

Brussels, 15 June 2022  
(OR. en)

10300/22  
CRS CRP 23

**SUMMARY RECORD**  
**PERMANENT REPRESENTATIVES COMMITTEE**  
**18 and 20 May 2022**

**I. Adoption of the agenda**

9108/1/22 REV 1 OJ CRP2 20 COMIX 238  
9099/22 OJ CRP1 20 + ADD 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 18 MAY 2022**

**Economic and Financial Affairs**

2. Preparation for the Council meeting (Economic and Financial Affairs) on 24 May 2022

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

The Committee held an exchange of views with the Chair of the Economic and Financial Committee, took note of the latest changes to the agenda and agreed to the participation of the Director of the International Monetary Fund for the agenda item on Ukraine, of the President of the European Investment Bank to the Council meeting and informal breakfast, and the Director of the European Stability Mechanism to the breakfast.

## General Affairs

### 3. Preparation for the Council meeting (General Affairs) on 23 May 2022

- (a) Conference on the Future of Europe 8992/22  
*Information from the Presidency*  
*Exchange of views*

The Committee prepared this item for the Council meeting.

- (b) Values of the Union in Hungary: Article 7(1) TEU 8473/22  
(reasoned proposal)  
*Hearing*

The Committee prepared this item for the Council meeting.

- (c) (poss.) Regulation on the transparency and targeting of 8823/22  
political advertising  
*Policy debate*

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

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

The Committee took note that the European Council related items will be prepared at its meeting on Friday.

### 4. Preparation for the Council meeting (General Affairs/Cohesion) on 2 June 2022

- (a) 8th Cohesion Report 8979/22  
*Exchange of views* 8980/22  
Conclusions on Cohesion in Europe towards 2050  
*Approval*

The Committee prepared this item for the Council meeting.

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

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

## **Justice and Home Affairs**

5. Meeting of the Council (Justice and Home Affairs) on 9 and 10 June 2022: agenda

The Committee took note of the main items on the agenda and approved the attendance of Eurojust for the agenda item on fight against impunity in Ukraine, of Europol, Frontex, eu-LISA and the European Union Agency for Asylum for the agenda item on Schengen Area, of Europol for the agenda item on information exchange, of Schengen Associated Countries, Frontex, eu-LISA, Europol and the European Union Agency for Asylum for the agenda item on the 10 point plan for Ukraine, of Schengen Associated Countries for the agenda item on asylum and migration and of Schengen Associated Countries and Europol for the agenda item on the fight against terrorism.

## **Foreign Affairs**

6. Council meeting (Foreign Affairs) on 16 and 17 May 2022: follow-up

The Committee took note of the main outcomes of the Council meeting.

7. EU-Japan Summit (Tokyo, 12 May 2022): follow-up  
*Exchange of views*

The Committee took note of the information provided by the Presidency, the Commission and the PEC Cabinet and of the intended follow-up.

## **General Affairs**

8. Regulations amending Regulations (EU) 2021/953 and (EU) 2021/954 on the EU Digital COVID Certificate  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 17 May 2022.

9. European Union - United Kingdom relations  
*State of play*

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

10. "REPowerEU" plan  
*Presentation by the Commission*

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

11. Emergency assistance and reconstruction of Ukraine  
*Presentation by the Commission*

The Committee took note of the information provided by the Commission, held an exchange of views and agreed to revert on this issue at its next meeting in the context of the preparations for the special European Council of 30-31 May 2022.

12. Analysis of investment gaps in defence  
*Presentation by the Commission*

The Committee took note of the information provided by the Commission, held an exchange of views and agreed to revert on this issue at its next meeting in the context of the preparations for the special European Council of 30-31 May 2022.

## **FRIDAY 20 MAY 2022**

### **General Affairs**

3. Preparation for the Council meeting (General Affairs) on  
23 May 2022

- (e) Preparation for the special meeting of the European Council on 30 and 31 May 2022: conclusions 8231/22  
*Exchange of views*

The Committee prepared this item for the Council meeting.

- (f) Preparation for the European Council on 23 and 24 June 2022: Annotated draft agenda 8232/22  
*Exchange of views*

The Committee prepared this item for the Council meeting.

## **Economic and Financial Affairs**

### 2. Preparation for the Council meeting (Economic and Financial Affairs) on 24 May 2022

- (a) (poss.) Directive on ensuring a global minimum level of taxation for multinational groups in the Union  
*General approach*

8778/22

8779/22

The Committee agreed that this item may be withdrawn from the Council agenda.

### 62. Regulation establishing the European Union Single Window Environment for Customs *Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 19 May 2022.

## **COREPER (PART 1)**

### **WEDNESDAY 18 MAY 2022**

#### **Environment**

45. Regulation amending Annexes IV and V to Regulation (EU) 2019/1021 on persistent organic pollutants (POPs)  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 11 May 2022.

#### **Energy**

46. Regulation on gas storage 9165/22  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 16 May 2022.

#### **Agriculture and Fisheries**

47. Meeting of the Council (Agriculture and Fisheries) on 24 May: preparation

Conclusions on highly pathogenic avian influenza (HPAI): 8955/22  
a strategic approach to the development of vaccination as a  
complementary tool for prevention and control  
*Approval*

The Committee prepared this item for the Council meeting. The Committee agreed to take two AOB items requested by Germany in public.

48. Meeting of the Council (Agriculture and Fisheries) on 13 June 2022: agenda  
(for the items in the remit of the Permanent Representatives Committee)

The Presidency presented the main items on the agenda. The Committee agreed to take the communication on the state of play of the Common Fisheries Policy (CFP) and consultation on the Fishing Opportunities for 2023 and the AOB item on the synthesis of the work of the Chief Veterinary Officers on animal welfare in public.

## **Employment and Social Policy**

49. Directive on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures

*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 12 May 2022.

50. 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 12 May 2022.

## **Internal Market and Industry**

51. 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  
*Preparation for the trilogue*

8922/1/22 REV 1  
+ ADD 1

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

### **Statement by Germany**

"Germany wants to underline the importance of the fact that future EU standards should be as closely aligned as possible with the main investor focused international standards. EU standards should be interoperable with the baseline sustainability reporting standards and, where necessary, supplement them. Thus, the EU will lead by example. Otherwise, a fragmentation of standards would lead to individual requests from foreign investors for clarification and, in consequence, to a de facto double reporting to avoid unnecessary additional costs. It is, however, one of the goals of the CSRD to avoid these individual requests (see recital 10 last sentence).

Therefore, in order to achieve this goal Germany asks the Presidency to clarify within the trilogues that the standards shall avoid disproportionate administrative burden on undertakings, including an avoidance of double reporting with a view to similar requirements of main sustainability reporting standards used worldwide (especially baseline sustainability reporting standards) while not lowering the ambition niveau of this Directive and its delegated acts. The EP proposal with respect to the last sentence of Recital 37 points already in a good direction and Germany asks the presidency to take this as a basis for further work on this important issue."

## **Competitiveness**

52. Meeting of the Council (Competitiveness (Internal Market, Industry, Research and Space)) on 9 and 10 June 2022: agenda

The Presidency presented the main items on the agenda.

## **Transport, Telecommunications and Energy**

53. Meeting of the Council (Transport, Telecommunications and Energy) on 2 and 3 June 2022: preparation

The Committee agreed to take AOB items requested by Denmark, by the Netherlands and Austria, and by Slovakia, Czechia and Austria in public session.

1. Regulation on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU 8902/22  
(*poss.*) *General approach*

The Committee held an exchange of views and agreed to revert to the item at its forthcoming meeting.

2. Regulation on Union guidelines for the development of the trans-European transport network (TEN-T) 8784/22  
*Progress report*  
*Exchange of views*

The Committee prepared this item for the Council meeting.

3. Revision of the Directive on the framework for the deployment of Intelligent Transport Systems (ITS) 8883/22  
(*poss.*) *General approach*

The Committee prepared this item for the Council meeting.

## **FRIDAY 20 MAY 2022**

### **Energy**

46. (continuation) Regulation on gas storage  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 19 May 2022.



## **Transport, Telecommunications and Energy**

53. (continuation) Meeting of the Council (Transport, Telecommunications and Energy) on 2 and 3 June 2022: preparation

1. (continuation) Regulation on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU (poss.) *General approach* 8902/1/22 REV 1

The Committee prepared this item for the Council meeting.

4. Regulation on ensuring a level playing field for sustainable air transport (ReFuelEU Aviation initiative) (poss.) *General approach* 8814/22

The Committee held an exchange of views and agreed to revert to the item at its forthcoming meeting.

5. Regulation on the use of renewable and low-carbon fuels in maritime transport (FuelEU Maritime initiative) (poss.) *General approach* 8882/22

The Committee held an exchange of views and the Presidency presented a new compromise proposal.

6. Directive amending Directive 2003/25 introducing specific stability requirements for ro-ro passenger ships (poss.) *General approach* 8916/22

The Committee prepared this item for the Council meeting.

## **Transport**

54. Decision on CORSIA offsetting requirements 7049/22  
*Mandate for negotiations with the European Parliament*

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

## Statement by Belgium, Denmark, Spain and Luxembourg

"BE, DK, ES and LU support the 'clean cut' approach proposed by the Commission regarding the relationship between the application of the EU ETS to intra-European flights and the implementation of CORSIA to extra-European flights. The main policy issues in relation to the scope of EU ETS application and the scope of application of CORSIA, are being dealt with in the 'Fit for 55' ETS.

While BE, DK, ES and LU reaffirm their support for the Commission's proposal approach for the Decision on the notification of the CORSIA offsetting, they are willing –if necessary to facilitate a compromise in COREPER-, not to oppose the Presidency's proposal for a negotiating mandate on the clear understanding that the Environment Council on 28 June is expected to adopt the general approach on the ETS directive, which will formally include that delineation."

## **Transport, Telecommunications and Energy**

53. (continuation) Meeting of the Council (Transport, Telecommunications and Energy) on 2 and 3 June 2022: preparation

7. Regulation laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts 8576/22  
*Progress report*

The Committee prepared this item for the Council meeting.

8. Regulation amending the Regulation on the framework for a European Digital Identity 8701/22  
*Progress report*

The Committee prepared this item for the Council meeting.

9. Regulation on harmonised rules on fair access to and use of data (Data Act) 8577/22  
*Progress report*

The Committee prepared this item for the Council meeting.

10. Digital and green transitions 8907/22  
*Policy debate*

The Committee prepared this item for the Council meeting.

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

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

Gas payments in roubles

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

##### **COREPER (PART 1)**

REPowerEU Communication

*Presentation by the Commission*

The Committee took note of the presentation by the Commission.

**Non-discussion items (I)****"I" items approved****COREPER (PART 2)****WEDNESDAY 18 MAY 2022****Judicial Affairs**

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| 13. | Case T-166/22 (Seifert v Council)<br><i>Information note for the Permanent Representatives Committee (Part 2)</i> | 8802/22<br>JUR |
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**Institutional affairs****Appointments**

- |     |  |                           |
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| 14. | Three members and four alternate members (HR) of the Committee of the Regions<br><i>Adoption</i> | 8506/22<br>8504/22<br>CDR |
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**Other**

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| 15. | Attendance of third parties at the meeting of the Horizontal Working Party on Enhancing Resilience and Countering Hybrid Threats on 23 May 2022<br><i>Approval</i> | 9020/1/22 REV 1<br>HYBRID |
| 17. | Attendance of a third party at the meeting of the Working Party on External Aspects of Asylum and Migration (EMWP) on 25 May 2022<br><i>Approval</i>               | 8563/22<br>MIGR           |
| 18. | Attendance of a third party at the meeting of the Working Party on the Law of the Sea on 2 June 2022<br><i>Approval</i>  | 9019/22<br>COMAR          |
| 19. | Attendance of third parties at the meeting of the Working Party on Humanitarian Aid and Food Aid on 2 and 3 June 2022<br><i>Approval</i>                           | 9015/1/22 REV 1<br>COHAFA |

## **Transparency**

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| 20. | Complaint 788/2022/SF to the European Ombudsman<br><i>Approval of a letter</i>  | 8780/22<br>8746/22 + ADD 1<br>API   |
| 21. | Complaint 815/2022/MIG to the European Ombudsman<br><i>Approval of a letter</i> | 8827/22<br>8756/22 + ADD 1-2<br>API |

## **Economic and Financial Affairs**

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| 22. | Decision of the Council on the approval of draft designs for the national side of the circulation euro coins submitted by Croatia | 5632/22 + COR 1<br>8215/22<br>UEM |
| 23. | Decision of the Council on the approval of draft design for a 2 euro commemorative coin submitted by Malta                        | 7977/22<br>UEM                    |
| 24. | Decision of the Council on the approval of draft design for a 2 euro commemorative coin submitted by Malta                        | 8116/22 + COR 1<br>UEM            |
| 25. | Decision of the Council on the approval of a modified draft design for a 2 euro commemorative coin submitted by Luxembourg        | 8105/22<br>UEM                    |
| 26. | Decision of the Council on the approval of draft design for a 2 euro commemorative coin submitted by Germany                      | 8217/22<br>UEM                    |
| 27. | Council Decision approving the external auditors of Lietuvos bankas<br><i>Adoption</i>  | 8083/22<br>8084/22<br>UEM         |
| 28. | Council Decision approving the external auditors of Národná banka Slovenska<br><i>Adoption</i>                                    | 8181/22<br>8581/22<br>UEM         |
| 29. | Council Decision appointing a member of the European Statistical Governance Advisory Board (ESGAB)<br><i>Adoption</i>             | 8709/22<br>8716/22<br>ECOFIN      |
| 30. | Council Implementing Decision authorising France to introduce a VAT derogation<br><i>Adoption</i>                                 | 8777/22<br>8365/22<br>FISC        |
| 31. | Ways to enhance the implementation of the EU's restrictive measures   | 8959/22<br>FISC                   |

## **General Affairs**

33. Conclusions on the development of the European Union's cyber posture  
*Approval* 9010/22  
CYBER

## **Justice and Home Affairs**

34. Council Decision authorising the opening of negotiations for a UN General Convention on Cybercrime  
*Adoption* 8793/22  
8796/22 + ADD 1  
COPEN  
CYBER

### **Statement by the Commission**

"The Commission welcomes the swift progress by the Council of the preparation and adoption of its decision to authorise the entering into negotiations on behalf of the European Union for a comprehensive international convention on countering the use of information and communications technologies for criminal purposes.

However, the Commission considers it legally incorrect that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.

The Decision authorising the opening of negotiations is premised solely on the existence of conferred powers of the Union and not on a determination of a specific competence. Its effect is limited to authorising the Commission or the High Representative, as the case may be, to use its prerogatives under the EU Treaties in order to start negotiations. The scope of these negotiations is therefore determined by the scope of the powers of the Union. Besides, the freedom of the envisaged treaty partner of the Union as regards the determination of the scope of the negotiations cannot be limited by the Council Decision authorising the opening of the negotiations. Thus, the precise legal basis for the future agreement can only be determined after the content of the agreement is known.

The Commission also considers that the scope of the authorisation as set out in Article 1 of the Decision should extend to matters falling within all Union's competences, as defined by the Treaties. In this respect, the Commission considers it incorrect and contrary to case law of the Court to limit the authorisation to solely matters in respect of which 'the Union has adopted rules' and not to include matters covered by foreseeable future developments of Union law, such as the Commission's April 2018 e-evidence package (COM(2018) 225 and 226). Since the foreseeable developments of Union law fall within Union's exclusive competence, the Commission, as guardian of the Treaties, will monitor that there is no violation thereof.

The Commission also considers that the possible revision or further development of negotiating directives as set out in Article 2 of the Decision to be subject to the Commission's right of initiative for those matters.

The Commission will therefore pursue the negotiations in full respect of the above-mentioned provisions and principles.

The Commission reserves all its rights."

Statement by the Commission on the implementation of the mechanism for Europol to propose the issuing of alerts in the Schengen Information System

"As part of the evaluation that the Commission will carry out under Article 68(3) of Regulation (EU) 2016/794, three years after the entry into force of this Regulation amending Regulation (EU) 2016/794, the Commission will report on the operational impact of the new mechanism established in Article 4(1)(r) of Regulation (EU) 2016/794. Under this mechanism, Europol may propose to Member States, based on data that Europol received from third countries or international organisations, to enter information alerts in the interest of the Union into the Schengen Information System on persons involved in terrorism or in serious and organised crime. The Commission will carry out this evaluation on the basis of reports that Europol will provide on the proposals made for alerts in the Schengen Information System and on the subsequent alerts inserted by Member States in the Schengen Information System."

Statement by the Commission on the relations between Europol and the European Public Prosecutor's Office

"In the Commission's view, the provisions on the relations between Europol and the European Public Prosecutor's Office ('the EPPO'), as set out in Article 20a of Regulation (EU) 2016/794, cannot limit the obligations on Europol stemming from Article 24(1) of Council Regulation (EU) 2017/1939, and shall therefore be interpreted and applied in accordance with the latter Article."

Statement by the Commission on the provisions for Europol's cooperation with third countries

"As regards rules for Europol's cooperation with third countries, the Commission notes that any transfer of personal data from Europol to a third country on the basis of a "legally binding instrument" requires an international agreement under Article 218 of the Treaty, as already provided for in Article 25(1)(b) of Regulation (EU) 2016/794. The Commission also notes that any transfer of personal data from Europol to a third country on the basis of an assessment of appropriate safeguards by Europol must meet the requirements as set by the case law<sup>1</sup> of the Court of Justice of the European Union, thus requiring Europol to conclude that the level of data protection in the third country provides essential equivalence in terms of data protection. Allowing for data transfers based on such an assessment without the need for prior agreement by the European Data Protection Supervisor as provided for in Article 25(6) of Regulation (EU) 2016/794 will create risks of subsequent intervention by the European Data Protection Supervisor based on a divergent assessment of the data protection safeguards and might thus negatively affect law enforcement cooperation."

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<sup>1</sup> Opinion 1/15, *EU-Canada PNR Agreement*, EU:C:2017:592 (26.7.2017); judgment of 6 October 2015, *Schrems*, C- 362/14, EU:C:2015:650; judgement of 16 July 2020, C- 311/18, *Schrems II*, EU:C:2020:559.

### Statement by the Commission on the strengthening of Europol-Interpol cooperation

"The Commission recalls that in the on-going negotiations for a cooperation agreement between the European Union and the International Criminal Police Organization (ICPO-INTERPOL), and in line with the negotiating directives given by the Council<sup>2</sup>, the Commission seeks to strengthen cooperation between Europol and Interpol, taking into account the latest developments in combating terrorism, cross-border and transnational serious organised crime, as well as current operational needs and Europol's mandate. The Commission seeks to ensure, in line with the negotiating directives given by the Council<sup>3</sup>, that the agreement provides the legal basis for authorising Europol to access relevant Interpol databases for the performance of its tasks."

### Statement by Austria

"Österreich stimmt der Verordnung zur Änderung der Verordnung (EU) 2016/794 über Europol in Anbetracht der wichtigen Rolle von Europol in der Kriminalitätsbekämpfung und der diesbezüglichen Unterstützung der Mitgliedstaaten zu. Österreich hält jedoch auch fest, dass mit der als politischen Kompromiss erzielten Verordnung wesentliche datenschutzrechtliche Bedenken Österreichs nicht ausgeräumt werden konnten und die Verordnung auch hinter den vom Europäischen Datenschutzbeauftragten erhobenen Ansprüchen an den Datenschutz zurückbleibt. Diese Bedenken beziehen sich insbesondere auf die langen Speicherfristen im Zusammenhang mit der Verarbeitung nicht kategorisierter personenbezogener Daten (Art. 18 Abs. 6a), die Ermöglichung der Aufnahme einer Datenverarbeitung vor Ablauf der Konsultationsfrist (Art. 39 Abs. 3) sowie auf die in den Übergangsregelungen vorgesehenen langen Speicherfristen (Art. 74a und Art. 74b)."

### Courtesy translation

"Austria agrees to the Regulation amending Regulation (EU) 2016/794 on Europol in view of the important role of Europol in the fight against crime and its support to Member States in this regard.

However, Austria also notes that the Regulation reached as a political compromise could not sufficiently address Austria's major data protection concerns and that the Regulation does not meet the data protection concerns raised by the European Data Protection Supervisor. These concerns relate in particular to the long retention periods in connection with the processing of uncategorized personal data (Art. 18 para 6a), the possibility to start data processing before the consultation period has expired (Art. 39 para 3) and the long retention periods provided for in the transitional arrangements (Art. 74a and Art. 74b)."

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<sup>2</sup> Council Decision (EU) 2021/1312 of 19 July 2021 authorising the opening of negotiations for a cooperation agreement between the European Union and the International Criminal Police Organization (ICPO-INTERPOL).

<sup>3</sup> Council Decision (EU) 2021/1312 of 19 July 2021 authorising the opening of negotiations for a cooperation agreement between the European Union and the International Criminal Police Organization (ICPO-INTERPOL).



### Statement by Luxembourg

"Le Luxembourg votera en faveur de la proposition de RÈGLEMENT DU PARLEMENT EUROPÉEN ET DU CONSEIL modifiant le règlement (UE) 2016/794 en ce qui concerne la coopération d'Europol avec les parties privées, le traitement de données à caractère personnel par Europol à l'appui d'enquêtes pénales et le rôle d'Europol en matière de recherche et d'innovation.

Depuis le début des négociations, nous avons veillé à œuvrer en faveur d'un équilibre entre les besoins opérationnels d'Europol d'une part et les exigences en matière de protection des données à caractère personnel d'autre part.

C'est à la lumière de cette position de principe que le Luxembourg déplore les longues périodes de conservation de données non-catégorisées prévues par les articles 18 (6a), 74a et 74b."

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| 36. Amendment to Regulation (EU) 2018/1727 as regards the collection, preservation and analysis of evidence relating to war crimes at Eurojust<br><i>Confirmation of the final compromise text with a view to agreement</i> | 9120/22<br>9121/22<br>COPEN |
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### **Foreign Affairs**

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| 37. Consultation of the Council on an intervention by the Commission in investor-to-State dispute settlement proceedings under the Energy Charter Treaty initiated by the EU and third-country investors | 8593/22 + COR 1<br>FDI |
| 38. UNCCD COP 15 political declaration<br><i>Authorisation to sign a non-binding instrument</i>  | 8818/22<br>DEVGEN      |
| 39. Conclusions on a renewed EU partnership with Least Developed Countries<br><i>Approval</i>  | 8938/22<br>DEVGEN      |

### Statement by Poland

"Equality between women and men is enshrined in the Treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the Polish national legal system in accordance 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, and the expression "gender mainstreaming" as "mainstreaming equality 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."

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| 40. | Ministerial meeting of the Council of the Baltic Sea States -<br>statement<br><i>Approval</i>  | 8978/22<br>8984/22<br>COEST |
| 41. | Joint Statement on Energy and Climate with the Arab Republic<br>of Egypt<br><i>Authorisation to negotiate a non-binding instrument</i> | 9016/22<br>MAMA             |

### **Transport**

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| 42. | Directive on the minimum level of training of seafarers<br>(codification)<br><i>Adoption of the legislative act</i> | 8674/22<br>PE-CONS 37/21<br>CODIF<br>MAR |
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### **EU positions for international negotiations**

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| 43. | Council Decision on the EU position within the EEA Joint<br>Committee concerning the amendment to Annex I (Veterinary<br>and Phytosanitary Matters) to the EEA Agreement<br><i>Adoption</i> | 8349/22<br>8348/22<br>AELE      |
| 44. | Council Decision on the EU position within the EU-CTC Joint<br>Committee on a common transit procedure<br><i>Adoption</i>   | 8855/22<br>7680/22 + ADD1<br>UD |

## **FRIDAY 20 MAY 2022**

### **General Affairs**

32. Item transferred from meeting on Wednesday  
54th meeting of the EEA Council (Brussels, 23 May 2022) - 7571/22  
Agenda EEE  
*Approval*

### **Foreign Affairs**

63. Regulation on temporary trade liberalisation between the EU and Ukraine 9266/22  
*Adoption of the legislative act* PE-CONS 21/22  
*Decision to derogate from the eight-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU* POLCOM
64. Council Decisions amending Council Decisions on assistance measures under the European Peace Facility to support the Ukrainian Armed Forces 8890/22  
*Adoption* 8886/22  
8889/22  
CORLX

#### **Statement by Austria**

"In accordance with the second subparagraph of Article 31(1) TEU and in line with Austria's declaration on the application of constructive abstention at the time of the adoption of the Council Decision establishing the European Peace Facility, Austria hereby notifies the Council of its decision to abstain from the Council Decision amending Council Decision (CFSP) 2022/338, as last amended by Council Decision (CFSP) 2022/636 of 13 April 2022, on an Assistance Measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force, as she deems this decision sensitive for the specific character of her security and defence policy. Austria, acting in a spirit of mutual EU solidarity, will refrain from any action likely to conflict with or impede Union action based on that decision.

Therefore, AT will not contribute to the financing of this Assistance Measure. Instead, AT will voluntarily contribute an additional amount to a non-sensitive assistance measure for Ukraine within the framework of the European Peace Facility."

### Statement by Ireland

"Ireland refers to Proposal of the High Representative of the Union for Foreign Affairs and Security Policy to the Council of 8 May 2022.<sup>1</sup>

Recalling its formal declaration of 27 February on abstention from Council Decision (CFSP) 2022/338, Ireland, in accordance with the second subparagraph of Article 31(1) of the Treaty on European Union, hereby makes a formal declaration and notifies the Council of its decision to abstain from the Council Decision amending Council Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force.

Accordingly, Ireland will not be contributing to the costs of that Assistance Measure, as amended.

Ireland recalls and reiterates in full its statement of 17 March 2021 to the minutes of COREPER and to the Council at the time of adoption of Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility.

Ireland further recalls Recital 22, Article 27 and Article 57(3) of that Council Decision and hereby signals its preference to contribute instead to Council Decision (CFSP) 2022/339 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces, as amended."

### Statement by Malta

"In accordance with the second subparagraph of Article 31(1) of the Treaty of the European Union, Malta hereby notifies the Council of its decision to abstain from adopting the Council Decision amending Council Decision on an Assistance Measure under the European Peace Facility on the provision of lethal force equipment to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force.

As stated at the time of adoption of the Council Decision establishing the European Peace Facility, Malta reserves its right to constructively abstain from assistance measures under the European Peace Facility that allow for the supply of military equipment, or platforms, designed to deliver lethal force.

In the spirit of mutual EU solidarity, MT will refrain from any action likely to conflict with or impede Union action based on that decision.

Therefore, through our voluntary elective commitment, Malta will instead provide a corresponding contribution to the budget for assistance measure in support of Ukraine which does not involve supply of such lethal equipment or platforms."


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<sup>1</sup> Proposal for a Council Decision amending Council Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force

## **COREPER (PART 1)**

### **Institutional affairs**

#### **Written questions**

55. Replies to questions for written answer submitted to the Council by Members of the European Parliament  
*Adoption by silence procedure*  8951/22  
PE-QE
- (a) Filip De Man (ID) 8244/22  
‘Talks between Presidents Biden and Putin in Geneva on 10 January 2022’
- (b) Thomas Waitz (Verts/ALE) 8262/22  
‘Council decision on launching a ‘common defence’ policy’
- (c) Marco Zanni (ID), Anna Bonfrisco (ID), Susanna Ceccardi (ID), Valentino Grant (ID), Antonio Maria Rinaldi (ID) 8338/22  
‘Unfolding of the Russia-Ukraine war and the EU’s response’
- (d) Nikolaj Villumsen (The Left) 8386/22  
‘Detention of cultural association leader and language teacher Zara Mohammadi in Iran’

#### **Appointments**

56. Renewal of the Management Board of the European Institute for Gender Equality 7845/1/22 REV 1  
7843/22  
*Adoption* SOC

#### **Other**

57. Attendance of a third party at the meeting of the Working Party on Aviation on 24 May 2022 8976/22  
AVIATION  
*Approval*

### **Judicial Affairs**

58. Judgment of the Court of 5 April 2022 in case C-161/20 9075/22  
(*Commission v Council*) JUR  
*Information note for the Permanent Representatives Committee (Part 1)*

## EU positions for international negotiations

59. EU position at the 226th session of the ICAO Council (Montreal, 24 May – 23 June 2022) 8518/22 + ADD 1  
AVIATION  
*Approval*
60. Council Decision on the position to be taken on behalf of the European Union at the 75th session of the World Health Assembly regarding certain amendments to the International Health Regulations (2005) 8865/22 + ADD 1  
8869/22  
SAN  
*Adoption*

### Statement by Bulgaria

"The Republic of Bulgaria confirms its willingness to cooperate loyally and contribute to a stronger voice of the EU at international level, including at the upcoming WHA. The EU can indeed make a difference, if common positions are elaborated on the basis of consensus, in spirit of good interinstitutional cooperation and mutual respect. No Member State should be left behind because the credibility of the EU commitments at global level depends on the actual endorsement of these commitments in advance by all Member States, based on the assessment of their impact at national level.

Bulgaria underlines its understanding that the decision is limited only to the EU position to be taken on behalf of the European Union in the Seventy-Fifth Session of The World Health Assembly.

Bulgaria, therefore, highlights the fundamental importance of EU actions at global level being in line with EU primary law and not interfering with competencies, exclusively reserved for Member States. Principles such as subsidiarity, conferral of powers and division of competencies play a key role, including in the context of this Decision.

As parties to the IHR, Member States have the leading role in defending their national positions. Bulgaria, therefore, considers the proposed Council Decision for a position to be taken on behalf of the EU to be limited to matters within the competence of the EU and being without prejudice to the division of competences. The financial sustainability and all activities for coordination and governance of the health preparedness and response capacity and planning of the Member States, as part of the organisation and delivery of health services and medical care, remain exclusive national competence, as provided for in Art. 168 (7) of the Treaty on the Functioning of the European Union.

In this context, Bulgaria cannot support the last-minute addition of reference in the Decision to "*monitoring, early warning of and combating serious cross-border threats to health in their entirety*". We regret that the matter was not subject to discussion, since these areas remain Member States competence, where the Union can only complement national policies with incentive measures, while excluding any harmonization (Art. 168 (1) and (5) TFEU). The competence of the EU to enter into international commitments includes an obligation to couple those commitments with institutional provisions. While the substantive legal basis is unambiguous in that sense, this is not reflected clearly in the text.

We also regret that Art. 168 (3) TFEU, which concerns precisely the relations with WHO and is in our view of relevance for the approval procedure, has been excluded from the legal basis. In accordance with Art. 13 TEU, each institution shall act within the limits of the powers conferred on it in the Treaties, and in conformity with the procedures, conditions and objectives set out in them. We trust that in the upcoming important process in the WHO all the institutions shall act in mutual sincere cooperation. Hence, on all these matters, in particular when it comes to monitoring obligations, budgetary commitment etc. Bulgaria confirms the intention as a party to the IHR to defend its national position."

### **Fisheries**

61. Regulation amending and correcting Regulation (EU)  
No 508/2014 as regards specific measures to alleviate the  
consequences of the military aggression of Russia against  
Ukraine on fishing activities  
*Mandate for negotiations with the European Parliament*

8919/22  
8498/1/22 REV 1  
PECHE