

Brussels, 7 June 2023
(OR. en)

9227/23
CRS CRP 17

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
10 and 12 May 2023

I. Adoption of the agenda

9002/1/23 REV 1 OJ CRP1 17
9094/2/23 REV 2 OJ CRP2 17

The Committee adopted the agenda.

II. Approval of the "I" items

The Committee approved the "I" items as set out in the Annex with the exception of item 56.

III. Discussion items "II"

COREPER (PART 1)

WEDNESDAY 10 MAY 2023

Transport

2. Single European Sky 2+ 8350/23 + COR 1
Regulation on the implementation of the Single European Sky
(recast)
Preparation for the trilogue

The Committee prepared the forthcoming trilogue.

Internal Market and Industry

3. Regulation establishing a framework of measures for 8952/23
strengthening Europe's semiconductor ecosystem (Chips Act) + ADD 1-2
Analysis of the final compromise text with a view to agreement + ADD 1 COR 1

The Committee analysed and confirmed agreement on the final compromise text. The Committee also authorised the Chair to send a letter to inform the European Parliament with a view to an agreement.

Competitiveness

4. Meeting of the Council (Competitiveness (Internal Market, Industry, Research and Space)) on 22 and 23 May 2023: Preparation

The Committee agreed to invite former Italian Prime Minister and Commissioner for the Internal Market Mario Monti to the informal ministerial lunch on 22 May. The Committee also agreed to take an additional AOB requested by DK in public session.

1. Critical raw materials act 8863/23
Policy debate

The Committee prepared this item for the Council meeting.

2. Long-term competitiveness: Next steps 8959/1/23 REV 1
Exchange of views

The Committee prepared this item for the Council meeting.

3. Regulation establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC 8967/23
General approach

The Committee started preparing this item for the Council meeting.

4. Conclusions on high-quality, transparent, open, trustworthy and equitable scholarly publishing 8827/23
Approval

The Committee prepared this item for the Council meeting.

5. Knowledge security and responsible internationalisation 8824/1/23 REV 1
Exchange of views

The Committee prepared this item for the Council meeting.

6. Conclusions on "Fair and sustainable use of space" 8962/23
Approval

The Committee prepared this item for the Council meeting.

7. EU Space Policy in a new geopolitical landscape 8960/1/23 REV 1
Exchange of views

The Committee prepared this item for the Council meeting.

FRIDAY 12 MAY 2023

Employment and Social Policy

5. Directive on the protection of workers from the risks related to exposure to asbestos at work
Presidency debriefing on the outcome of the trilogue

The Presidency debriefed on the trilogue which took place on 11 May 2023.

Transport

2. **(continuation)** Single European Sky 2+
Regulation on the implementation of the Single European Sky
(recast)
Presidency debriefing on the outcome of the trilogue

The Presidency debriefed on the trilogue which took place on 10 May 2023.

Transport, Telecommunications and Energy

6. Meeting of the Council (Transport, Telecommunications and Energy) on 1 and 2 June 2023:
Agenda

The Presidency presented the main items on the agenda.

Competitiveness

4. **(continuation)** Meeting of the Council (Competitiveness (Internal Market, Industry, Research and Space)) on 22 and 23 May 2023: Preparation
3. **(continuation)** Regulation establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC
General approach

The Committee finished preparing this item for the Council meeting.

Statement by Germany

“Die ESPR ist ein zentraler Baustein des Green Deal, der an der Schnittstelle von Wirtschaft, Umwelt- und Verbraucherschutz und im Besonderen dem Ressourcenschutz angesiedelt ist. Ihr ganzheitlicher Ansatz – von Designphase über Betrieb, Reparatur/Wiederaufbereitung und Recycling – ermöglicht klimafreundliches zirkuläres Wirtschaften und die Entstehung von grünen Leitmärkten.

DEU hat sich daher stets für ambitionierte Vorgaben sowie einen zügigen Abschluss der Verhandlungen eingesetzt und unterstützt in diesem Geiste auch die Allgemeine Ausrichtung. Nichtsdestotrotz sieht DEU weiteren Verbesserungsbedarf im Rahmen der anstehenden Verhandlungen mit dem Parlament:

[Art. 13]

Die ESPR enthält Regelungen zur Einführung eines digitalen Produktpasses (DPP), welcher wesentliche Informationen über die ökologische Nachhaltigkeit von Produkten enthält. Er soll Verbraucher(inne)n und Unternehmen helfen, beim Kauf von Produkten fundierte Entscheidungen zu treffen, Reparaturen und Recycling zu vereinfachen und die Transparenz hinsichtlich der Umweltauswirkungen von Produkten erhöhen. Außerdem soll der DPP den Behörden bei der Durchführung von Prüfungen und Kontrollen helfen. Es ist vorgesehen, die nationalen Zollsysteme im Rahmen des EU Single Window über die Schnittstelle EU CSW-CERTEX an das Produktpassregister für einen automatisierten Abgleich anzubinden (Art. 13 ESPR-Entwurf).

Die Bundesregierung ist der Auffassung, dass der vollständige einführseitige automatisierte Abgleich des DPP in der Zollanmeldung mit dem Produktpassregister einen nicht unerheblichen und dauerhaften administrativen Aufwand für den Fall verursachen wird, dass sich im Rahmen des Abgleichs Unstimmigkeiten ergeben. Hierdurch werden außerhalb des automatisierten Abgleichs administrativ zu bewältigende Folgemaßnahmen erwartet, die zu den originären Aufgaben der Zollbehörden bei der Überwachung von Verboten und Beschränkungen hinzukommen und die mit Blick auf den großen weiten Anwendungsbereich der Verordnung das Arbeitsvolumen der Zollverwaltung stark ausweiten werden.

Angesichts der Bedeutung der ESPR und den damit verbundenen nachhaltigen Ausrichtungsgedanken in Europa ist Deutschland aber bereit, seine Bedenken zurückzustellen. Bei der technischen Ausgestaltung wird auf ein aufwandsarmes Verfahren für die Zollverwaltung zu achten sein, in dessen Rahmen sie ihre originären Aufgaben nach der Verordnung (EU) 2019/1020 des Europäischen Parlaments und des Rates vom 20. Juni 2019 über Marktüberwachung und Konformität von Produkten ordnungsgemäß wahrnehmen kann.

[Art. 58]

Das öffentliche Beschaffungswesen hat mit seinem großen Marktvolumen einen erheblichen Anteil an der Beschaffung von Produkten und Dienstleistungen. Der öffentliche Sektor hat generell eine Vorbildfunktion für nachhaltigen Konsum und kann gleichzeitig den Markt für umweltfreundliche Produkte und damit für Innovationen maßgeblich beeinflussen. Die Bundesregierung sieht daher in ehrgeizigen und wirksamen Vorgaben für eine umweltfreundliche öffentliche Beschaffung einen wichtigen Hebel in Richtung Klimaneutralität und Ressourceneffizienz. Deswegen hat sie in der ESPR eine ehrgeizige und nachhaltige Beschaffungsgesetzgebung erwartet, die Anforderungen an den Klimaschutz, die Nachhaltigkeit und die Kreislaufwirtschaft stellt, u.a. durch die höchste Labelklasse und die Bezugnahme auf Typ 1 Umweltlabel. Darüber hinaus gibt es auch Anforderungen aus Verpflichtungen auf internationaler Ebene in Bezug auf eine ehrgeizige und transformative nachhaltige öffentliche Beschaffungspolitik, die sich auch in der ESPR widerspiegeln sollten. In Bezug auf die Besonderheit der Bauprodukte hält die Bundesregierung den Bedarf an einer zusätzlichen Ausnahme in Art. 58 ESPR-Entwurf, die eine Abweichung von den Anforderungen im Bausektor erlaubt, wenn die Mitgliedstaaten geeignete Nachhaltigkeitsstandards für das Bauvorhaben als Ganzes eingeführt haben, für notwendig. Bauprodukte sind Zwischenprodukte, daher muss für die Bewertung der ökologischen Nachhaltigkeit eine ganzheitliche Betrachtung stattfinden, die die Bauwerksebene insgesamt einbezieht.

[Art. 69]

Bei der Umsetzung der bisherigen Ökodesign-Produktanforderungen wurde bei vielen Produktgruppen nicht das volle Einsparpotenzial ausgeschöpft. In einigen Fällen wurden die Überarbeitungen der Produktvorschriften abgeschlossen, nachdem die Anforderungen an die Produkte bereits von fast allen auf dem Markt erhältlichen Produkten erfüllt worden waren - und hatten daher nur sehr begrenzte Auswirkungen auf den Markt. Die Bundesregierung erwartet daher, dass die Europäische Kommission im Rahmen der Evaluierung der ESPR auch die Umsetzung moderner Konzepte wie das des Frontrunner-Ansatzes prüfen wird. Dieser Ansatz ermöglicht eine automatische Anpassung der Ökodesign-Anforderungen, die durch die Verbesserung der Leistung der in Verkehr gebrachten Produkte ausgelöst wird, um sicherzustellen, dass die Ökodesign-Anforderungen weiterhin relevant und der Marktsituation angemessen sind.

Wir vertrauen mit Blick auf die anstehenden Verhandlungen mit dem Europäischen Parlament darauf, dass diese Aspekte sorgfältig erwogen werden und in die Verhandlungen einfließen.“

Courtesy translation

“The ESPR is a central building block of the Green Deal, located at the intersection of business, environmental and consumer protection, and in particular resource conservation. Its holistic approach - from design phase to operation, repair/remanufacture and recycling - enables climate-friendly circular economies and the emergence of green lead markets.

DEU has therefore always advocated ambitious targets as well as a speedy conclusion of the negotiations and in this spirit also supports the General Approach. Nevertheless, DEU sees further need for improvement in the context of the upcoming negotiations with the Parliament:

[Art. 13]

The ESPR contains regulations for the introduction of a digital product passport (DPP), which contains essential information about the environmental sustainability of products. It is intended to help consumers and companies make informed decisions when purchasing products, simplify repairs and recycling, and increase transparency regarding the environmental impact of products. The DPP is also intended to assist authorities in conducting audits and inspections. It is planned to connect national customs systems to the product passport register for automated controls within the framework of the EU Single Window via the EU CSW-CERTEX interface (Art. 13 ESPR draft).

The German government is of the opinion that the complete automated control of the DPP in the customs declaration with the product passport register on the import side will cause a not inconsiderable and permanent administrative burden in the event that discrepancies arise in the course of the control. This is expected to result in administrative follow-up measures outside of the automated control process, which will be in addition to the original tasks of the customs authorities in monitoring prohibitions and restrictions, and which will greatly expand the workload of the customs administration in view of the broad scope of the regulation. However, in view of the importance of the ESPR and the associated sustainable orientation in Europe, Germany is prepared to put aside its reservations. In the technical design, attention will have to be paid to a low-effort procedure for the customs administration, within the framework of which it can properly perform its original tasks under Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and conformity of products.

[Art. 58]

With its large market volume, public procurement has a significant share in the procurement of products and services. The public sector generally serves as a role model for sustainable consumption and can at the same time significantly influence the market for environmentally friendly products and thus for innovations. The German government therefore sees ambitious and effective targets for green public procurement as an important lever in the direction of climate neutrality and resource efficiency. That is why it has anticipated ambitious and sustainable procurement legislation in the ESPR that sets requirements for climate protection, sustainability and the circular economy, including through the highest label class and reference to Type 1 environmental labels. In addition, there are also requirements from commitments at the international level regarding ambitious and transformative sustainable public procurement policies, which should also be reflected in the ESPR.

With regard to the specificity of construction products, the German government believes there is a need for an additional exemption in Art. 58 of the draft ESPR, which allows a derogation from the requirements in the construction sector if Member States have introduced appropriate sustainability standards for the construction project as a whole. Construction products are intermediate products, therefore, for the assessment of environmental sustainability, a holistic view must take place that includes the construction level as a whole.

[Art. 69]

The implementation of previous ecodesign product requirements did not exploit the full savings potential for many product groups. In some cases, the revisions of product regulations were completed after the product requirements had already been met by almost all products available on the market - and therefore had only a very limited impact on the market. The German government therefore expects that the European Commission will also examine the implementation of modern concepts such as the Frontrunner approach as part of the evaluation of the ESPR. This approach allows for an automatic adjustment of ecodesign requirements triggered by improvements in the performance of products placed on the market to ensure that ecodesign requirements remain relevant and appropriate to the market situation.

In view of the upcoming negotiations with the European Parliament, we trust that these aspects will be carefully considered and incorporated into the negotiations.“

Agriculture and Fisheries

7. Meeting of the Council (Agriculture and Fisheries) on 30 May 2023: 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 an AOB requested by HR in public session. The Committee also agreed to the participation of the Ukrainian Minister for Agrarian Policy and Food at the ministerial lunch.

Fisheries

8. Council Regulation fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks (2nd amendment)
Guidance for further work

9032/23
7837/1/23 REV 1

The Committee provided guidance for further work.

COREPER (PART 2)

WEDNESDAY 10 MAY 2023

General Affairs

22. Meeting of the Council (General Affairs) on 30 May 2023:
Agenda

The Presidency presented the main items on the agenda.

23. Secure videoconferencing system 9012/23
Guidance for further work

The Committee held an exchange of views and agreed to revert to this issue at a forthcoming meeting once the Budget Committee has considered the budgetary impact and the Coordination Committee for Communication and Information Systems has examined certain technical security aspects.

Foreign Affairs

25. EU-CELAC summit (Brussels, 17-18 July 2023)
Exchange of views

The Committee held an exchange of views and agreed to revert on Friday.

26. Preparation of the EU-India Trade and Technology Council 8979/23
(Brussels, 16 May 2023): draft joint statement
Exchange of views
Preparation for the approval of an NBI

The Committee took note of the information provided by the Commission and agreed to revert on Friday.

27. Russian aggression against Ukraine 7887/23
Exchange of views 8767/23 + ADD1
8492/23
8494/23
8496/23

The Committee took note of the information provided by the Commission and the EEAS. The Committee held an exchange of views and agreed to revert on Friday.

Economic and Financial Affairs

28. Meeting of the Council (Economic and Financial Affairs) on
16 May 2023: Preparation

- a) Directive amending Directive 2011/16/EU on administrative cooperation in the field of taxation (DAC8) 8732/23
General approach 8730/23

The Committee prepared this item for the Council meeting.
A statement by Belgium is set out in the Annex to document 8732/23.

- b) Bank Crisis Management and Deposit Insurance framework review (CMDI)
Policy debate
- i) Single Resolution Mechanism Regulation (SRMR) 8499/23
- ii) Bank Recovery and Resolution Directive (BRRD) 8482/23
- iii) Bank Recovery and Resolution Directive (Daisy chains) 8484/23
- iv) Deposit Guarantee Schemes Directive (DGSD) 8483/23

The Committee took note of the information provided by the Commission and prepared it for the Council meeting.

- c) (poss.) Economic and financial impact of Russia's aggression against Ukraine
Exchange of views

The Committee confirmed this agenda item and prepared it for the Council meeting.

- d) Economic recovery in Europe
- i) Implementation of the Recovery and Resilience Facility 9020/23
Exchange of views
- ii) (poss.) Council Implementing Decisions under the Recovery and Resilience Facility [C]
Adoption

The Committee prepared this item for the Council meeting and agreed to remove the sub-item ii) from the ECOFIN Council provisional agenda.

- e) Follow-up to the G20 Finance Ministers and Central Bank Governors meeting and the IMF Spring meetings on 10-16 April 2023 8799/23
Information from the Commission
Information from the Presidency

The Committee prepared this item for the Council meeting.

- f) 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 the ESM Managing Director and PEG to the breakfasts, as well as the EIB President to the ECOFIN meeting.

One any other business item on the state of play of a possible social convergence framework under the European Semester was added at the request of Hungary.

FRIDAY 12 MAY 2023

Foreign Affairs

25. EU-CELAC summit (Brussels, 17-18 July 2023)
Exchange of views

The Committee took note of the information provided by the cabinet of the President of the European Council. The Committee held an exchange of views and agreed to revert on this issue at its next meeting.

26. Preparation of the EU-India Trade and Technology Council (Brussels, 16 May 2023): draft joint statement 8979/2/23 REV 2
Exchange of views
Preparation for the approval of an NBI

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

29. EU-Republic of Korea summit (Seoul, 22 May 2023)
Exchange of views

The Committee took note of the information provided by the cabinet of the President of the European Council. The Committee held an exchange of views and agreed to revert on this issue at its next meeting.

27. Russian aggression against Ukraine
Exchange of views

7887/23
8767/23 + ADD1
8492/23
8494/23
8496/23

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

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

WEDNESDAY 10 MAY 2023

Refused entry in the Republic of North Macedonia to MEP Mr Andrey Kovatchev

The Committee took note of the information provided by Bulgaria.

Indo-Pacific Ministerial Forum (Stockholm, 13 May 2023)

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

G7 meeting in Hiroshima (19-21 May)

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

Transit of grain from Ukraine

The Committee took note of the information provided by Poland and agreed to revert on Friday.

Visit by the President of the Commission to Kyiv on 9 May

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

European Diplomatic Academy

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

FRIDAY 12 MAY 2023

Transit of grain from Ukraine

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

Non-discussion items "I"**COREPER (PART 1)****WEDNESDAY 10 MAY 2023****Institutional Affairs****Written questions**

9. Reply to question for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure 8961/23
PE-QE
- Petar Vitanov (S&D), Sophia in 't Veld (Renew), Javier Moreno Sánchez (S&D), Brando Benifei (S&D), Juan Fernando López Aguilar (S&D), Jens Geier (S&D), Birgit Sippel (S&D), Gabriele Bischoff (S&D), Domènec Ruiz Devesa (S&D), Thijs Reuten (S&D), Mohammed Chahim (S&D), Agnes Jongerius (S&D), Elena Yoncheva (S&D), Sergei Stanishev (S&D), Milan Brglez (S&D), Nils Ušakovs (S&D), Eugen Tomac (PPE), Emil Radev (PPE), Vlad-Marius Botoș (Renew), Franc Bogovič (PPE), Matjaž Nemec (S&D), Kosma Złotowski (ECR), Ilhan Kyuchyuk (Renew), Marian-Jean Marinescu (PPE), Andrey Kovatchev (PPE), Claudia Gamon (Renew), Francisco Guerreiro (Verts/ALE), Eva Maydell (PPE), Tsvetelina Penkova (S&D), Iskra Mihaylova (Renew), Cyrus Engerer (S&D), Atidzhe Alieva-Veli (Renew), Beata Kempa (ECR), Leila Chaibi (The Left), Andrey Novakov (PPE), Josianne Cutajar (S&D), Radan Kanev (PPE), Monika Beňová (S&D), Robert Hajšel (S&D), Marc Angel (S&D), Ivo Hristov (S&D), Dan Nica (S&D), Maria Grapini (S&D), Rovana Plumb (S&D), Alex Agius Saliba (S&D), Eva Kaili (S&D), Tudor Ciuhodaru (S&D), Vilija Blinkevičiūtė (S&D), Isabel García Muñoz (S&D), Carmen Avram (S&D), Márton Gyöngyösi (NI), Andris Ameriks (S&D), Angel Dzhambazki (ECR), Andrey Slabakov (ECR), Sylvie Guillaume (S&D), Iuliu Winkler (PPE), Liudas Mažylis (PPE), György Hölvényi (PPE), Miriam Lexmann (PPE), Asim Ademov (PPE), Konstantinos Arvanitis (The Left), Petros Kokkalis (The Left), Biljana Borzan (S&D), Joachim Stanisław Brudziński (ECR), Katarina Barley (S&D), Alexander Alexandrov Yordanov (PPE), Leszek Miller (S&D), Romana Tomc (PPE), Bronis Ropė (Verts/ALE), Marina Kaljurand (S&D), Victor Negrescu (S&D), Ondřej Kovařík (Renew), Klára Dobrev (S&D)
- "The accession of Bulgaria and Romania to the Schengen area" 8868/23 + COR 1

10. Minutes of Council meetings

Approval

EPSCO 13 + 14.03.2023

7389/23 + ADD 1

Other

11. Attendance of a third party at the Working Party on Competitiveness and Growth (Internal Market) on 17 May 2023
Approval

8953/23
MI

12. Attendance of third parties at the meeting of the Working Party on Animals and Veterinary Questions (Chief Veterinary Officers) on 12 May 2023
Approval

8909/23
VETER

Environment

13. 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
Adoption of the legislative act

8955/2/23 REV 2
+ ADD 1 REV 2
PE-CONS 82/22
FORETS

Statement by Estonia

“Estonia remains committed to fighting deforestation and forest degradation, especially illegal deforestation, at a global level. Estonia therefore welcomes the compromise reached on the deforestation and forest degradation Regulation.

However, fighting against illegal deforestation and forest degradation must not come at the cost of nature restoration targets. Throughout the negotiations, Estonia has highlighted that exemptions and flexibilities are needed regarding deforestation, coupled with pastoral agriculture as an important tool for the restoration and maintenance of the ecosystems of semi-natural grasslands.

Even though this concern is addressed in the recitals (recital 36 in the final text), it does not provide the legal certainty for some restoration practices to be continued after the new legislation enters into force. In addition, the final compromise on the definition of forest degradation has raised uncertainties about its application, i.e. its control, monitoring and traceability.

Estonia insists that the Commission remain committed to their assurances that no discrepancies with existing restoration targets and current practices and the future benchmarking, or other measures of the deforestation Regulation will occur.

Estonia is looking forward to future guidelines allowing the continuation of restoring semi-natural grasslands by controlled deforestation, and the permanent ecosystems’ maintenance permitting livestock grazing. Both are important tools for meeting biodiversity and nature restoration goals in Member States.”

Statement by Latvia

”Latvia supports and commits to contribute to the aim of regulation to fight against deforestation and forest degradation worldwide.

However, Latvia abstains on the compromise reached on deforestation and forest degradation regulation, for the following reasons.

Latvia regrets that Council’s general approach was not maintained, and forest degradation definition is extended to naturally regenerating forests (the conversion of naturally regenerating forests into plantation forests or other wooded land). This was very important and sensitive issue for Latvia and many Member States. Latvia believes that the proposed definition could lead to difficulties of interpretation, implementability and verifiability. It creates legal uncertainty for operators, traders and competent authorities. Latvia also sees risks related to returning of overgrown agricultural land back to economic activity, as due to historical reasons in past few decades large areas of agricultural land has been set aside and overgrown.

Addition of a broad definition of establishments for cattle sector poses risks to implementability for the farmers and raises questions about the proportionality of provisions for Member States, where agricultural land overgrows quickly and forests cover considerable part of the country's territory. ”

Statement by Poland

”Polska popiera wysiłki Unii Europejskiej na rzecz walki z wylesianiem i degradacją lasów tam, gdzie te procesy faktycznie mają miejsce. Polska żałuje, że nie utrzymano ogólnego podejścia Rady, dlatego nie może poprzeć projektu rozporządzenia i wstrzymuje się od głosu. Polska uważa za nieuzasadnione podwyższenie progów kontroli dla podmiotów i towarów. Cofnięcie daty granicznej obowiązywania rozporządzenia będzie powodować problemy dla poszczególnych podmiotów. Polska zwraca również uwagę, że rozszerzanie definicji degradacji lasu oraz lasu podlegającego naturalnej regeneracji może prowadzić do nadinterpretacji i wzmożonego kwestionowania zasad trwale zrównoważonej gospodarki leśnej – konsekwencje takiego stanu rzeczy nie zostały oszacowane podczas opracowywania niniejszego rozporządzenia. Daje to również możliwość zwiększonego napływu tzw. *uzasadnionych obaw* do organów celnych, co w konsekwencji może w przyszłości spowodować wzrost obciążeń administracyjnych oraz potencjalne zmniejszenie pozyskania drewna w ramach zrównoważonej gospodarki leśnej. Polska podkreśla konieczność każdorazowego brania pod uwagę specyfiki gospodarki leśnej poszczególnych Państw, stosowanych w nich rozwiązań a także potrzebę działań w warunkach np. wystąpienia katastrof naturalnych.

Zachęcamy Komisję Europejską do uwzględnienia powyższych uwag i zdefiniowania, we współpracy z państwami członkowskimi, wytycznych dotyczących stosowania przyjętej definicji degradacji lasów tak, aby nie ograniczała możliwości prowadzenia zrównoważonej gospodarki leśnej, czy też zrównoważonego rolnictwa.

W obecnym brzmieniu rozporządzenia, obciążenie organu właściwego jest uzależnione od opracowania przez Komisję Europejską listy krajów skategoryzowanej pod kątem ryzyka (wysokiego, standardowego i niskiego). Niemniej jednak od wejścia rozporządzenia w życie, zapis ten będzie powodował znaczne obciążenia administracyjne dla organów właściwych państw członkowskich, które będą musiały przeprowadzić na swoim terytorium coroczne kontrole podmiotów mających siedzibę w Unii, a także ich produktów wprowadzanych do obrotu i eksportowanych poza UE.

Rozszerzenie zakresu rozporządzenia o kauczuk i produkty z niego wytworzone, znacząco zwiększy obciążenie administracyjne dla organów właściwych. Zdaniem Polski nie powinno się włączać dodatkowych produktów niż te wymienione w propozycji Komisji Europejskiej, przed wykonaniem ewaluacji.”

Courtesy translation

”Poland supports the EU efforts to combat deforestation and forest degradation where these processes actually take place. Poland regrets that the Council's general approach has not been maintained, therefore cannot support the draft Regulation and abstains from voting. Poland considers it unjustified to increase the checks thresholds for this Regulation.. Also setting back the date in deforestation-free definition will cause problems for individual operators. Poland also highlights that expanding the definition of forest degradation and naturally regenerating forest may lead to over-interpretation and increased questioning of the principles of sustainable forest management - the consequences of which were not assessed during the development of this regulation. It also allows for an increased influx of legitimate concerns to the customs authorities, which in the future may result in an increase in administrative burdens and a potential reduction in the harvesting of timber under sustainable forest management. Poland emphasizes the need to always take into account the specifics of forest management in individual countries, the solutions used in them, as well as the need to act in conditions, e.g. of natural disasters.

We invite the Commission to take into account the above comments and, in cooperation with the Member States, define guidelines for applying the adopted definition of forest degradation so that it does not limit the possibility of sustainable forest management.

In the current wording of the regulation, the burden on the competent authority depends on the development by the European Commission a list of countries categorized in terms of risk. Nevertheless, from the entry into force of the regulation, this provision will cause significant administrative burdens for the authorities of the competent Member States, which will have to carry out annual inspections on their territory of entities established in the Union, as well as their products marketed and exported outside the EU until the list of countries will be published.

Extending the scope of the Regulation to rubber and products made from it will significantly increase the administrative burden for competent authorities. The position of the Government of the Republic of Poland on this matter has remained unchanged from the very beginning, according to Poland, no additional products should be included than those listed in the European Commission proposal before the evaluation.”

Statement by Portugal

“Portugal welcomes the agreement reached on this Regulation. We believe it will provide a valuable tool to address two key environmental challenges of our time: global warming and biodiversity loss, which are inextricably linked to increased deforestation and forest degradation.

Given the extreme importance of this Regulation and in view of its successful implementation, we would like to highlight a remaining concern on the definition of ‘forest degradation’, regarding the inclusion of naturally regenerating forests and their conversion into plantation forests or into other wooded land.

Naturally regenerating forests do not always represent ecosystems of high ecological value that need to be protected; on the contrary, in certain situations natural regeneration may be carried out by invasive, opportunistic species (for example, after a fire or even by the aggressive widespread of such species) with negative impacts on native species and on the balance of the ecosystem.

It may therefore be necessary to intervene in the natural regeneration process, through forest management actions using afforestation techniques to recover and even to improve ecosystem value, and such actions should not be penalised by this Regulation.

We encourage the Commission to take these situations into account and to provide clarification by defining, in cooperation with Member States, guidance for the applicability and evaluation of forest degradation.”

Statement by Slovakia

“Slovakia is fully committed to the fight against global deforestation and forest degradation and considers this an urgent and high-priority challenge. Slovakia thus supports the aim of the proposed Regulation.

However, we consider that certain aspects of the final text are unclear, in particular on monitoring and traceability in relation to the proposed definition of ‘forest degradation’.

The proposed definition of forest degradation will reduce legal certainty for operators, traders and competent authorities and the applicability of the proposed Regulation. In some cases this definition will also limit the rights of forest owners at national level.

In relation to the proposed definition of forest degradation, we have identified a number of practical examples at national level that may lead to uncertainty, lack of clarity and unpredictable consequences in the future. These examples are in many cases linked to sustainable forest management on the territory of our country. In this context, we would like to highlight one specific case, concerning protective forests, which are a specific category of forests intended for soil protection under our national legislation (these forests do not fall within the category of protected forests; ‘protective’ and ‘protected’ forests must be distinguished). In many of these protective forests, no forest management activities have been carried out in the past, in some cases for over 100 years. Their characteristics and structure can therefore resemble or replicate those of natural forests. Nevertheless, for example in the event of a natural incident, these protective forests can be significantly damaged and then need to be restored urgently in order to keep up their protective function and increase their adaptability to climate change. In such cases, artificial renewal may be used (to varying extents). However, the use of artificial renewal measures in such cases does not constitute forest degradation.”

Statement by Sweden

”Sverige är hängiven kampen mot avskogning och skogsförstöring. Sverige har under förhandlingarna prioriterat tydlighet, bl.a. att lagstiftningens definitioner behöver vara lätta att förstå, efterleva och kontrollera, inte minst eftersom förordningen har en global tillämpning. Utkomsten blev i dessa delar tydligare än förslaget men den överenskomna texten i förordningen medför betydande osäkerheter som sammantaget gör att Sverige avstår från att stödja förordningen. Hög administrativ börda riskerar småbrukares marknadstillträde, i synnerhet i producentländer med lägre tillgång till digitala verktyg. Rättsakten kräver en administrativ och digital kapacitetsbyggnad bland småbrukare som är svårgenomförbar inför ikraftträdande. Vidare är det praktiska genomförandet av kontroll, övervakning och spårbarhet i väsentliga delar oklart. Effekterna av de föreslagna reglerna är i vissa delar oförutsägbara, vilket medför risker i rättssäkerheten för fysiska och juridiska personer. Den retroaktiva verkan med brytår 2020 medför även oklarhet om produktionsvillkoren för lantbrukare som nyligen omvandlat skog till betesmark eller stall för nötkreatur. Vidare riskerar förordningen att försämra möjligheterna att restaurera betesmarker för att gynna biologisk mångfald i Sverige. Även om Sverige fullt ut stödjer förordningens syfte, stödjer inte Sverige förordningen i dess nuvarande utformning. Sverige anser att en smalare och mer funktionell förordning hade bidragit mer till hållbar global utveckling. Förordningen hade kunnat utvidgas i kommande revideringar, på basis av robusta konsekvensanalyser. Men givet att förordningen antas komma Sverige att konstruktivt bidra till ett genomförande som minimerar otillbörliga handelshinder och till förbättringar i kommande revideringar.”

Courtesy translation

“Sweden remains committed to fight deforestation and forest degradation, and throughout the negotiations, Sweden has prioritized clarity, for example that legislative definitions need to be easy to understand, comply with and control, not least as the regulation has a global application. In these parts, the outcome improved the proposal, but the agreed text of the regulation entails significant uncertainties which, aggregated, mean that Sweden abstains from supporting the regulation. The high administrative burden risks market access for smallholders, especially in producer countries where smallholders have lower access to digital tools. The regulation requires administrative and digital capacity building amongst smallholders difficult to implement by entry into force. Furthermore, implementation in practice, of controls, monitoring and traceability are to considerable extent unclear. Thus, effects of some provisions are unpredictable and entails risks in legal certainty for natural and legal persons. The retroactive legislation with a cut-off year of 2020 also brings uncertainty about the production conditions for farmers who more recently have converted forest to pasture or stables for cattle. The act also risks impairing the possibilities to restore grazing areas for biodiversity in Sweden. Although Sweden fully supports the aim of the regulation, we do not support the legal act in its current form. Sweden believes that a more narrow and functional regulation would have merits for global sustainable development. The regulation could have been expanded in future revisions, on basis of robust impact assessments. However, given the regulation’s adoption, Sweden will constructively contribute to an implementation that minimize undue trade barriers and to improvements to the regulation in upcoming revisions.”

EU positions for international negotiations

14. Council Decision on the EU position within the Group of Experts of the European Agreement concerning the AETR, as regards an amendment to introduce a ‘force majeure’ clause
Adoption
- 8805/23
8096/23
TRANS

Research

15. Council Decision authorising the opening of negotiations with Japan for an Agreement on its participation in Union programmes and its association to Horizon Europe
Adoption
- 8631/23
8145/23 + ADD 1
RECH

Joint statement by Bulgaria, Croatia, Cyprus, France, Greece, Hungary, Italy, Malta, Poland, Slovenia is set out in the ADD 1 to this document.

16. Council Decision authorising the opening of negotiations with the Republic of Korea for an Agreement on its participation in Union programmes and its association to Horizon Europe
Adoption
- 8735/23
8154/23 + ADD 1
RECH

Joint statement by Bulgaria, Croatia, Cyprus, France, Greece, Hungary, Italy, Malta, Poland, Slovenia is set out in the ADD 1 to this document.

17. Council Decision on the signing and provisional application of the Agreement between the European Union and New Zealand on the participation of New Zealand in Union programmes
Adoption
- 8623/23
7773/23
7771/23
RECH

18. Council Decision on the conclusion of the Agreement between the European Union and New Zealand on the participation of New Zealand in Union programmes
Agreement in principle
Request for the consent of the European Parliament
- 8623/23
7774/23
7771/23
RECH

Fisheries

19. Regulation amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (NAFO)
Mandate for negotiations with the European Parliament
- 8872/23
PECHE

FRIDAY 12 MAY 2023

Institutional Affairs

Appointments

20. Sixteen members of the Management Board of the European Chemicals Agency (ECHA)
Adoption

8077/1/23 REV 1
8076/23
ENT

COREPER (PART 2)

WEDNESDAY 10 MAY 2023

Institutional Affairs

Appointments

30. An alternate member (ES) of the Committee of the Regions
Adoption 8813/23 + COR 1
8814/23
CDR

Other

31. Attendance of a third party at the non-proliferation and
disarmament subgroup of the Working Party on Non-
Proliferation and Arms Exports on 17 May 2023
Approval 8978/23
CONOP
32. Attendance of a third party at the informal videoconference of
the Working Party on Commodities on 24 May 2023
Approval 8924/23
PROBA
32. Attendance of a third party at the Working Party on
Commodities on 25 May 2023
Approval 8925/23
PROBA
34. Attendance of third parties at the Horizontal Working Party on
Drugs on 24 and 25 May 2023
Approval 8937/23
CORDROGUE

Economic and Financial Affairs

35. Regulation on Markets in crypto-assets (MiCA)
Adoption of the legislative act 8695/23
PE-CONS 54/22
EF
36. Regulation on information accompanying transfers of funds and
certain crypto-assets (recast)
Adoption of the legislative act 8696/23
PE-CONS 53/22
EF
37. European Green Bonds Regulation (EuGB)
*Confirmation of the final compromise text with a view to
agreement* 8010/23 + ADD 1
8011/23
EF

Statements by the Council and the Commission are set out in document 8010/23 ADD 1.
Statements by Austria, Germany and Luxembourg are set out in the ADD 1 to this document.

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| 38. | Council position on DAB No 1/2023: technical adjustments
(incl. REPowerEU, CBAM and USC programme)
<i>Adoption</i>
<i>Approval of a letter</i> | 8564/23 + ADD 1
8565/23
7494/23
FIN |
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Statement by Austria and Denmark is set out in document 8564/23 ADD 1.

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| 39. | Council Decision on daily allowances and travelling expenses of
EESC members and their alternates
<i>Adoption</i> | 8567/23
8018/23
FIN |
| 40. | New Belgian commemorative coin
<i>Information note</i> | 7300/1/23 REV 1
UEM |
| 41. | New Cypriot commemorative coin
<i>Information note</i> | 7682/23
UEM |
| 42. | New Irish commemorative coin
<i>Information note</i> | 7743/23
UEM |
| 43. | New Slovak commemorative coin
<i>Information note</i> | 7078/23
UEM |
| 44. | New Slovenian commemorative coin
<i>Information note</i> | 7036/23
UEM |
| 45. | Conclusions on ECA SR No 07/2023 on the design of the
Commission's control system for the Recovery and Resilience
Facility (RRF)
<i>Approval</i> | 8619/23
8277/1/23 REV 1
ECOFIN |

General Affairs

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| 46. | IPCR Standard Operating Procedures
<i>Approval</i> | 9022/23
IPCR |
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Justice and Home Affairs

47. Europol Agreements with third countries on the exchange of personal data for fighting serious crime and terrorism 8646/1/23 REV 1
+ REV 1 ADD 1
ENFOPOL
- a) Council Decision on opening of negotiations between EU and the Federative Republic of Brazil 8525/23 + ADD 1
Adoption +ADD 1 COR 1
- b) Council Decision on opening of negotiations between EU and the United Mexican States 8526/23 + ADD 1
Adoption + ADD 1 COR 1
- c) Council Decision on opening of negotiations between EU and the Republic of Peru 8527/23 + ADD 1
Adoption + ADD 1 COR 1
- d) Council Decision on opening of negotiations between EU and the Plurinational State of Bolivia 8523/23 + ADD 1
Adoption + ADD 1 COR 1
- e) Council Decision on opening of negotiations between EU and the Republic of Ecuador 8516/23 + ADD 1
Adoption + ADD 1 COR 1
- Statement by the Commission is set out in document 8646/23 REV 1 ADD 1.
48. Agreement with Montenegro on operational activities carried out by the European Border and Coast Guard Agency in Montenegro 8847/1/23 REV 1
FRONT
- a) Council Decision on the signing 8352/23
Adoption 8354/23
- b) Council Decision on the conclusion 8353/23
Request for the consent of the European Parliament 8354/23
49. Council Decision in view of negotiations on the terrorism Convention (CETS N° 196) 8768/23 + ADD 1-2
Adoption 8738/23 + ADD 1
COPEN

Statement by the Commission is set out in document 8768/23 ADD 1.
Statement by Ireland is set out in document 8768/23 ADD 2.

Foreign Affairs

51. European Union's participation in the Register of Damage
Approval
Decision to use the written procedure 9016/23
8977/23 + ADD 1-3
COSCE
52. Council Decision appointing the European Union Special
Representative for the Gulf Region
Adoption 9057/23
11793/22
CORLX
53. Restrictive measures to combat terrorism: common position
2001/931/CFSP - pre-notification of updated statements of
reasons and notifications
Adoption
Decision to use the written procedure 6283/23
6284/23
CORLX
54. Appointment of the Executive Director of the International
Cotton Advisory Committee
Establishment of the EU position 9038/23
PROBA

EU positions for international negotiations

55. Council Decision on the EU position in the International Grains
Council with respect to the extension of the Grains Trade
Convention, 1995
Adoption 7991/23
7998/23
PROBA

FRIDAY 12 MAY 2023

Foreign Affairs

56. (poss.) EU-Republic of Korea Green Partnership
Authorisation to sign an NBI 8899/23
COASI