COAFR  |
| 57. | EU-India Trade and Technology Council: List of competent<br>Council preparatory bodies<br><i>Information from the Presidency</i>   | 8132/23<br>TTC  |
| 58. | Joint statement with India in the framework of the EU-India<br>Trade and Technology Council<br><i>Authorisation to negotiate an NBI</i>  | 8174/23<br>TTC  |
| 59. | Joint statement with the United States of America in the<br>framework of the EU-US Trade and Technology Council<br><i>Authorisation to negotiate an NBI</i>  | 8131/23<br>TTC  |
| 60. | Iran restrictive measures - coordination with third countries<br><i>Approval</i>   | 8243/23<br>MOG  |
| 61. | Council Decision on a European Union Partnership Mission in<br>Moldova (EUPM Moldova)<br><i>Adoption</i>   | 7419/23<br>7418/23<br>CORLX                               |
| 62. | Council Decision and Implementing Regulation concerning<br>restrictive measures against Iran<br><i>Adoption</i>  | 8057/23<br>8054/23<br>8056/23<br>CORLX                    |
| 63. | Council Decision and Implementing Regulation concerning<br>restrictive measures against ISIL (Da'esh) and Al-Qaeda and<br>persons, groups, undertakings and entities associated with them<br><i>Adoption</i> | 8008/23<br>8007/2/23 REV 2<br>8004/23<br>8006/23<br>CORLX |
| 68. | Council Implementing Decision and Implementing Regulation<br>concerning restrictive measures in view of the situation in Syria<br><i>Adoption</i>  | 7469/23<br>7466/23<br>7468/23<br>CORLX                    |
| 69. | Council Implementing Decision and Implementing Regulation<br>concerning restrictive measures directed against certain persons,<br>entities and bodies in view of the situation in Iran<br><i>Adoption</i>    | 8074/23<br>8071/23<br>8073/23<br>CORLX                    |

## **EU positions for international negotiations**

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|-----|---|--------------------------------------|
| 64. | Council Decision on the EU position within the EU-Viet Nam FTA Trade Committee<br><i>Adoption</i> | 6074/23<br>6075/23 + ADD 1<br>POLCOM |
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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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| 65. | Council Decision on the EU position within the EEA Joint Committee concerning an amendment to Annex I (Veterinary and phytosanitary matters) and Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement (Fertilisers)<br><i>Adoption</i> | 6889/23<br>6888/23 + ADD 1<br>AELE |
| 66. | Council Decision on the EU position within the EEA Joint Committee concerning an amendment to Annex II (Technical regulations, standards, testing and certification) and Annex XIII (Transport) to the EEA Agreement (EASA Regulation)<br><i>Adoption</i>                     | 7361/23<br>7360/23 + ADD 1<br>AELE |
| 67. | Council Decision on the EU position within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (EU-OSHA)<br><i>Adoption</i>  | 7769/23<br>7768/23 + ADD 1<br>AELE |
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