



Brussels, 10 May 2021
(OR. en)

8582/21
CRS CRP 16

SUMMARY RECORD

PERMANENT REPRESENTATIVES COMMITTEE

28 and 29 April 2021

I. Adoption of the agenda

8057/21 OJ CRP1 16

5181/21 OJ CRP2 16

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)

Education, Youth, Culture and Sport

2. Meeting of the Council (Education, Youth, Culture and Sport) on 17 and 18 May 2021

1. Agenda

The Presidency presented the main items on the agenda.

2. Preparation

- 2.1. Conclusions on ‘Europe’s Media in the Digital
Decade: An Action Plan to Support Recovery and
Transformation’
Approval

8025/21 + ADD 1

The Committee prepared this item for the Council meeting.

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 w wyrażeniach zawierających termin płeć (gender), Polska będzie interpretowała ją jako równość kobiet i mężczyzn zgodnie z art. 8 TFUE."

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 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 wordings referring to gender Poland will interpret it as a equality between women and men, according to Article 8 TFEU."

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| 2.2. Conclusions on the recovery, resilience and sustainability of the cultural and creative sectors | 7431/21 |
| <i>Approval</i> | |

The Committee prepared this item for the Council meeting.

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| 2.3. Diversification of funding sources and mechanisms for the safeguarding and protection of European cultural heritage | 8023/21 |
| <i>Policy debate</i> | |

The Committee prepared this item for the Council meeting.

Internal Market and Industry

3. Directive amending Directive 2013/34/EU as regards disclosure of income tax information (CBCR)
Presidency briefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 23 April 2021.

Health

4. Regulation on Health Technology Assessment (HTA)
Presidency briefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 26 April 2021.

Transport

5. Directive amending Directive 2006/1/EC on the use of hired vehicles 8026/21
Guidance for further work

The Committee held an exchange of views and provided guidance for further work.

COREPER (PART 2)

WEDNESDAY 28 APRIL 2021

General Affairs

17. Meeting of the Council (General Affairs) on 11 May 2021:
Preparation

- a) COVID-19 EU coordination
Exchange of views

The Committee prepared this item for the Council meeting.

- b) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

18. COVID-19 EU coordination: vaccine-sharing
Information from the Commission and the EEAS

The Committee took note of the information provided by the Commission and the EEAS and held an exchange of views.

19. Informal meeting of the Members of the European Council on
social issues (8 May 2021) - Draft Porto declaration
Exchange of views

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

20. Preparation of the Special European Council meeting on 25 May
2021
Orientation debate on climate change

The Committee took note of the information provided by the PEC Cabinet on the main items of the Special European Council on 25 May 2021.

Foreign Affairs

21. Meeting of the Council (Foreign Affairs/Defence) on 6 May 2021: Preparation

a) Current affairs

The Committee prepared this item for the Council meeting.

b) Strategic Compass, with focus on crisis management

The Committee prepared this item for the Council meeting.

c) Other items in connection with the Council meeting

The EEAS provided further information regarding the Council meeting. The Committee agreed to include draft conclusions on security and defense as discussion item to the Council agenda.

22. Meeting of the Council (Foreign Affairs/Trade) on 20 May 2021: Agenda

The Presidency presented the main items on the agenda.

THURSDAY 29 APRIL 2021

General Affairs

23. Regulation on Brexit Adjustment Reserve (BAR) 7996/21 *Mandate for negotiations with the European Parliament*

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

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

EU-Switzerland relations

The Committee took note of the information provided by the Commission and held an exchange of views.

GSC on COVID-19 measures

SG responded to concerns raised by delegations on COVID-19 measures in Council buildings.

Russia

The Committee took note of the information provided by Latvia.

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

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| 6. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 8063/21
PE-QE |
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Manuel Pizarro (S&D)	7501/21
"Directive 2002/98/EC and blood sustainability in Europe"	

Appointments

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| 7. | Twelve members of the Management Board of the European Chemicals Agency (ECHA)
<i>Adoption</i> | 8002/21
7508/21
COMPET |
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Judicial Affairs

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| 8. | Case T-79/21 (Ryanair and AMS v Commission)
<i>Information note for the Permanent Representatives Committee (Part I)</i> | 8006/21
JUR |
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EU positions for international negotiations

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| 9. | Council Decision on the EU position at the IMO/MEPC 76/MSC 103 as regards adoption of amendments
<i>Adoption</i> | 8112/21 + ADD 1
7527/21
MAR
OMI |
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Statement by the Commission

"The adoption by the IMO of the proposed amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, to the International Code on the enhanced programme of inspections during surveys of Bulk carriers and Oil tankers, to the International Code for Fire Safety Systems and to the International Convention on the Control of Harmful Anti-Fouling Systems on Ships affects existing Union legislation. As such, these amendments fall therefore entirely within the exclusive external competence of the Union. In any event, in accordance with established case-law, in particular case C-600/14, the EU external competence is not limited to exclusive competence. The Union position established in respect of those proposed amendments cannot be limited in scope and must be understood as covering them in their entirety."

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| 10. | Council Decision on the EU submission of a proposal for a Convention on Long-Range Transboundary Air Pollution (CLRTAP) Executive Body decision on update methodology to reflect EU membership changes | 7998/21
7682/21
7683/21
ENV |
| | <i>Decision to use the written procedure for the adoption</i> | |

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 5 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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| 11. | Council Decision on the EU submission to amend Annexes A and B to the Minamata Convention on Mercury | 7983/21
7534/21
ENV |
| | <i>Decision to use the written procedure for the adoption</i> | |

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 3 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."

Research

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| 12. | Council approval of the European Commission signature at the Arctic Science Ministerial of a Joint Statement on collaborative science efforts in the Arctic | 7904/21
7920/21
RECH |
| | <i>Approval</i> | |
| | <i>Authorisation to sign on behalf of the European Union</i> | |

Delegated or Implementing Acts

Agriculture

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| 13. | Commission Regulation (EU) .../... of XXX amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acequinocyl, acibenzolar-S-methyl, Bacillus subtilis strain IAB/BS03, emamectin, flonicamid, flutolanil, fosetyl, imazamox and oxathiapiprolin in or on certain products | 7848/21
7216/21 + ADD 1-2
AGRILEG |
| | <i>Decision not to oppose adoption</i> | |

Internal Market and Industry

14. Commission Delegated Regulation (EU) .../... of 11.3.2021 amending, for the purposes of its adaptation to technical and scientific progress, Part 3 of Annex VI to 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 7948/21
7007/21 + ADD 1
COMPET
15. Commission Regulation (EU) .../... of XXX amending Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)
Decision not to oppose adoption 7950/21 + ADD 1
6893/21 + ADD 1
MI

Statement by Germany

"Die Bundesrepublik Deutschland stimmt dem Entwurf zu und gibt die folgende Erklärung zu Protokoll:

Die deutsche Übersetzung betreffend:

Deutschland geht davon aus, dass die deutsche Übersetzung wie folgt geändert wird:

Erwägungsgrund 1, Satz 2: „... die wissenschaftlich nachgewiesenermaßen schwerwiegende Auswirkungen auf die Umwelt haben dürften.“ ersetzt durch „... die wissenschaftlich nachgewiesenermaßen wahrscheinlich schwerwiegende Wirkungen auf die Umwelt haben“

Fußnote 2: „Beschluss“ ersetzt durch „Entscheidung“

Erwägungsgrund 2, Satz 1: „Verwendung“ ersetzt durch „Verwendungen“

Fußnote 6: „Chrom-VI-Bindungen“ ersetzt durch „Chrom-VI-Verbindungen“

Im Anhang:

intrag 4, Spalte 4 und 5: „Materialien und Gegenständen, die dazu bestimmt sind, mit Lebensmitteln in Berührung zu kommen“ ersetzt durch „Lebensmittelkontaktmaterialien“

Eintrag 4, Spalte 4 und 5: „– Mischungen, die DEHP zu 0,1 % oder mehr und weniger als 0,3 % Masseanteil enthalten.“ ersetzt durch „Gemischen, die mindestens 0,1 und weniger als 0,3 Massenprozent DEHP enthalten.“

Eintrag 5, Spalte 4 und 5: Änderungen entsprechend Eintrag 4

Eintrag 6, Spalte 4 und 5: Änderungen entsprechend Eintrag 4

Eintrag 7, Spalte 4 und 5: Änderungen entsprechend Eintrag 4"

Courtesy translation

"The Federal Republic of Germany approves the proposal and makes the following statement to be entered in the minutes:

Regarding the German translation:

Germany assumes that the German translation is changed as follows:

Recital 1, sentence 2: „... die wissenschaftlich nachgewiesenermaßen schwerwiegende Auswirkungen auf die Umwelt haben dürften.“ is replaced by „... die wissenschaftlich nachgewiesenermaßen wahrscheinlich schwerwiegende Wirkungen auf die Umwelt haben“

Footnote 2: „Beschluss“ is replaced by „Entscheidung“

Recital 2, sentence 1: „Verwendung“ is replaced by „Verwendungen“

Footnote 6: „Chrom-VI-Bindungen“ is replaced by „Chrom-VI-Verbindungen“

In the Annex:

Entry 4, column 4 and 5: “Materialien und Gegenständen, die dazu bestimmt sind, mit Lebensmitteln in Berührung zu kommen“ is replaced by “Lebensmittelkontaktmaterialien“

Entry 4, column 4 and 5: „– Mischungen, die DEHP zu 0,1 % oder mehr und weniger als 0,3 % Masseanteil enthalten.“ is replaced by “Gemischen, die mindestens 0,1 und weniger als 0,3 Massenprozent DEHP enthalten.“

Entry 5, column 4 and 5: Changes in line with the ones of entry 4.

Entry 6, column 4 and 5: Changes in line with the ones of entry 4.

Entry 7, column 4 and 5: Changes in line with the ones of entry 4."

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| 16. | Commission Regulation (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products
<i>Decision not to oppose adoption</i> | 7951/21
6871/21 + ADD 1
MI |
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COREPER (PART 2)

Judicial Affairs

24. Case C-113/21 P - Appeal brought by Maen Haikal against the judgment delivered on 16 December 2020 in Case T-189/19
Information note for the Permanent Representatives Committee (Part 2) 7962/21
JUR
25. Cases T-100/21 & T-100/21 AJ, Maria del Carmen Sánchez-Gavito León v. Council of the European Union and European Commission - action for failure to act and action for damages pursuant to Articles 265, 268 and 340 TFEU
Information note for the Permanent Representatives Committee (Part 2) 8050/21
JUR

Institutional Affairs

Appointments

26. Four members and nine alternate members (RO) of the Committee of the Regions
Decision to use the written procedure for the adoption 7961/21
7793/21
CDR

Economic and Financial Affairs

27. New Finnish Commemorative Coin 7246/21
UEM
28. New Estonian Commemorative Coin 7648/21
UEM
29. Council Implementing Decision authorising Malta to apply a special measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax
Adoption 8013/21
7743/21
FISC
30. Regulation on implementing measures for the EU Own Resources system 8042/21
10045/20
OR Making Available Regulation 13142/20
VAT-based OR Regulation 12843/20
Decision to use the written procedure for the adoption RESPR

Statement by the Commission

"The Commission disagrees with the establishment of the rapid review procedure laid down in the Presidency compromise for the Making Available Regulation on plastics (Article 9) and in the regulation amending the regulation on uniform arrangements for the collection of own resources accruing from value added tax. The Commission is of the view that in accordance with current legislation the Member States should remain responsible for the accuracy of the making available of own resources and should also bear the risks connected with the errors. The proposed review procedure would shift such responsibility from the Member States to the Commission. In addition, this would unnecessarily and significantly delay the making available of these amounts of the relevant own resources, create legal uncertainty for certain periods and significantly increase litigation. Moreover it is not appropriate to set up a different procedure for a specific own resource.

The Commission recalls that the Judgement of the Court of 9 July 2020 in case C-575/18P stresses that, in accordance with the principle of sincere cooperation, the Commission has the explicit obligation to start a constructive dialogue with the Member State to resolve any divergence of views in relation to own resources made available, while the Member State has formulated reservations as to the validity of the arguments presented by the Commission. This ruling also confirmed the possibility for Member State to bring an action for unjust enrichment before the General Court to contest such a payment. This constitutes a legal remedy for the Member States allowing them to obtain judicial review of the status of the amounts of own resources made available under reservation.

Should the Council not appropriately take into account the Commission's view, the Commission formally opposes the amendments envisaged by Council in line with Article 293(1) TFEU."

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| 31. | (poss.) Mobilisation of the European Globalisation Adjustment Fund (EGF/2020/002 EE/Estonia Tourism) | 8044/21 |
| | <i>Decision to use the written procedure for the approval</i> | 8045/21 |
| | | FIN |
| 32. | (poss.) Transfer No DEC 04/2021 (Section III - Commission) | 8046/21 |
| | <i>Approval</i> | 7536/21 |
| | <i>Decision to use the written procedure for the approval</i> | FIN |

General Affairs

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| 33. | Interinstitutional agreement on a mandatory transparency register | 7975/21 + COR 1 |
| | <i>Adoption</i> | 5655/21 |
| | | 5703/21 |
| | | 8000/21 |
| | | AG |
| | | INST |
| 34. | Application of the revised enlargement methodology to Montenegro and Serbia | 8054/21 |
| | <i>Approval</i> | ELARG |

35. EU-UK Agreements

7888/21

UK

- a) Council Decision on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information

5022/2/21 REV 2

Approval

Decision to use the written procedure

- b) Statements to be inserted in the minutes of the Council adopting the decision on Conclusion of the TCA

7888/21 ADD 1

Approval

Decision to use the written procedure

- c) Declarations referred to in the Council Decision on the conclusion on behalf of the Union, of the Trade and Cooperation Agreement and of the Agreement concerning security procedures for exchanging and protecting classified information

8118/21

Approval

Decision to use the written procedure

Decision to publish in the Official Journal

Statement by Austria on social security coordination

"Concluding social security agreements with third countries lies within Member States' competence, which have to respect the obligations under the TFEU when doing so (e.g. case C-55/00, Gottardo). Nevertheless, the Trade and Cooperation Agreement contains also provisions concerning the coordination of the respective social security systems, taking into account the unique situation of the relation between the EU and the United Kingdom.

These provisions cannot put in question the competence of Member States to conclude bilateral agreements with other third countries in the future and cannot have an impact on the content of such agreements. Also in relation to the United Kingdom the competence exercised by the EU in the Trade and Cooperation Agreement must remain limited to the absolutely necessary issues. Therefore, the term "subject matters covered by the Protocol on Social Security" must be interpreted as exemption from the principle of autonomy of Member States in this field and must be interpreted restrictively. Member States must be free to agree with the United Kingdom on principles or provisions not contained in the Protocol on Social Security Coordination as long as they correspond e.g. to the provisions of Regulations (EC) No. 883/2004 and 987/2009. The procedures provided in Article 8 of the Council Decision on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information cannot hinder the exercise of these rights of the Member States."

Statement by Austria, Denmark, Italy, Sweden and Greece on road transport

"Austria, Denmark, Italy, Sweden and Greece thank the European Commission and in particular the Union negotiating team for the tremendous work that has been done and the agreements that have been reached. We also welcome the proposed mutual measures enabling road haulage, coach, and bus service operators to carry goods and passengers to and from the United Kingdom and EU Member States. These measures are essential in keeping a close economic relationship with the United Kingdom.

Throughout the negotiation process we have underlined that certain traffic rights such as the limited right for cabotage or cross-trade in road freight are a privilege of the Single Market and have to be protected. Even though the UK as a third state does not have the same rights and does not enjoy the same benefits as a member, we consider the road haulage rights granted under the Trade and Cooperation Agreement as extensive. We understand that the granting of those rights is a result of the very special situation that a Member State has left the European Union.

Mindful of overarching economic concerns and in the interest of an overall compromise, which builds the base for a mutually beneficial and balanced partnership between the European Union and the United Kingdom we support the agreement that has been reached on road transport.

We recall that the situation between the European Union and the United Kingdom is, however, not comparable with any other third country and the rights granted within the Trade and Cooperation Agreement do not constitute any precedent."

Foreign Affairs

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| 36. | 18th EU-Kazakhstan Cooperation Council (Brussels, 10 May 2021)
<i>Establishment of the EU position</i> | 7916/21
COEST |
| 37. | Council Decision appointing the European Union Special Representative for the Middle East Peace Process
<i>Decision to use the written procedure for the adoption</i> | 7053/21
7052/21
CORLX |
| 38. | Council Implementing Decision and Implementing Regulation concerning restrictive measures in view of the situation in the Central African Republic
<i>Decision to use the written procedure for the adoption</i> | 8160/21
8074/21 + ADD 1
8076/21 + ADD 1
CORLX |

EU positions for international negotiations

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| 39. | Council Decision on the EU position in the International Grains Council with respect to the extension of the Grains Trade Convention, 1995
<i>Adoption</i> | 7859/21
7210/21
PROBA |
| 40. | Council Decision on the EU position to be taken on Countering Illicit Trade Enhancing Transparency in Free Trade Zones
<i>Decision to use the written procedure for the adoption of the Irish language</i> | 7966/21
11253/19 + ADD 2
UD |