



Brussels, 20 July 2022
(OR. en)

11524/22
CRS CRP 30

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
29 June 2022

I. Adoption of the agenda

10681/22 OJ CRP1 26
10664/1//22 REV 1 OJ CRP2 26

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)

Agriculture and Fisheries

2. Agriculture and Fisheries Council of 18 July 2022: agenda
(for the items in the remit of the Permanent Representatives Committee)

The incoming Presidency presented the main items on the agenda. DK (supported by BE, NL, DE, SE) requested an AOB on "Updating legislation on the transport of animals in the EU". It asked for the AOB to be taken in public session.

The Committee agreed to take the item on the conclusions on aquaculture and the AOB requested by DK, with support from BE, NL, DE and SE, in public.

Health

3. Regulation on serious cross-border threats to health and
repealing Decision No 1082/2013/EU 10570/22 + COR 1
10571/22
Analysis of the final compromise text with a view to agreement

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

Statement by Bulgaria

"The Republic of Bulgaria supports the overall goal of the Health Union Package to improve the reaction of the European Union and its Member States to cross-border health threats.

For Bulgaria, protection of human health is of paramount importance, both in peace times and in times of crisis and emergencies. Hence, we reiterate our understanding, based on (Art. 168 TFEU, in particular paragraphs 5 and 7) that nothing in the Regulation on cross-border threats to health as part of the Health Union Package shall be interpreted as a limitation of Member States' sovereign actions to protect their population, including by procuring critical countermeasures in a timely manner and at affordable price, via all possible channels.

The provision of health services and medical care and the allocation of the resources assigned to them in times of crisis remains responsibility of Member states: an inherent part not only of national health policies but also a matter of national security.

Bulgaria also confirms its adherence to the precise text of the WHA Second Special Session Decision SSA2(5), which at this stage leaves open the matter about the legal nature of a future international instrument on pandemic prevention, preparedness and response. We note with concern the introduction of references in the EU internal legal order to ongoing international negotiations and attempts to prejudge their outcomes.

Finally, in terms of the envisaged reporting obligations and assessment of national crisis plans we commit to implement the Package, while bearing in mind the principles of subsidiarity, proportionality and conferral of powers, enshrined in the relevant provisions of the EU primary law. The national administrations and budget resources of Member States differ significantly - additional excessive burden can exhaust already limited resources and be counterproductive in crisis times."

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 the 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 term 'gender' as reference to 'sex', in the Regulation of the European Parliament and of the Council on serious cross-border threats to health and repealing Decision No 1082/2013/EU."

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-sensitive" Polska będzie interpretowała jako wrażliwość na równość kobiet i mężczyzn, zgodnie z art. 2 i 3 Traktatu o Unii Europejskiej oraz art. 8 i 157 para 3 Traktatu o funkcjonowaniu Unii Europejskiej. W związku z powyższym, pozostałe wyrażenia zawierające termin "gender", Polska będzie interpretowała jako płeć ("sex"), zgodnie z art. 10, art. 19 para 1 oraz art. 157 para 2 i 4 Traktatu o funkcjonowaniu Unii Europejskiej."

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 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-sensitive" will be interpreted by Poland as sensitive to 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. 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."

Statement by the Commission

"The Commission welcomes the overall agreement reached by the co-legislators on the proposal for a Regulation on serious cross-border threats to health. This new Regulation provides for a strong health security framework in the EU and will strengthen EU-level protection, prevention, preparedness and response against cross-border health challenges.

The Commission regrets that the agreed text does not fully align the Regulation with the principle of one Commission and singles out one specific internal Commission service, whereas the Regulation will be implemented by the Commission (including other Commission departments) and other actors. Therefore, the agreement reached between the European Parliament and the Council on the provisions that refer to a specific Commission internal service is without prejudice to any future legislative texts.

Moreover, the Commission also regrets that the co-legislators agreed to include a review clause, which includes an assessment of the need to establish the European Health Emergency preparedness and Response Authority (HERA) as a distinct entity from the Commission. Such an assessment goes beyond the scope of the Regulation and should remain within the Commission's remit as HERA is a Commission service. Moreover, it duplicates the assessment that is to be carried out under the Council Regulation on a framework of measures for ensuring the supply of crisis-relevant medical countermeasures in the event of a public health emergency at Union level."

Internal Market and Industry

4. Regulation on foreign subsidies distorting the internal market 10526/22
Preparation for the trilogue + ADD 1 REV 1

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

Environment

5. Regulation amending Annexes IV and V to Regulation (EU) 10549/22
2019/1021 on persistent organic pollutants (POPs)
Analysis of the final compromise text with a view to agreement

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

Statement by the Commission

"The inclusion in part 2 of Annex V of the waste code for 'soils and stones other than those mentioned in 170503' should not be understood to favour disposal of soil as waste over remediation in view of preventing waste generation.

Where disposal offers the best environmental waste management option, the exceptional derogation from destructive treatment is subject to the requirements of Article 7(4) of the Regulation (EU) 2019/1021."

Statement by Hungary

"With a view to the objective of protecting the environment and human health, it is necessary to eliminate or restrict production and use of toxic substances and their release into the air, water and soil, and regulate waste containing or contaminated by them.

In this regard, Hungary agree with the necessity to amend the current Regulation in order to introduce limits for three new groups of substances in waste, and to adapt the existing values of five persistent organic pollutant to scientific and technical progress.

Against this background, we generally endorse the idea of imposing further provisions for dioxins and furans as well. Nevertheless, we are of the view that this legislation should be based on a well-established impact assessment subsequent to the collection of the available information, and data.

In this respect, we believe that the protection of human health and the environment requires that due attention be given to controlling the risks from persistent organic pollutants, but no limit value can be justified without the examination of the pertinent data. Therefore, we cannot support the introduction of such limit value for furan and dioxin."

6. Regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020 9908/22
Preparation for the trilogue

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

Space

7. Regulation establishing the Union Secure Connectivity Programme for the period 2023-2027 10568/22
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 the Luxembourg

"Le Luxembourg soutient l'objectif stratégique de l'UE visant à créer une capacité satellitaire autonome qui fournit des services de communications pour les besoins gouvernementaux dans tous les États membres. Pour faire de l'initiative proposée un succès, le secteur privé est un partenaire indispensable, tant les acteurs établis que nouveaux, grâce à l'élaboration, la fabrication et l'opération de solutions innovatrices qui rencontrent la demande des utilisateurs publics.

Comparé à d'autres marchés, l'industrie spatiale européenne n'est pas intégrée verticalement. Elle présente l'avantage d'une chaîne de valeur robuste avec des acteurs établis et nouveaux, en particulier des lanceurs, les équipementiers, des opérateurs et des fournisseurs de services. C'est pourquoi il est primordial que du côté de la demande, l'initiative soutient les acteurs sur tout la chaîne de valeur et ne se concentre pas seulement sur quelques segments.

Le fait que le secteur public agit souvent comme investisseur dans l'infrastructure constitue une autre particularité européenne. Le Luxembourg est convaincu que l'UE peut stimuler la demande publique en renforçant les compétences et budgets disponibles afin d'améliorer la spécification et la commande publiques de services de communications satellitaires et autres services.

C'est pourquoi l'initiative pour une connectivité sécurisée de l'Union doit présenter des opportunités suffisantes qui encouragent à la fois le secteur privé à investir dans l'infrastructure et le secteur public à passer des marchés publics pour ses services. Toute distorsion de marché, en particulier via une infrastructure financée publiquement, et son impact direct ou indirect sur le marché commercial des services gouvernementaux, doit être évitée. À défaut, cela réduirait la taille du marché concerné et diminuerait la possibilité du financement privé. Le Luxembourg insiste sur le besoin de l'Union à s'engager comme client phare (« anchor customer ») ou via à un engagement de service (« service commitment ») de la part du secteur public, comme plusieurs États membres le font déjà, afin de créer les assurances et incitatifs nécessaires pour le(s) futur(s) concessionnaire(s). Étant donné les plans d'activités long-terme de l'industrie satellitaire, il est important que les investissements et atouts existants et futurs bénéficient de la sécurité juridique nécessaire pour aller plus loin que la période 2023-2027. Afin de garantir la longévité du programme, le secteur privé européen doit être renforcé face à la concurrence mondiale, et non pas divisé ou mis sous pression.

Le Luxembourg a l'ambition de préserver et renforcer ces aspects dans les négociations à venir avec le Parlement européen pour que le résultat final contribue à la fois à l'autonomie et à la compétitivité de l'industrie des communications satellitaires de l'UE."

Courtesy translation

"Luxembourg supports the EU's strategic objective to create autonomous satellite capacity providing communications services for governmental need in all EU Member States. The private sector, both established and new players, is an indispensable partner in making the proposed initiative a success by designing, building and operating innovative solutions for offering the required services for public users and customers.

Compared to other markets, the European space industry is not fully vertically integrated but has the advantage to be able to build on strong new and established players in different parts of the value chain, namely launchers, manufacturers, operators and service providers. Hence, it is important that on the supply side, the initiative strengthens players in all parts of the value chain, and does not focus on one or a few segments only.

Another particularity in Europe is that the public side still often acts as investor into infrastructure. We strongly believe that the EU can empower the public demand side by strengthening the skills and available budgets in order improve its ability to specify and procure satellite communications and other services.

Therefore, the Union secure connectivity initiative needs to present sufficient opportunities in order to incentivize the private sector to invest in the infrastructure and the public sector to procure services. Any market distortion, especially through a publicly funded infrastructure, and its impact directly or indirectly on commercial markets providing governmental services, should be avoided, as this would reduce the addressable market and reduce the possibility for private financing. Luxembourg insists on the need for the Union committing as an anchor customer or via a service commitment from the public sector, as several Member States already do, in order to create the necessary incentives and reassurances to the future concessionaire(s). Given the long-term business plans of the satellite industry, it is important that investments and assets, both existing and future, are met with the necessary legal certainty in order to create a business case that goes beyond the period 2023-2027. In order to ensure the longevity of the programme, the private sector in Europe needs to be strengthened for global competition, and not divided or put under pressure through public initiatives. Luxembourg intends to safeguard and strengthen these aspects in upcoming negotiations with the European Parliament so that the final outcome will provide the EU with both autonomy and competitiveness in the satellite communications industry."

Joint statement by Austria, Germany, Denmark, Finland, the Netherlands and Sweden

"We consider that the Programme budget should be realistic, in line with actual needs as well as given resources and ensure prudent budgeting.

In particular, the objectives of this new Programme should not require the use of margins under the Multiannual Financial Framework ceilings that should be kept to deal with unforeseen circumstances especially this early in the ongoing Multiannual Framework."

Internal Market and Industry

8. Directive amending Directive 2014/53/EU relating to the making available on the market of radio equipment (common charger) 10561/22 + COR 1
Analysis of the final compromise text with a view to agreement

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

9. 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 10487/22
Analysis of the final compromise text with a view to agreement

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

Statement by Germany

"As already set out in the G7 Finance Ministers and Central Bank Governors' Petersberg Communiqué of May 20, 2022, Germany recalls the importance of consistent reporting requirements to avoid fragmentation and the need of interoperability between European and global standards. It is therefore key to ensure interoperability of European sustainability reporting standards with the global baseline for sustainability reporting to be developed by the International Sustainability Standards Board and to integrate its content, where consistent with the EU's legal framework and the objectives of the European Green Deal, into the European standards to be adopted by the European Commission. Germany calls on the European Commission to duly monitor this consistency and interoperability between global and European standard setting to avoid unnecessary burden caused by double reporting and for the sake of more and better transparency and convergence, whilst not lowering the level of ambition of the European Green Deal."

COREPER (PART 2)

Foreign Affairs

16. Global Gateway
Exchange of views

The Committee held an exchange of views.

17. Strategic priorities of the NDICI-Global Europe instrument
Exchange of views 10588/22

The Committee held an exchange of views.

Economic and Financial Affairs

19. Regulation on markets in crypto-assets (MiCA)
Preparation for the trilogue 10113/22

The Committee prepared the forthcoming trilogue.

20. Regulation on information accompanying transfers of funds and certain crypto-assets (recast)
Preparation for the trilogue 10143/1/22 REV 1

The Committee prepared the forthcoming trilogue.

General Affairs

22. Follow-up to the European Council meeting on 23 and 24 June 2022
State of play

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

Foreign Affairs

23. Follow-up to the EU-Western Balkans leaders' meeting on 23 June 2022
State of play

The Committee took note of the information provided by the cabinet of the President of the European Council on the intended follow-up.

27. Meeting of the Council (Foreign Affairs) on 18 July 2022:
agenda

The EEAS presented the main items on the agenda.

28. Implementation of sanctions against Russia
Exchange of views

The Committee held an exchange of views.

Justice and Home Affairs

30. Electronic evidence
(a) Regulation on European Production and Preservation
Orders for electronic evidence
(b) Directive on legal representatives for gathering evidence
Presidency debriefing on the outcome of the trilogue

The Committee took note of the outcome of the trilogue.

General Affairs

31. Update to the cohesion policy – Flexible support for territories
(FAST-CARE) – to address the consequences of the Russian
aggression against Ukraine
Presentation by the Commission

The Committee took note of the presentation.

Justice and Home Affairs

32. Operational mechanism for coordinating actions for the external
dimension of migration (MOCADÉM)
State of play

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

33. Regulation on visa liberalisation for Kuwait and Qatar 10564/22
Mandate for negotiations with the European Parliament

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

34. US Visa Waiver Program: Enhanced Border Security 9590/22
Partnership (EBSP)
Guidance for further work

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

35. Directive on the resilience of critical entities 10609/22
Presidency debriefing on the outcome of the trilogue 10610/22

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

29. Council Decision on adding the violation of Union restrictive measures to Article 83(1) TFEU

10556/22

Approval

Request for the consent of the European Parliament

Decision to use the written procedure

The Committee approved the text and decided to use the written procedure for requesting the consent of the European Parliament.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

G7 follow-up

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

Incoming Czech Presidency

At the request of incoming Czech Presidency, the Committee approved the participation of OSCE Secretary General in an informal exchange of views in the margins of the following week's meeting.

"I" items approved

COREPER (PART 1)

Institutional affairs

Other

- | | | |
|-----|--|------------------------------|
| 10. | Attendance of third parties at the meeting of the Youth Working Party on 1 July 2022
<i>Approval</i> | 10075/22
10096/22
JEUN |
| 11. | Attendance of a third party at the meeting of the Cultural Affairs Committee on 1 July 2022
<i>Approval</i> | 10569/22
CULT |

Health

- | | | |
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| 12. | Regulation on the European Health Data Space
<i>Decision to consult an institution or body</i> | 10566/22
SAN |
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Fisheries

- | | | |
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| 13. | Regulation laying down conservation and management measures applicable in the Western and Central Pacific Fisheries Convention Area and amending Council Regulation (EC) No 520/2007
<i>Confirmation of the final compromise text with a view to agreement</i> | 10434/22 + ADD 1
10273/22
PECHE |
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Statement by the Commission

"The European Parliament and the Council underlined on several occasions the need to further improve the process of implementation of conservation measures adopted by Regional Fisheries Management Organisations (RFMOs), notably in a timely manner.

The Commission regrets that its attempt to streamline the implementation process has not been fully retained by the European Parliament and the Council. The Commission will continue to work together with the European Parliament and the Council on further improvements to the implementation process."

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| 14. | 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
<i>Confirmation of the final compromise text with a view to agreement</i> | 10512/1/22 REV 1
+ REV 1 ADD 1
8498/1/22 REV 1
PECHE |
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Statement by the Commission

"The Commission welcomes the swift adoption by the European Parliament and the Council of the amendment to Regulation (EU) No 508/2014 on the European Maritime and Fisheries Fund, thus making the specific support measures available to operators to alleviate the consequences of the military aggression of Russia against Ukraine on fishing activities and to mitigate the effects caused by that military aggression on the market of fishery and aquaculture products, including the additional costs of raw material, input and energy. However, the Commission urges caution in the use of the measures providing compensation for the temporary cessation of fishing activities in cases where the Russian aggression 'impedes the economic viability of fishing operations'. Indeed, temporary cessation is subject to the condition that all fishing activities carried out by the fishing vessel benefitting are 'effectively suspended', which means that the fishing vessel concerned has to stop any fishing activities during the period concerned by the temporary cessation. The Commission encourages Member States to prioritise the measures that aim to compensate additional costs and income forgone incurred due to the market disruption caused by the military aggression of Russia against Ukraine and its effects on the supply chain of fishery and aquaculture products, which are better suited to keeping the supply chain of fishery and aquaculture products functioning. Widespread use of temporary cessation could have the unintended consequence of exacerbating the disruption of the fishery supply chain because of a drop of supply on the market."

15. 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 (third amendment)
Decision to use the written procedure for the adoption

10499/1/22 REV 1
+ ADD 1 REV 3
10385/22
PECHE

Statement by Spain

"We recall that IOTC Resolution 2021/01 represents a catch reduction of 21% of YFT for the European Union compared to the catch levels of the year 2014.

The proposal of 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 has to include in Annex II the distribution of the said reduction to the Member States.

Spain advocated applying the IOTC Resolution 2021/01 as adopted, with the 21% reduction of 2014 catches for each Member State, but was willing to accept a specific internal distribution between Member States, as in 2016, were a special key was agreed to apply the 15% reduction following IOTC Resolution 16/01.

Regretfully this time an agreement has not been reached between the Member States involved, although Spain had put forward several proposals. The key agreed for the implementation of Resolution 16/01 is not applicable anymore, and it is particularly damaging for our interest as represents a 26,25 % percent of reduction of our 2014 level catches, where the IOTC Resolution obliges to a 21%.

Taking into account that there is no relative stability clause and no TAC is determined but only a catch limitation, Spain believes there should not be a different internal key for the EU internal distribution than the key established by the IOTC Resolution, lacking an agreement of the Council that satisfies all the Member States involved.

In conclusion, Spain consider that the key applied in the proposal of Annex IJ has to be the same as it is established by IOTC Resolution 21/01. For that reasons, Spain vote against the Council decision."

Joint Statement by Portugal and Spain

"Portugal and Spain welcome the 3.º Amendment to the Council Regulation (EU) 2022/109 that fixes 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, notably the setting of a provisional TAC for anchovy from 1st July 2022 to 30th September 2022.

Nevertheless, Portugal and Spain regret that an inter-area flexibility for horse mackerel from ICES subarea 9 to ICES division 8c (special condition JAX/*08C) was not included in this amendment.

It is our understanding that an inter-area flexibility percentage from subarea 9 to 8c should have been established in Council Regulation (EU) 2022/109 in the same way as the inter-area flexibility percentage from subarea 8c to 9."

COREPER (PART 2)

Judicial Affairs

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| 36. | Case T-233/22 (Ekaterina Islentyeva v. Council)
<i>Information note</i> | 10297/22
JUR |
| 37. | Case T-235/22 (Russian Direct Investment Fund v. Council)
<i>Information note</i> | 10294/22
JUR |
| 38. | Case T-243/22 (A. Pshonka v. Council)
<i>Information note</i> | 10313/22
JUR |
| 39. | Case T-244/22 (V. Pshonka v. Council)
<i>Information note</i> | 10305/22
JUR |
| 40. | Case T-248/22 (Alexey Mordashov v. Council)
<i>Information note</i> | 10319/22
JUR |
| 41. | Case T-249/22 (Ponomarenko v. Council)
<i>Information note</i> | 10567/22
JUR |
| 42. | Case T-252/22 (Gennady Nikolayevich Timchenko v. Council)
<i>Information note</i> | 10320/22
JUR |
| 43. | Case T-270/22 (Dimitry Alexandrovich Pumpyanskiy v. Council)
<i>Information note</i> | 10327/22
JUR |
| 44. | Case T-271/22 (Andrey Melnichenko v. Council)
<i>Information note</i> | 10329/22
JUR |
| 45. | Case T-291/22 (Alexander Dmitrievich Pumpyanskiy v. Council)
<i>Information note</i> | 10298/22
JUR |
| 46. | Case T- 333/22 (German Khan v. Council)
<i>Information note</i> | 10574/22
JUR |

Institutional affairs

47. Minutes of Council meetings

Approval

(a) ECOFIN on 15 April 2022

7965/1/22 REV 1
+ REV 1 COR 1
7965/22 ADD 1
REV 1 + ADD 1
REV 1 COR 1

(b) FAC on 11 April 2022

8165/1/22 REV 1
8165/22 ADD 1

(c) GAC on 12 April 2022

8166/1/22 REV 1
8166/22 ADD 1

Other

48. Attendance of third parties at the Council's preparatory bodies and informal video conferences in the field of Justice and Home Affairs during the Czech Presidency
Approval

10550/22
JAI

49. Attendance of third parties at the meetings of the Political and Security Committee (PSC) and of the Common Foreign and Security Policy (CFSP) Working Parties, or in the margins of those meetings from 1 July to 31 December 2022
Approval

10021/22
COPS

50. Attendance of a third party at the meeting of the Working Party on Judicial Cooperation in Criminal Matters (COPEN – General Matters) on 29 June 2022
Approval

10577/22
COPEN

51. Attendance of a third party at the meeting of the Working Party on Eastern Europe and Central Asia on 30 June 2022
Approval

10366/22
COEST

52. Attendance of a third party at the meeting of the COASI Working Party on 30 June 2022
Approval

10709/22
COASI

53. Attendance of third parties at the meetings of the Working Party on Development Cooperation and International Partnerships on 30 June and 7 July 2022
Approval

10496/22
DEVGEN

- | | | |
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| 54. | Attendance of a third party at the meeting of the Working Party on Non-Proliferation and Arms Exports (Non-proliferation and disarmament) (CONOP) on 5 July 2022
<i>Approval</i> | 10483/22
CONOP |
| 55. | Attendance of a third party at the meeting of the Working Party on Non-Proliferation and Arms Exports (Conventional arms exports) (COARM) on 6 July 2022
<i>Approval</i> | 10484/22
COARM |
| 56. | Attendance of a third party at the meeting of the Horizontal Working Party on Drugs on 6 July 2022
<i>Approval</i> | 10578/22
CORDROGUE |
| 57. | Attendance of third parties at the meeting of the Security Committee on 7 July 2022
<i>Approval</i> | 10584/22
CSC |
| 58. | Attendance of a third party at the meeting of the Working Party on the Western Balkans Region on 11 July 2022
<i>Approval</i> | 10067/22
COWEB |

Economic and Financial Affairs

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| 59. | Council Decision approving the external auditors of the Banco de Portugal
<i>Adoption</i> | 10010/22
9899/22
UEM |
| 60. | Regulation establishing the Anti-Money Laundering Authority (AMLA)
<i>Partial mandate for negotiations with the European Parliament</i> | 10506/1/22 REV 1
10507/1/22 REV 1
EF |

Statement by Ireland

"Ireland notes the content of the Regulation establishing the Authority for Anti-Money Laundering and Countering the Financing of Terrorism, as emended by the French Presidency following Council working party discussions.

Ireland provided compromise text to the Presidency in relation to the tiebreaker clause for selection of entities for direct supervision by AMLA, with a view to addressing concerns expressed by Ireland in relation to potential disproportionate effects on Irish entities, given that volume of trade with third countries is a deciding factor. Our concerns relate to Ireland's unique trading relationship with the UK which is now a third country following Brexit. Our compromise text focused on the reasonable and appropriate approach of considering FATF and EU risk ratings of a third country, as the most prudent factor in weighting/tiebreaker mechanisms. This would ensure that entities trading in the riskiest third countries would be directly supervised, which fully aligns with the risk-based approach and would maintain a level playing field between Member States.

Our Minister has indicated he will not object to the proposals, but also intends to raise the concerns outlined today. Ireland has a robust AML/CFT framework, albeit no country can eliminate all the risks associated with such activity. What all Member States can do is try to achieve a balance between ensuring the framework remains robust at Union level, while also ensuring that the riskiest entities are those selected for direct supervision by AMLA and that AMLA's resources are not unnecessarily diverted towards supervision of less risky entities, based solely on transaction volumes, rather than on a real analysis of the risk."

Statement by Lithuania, joined by Finland

"Lithuania welcomes the main objective of the Regulation establishing the Authority for Anti-Money Laundering and Countering the Financing of Terrorism. Alongside the single rulebook, we consider creation of the new EU AML supervisory institution as the core element of the AML package and we support it.

In 2019 we discussed future AML framework and in the Council conclusions on the prevention of money laundering it was agreed that the new EU AML supervisory institution should cover the most risky obliged entities and follow a risk-based approach. During Council negotiations, we have continuously raised concerns regarding the selection process of the obliged entities for the direct supervision proposed by the Presidency. In our view, the suggested approach deviates from the risk-based principle, does not tackle the most risky obliged entities at the EU level sufficiently and thus may create significant weakness in the EU AML framework. Proposal to have one obliged entity per MS raises questions of level playing field, especially for small jurisdictions.

Moreover, single market and provision of services across borders is one of the main pillars of the EU foundation. Therefore, the selection criteria for direct supervision should be based on a comprehensive analysis, making sure that we assess various risk aspects and not focusing on the cross border element only.

We believe that during the negotiations with the European Parliament we should ensure that AMLA would directly supervise the riskiest obliged entities based on a comprehensive analysis of the underlying risk."

Statement by Luxembourg

"Luxembourg strongly supports the establishment of a new EU-level Authority for Anti-Money Laundering and Countering the Financing of Terrorism ("AMLA"). AMLA will have a crucial role to play in the AML/CFT supervision in the Union, with the objective of ensuring a consistent application of the rules throughout the single market.

In that regard, Luxembourg takes note of the fact that the compromise text prepared by the French Presidency does not yet cover a number of elements, such as the seat of the Authority or the updated financial statement.

In view of the trilogue negotiations, further work is hence necessary in order to define a full and consistent Council position on the draft regulation. This should include a governance model that facilitates the fulfilment of AMLA's tasks by enabling reliance on relevant expertise where it is available and robust financing modalities that allow the authority to deliver on its mandate without being prone to legal challenge."

Statement by Slovenia

"Slovenia strongly supports the establishment of the EU AML Authority, its timely set-up and the main goals of the proposed Regulation.

We also acknowledge that through the negotiations the text has been improved, although the risk-based approach is not fully incorporated and we have expressed our concerns regarding the principle of one-entity-per-member-state.

At this point we would like to recall that AMLA was intended also by the Council Conclusion from November 2020 to implement its powers when supervision is more effective on EU level than on national level. The new EU supervisor should address obliged entities with a higher risk for money laundering and terrorist financing, considering also a cross-border dimension. The aim is to strengthen the resistance of EU's financial system and to improve the fight against money laundering and terrorist financing.

Against this background the efforts to design AMLA's competences should be in selecting those obliged entities that pose the highest risk. Cross-border business relationships and transactions deem to be risk factors that would be of particular importance in the assessment methodology that AMLA is supposed to develop in order to select the riskiest obliged entities to fall under its direct supervision. This is why our main concern with regard to the compromise text we have received today relates to the removal of two – in our view – very relevant risk factors in Art 12 Para 4. We are aware that the list of criteria is not exhaustively defined by this proposal, but the criteria included into the AMLA Regulation will undoubtedly be primarily taken into account in the assessment and selection of directly supervised obliged entities.

If these two criteria that are directly related to the cross-border dimension of any obliged entity are to be deleted, AMLA might not be able to achieve its main goal: to directly supervise the riskiest obliged entities when it comes to the protection of the financial system of the internal market from being abused for the purposes of money laundering or terrorist financing."

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| 61. Regulation and Directive on digital operational resilience for the financial sector (DORA)
<i>Confirmation of the final compromise text with a view to agreement</i> | 10580/22
10581/22
10582/22
EF |
| 62. Directive on the recovery and resolution of insurance and reinsurance undertakings (IRRD)
<i>Progress report</i> | 10602/22
10678/22
EF |

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| 63. | European Single Access Point (ESAP)
<i>Mandate for negotiations with the European Parliament</i> | 10618/22
10619/22
10620/22
10621/22
EF |
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Statement by Bulgaria

"Bulgaria acknowledges the potential of ESAP to contribute to achieving the objectives of the Capital Markets Union. We are also of the view that the Presidency has contributed to the significant progress of this file. However, in order to make ESAP a success, we believe it is important to ensure a well-calibrated approach regarding the setting up of the platform in terms of scope of the information to be provided, timing and costs. In this vein, it is important to include in ESAP information which is relevant for investors and for the publication of which the costs do not outweigh the benefits.

In our understanding certain parts of the proposal would have benefited from further assessment and improvements on the basis of thorough discussion on act-by-act basis in order to avoid undue burden and costs both on entities and collection bodies.

Example of such parts are the proposed amendments in the ESAP Omnibus Directive in respect of the Accounting directive and MIFID. The Amendments in the Accounting Directive pose disproportional obligation to non-listed companies to publish financial reports in ESAP. In addition, provisions lead to duplication of information submitted by same entities – for example, listed companies would have to submit information to ESAP on the basis of both Transparency Directive and Accounting Directive, possibly to two different collection bodies which would not respect the file-only-once principle. Considering MIFID, the requirements to companies listed on SME Growth markets would be counterproductive to the objective to facilitate the access to capital markets of SMEs.

We support the objectives of ESAP, however in our view certain aspects of the proposal should have been more adequately addressed. We believe that our concerns would be further considered during the discussions with the European Parliament."

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| 64. | Council position on draft amending budget No 2 to the general budget for 2022: Entering the surplus of the financial year 2021
<i>Adoption</i> | 10468/22
10469/22
8177/22
FIN |
| 65. | Regulation amending Regulation (EU) No 549/2013 and repealing 11 legal acts in the field of national accounts
<i>Mandate for negotiations with the European Parliament</i> | 10177/22
ECOFIN
STATIS |

General Affairs

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| 66. | EP resolutions and decisions (June 2022 extraordinary session)
<i>Information note</i> | 10508/22
PE-RE |
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| 67. | Independent EU ethics body
<i>Approval of a letter</i> | 10517/22
10310/1/22 REV 1
INST |
| 68. | Key EU messages for the High Level Political Forum 2022
<i>Information note</i> | 10482/22
SUSTDEV |

Justice and Home Affairs

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| 69. | Frontex programming document 2023-2025: consultation of the Council in line with Regulation (EU) 2019/1896
<i>Approval of a letter</i> | 10026/22
FRONT |
| 70. | Screening Regulation – consequential amendments
<i>Mandate for negotiations with the European Parliament</i> | 10256/22
FRONT |

Statement by Hungary

"Although we consider the proposal for a Regulation on Screening Consequential Amendments to be primarily a technical amendment of the ECRIS-TCN Regulation and to the Interoperability Regulation on Police and Judicial Cooperation, Hungary would like to reiterate its position expressed with regards to the proposal introducing the screening of third country nationals at the external borders and to highlight once again, that the legislative proposals constituting the reform of CEAS are closely interlinked with each other, any separate adoption of a general approach in one or more of the proposals renders the final adoption of the politically sensitive reform package.

Taking into account the aforementioned arguments Hungary will abstain during the adoption of the general approach of the proposal for a Regulation on Screening Consequential Amendments."

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| 71. | Council Decision authorising the opening of negotiations with Mauritania on operational activities carried out by the European Border and Coast Guard Agency in Mauritania
<i>Decision to use the written procedure for the adoption</i> | 10612/22
10453/22 + ADD 1
FRONT |
| 72. | Council Decision authorising the opening of negotiations with Senegal on operational activities carried out by the European Border and Coast Guard Agency in Senegal
<i>Decision to use the written procedure for the adoption</i> | 10613/22
10454/22 + ADD 1
FRONT |

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| 73. | Council Decision concerning the accession of the European Union to the Judgments Convention
<i>Adoption</i> | 7844/22 + ADD 1
13494/21 + ADD 1
JUSTCIV |
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Statement by the Commission

"The Decision concerning the accession of the European Union to the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters should indicate the Commission as responsible to designate the person(s) empowered to deposit, on behalf of the Union, the instrument of accession referred to in Article 24(4) of the Convention. The changes to Article 2 that indicate that the President of the Council is responsible for such designation are thus not in accordance with the Treaties.

The designation of the person(s) empowered to deposit, on behalf of the Union, the instrument of accession to an international 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 Court of Justice has emphasized that consistent practice by Union institutions that is not in accordance with the EU Treaties 'cannot alter the rules of the Treaties that the institutions are obliged to respect' (Case C-687/15 Commission v Council, EU:C:2017:803, para. 42).

While not opposing the adoption of the amendment by the Council by a qualified majority vote, the Commission reserves all its rights in this regard."

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| 74. | Council Decision on the full application of the provisions of the Schengen acquis in the Republic of Croatia
<i>Decision to consult an institution or body</i> | 10608/22
SCH-EVAL |
| 75. | Schengen evaluation Recommendation – Belgium: police cooperation
<i>Adoption</i> | 9877/22
9876/22
SCH-EVAL |
| 76. | Main achievements in the field of civil protection
<i>Presidency report</i> | 10474/22
PROCIV |

Foreign Affairs

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| 77. | Council Decision on the conclusion of an agreement on the modification of schedules of specific commitments under the GATS concerning the Services Domestic Regulation
<i>Request for the consent of the European Parliament</i> | 9981/22
9982/22 + ADD 1
POLCOM |
| 78. | Regulation on temporary trade liberalisation between the EU and Moldova
<i>Confirmation of the final compromise text with a view to agreement</i> | 10565/22
POLCOM |

79.	PSC Decision EUTM RCA/2/2022 – acceptance of a third State's contribution <i>Decision to publish in the Official Journal</i>	9817/22 9445/22 PSC DEC
80.	PSC Decision EUPOL COPPS/1/2022 – extension of the mandate of the Head of Mission <i>Decision to publish in the Official Journal</i>	9824/22 8408/22 PSC DEC
81.	PSC Decision EU BAM Rafah/1/2022 – extension of the mandate of the Head of Mission of EU BAM Rafah <i>Decision to publish in the Official Journal</i>	10628/22 8552/22 PSC DEC
82.	Global Gateway – Criteria for identifying flagships <i>Approval</i>	10532/22 RELEX
83.	Establishment and mandate of the ad hoc working party on the defence industry <i>Approval</i>	10644/22 POLMIL
84.	EU Integrated Resolve 2022 (PACE) – Exercise Instructions (EXINST) <i>Information note</i>	10324/22 9723/22 POLMIL
97.	Strategic Compass <i>Information note</i>	10744/22 POLMIL
85.	Appointment of the Chair of the European Union Military Committee Working Group/Headline Goal Task Force (EUMC/HTF) <i>Approval</i>	10622/22 EUMC
86.	Memorandum of Understanding on a Green Partnership between the European Union and the Kingdom of Morocco <i>Authorisation to sign a non-binding instrument</i> <i>Decision to use the written procedure</i>	10448/22 MAMA

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| 87. | Memorandum of understanding on a strategic partnership in the field of energy with the Republic of Azerbaijan
<i>Authorisation to negotiate a non-binding instrument</i> | 10707/22
COEST |
| <u>Statement by Cyprus</u> | | |
| <p>"Cyprus does not object to the authorization for negotiating this non-binding instrument. We look forward to receiving the draft text of the Memorandum of Understanding the soonest. It is expected that all relevant working parties will discuss this issue and that member states will have the possibility to submit drafting suggestions and will be kept informed throughout the process.</p> <p>The EU's stated goal is to diversify its energy supplies as much as possible, and, in this framework, it is important to avoid creating new dependencies on third countries.</p> <p>At the same time, we remain deeply concerned by Azerbaijan's continued refusal to establish diplomatic relations with Cyprus, as well as by a recent meeting between Azerbaijani officials and so-called "officials" from the secessionist entity in the Turkish-occupied part of Cyprus.</p> <p>In this context, we note the ongoing process for a new EU-Azerbaijan framework agreement. We reiterate our position that Azerbaijan needs to establish diplomatic relations with Cyprus, abide by the principle of good neighborly relations and commit itself to acting in good faith and with full respect to the sovereignty and territorial integrity of all EU member states."</p> | | |
| 88. | Council Decision on the allocation of decommitted funds from the 10th and 11th EDFs to actions relating to food security and economic shock in ACP countries following the Russian aggression against Ukraine
<i>Approval</i> | 10738/22
ACP |
| 89. | Council Decision on an Assistance Measure under the European Peace Facility to support the Armed Forces of the Republic of Moldova
<i>Decision to use the written procedure for the adoption</i> | 9437/22
9436/22
CORLX |
| 90. | Council Decision and Implementing Regulation on restrictive measures to combat terrorism – Common Position 2001/931/CFSP – review
<i>Adoption</i> | 10209/22
8414/22
10205/22
10207/22
CORLX |
| 91. | Collection of best practices for third countries – CP 931
<i>Approval</i> | 10558/22
10639/22
COMET |
| 92. | Restrictive measures (sanctions) – Update of the EU best practices for the effective implementation of restrictive measures
<i>Approval</i> | 10208/22
10572/22
CORLX |

93. Restrictive measures in view of Russia's actions destabilising the situation in Ukraine – pre-notifications
Approval
Decision to use the written procedure

10708/22
CORLX

94. Coordination with third states on sanctions
Approval

10726/22
CORLX

Other items

95. System for handling information classified R-UE/EU-R within the Council (RCI project)
Approval

10073/22
9674/22
CIS

96. Approval of a cryptographic product
Approval

10332/22
CSCI
CSC