

Brussels, 6 July 2021
(OR. en)

10443/21
CRS CRP 24

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
23 June 2021

I. Adoption of the agenda

9965/1/21 REV 1 OJ CRP1 24
CM 3733/21

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)

Telecommunications

2. Regulation on Artificial Intelligence Act and amending certain Union legislative acts 9674/21
Progress report

The Committee took note of the progress report presented by the Presidency.

Employment and Social Policy

3. Revision of Regulations on coordination of social security systems (883/04 and 987/09) 9880/21
Guidance for further work

The Committee held an exchange of views and provided guidance for further work.

Agriculture

26. Item transferred from section "I"
Conclusions on animal welfare during maritime long distances 10067/21
transport to third countries 10070/21
Preparation for the approval

The Committee agreed on the draft conclusions.

Agriculture and Fisheries

4. Meeting of the Council (Agriculture and Fisheries) on 28 and 29 June 2021: Preparation

1. Setting a protection goal for honey bees in the context of 9687/21
the review of the 2013 EFSA Bee Guidance Document
Exchange of views

The Committee prepared this item for the Council meeting.

2. Communication on the state of play of the Common 9515/21
Fisheries Policy (CFP) and consultation on the Fishing
Opportunities for 2022
Presentation by the Commission
Exchange of views

The Committee prepared this item for the Council meeting.

Research

7. Decision on the participation of the Union in the European 9826/21
Partnership on Metrology jointly undertaken by several Member
States
Mandate for negotiations with the European Parliament

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

Health

5. Regulation on Health Technology Assessment (HTA)
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 21 June 2021.

Environment

6. Regulation amending Aarhus Regulation (EC) No 1367/2006
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 22 June 2021.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

European Peace Facility (requested by FR)

The Committee held an exchange of views.

"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

9873/21
PE-QE

Patrick Breyer (Verts/ALE)
"Financing the EU Counter-Terrorism Coordinator"

9293/21

Others

9. List of Working Parties and Committees which will be officially organised in Slovenia under the Slovenian Presidency (second half of 2021)
Information note for the Permanent Representatives Committee (Part 1)

9532/21
POLGEN**Telecommunications**

10. Regulation on Artificial Intelligence Act and amending certain union legislative acts
Decision to consult an institution or body

9661/21
TELECOM**Environment**

11. Regulation on European Climate Law
Adoption of the legislative act

9849/21 + ADD 1
CLIMA**Statements by the Commission****- On LULUCF sink and 2030 target**

"The EU land use, land use change and forestry (LULUCF) sector both emits greenhouse gases and absorbs CO₂ in its soil and biomass. Restoring and growing our land carbon sink – the ability to absorb CO₂ by our natural environment such as trees - is crucial to our climate goals.

We need a growing sink in order for the EU to achieve climate neutrality by 2050. Reversing the current trend requires significant short-term action. The Commission Communication "Stepping up Europe's 2030 climate ambition - Investing in a climate-neutral future for the benefit of our people" estimates that it is needed and possible to reverse the current trend and increase the carbon sink to levels above 300 million tons CO₂eq. by 2030.

The Commission will make proposals to revise the LULUCF Regulation, in line with this ambition."

- On Access to Justice

"The EU and its Member States are parties to the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of 25 June 1998 (the 'Aarhus Convention').

When performing their obligations under Regulation (EU) 2018/1999 concerning the involvement of the public in the preparation of the national energy and climate plans and the consultations on the long-term strategies, Member States should ensure that the public concerned is granted access to justice in case of breach of such obligations. This shall be in line with the relevant case law of the Court of Justice of the European Union related to access to justice in environmental matters and in full respect of the obligations Member States have undertaken as parties to the Aarhus Convention.¹"

Research

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| 12. | Council Decision on the adoption of the Research Programme of the Research Fund for Coal and Steel and on the multiannual technical guidelines for this programme
<i>Adoption</i> | 9716/21
9400/21
RECH |
| 13. | Council Decision establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty establishing the European Community, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel
<i>Agreement in principle</i>
<i>Request for the consent of the European Parliament</i> | 9714/21 + ADD 1
9399/21
RECH |

Statement by the Commission

"Given the objective pursued by the legislator, the Commission understands that the term 'revenue generated by selling part of the assets' (or variations of the same expression) in recital 12 and article 4(1) of the amended Council Decision 2003/76, and in recital 3 and article 1, of the amended Council Decision 2003/77, and points 1 and 5 of the Annex to amended Council Decision 2003/77, is to be intended as the cash amount generated by selling part of the assets."

¹ See also Communication on 'Improving access to justice in environmental matters in the EU and its Member States' (11854/20 - COM(2020) 643).

14. EU-CELAC 2021-2023 Strategic Roadmap for the implementation of the Brussels Declaration and EU-CELAC Action Plan on Science, Technology and Innovation
Approval
Authorisation to sign on behalf of the European Union
- 8806/21 + ADD 1
RECH

Fisheries

15. Regulation on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement with Gabon
Adoption
- 9383/21 + ADD 1
9173/21
PECHE
16. Council Decision on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement with Gabon
Agreement in principle
Request for the consent of the European Parliament
- 9383/21 + ADD 1
9172/21
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 Decision on the signing and provisional application as well as on the conclusion of the Implementing Protocol (2021-2026) to the Fisheries Partnership Agreement between the Gabonese Republic and the European Community, 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 implementing the Fisheries Partnership Agreement between the European Union and Gabon, should refer to the person designated by the negotiator as the one to be empowered to sign the Protocol. Therefore, the changes to Article 2 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.

The Decision on the conclusion of the Protocol implementing the Fisheries Partnership Agreement between the European Union and Gabon, should indicate the Commission as responsible for the notification of the Union's consent to be bound by the Protocol. The changes to Article 3 that provide for the President of the Council to make this notification are thus also not in accordance with the Treaties.

Both the signature of an international agreement and the subsequent notification of the consent to be bound by it are acts 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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| 17. Council Decision on the signing and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement with Gabon | 9383/21 + ADD 1
9170/21
9171/21
PECHE |
| <i>Adoption</i> | |

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.

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| 18. | Regulation amending Regulation (EU) 2020/1579 as regards certain fishing opportunities in the Baltic Sea, and amending Regulation (EU) 2021/92 as regards certain fishing opportunities for 2021 in Union and non-Union waters
<i>Adoption</i> | 9852/21
9810/21
PECHE |
| 19. | Second Note Verbal to the Kingdom of Norway regarding the Norwegian legislation on EU quota for Arctic cod and other issues in Svalbard
<i>Approval</i> | 9937/21
9938/21
PECHE |

Transport

20. Council Decision on the signing and provisional application of the Common Aviation Area Agreement between the EU and its Member States and Ukraine
Adoption
- 9689/21
8462/21
7746/21
AVIATION

Statement by Belgium, supported by France

"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."

21. Council Decision on the signing and provisional application of the Common Aviation Area Agreement between the EU and its Member States and the Republic of Armenia
Adoption
- 9688/21
8452/21
7738/21
AVIATION

Statement by Belgium, supported by France

"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."

22. Council Decision on the signing of the Euro-Mediterranean Aviation Agreement between the EU and its Member States and the Republic of Tunisia
Adoption
- 9691/21
8455/21
7745/21
AVIATION

Statement by Belgium, supported by France

"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."

23. Council Decision on the signing and provisional application of the Agreement on Air Transport between the EU and its Member States and the State of Qatar
Adoption
- 9690/21
8457/21
7744/21
AVIATION

Statement by Belgium, supported by France

"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."

24. Conclusions on charging electric vehicles (CoA SR No 05/2021)
Approval
- 9684/1/21 REV 1
TRANS

Internal Market and Industry

25. Draft Memorandum of Understanding between the European Union and Ukraine on a Strategic Partnership on Raw Materials
Approval
Authorisation to sign on behalf of the European Union
- 9872/21 + ADD 1
COMPET

Delegated or Implementing Acts

Agriculture

27. Commission Regulation (EU) .../... of XXX amending Annex IV to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the prohibition to feed non-ruminant farmed animals, other than fur animals, with protein derived from animals
Decision not to oppose adoption
- 9734/21
8537/21 + ADD 1
AGRILEG

Foreign Affairs

28. PSC Decision EUBAM Libya/2/2021 - extension of the mandate of the Head of Mission EUBAM Libya
Decision to publish in the Official Journal
- 9863/21
8892/21
PSC DEC

Justice and Home Affairs

29. ETIAS Consequential amendments:
Regulation for consequential amendments of ETIAS regarding
Borders and Visa
Adoption of the legislative act 9823/21
PE-CONS 17/21
IXIM
30. ETIAS Consequential amendments:
Regulation for consequential amendments of ETIAS regarding
ECRIS-TCN
Adoption of the legislative act 9822/21
PE-CONS 16/21
IXIM
31. ETIAS Consequential amendments:
Regulation for consequential amendments of ETIAS regarding
police and judicial cooperation
Adoption of the legislative act 9821/21
PE-CONS 15/21
IXIM

EU positions for international negotiations

32. Council Decision on the EU position within the EEA Joint
Committee, concerning the amendment to Annex XI (Electronic
communication, audiovisual services and information society)
and Protocol 37 (Containing the list provided in Article 101)
Adoption 9572/21
9571/21
9721/21
AELE

Transparency

33. Public access to documents
- Confirmatory application No 21/c/03/21
Adoption 8813/21
8812/21
INF
API
34. Public access to documents
- Confirmatory application No 20/c/01/21
Adoption 8682/21
8681/21
INF
API

Economic and Financial Affairs

35. Council Decision on a temporary derogation from Decision 2013/471/EU on the granting of daily allowances to and the reimbursement of travelling expenses of EESC members and their alternates in view of the travel difficulties caused by the COVID-19 pandemic in the Union
Adoption 9809/21
9382/21
FIN
36. Conclusions on customs controls (CoA SR No 4/2021)
Approval 9861/1/21 REV 1
UD

General Affairs

37. Conclusions on the European Personnel Selection Office (EPSO) (CoA SR No 23/2020)
Approval 9761/21
STAT

COREPER (PART 2)

Justice and Home Affairs

Regulation amending Regulation (EC) 168/2007 establishing a EU Agency for Fundamental Rights
Request for the consent of the European Parliament

9818/21 + COR 1
JAI

Foreign Affairs

Belarus restrictive measures: Council Decision and Regulation - economic measures
Decision to use the written procedure for the adoption

9985/21
9982/21
9984/21
CORLX

Crisis Management Concept (CMC) for possible EU non-executive military CSDP mission in Mozambique
Approval

10054/21
9493/21
EUMC
CSDP/PSDC

Statement by Hungary

"Equality between women and men is enshrined in the Treaties of the European Union as a fundamental right. Hungary ensures equality between women and men within the framework of the Hungarian national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, Hungary interprets the concept of "gender" in the text as a reference to sex in line with art. 10, art. 19 para 1 of the Treaty on the Functioning of the European Union, as well as art. 21 of the EU Charter of Fundamental Rights."
