

Brussels, 14 September 2022
(OR. en)

12376/22
CRS CRP 34

SUMMARY RECORD

Extraordinary meeting of the PERMANENT REPRESENTATIVES COMMITTEE (Part 1)
25 July 2022

I. Adoption of the agenda

CM 4028/22 + 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

Transport, Telecommunications and Energy

Extraordinary meeting of the Transport, Telecommunications and Energy Council on 26 July 2022:
Preparation

1. Security of energy supply in the EU and further measures ahead of next winter
Exchange of views 11382/22

The Committee prepared this item for the Council meeting.

2. Council Regulation on coordinated demand reduction measures for gas
Political agreement
Decision to use the written procedure for the adoption 11521/2/22 REV 2

The Committee prepared this item for the Council meeting.

IV. Any other business

None.

"I" items approved

Institutional Affairs

Written questions

Reply to question for written answer submitted to the Council by
Members of the European Parliament
Adoption by silence procedure

11475/22
PE-QE

Antonio Maria Rinaldi (ID)
"Protecting the fashion industry"

11472/22

Minutes of Council meetings

Approval

a) EPSCO Health 14.6.2022

10278/22 + ADD 1

b) AGRIFISH 13.6.2022

10199/22 + ADD 1
+ ADD 1 COR 1

Other

Nomination of the Chairs of the Sustainability Reporting Board and of
the Financial Reporting Board of the European Financial Reporting
Advisory Group (EFRAG)
Approval of a letter

11326/22
RC

The above-mentioned item was withdrawn.

EU positions for international negotiations

Council Decision on the EU position in the EU-CTC Joint Committee
as regards invitations to Ukraine to accede to the Convention on the
simplification of formalities in trade in goods and to the Convention
on a common transit procedure
Adoption

11513/22
11511/22 + ADD 1
UD

Transport

Council Decision on the signing of the Comprehensive Air Transport Agreement with the Association of Southeast Asian Nations (ASEAN)
Adoption

11479/22
8896/22
8974/22
AVIATION

Statement by the Commission

“The Commission considers that the provisions in Article 3 of the Decision on the signing of the Agreement are not in accordance with the Treaties.

In that regard the Commission notes that all acts of external representation in the process of treaty-making, including the signing of an international agreement and the subsequent expression of the consent to be bound by it, are in accordance with Article 17(1) TEU the institutional prerogatives of the Commission, with the exception of such acts pertaining to agreements falling exclusively or predominantly within the common and foreign security policy of the Union. Without prejudice to this exception, when the Commission and another actor designated by the Council co-sign an international agreement on behalf of the Union, only the signature of the Commission commits the Union.

Accordingly, the signing on behalf of the Union of the Record of statements is in accordance with Article 17(1) TEU the institutional prerogative of the Commission.

The Commission recalls that the Court of Justice has emphasised that consistent practice by Union institutions that is not in accordance with the 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).

The Commission consequently reserves all its rights in these regards.”

Statement by Belgium

“With regard to the negotiation of future aviation agreements with third countries, Belgium calls upon the European Commission and the Council to incorporate the following elements into its draft negotiation mandates:

- An analysis of state subsidies awarded to the aviation sector in the third country;
- An environmental and climate impact-assessment underpinning a proposal for a draft negotiation mandate;
- Additional language related to the respect for human and social rights, and the effective implementation thereof.”

Transparency

Public access to documents
Confirmatory application No 08/c/01/22
State of play

10930/22
10929/22
INF
API

Statement by Sweden

“Sweden votes YES to the draft reply. However, Sweden would like to underline that the scope of the regulation is clearly defined in articles 2.3 and 3 a and that additional conditions should not be added since they risk being perceived as limiting the scope of the regulation. Sweden would like to emphasize that the scope of the regulation should not be limited by the reasons in para 9 adding conditions to what is already defined in the regulation 1049/20019. As an example we find that it is clear from the wording of article 3 a that a document can have any content, whatever its medium, as long as it concerns a matter relating to the policies (...). It is not clear, however, why a document cannot be short-lived and what kind of mobile-phone-based communication is considered as short-lived and thus exempted from the scope of the regulation. In addition there is no requirement under article 3a that a document needs to “contain substantial information” in order to be considered a document.”

Foreign Affairs

Council Decision and Implementing Regulation concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia
Decision to use the written procedure for the adoption

11420/22
11417/22
11419/22
CORLX