

Brussels, 17 May 2022  
(OR. en)

9147/22  
CRS CRP 20

**SUMMARY RECORD**  
PERMANENT REPRESENTATIVES COMMITTEE  
27 and 29 April 2022

**I. Adoption of the agenda**

8372/2/22 OJ CRP2 17 REV 2

8356/1/22 OJ CRP1 17 REV 1 + REV 1 COR 1

The Committee adopted the agenda.

**II. Approval of the "I" items**

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

**III. Discussion items**

**COREPER (PART 2)**

**WEDNESDAY 27 APRIL 2022**

**Foreign Affairs**

2. Preparation for the second meeting of the EU-US Trade and Technology Council 8328/22  
*Exchange of views*

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

3. Russian aggression against Ukraine  
*Exchange of views*

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

## **Justice and Home Affairs**

4. Collection of evidence for war crimes in Ukraine 8294/22  
*Information from the Presidency*

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

## **Economic and Financial Affairs**

5. Financial assistance to Ukraine  
*Exchange of views*

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

## **Foreign Affairs**

6. Implementation of the Strategic Compass 7371/22  
*Exchange of views* 8448/22

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

7. EU-AU summit (Brussels, 17 and 18 February 2022): follow-up  
*Exchange of views*

The Committee held an exchange of views on the intended follow-up.

### **Statement by Hungary**

"Hungary is fully committed to strengthening the cooperation with the African partners, especially in the field of migration challenges. However, Hungary wishes to highlight its national position concerning the declaration of the Sixth European Union-Africa Union Summit.

Hungary would like to emphasize that cooperation on migration between the two continents must be based on the respect for national competences. We wish to highlight that legal migration belongs to the national competence of states only. We do not believe that migration is an appropriate solution to address the demographic, economic and labor market challenges.

Accordingly, Hungary has consistently emphasized that instead of promoting, facilitating or managing migration, we have to stop this phenomenon. The focus should be on providing assistance to third countries locally by creating local conditions more conducive to stable growth and development, thereby allowing everybody to remain and live in their home countries in peace and prosperity.

Hungary is strongly committed to the fight against trafficking in human beings and smuggling and we support all initiatives and cooperation aimed at reducing and, ideally, eliminating the illegal activities of criminal organizations. Therefore, we believe that strengthening the border protection and border control through capacity building is of utmost importance.

We also need to clarify that migration is not a fundamental human right. We have to make a clear distinction between those in need of international protection and migrants who are only seeking better life conditions and clearly not entitled to any kind of international protection. Consequently, in our view, the general and automatic approach of designating all migrants as vulnerable is unacceptable.

Hungary would like to make it clear again, that instead of creating further pull-factors and exacerbating the current challenges, we should focus on real solutions: addressing the root causes of migration, fighting against human trafficking and smuggling, providing assistance to third countries and strengthening our cooperation on border protection."

8. Global Gateway  
*Guidance for further work*

The Committee endorsed the Presidency's approach.

9. Meeting of the Council (Foreign Affairs) on  
16 and 17 May 2022: agenda

The Committee took note of the main items on the agenda as presented by the EEAS and agreed to the participation of the Ministers of Foreign Affairs of the Western Balkans at the informal lunch.

10. Meeting of the Council (Foreign Affairs/Development)  
on 20 May 2022: agenda

The Committee took note of the main items on the agenda as presented by the EEAS and agreed to the participation of the United Nations High Commissioner for Refugees at the informal lunch.

**Economic and Financial Affairs**

11. 'Daisy Chain' Regulation 8273/22  
*Preparation for the trilogue*

The Committee prepared the forthcoming trilogue.

12. Regulation on information accompanying transfers of funds and 8293/22  
certain crypto-assets (recast)  
*Preparation for the trilogue*

The Committee prepared the forthcoming trilogue.

**Justice and Home Affairs**

13. Directive on the resilience of critical entities  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 26 April 2022.

## **FRIDAY 29 APRIL 2022**

### **Justice and Home Affairs**

14. Asylum and migration  
*Exchange of views*

The Committee took note of the information provided by the Presidency, notably as regards a letter received from the President of the European Parliament, and held an exchange of views.

### **Foreign Affairs**

15. EU-Japan Summit (Tokyo, date tbc) 8018/22  
*Policy debate*

The Committee took note of the information provided by the PEC Cabinet, held an exchange of views and agreed to revert on this issue at its meeting next week.

### **Economic and Financial Affairs**

48. Informal videoconference of economy and finance ministers  
on 3 May 2022: agenda and preparation
- (a) Implementation of the Recovery and Resilience Facility:  
Council Implementing Decisions  
*Exchange of views*
- (b) Other items in connection with the informal video  
conference

The Committee took note of the agenda and prepared the sole item on it.

11. 'Daisy Chain' Regulation  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 28 April 2022.

12. Regulation on information accompanying transfers of funds and  
certain crypto-assets (recast)  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 28 April 2022.

## **COREPER (PART 1)**

### **Environment**

32. Regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 20 April 2022.

### **Energy**

33. Regulation on gas storage 8200/22  
*Guidance for further work*

The Committee provided guidance for further work.

### **Internal Market and Industry**

34. 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 Presidency debriefed on the trilogue which took place on 22 April 2022.

### **Employment and Social Policy**

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

The Presidency debriefed on the trilogue which took place on 26 April 2022.

### **Internal Market and Industry**

36. 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 Presidency debriefed on the trilogue which took place on 25 April 2022.

**IV. Any other business**

**COREPER (PART 1)**

None.

**COREPER (PART 2)**

Visit of the President of the Commission to India

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

Access to electronic evidence

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

Europe Day

The Committee took note of the information provided by Romania.

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**"I" items approved****COREPER (PART 2)****WEDNESDAY 27 APRIL 2022****Institutional affairs****Other**

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|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 16. | Attendance of third parties at the meeting of the Working Party on Terrorism (International Aspects) on 27 April 2022<br><i>Approval</i>               | 8359/22<br>COTER           |
| 17. | Attendance of third parties at the meeting of the Working Party on Maritime Issues (EU Maritime Security Strategy) on 29 April 2022<br><i>Approval</i> | 8246/22<br>POLMAR          |
| 18. | Attendance of a third party at the meeting of the Politico-Military Group on 2 May 2022<br><i>Approval</i>                                             | 8357/22<br>POLMIL          |
| 19. | Attendance of a third party at the meeting of the Africa, Caribbean and Pacific Working Party on 3 May 2022<br><i>Approval</i>                         | 8278/22<br>ACP             |
| 20. | Attendance of a third party at the meeting of the Working Party on Human Rights on 4 May 2022<br><i>Approval</i>                                       | 8243/22<br>COHOM           |
| 21. | Attendance of a third party at the meeting of the Working Party on Civil Protection on 4 May 2022<br><i>Approval</i>                                   | 8297/22<br>PROCIV          |
| 22. | Attendance of a third party at the meeting of the Working Party on the Staff Regulations on 6 May 2022<br><i>Approval</i>                              | 8147/22<br>STAT            |
| 23. | Attendance of third parties at the meeting of the European Union Military Committee at Chiefs of Defence level on 18 May 2022<br><i>Approval</i>       | 7864/22<br>7865/22<br>EUMC |

## **Economic and Financial Affairs**

24. Joint statement to the World Customs Organization on the aggression against Ukraine  
*Approval*  
*Decision to use the written procedure* 8259/22 + ADD 1  
UD
25. Budgetary scrutiny procedure for the Health Emergency Preparedness and Response Authority (HERA)  
*Approval of a letter* 8279/22 + COR 1  
FIN

## **General Affairs**

26. Declaration for the future of the internet  
*Authorisation to sign a non-binding instrument*  
*Decision to use the written procedure* 8070/22  
CYBER
27. Reply to a letter concerning Bosnia and Herzegovina  
*Approval* 8289/22  
ELARG  
COWEB

## **Justice and Home Affairs**

28. Council Regulation on the Schengen evaluation and monitoring mechanism  
*Approval* 8130/22  
SCH-EVAL

## **Health**

30. Joint statement and roadmap with the United States of America on an Agenda for Beating the Global Pandemic  
*Authorisation to negotiate a non-binding instrument*  
*Decision to use the written procedure* 7762/22  
SAN

**FRIDAY 29 APRIL 2022**

**Economic and Financial Affairs**

49. Council Implementing Decisions on the approval of the assessment of the recovery and resilience plans for Sweden and Bulgaria 8510/22  
ECOFIN
- (a) Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Sweden 7772/22 + ADD 1  
*Decision to use the written procedure for the adoption*
- (b) Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Bulgaria 8091/22 + ADD 1  
*Decision to use the written procedure for the adoption*

**Foreign Affairs**

31. Concept Note for an Assistance Measure under the European Peace Facility to support military actors and navies of coastal states involved in maritime security operations in the Gulf of Guinea 8384/22  
7387/1/22 REV 1  
CSDP/PSDC  
*Approval*  
*Decision to use the written procedure*

**Statement by Hungary**

"Hungary recognises 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 international law. 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 term 'gender' as a reference to 'sex' in the Concept Note for an Assistance Measure under the European Peace Facility to support military actors and navies of coastal states involved in maritime security operations in the Gulf of Guinea."

50. Restrictive measures in view of the situation in Venezuela - letter of reply 8470/22 + COR 1  
CORLX  
*Approval*  
*Decision to use the written procedure*

## **COREPER (PART 1)**

### **Institutional affairs**

#### **Written questions**

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|-----|------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 38. | Replies to questions for written answer submitted to the Council by Members of the European Parliament<br><i>Adoption by silence procedure</i> | 8263/22<br>PE-QE |
| (a) | Sophia in 't Veld (Renew), Katalin Cseh (Renew), Anna Júlia Donáth (Renew)<br>'Blacklisting of NSO Group'                                      | 7604/22          |
| (b) | Özlem Demirel (The Left)<br>'Operational coordination mechanism for the external dimension of migration (Mocadem)'                             | 7605/22          |
| (c) | Christine Anderson (ID)<br>'Council of Europe Resolution 2361(2021) and discrimination against unvaccinated people'                            | 7622/22          |
| (d) | Özlem Demirel (The Left)<br>'Cyber exercises invoking the mutual defence clause under Article 42(7) TEU'                                       | 7746/22          |
| (e) | Martin Schirdewan (The Left)<br>'Questions about the EU Military Committee'                                                                    | 7614/22          |
| (f) | «Auteur»<br>'EU funding to Muslim Brotherhood-aligned organisations'                                                                           | 7661/22          |
| (g) | Christine Anderson (ID), Virginie Joron (ID)<br>'Presidency of the Council and important elections in the Member State holding the Presidency' | 7741/22          |

(h) Lídia Pereira (PPE), Olivier Chastel (Renew), Irena Joveva (Renew), Kosma Złotowski (ECR), Damian Boeselager (Verts/ALE), Ivan Štefanec (PPE), Salvatore De Meo (PPE), Magdalena Adamowicz (PPE), Sabrina Pignedoli (NI), Elżbieta Kruk (ECR), Henna Virkkunen (PPE), Leila Chaibi (The Left), Christine Anderson (ID), Brando Benifei (S&D), Milan Brglez (S&D), Javier Nart (Renew), Niyazi Kizilyürek (The Left), Marc Angel (S&D), Giorgos Georgiou (The Left), Giuliano Pisapia (S&D), Miriam Lexmann (PPE), Saskia Bricmont (Verts/ALE), Francisco Guerreiro (Verts/ALE), Mounir Satouri (Verts/ALE), Chris MacManus (The Left), Jarosław Duda (PPE), Salima Yenbou (Verts/ALE), Alicia Homs Ginel (S&D), Tonino Picula (S&D), César Luena (S&D), Predrag Fred Matic (S&D), Paulo Rangel (PPE), Adriana Maldonado López (S&D), Dino Giarrusso (NI), Svenja Hahn (Renew), Emil Radev (PPE), Martina Dlabajová (Renew), Demetris Papadakis (S&D), Patrick Breyer (Verts/ALE), Diana Riba i Giner (Verts/ALE), Ignazio Corrao (Verts/ALE), Josianne Cutajar (S&D), Thomas Waitz (Verts/ALE), Clara Aguilera (S&D), Loucas Furlas (PPE), Kim Van Sparrentak (Verts/ALE), Jens Gieseke (PPE), Chiara Gemma (NI), Daniela Rondinelli (NI), Maria da Graça Carvalho (PPE), Lina Gálvez Muñoz (S&D), Jonás Fernández (S&D), Monica Semedo (Renew), Mario Furore (NI), Marcos Ros Sempere (S&D), Piernicola Pedicini (Verts/ALE), Christophe Hansen (PPE), Markéta Gregorová (Verts/ALE), Marcel Kolaja (Verts/ALE), Liudas Mažylis (PPE), Nuno Melo (PPE), Petros Kokkalis (The Left), Elisabetta Gualmini (S&D), Cláudia Monteiro de Aguiar (PPE), Romana Tomc (PPE), Sara Cerdas (S&D), Claude Gruffat (Verts/ALE), Chrysoula Zacharopoulou (Renew), Costas Mavrides (S&D), Gheorghe Falcă (PPE), Monika Beňová (S&D), Dragoş Pişlaru (Renew), Esther de Lange (PPE), Christian Doleschal (PPE), Veronika Vrecionová (ECR), Andrey Slabakov (ECR), Aušra Maldeikienė (PPE), Kira Marie Peter-Hansen (Verts/ALE), Alex Agius Saliba (S&D), Rosa Estaràs Ferragut (PPE), Irene Tinagli (S&D), Hannah Neumann (Verts/ALE), Iuliu Winkler (PPE), Eva Maydell (PPE), Malte Gallée (Verts/ALE), Erik Marquardt (Verts/ALE), Laurence Farreng (Renew), Maria-Manuel Leitão-Marques (S&D), Manuela Ripa (Verts/ALE), Maria Spyraiki (PPE), Pascal Durand (Renew), Margarida Marques (S&D), Mikuláš Peksa

7820/22

(Verts/ALE), Álvaro Amaro (PPE), Alviina Alametsä (Verts/ALE), Karlo Ressler (PPE), Frances Fitzgerald (PPE), Dolores Montserrat (PPE)  
‘Unpaid traineeships in EU institutions’

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|-----|------------------------------------------------------------------------------------------------------------------------------------|---------|
| (i) | Markus Buchheit (ID)<br>‘EU sanctions against Russia’                                                                              | 7626/22 |
| (j) | Janina Ochojska (PPE)<br>‘Sanctions against Russia for its military aggression in Ukraine’                                         | 7660/22 |
| (k) | Özlem Demirel (The Left), Cornelia Ernst (The Left)<br>‘US Customs and Border Protection gaining access to EU biometric databases’ | 7673/22 |
| (l) | Kostas Papadakis (NI)<br>‘Unpaid traineeships in the EU institutions’                                                              | 7826/22 |

#### **Other**

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|-----|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 39. | Attendance of a third party at the meeting of the Working Party on Competitiveness and Growth (High Level) on 19 May 2022<br><i>Approval</i> | 7856/22<br>COMPET |
| 40. | Attendance of a third party at the meeting of the Audiovisual and Media Working Party on 28 April 2022<br><i>Approval</i>                    | 8342/22<br>AUDIO  |
| 46. | Attendance of third parties at the meeting of the Cultural Affairs Committee on 2 May 2022<br><i>Approval</i>                                | 8367/22<br>CULT   |
| 47. | Attendance of a third party at the meeting of the Working Party on Shipping on 4 May 2022<br><i>Approval</i>                                 | 8444/22<br>MAR    |

#### **Judicial Affairs**

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| 41. | Case C-224/22 (Kingdom of Spain v Council of the European Union)<br><i>Information note for the Permanent Representatives Committee (Part I)</i> | 8218/22<br>JUR |
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## **Health**

42. Practical arrangements relating to the participation of the EU and its Member States in negotiations for an international agreement on pandemic prevention, preparedness and response, as well as complementary amendments to the International Health Regulations  
8108/22 + COR 1  
SAN  
*Information note for the Permanent Representatives Committee (Part 1)*

### **Statement by the Commission**

"The Commission can accept the Practical Arrangements, endorsed by COREPER on 27 April and established in response to recital 10 of the Council Decision (EU) 2022/451 of 3 March 2022 authorising the Commission to negotiate, on behalf of the Union, an international agreement on pandemic prevention, preparedness and response, as well as complementary amendments to the International Health Regulations (IHR) within the World Health Organisation (the "Council decision")<sup>[1]</sup>, subject to the understanding that they must be interpreted and applied in a manner consistent with the relevant provisions of the Treaties, and the relevant case-law of the Court of Justice.

In this regard, the Commission considers that, as Union negotiator (as per Article 17(1) TEU, Article 218(3) TFEU, and Article 1 of the Council decision), it will negotiate on behalf of the Union, and express Union positions in any meeting, body or forum related to the negotiation of the Pandemic Agreement and the IHR amendments on matters falling within Union competence, whether exclusive, shared or supporting, coordinating or supplementing (as set out in Articles 3, 4 and 6 of the TFEU).

The Commission further considers that, pursuant to Article 5(2) TEU, the Member States, or the Presidency of the Council on behalf of the Member States, if so authorised by the Member States, will express positions and negotiate only on matters falling within sole national competences, such as those set out in Article 168(7) TFEU. The Union and the Member States are bound by the principle of sincere cooperation (as per Article 4(3) TEU), and in particular "[t]he Member States shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the Union's objectives."

The Commission, as Union Negotiator, will regularly consult with the special committee designated by the Council (i.e. the Working Party on Public Health) in accordance with Article 218(4) of the TFEU and Article 2 of the Council decision. In this regard, the Union Negotiator, in accordance with the principle of sincere cooperation, will keep the special committee regularly informed throughout the negotiations of how these are progressing, and seek Member States' advice as appropriate. The special committee however is not called upon to establish negotiating positions of the Union, "a task which goes beyond the consultative function assigned to it" (see judgment of the Court (Grand Chamber) of 16 July 2015, C-425/13, *European Commission v Council* [Australia greenhouse gas emissions trading system], paragraphs 88-90). The Commission, as Union Negotiator, will furthermore keep regular contacts with the Member States' technical experts and representatives in Geneva with a view to consulting with them and seeking their advice, as appropriate (see recital 9 of the Council decision).

The Commission reserves all its rights on the matters indicated in this declaration."

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<sup>[1]</sup> The Commission prepared such practical arrangements (doc. 6922/22 of 9 March 2022).

### Joint statement by Bulgaria and Poland

"Bulgaria and Poland acknowledge the readiness of the Council Presidency to speak on behalf of the EU Member States on matters of national competence. This, in our view, would allow defending common positions also on issues, falling beyond the limited competence of the European Union in the area of cross-border pandemic prevention, preparedness and response.

As far as it is clear that this new international instrument – being it legally binding or not – has the potential to affect mostly the Member States' competences for the organisation and management of health services and medical care and the allocation of the resources assigned to them, Bulgaria and Poland, on the basis of and in accordance with the EU primary law, underline the need to respect national competences. This implies coordination of positions also beyond these areas of exclusive national competence, as stated in para 13. Undoubtedly, any common position, which concerns national competences, will require the consensus by the Member States, as rightly reflected in para 10.

With regard to the Union negotiator's mandate to negotiate on matters of Union competence, we refer to the substantive legal basis in Council Decision (EU) 2022/451 of 3 March 2022. We note in that context that the expression of any position by the European Commission should neither trigger any attempts for harmonization at EU level in areas of national competence, nor lead to any negotiation commitments by the Union, which *de facto* result in obligations for Member States as part of national responsibilities. For the sake of clarity, we note that the words "inextricably linked" in para 13 are not meant as wide interpretation of Union competences or as means to dilute the term "national competence".

Given the lack of clear catalogue, delineating matters where the Union negotiator will take a leading role alongside with Member States, we consider of paramount importance that each party negotiates within its competence. This will guarantee that Member States will be able to effectively defend their national positions and negotiate in the fields falling within their competences, while the European Union, within its limited role of Union negotiator, would take on the initiative only on matters, which do not exceed the scope of its own competences.

In full respect of the EU primary law, and in particular Art. 168 (7) TFEU and Art. 168 (5) *in fine*, for the avoidance of any doubt, Bulgaria and Poland confirm that on all matters of national competence, as full members of the World Health Organisation and in our national capacity, we will be defending our national position: being it by supporting the common position based on consensus, where this does not contradict the national positions, as well as in all cases, where a coordinated position was not agreed by consensus."

## **Fisheries**

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| 43. Council Regulation amending Council 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 (second amendment)<br><i>Decision to use the written procedure for the adoption</i> | 8151/22 + ADD 1<br>8154/22<br>PECHE |
| 44. EU-Norway political agreement on fisheries in ICES subareas 1 and 2<br><i>Approval of a non-binding instrument</i><br><i>Decision to use the written procedure</i>                                                                                                                                                                | 8171/22 + ADD 1<br>PECHE            |

## **Agriculture**

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| 45. Regulation laying down transitional rules for the packaging and labelling of veterinary medicinal products<br><i>Confirmation of the final compromise text with a view to agreement</i> | 8260/22<br>VETER |
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