

Brussels, 25 November 2022
(OR. en, fr)

15311/22
CRS CRP 43

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
4 November 2022

I. Adoption of the agenda

14210/1/22 REV 1 OJ CRP1 38 + REV 1 ADD 1
14266/1/22 REV 1 OJ CRP2 38

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)

Employment and Social Policy

2. Council Decision on guidelines for the employment policies of the Member States (2022) 14111/22
Preparation for the adoption

The Committee approved the draft Decision in principle and agreed to transmit it to lawyer-linguist finalisation.

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 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 concept of ‘gender’ as reference to ‘sex’ and the concept of ‘gender equality’ as ‘providing equal chances and opportunities for women and men’ in the council decision on guidelines for the employment policies of the Member States.”

Internal Market and Industry

3. Regulation establishing a framework of measures for strengthening Europe's semiconductor ecosystem (Chips Act) 13894/22
Guidance for further work

The Committee provided guidance for further work.

4. Regulation on general product safety (GPSR) 14103/1/22 REV 1
Preparation for the trilogue

The Presidency took note of delegations' comments and the Committee gave the Presidency the requested flexibility to reach the desired compromises at the forthcoming trilogue.

Environment

54. Commission's intention to join, on behalf of the EU, the Forests and Climate Leaders Partnership to be launched at COP27 on 7 November 2022 14350/22
Presentation by the Commission
Exchange of views
Decision to use the written procedure

The Committee took note of the presentation by the Commission and comments by delegations.

The Committee did not decide on the use of the written procedure for the authorisation of the Commission to join the NBI on behalf of the EU.

The Presidency informed that a communication would be issued, proposing the use of the written procedure to authorise the signing of the non-binding instrument, with a deadline of Monday 7 November.

55. Commission's intention to join, on behalf of the EU, the International Drought Resilience Alliance to be launched at COP27 on 7 November 2022 14373/22
Presentation by the Spanish delegation and the Commission
Exchange of views
Decision to use the written procedure

The Committee took note of the presentation by the Commission and comments by delegations.

The Committee did not decide on the use of the written procedure for the authorisation of the Commission to join the NBI on behalf of the EU.

The Presidency informed that a communication would be issued, proposing the use of the written procedure to authorise the signing of the non-binding instrument, with a deadline of Monday 7 November.

5. Revision of Regulation (EU) 2018/841 on greenhouse gas emissions and removals from land use, land use change and forestry (LULUCF) 14022/22
Preparation for the trilogue

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

6. Fit for 55 package: ETS revision 14077/22
+ ADD 1-2
- a) Revision of Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading (ETS)
- b) Revision of Decision (EU) 2015/1814 (market stability reserve)
Preparation for the trilogue

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

7. Regulation on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation 14086/22
Preparation for the trilogue

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

COREPER (PART 2)

General Affairs

21. Meeting of the Council (General Affairs) on 18 November 2022:
Preparation

- a) Values of the Union in Hungary: Article 7(1) TEU (reasoned proposal)
Hearing 14124/22

The Committee prepared this item for the Council meeting.

- b) Legislative programming: Commission work programme for 2023
Presentation by the Commission
Exchange of views 13976/22
13847/22 + ADD 1

The Committee prepared this item for the Council meeting.

- c) Other items in connection with the Council meeting

The Committee took note of the information provided by the Presidency and agreed to remove the item on the regulation on political advertising from the agenda.

22. Meeting of the Council (General Affairs/Cohesion) on
22 November 2022: Agenda

The Presidency presented the main items on the agenda.

23. Revision of the Regulation on the statute and funding of
European political parties and European political foundations
Presidency briefing on the outcome of the trilogue

The Presidency briefed on the trilogue which took place on 25 October 2022.

Foreign Affairs

24. Meeting of the Council (Foreign Affairs/Trade) on
25 November 2022: Agenda

The Presidency presented the main items on the agenda.

25. EU-Western Balkans Summit (Tirana, 6 December 2022)
Orientation debate 14153/22

The Committee held an orientation debate on the upcoming summit.

Economic and Financial Affairs

26. Meeting of the Council (Economic and Financial Affairs) on 8 November 2022: Preparation

- a) (poss.) Directive 1999/62/EC (Eurovignette) as regards certain provisions on vehicle taxation
Political agreement 13790/22 + COR 1

The Committee prepared this item for the Council meeting.

- b) Implementation of Basel III
General approach 13771/22
13772/22 + COR 1
13773/22 + COR 1

The Committee prepared this item for the Council meeting.

Statement by Belgium

"Belgium strongly believes finalising the implementation of the post-crisis Basel-III reforms of banks' prudential standards in a faithful manner is an important step to ensure financial stability in Europe, maintain a level playing field for banks across the world and guarantee the international credibility of the regulation, supervision and robustness of the European banking sector. Therefore, as a key principle, we believe it is essential to ensure that our EU prudential framework is Basel compliant and that any deviations or transitional arrangements are limited to the maximum extent possible."

- c) Inflation Reduction Act
Information from the Commission
Exchange of views

The Committee prepared this item for the Council meeting.

- e) Economic and financial impact of the Russian aggression against Ukraine
Exchange of views 14315/22

The Committee prepared this item for the Council meeting.

- d) Other items in connection with the Council meeting

The Committee took note of the information provided by the Presidency and approved the attendance of the EIB President at the Council session and the informal breakfast session, as well as the attendance of the Managing Director of the ESM at the informal breakfast session.

27. Regulation establishing a carbon border adjustment mechanism (CBAM) 14085/22
Preparation for the trilogue

The Committee prepared the forthcoming trilogue.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

Central Asia

The Committee took note of the information provided by the PEC CAB.

"I" items approved

COREPER (PART 1)

Institutional Affairs

Written questions

8. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure
- 14038/22
PE-QE
- a) Leila Chaibi (The Left), Nikolaj Villumsen (The Left), José Gusmão (The Left), Eugenia Rodríguez Palop (The Left), Konstantinos Arvanitis (The Left), Marc Botenga (The Left)
"The Uber Files: links between Emmanuel Macron and digital labour platforms such as Uber, in the context of the French Presidency of the European Union"
- 13195/22
- b) Cornelia Ernst (The Left)
"Lists for SIS II alerts concerning persons from third countries"
- 13250/22
9. **Minutes of Council meetings**
Approval
- a) AGRIFISH 26.9.2022 12807/22 + ADD 1
- b) COMPET 29.9.2022 13066/22 + ADD 1
- c) Extra TTE Energy 30.9.2022 13027/22 + ADD 1
- Other**
10. Attendance of a third party at the Working Party on Animals and Veterinary Questions (Chief Veterinary Officers) on 9 and 10 November 2022
Approval
- 13918/22
VETER

Judicial Affairs

11. Case T-577/22 (ClientEarth AISBL v Council)
Information note
- 14116/22
JUR

EU positions for international negotiations

12. Council Decision on the EU position in the Regional Steering Committee of the Transport Community as regards the adoption of the budget of the Transport Community for 2023
Adoption
- 13689/22
13637/22 + ADD 1
TRANS

Statement by the Commission

“The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate.

The expression of the Union position in a body set up by an agreement is an act of external representation of the Union which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

The Commission reserves all its rights in this regard.”

13. Coordination of the EU position in preparation for the 16th Regional Steering Committee of the Transport Community (Brussels, 14 November 2022)
Approval
- 13949/22
TRANS
14. Council Decision on the EU position in UNECE (November 2022)
Adoption
- 13741/22
13763/22
MI

Internal Market and Industry

15. Memorandum of Understanding to establish a partnership on sustainable raw materials value chains with Greenland
Authorisation to negotiate an NBI
- 13923/22
COMPET

Energy

16. Memorandum of Understanding on a Strategic Partnership on Renewable Hydrogen between the EU and the Arab Republic of Egypt
Authorisation to sign an NBI
- 13704/22
ENER

Statement by France

“La France se joint au consensus requis pour adopter l’autorisation donnée par le Conseil de signer le projet de mémorandum d’accord sur un partenariat stratégique sur l’hydrogène renouvelable entre l’Union européenne et l’Égypte.

Pour autant, ce type d'initiative pose des difficultés de cohérence politique, qui requièrent d'être traitées au fond par le Conseil, avant que tout autre projet de négociation d'un mémorandum avec un pays tiers prévoyant l'importation d'hydrogène soit soumis au Conseil.

Dans ce contexte, nous souhaitons qu'une discussion soigneusement préparée se tienne au niveau du COREPER, afin de mettre à plat les conditions dans lesquelles l'Union pourrait, le cas échéant, déployer une coopération en matière d'hydrogène avec des pays tiers et de doter l'Union d'une stratégie horizontale en la matière, cohérence avec notre ambition climatique et avec les besoins réels du Marché intérieur."

17. Joint Declaration from Energy Importers and Exporters on Reducing Greenhouse Gas Emissions from Fossil Fuels
Authorisation to sign an NBI 14207/22
ENER

Fisheries

18. Council Regulation on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement with Mauritius
Adoption 13913/22 + ADD 1
12786/22
PECHE
19. Council Decision on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement with Mauritius
Agreement in principle
Request for the consent of the European Parliament 13913/22 + ADD 1
12787/22
PECHE

Statement by the Commission

"By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the Decisions on the signing and provisional application as well as on the conclusion of a Protocol implementing the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (2022-2026), the Commission regrets the Council's amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph).

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."

20. Council Decision on the signing and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement with Mauritius
Adoption

13913/22 + ADD 1
12752/22
12785/22
PECHE

Statement by the Commission

“By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the Decisions on the signing and provisional application as well as on the conclusion of a Protocol implementing the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (2022-2026), the Commission regrets the Council’s amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph).

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.”

Statement by the Commission

“The Commission considers that the Decision on the signing and provisional application of the protocol should refer to the person designated by the negotiator as the one to be empowered to sign. Therefore, the changes that provide for the President of the Council to designate the person who is to sign the agreement on behalf of the Union are not in accordance with the Treaties.

All acts of external representation in the process of treaty-making, including the signature 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 foreign and security policy of the Union, where it is the High Representative who represents the Union externally according to Article 27(2) TEU. 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.

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.”

COREPER (PART 2)

Judicial Affairs

28. Case T-494/22 (National Settlement Depository (NSD) v. Council) 14126/22
Information note JUR

Institutional Affairs

Appointments

29. Two alternate members (ES) of the Committee of the Regions 13233/22
Adoption 13232/22
CDR

Other

30. Attendance of a third party at the Dual Use Working Party on 9 November 2022 14158/22
Approval COMER
31. Attendance of third parties at the Working Party on JHA Information Exchange on 10 November 2022 13922/22
Approval IXIM
32. Attendance of a third party at the Working Party on Terrorism on 15 November 2022 14025/22
Approval CT
33. Attendance of additional third parties at COHAFA on 15 and 16 November 2022 14123/22
Approval COHAFA
34. Attendance of a third party at the Africa Working Party on 16 November 2022 13952/22
Approval COAFR

Transparency

35. Public access to documents 14024/22
Confirmatory application No 12/c/02/22 INF
Adoption

Economic and Financial Affairs

36. Transfer No DEC 20/2022 (Section III - Commission) 13820/22
13628/22
FIN
Approval
37. Decision on the mobilisation of the European Union Solidarity Fund to provide assistance to Germany, Belgium, the Netherlands, Austria, Luxembourg, Spain and Greece further to natural disasters that took place in these countries in the course of 2021 13818/22
13819/22
FIN
Approval
38. Conclusions on the reform of the Code of Conduct for Business Taxation 13970/22
FISC
Approval

General Affairs

39. Regulation on 2014-2020 cooperation programmes supported by the European Neighbourhood instrument (ENI-CBC) 13575/22
PE-CONS 52/22
COH
Adoption of the legislative act

Justice and Home Affairs

40. Council Decision on the suspension in whole of the application of the Agreement with Vanuatu on the short-stay visa waiver 13950/22 + COR 1
13631/22 + COR 1
VISA
Adoption

Foreign Affairs

41. Just Energy Transition Partnerships with Vietnam and Indonesia 13650/22
COASI
Authorisation to sign an NBI
42. Council Decision and Regulation concerning restrictive measures in view of the situation in Mali 12451/22
12448/22 + ADD 1
12450/22 + ADD 1
CORLX
Adoption
43. Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in Venezuela 12465/22
12462/22
12464/22
CORLX
Decision to use the written procedure for the adoption
44. Council Decision and Regulation concerning restrictive measures in view of the situation in the Democratic Republic of the Congo 13606/22
13605/22
13602/22
CORLX
Adoption

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| 45. | Council Decision and Implementing Regulation concerning restrictive measures against the proliferation and use of chemical weapons
<i>Adoption</i> | 13826/22
13823/22
13825/22
CORLX |
| 46. | Council Decision in support of strengthening biological safety and security in Ukraine in line with the implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery
<i>Adoption</i> | 13860/22
12073/22
CORLX |
| 47. | Council Decision on Union support for the universalisation and effective implementation of the International Convention for the Suppression of the Acts of Nuclear terrorism (ICSANT)
<i>Adoption</i> | 13638/22
12978/22
CORLX |
| 48. | Council Implementing Decision and Implementing Regulation concerning restrictive measures against the Democratic People's Republic of Korea
<i>Adoption</i> | 13801/22
13796/22
13799/22
CORLX |
| 49. | Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in Myanmar/Burma
<i>Adoption</i> | 13855/22 + COR 1
13852/22
13854/22
CORLX |
| 50. | Access to documents' request 22/1992
<i>Decision to make the results of votes public</i> | 13966/22
CORLX |

Agriculture

- | | | |
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| 51. | Conclusions on ECA SR No 12/2022 on rural development durability
<i>Approval</i> | 13896/22
AGRI |
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Other items

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| 52. | Information Assurance Security Policy (IASP) 2-3 on the Accreditation of Appropriately Qualified Authorities (AQUAs)
<i>Approval</i> | 13352/2/22 REV 2
CSC
CSC |
| 53. | 2023 programme of EU security assessment visits
<i>Approval</i> | 13890/22
CSC |