

Brussels, 22 September 2021
(OR. en)

12028/21
CRS CRP 28

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
20, 22 and 23 July 2021

I. Adoption of the agenda

10921/21 OJ CRP1 28

10944/21 OJ CRP2 28

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 2)

TUESDAY 20 JULY 2021

Justice and Home Affairs

2. External dimension of migration
State of play and way forward

The Committee held an exchange of views on the state of play and way forward.

Economic and Financial Affairs

3. Budgetary trilogue, Brussels 15 July 2021
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.

THURSDAY 22 JULY 2021

Foreign Affairs

4. COVID-19 EU Coordination: External aspects
 - a) Vaccine sharing mechanism
Exchange of views
 - b) Digital Covid Certificate
Exchange of views

The Committee took note of the information provided by the Commission and the EEAS and held an exchange of views.

Economic and Financial Affairs

5. Informal videoconference of the Ministers of Economy and Finance on 26 July 2021: Preparation
 - a) (poss.) Anti Money Laundering (AML) legislative package - (Public session)
Presentation by the Commission

The Committee prepared this item for the informal videoconference.

- b) Implementation of the Recovery and Resilience Facility:
Council Implementing Decisions
State of play
Exchange of views

The Committee prepared this item for the informal videoconference.

- c) Other items in connection with the informal videoconference

The Presidency provided further information regarding the informal videoconference.

6. Carbon Border Adjustment Mechanism (CBAM) and Revision of the Energy Taxation Directive (ETD)
Presentation by the Commission

The Committee took note of the presentation of the new legislative proposals by the Commission.

COREPER (PART 1)

FRIDAY 23 JULY 2021

Environment

33. Regulation amending Aarhus Regulation (EC) No 1367/2006 10814/21
Analysis of the final compromise text with a view to agreement

The Committee agreed on the text of the final compromise. The European Parliament will be informed.

Statement by the Commission

"The Commission remains committed to ensuring that the EU respects its international obligations in matters pertaining to the Aarhus Convention and in that context acknowledges the concerns expressed and findings adopted by the Aarhus Convention Compliance Committee in case ACCC/C/2015/128¹ as regards state aid on 17 March 2021. The findings call on the EU to 'take the necessary legislative, regulatory and other measures to ensure that the Aarhus Regulation is amended, or new European Union legislation is adopted, to clearly provide members of the public with access to administrative or judicial procedures to challenge decisions on state aid measures taken by the European Commission under article 108(2) TFEU which contravene EU law relating to the environment, in accordance with article 9(3) and (4) of the Convention'.

The Commission is currently analysing the implications of the findings and assessing the options available. The Commission will complete and publish this assessment by the end of 2022. If appropriate, by the end of 2023, the Commission will come forward with measures to address the issue, in light of the obligations of the EU and its Member States under the Aarhus Convention and taking into account the rules of Union law concerning state aid. "

¹) For the ACCC/C/2015/128 case please see https://unece.org/env/pp/cc/accc.c.2015.128_european-union, para 132.

Joint statement by Luxembourg, Austria and Denmark

"Dans un esprit de compromis, le Luxembourg, l'Autriche et le Danemark sont en mesure d'accepter l'accord sur la proposition de règlement du Parlement européen et du Conseil modifiant le règlement (CE) n° 1367/2006.

Cependant, le Luxembourg, l'Autriche et le Danemark regrettent que la question des aides d'Etat n'ait pas été adressée dans ce dossier et que certaines dispositions importantes ont été introduites lors des trilogues sans évaluation et analyse convenables.

Le Luxembourg, l'Autriche et le Danemark rappellent que la Convention d'Aarhus est un instrument emblématique de la démocratie environnementale.

L'Union européenne et ses États membres doivent continuer à faire preuve d'un niveau d'ambition élevé à cet égard également à la lumière des affaires de conformité pendantes."

Courtesy translation

"In a spirit of compromise, Luxembourg, Austria and Denmark are able to accept the agreement on the proposal for a Regulation of the European Parliament and of the Council on amending Regulation (EC) No 1367/2006.

However, Luxembourg, Austria and Denmark regret that the state aid issue has not been addressed in this file and that some important provisions have only been introduced during the trilogue phase without proper assessment and analysis.

Luxembourg, Austria and Denmark recall that the Aarhus Convention is an emblematic instrument for environmental democracy.

The European Union and its Member States must continue to show a high level of ambition in this respect also in the light of pending compliance cases."

Health

34. Regulation amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control (ECDC) 10803/1/21 REV 1
10804/1/21 REV 1
Mandate for negotiations with the European Parliament

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

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' in the regulation of the European Parliament and of the Council amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control. "

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 Polska będzie interpretowała wyrażenie „gender-sensitive” jako „uwzględniające różnice między kobietami, a mężczyznami”, a wyrażenie "gender", jako płeć ("sex") zgodnie z art. 10, art. 19 para 1 oraz art. 157 para 2 i 4 Traktatu o Funkcjonowaniu Unii Europejskiej, a odniesienia do równości płci jako równość kobiet i mężczyzn zgodnie z art. 2 Traktatu o Unii Europejskiej, art. 8 i 10 Traktatu o Funkcjonowaniu Unii Europejskiej oraz art. 23 Karty Praw Podstawowych."

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 framework of the Polish 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 Poland understands wording "gender-sensitive" as "sensitive to the differences between women and men" and "gender" as referring to "sex" in line with art. 10, art. 19 para 1 and art. 157 para 2 and 4 of the Treaty on the Functioning of the European Union and gender equality as a equality between women and men, according to Article 2 of the Treaty on European Union, Article 8 and 10 of the Treaty on the Functioning of the European Union, as well as art. 23 of the EU Charter of Fundamental Rights."

35. Regulation on serious cross-border threats to health and repealing Decision No 1082/2013/EU
Mandate for negotiations with the European Parliament

10806/21
10807/21

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

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' 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."

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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 framework of the Polish 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 Poland understands wording "gender-sensitive" as "sensitive to the differences between women and men" and "gender" as referring to "sex" in line with art. 10, art. 19 para 1 and art. 157 para 2 and 4 of the Treaty on the Functioning of the European Union and gender equality as a equality between women and men, according to Article 2 of the Treaty on European Union, Article 8 and 10 of the Treaty on the Functioning of the European Union, as well as art. 23 of the EU Charter of Fundamental Rights."

IV. Any other business

COREPER (PART 2)

Varosha

The Committee took note of the information provided by Cyprus.

RELEX pending Decisions

The Committee took note of the information provided by the Presidency on the adoption of several pending Council Decisions by the use of written procedure.

EU-UK relations

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

Iraq

The Committee took note of the information provided about the President of the European Council's recent phone call with the Iraqi Prime Minister.

Visit by the President of the European Council

The Committee took note of the information provided about the President's visit to the Caucasus region.

Situation at the border of Lithuania

The Committee took note of the information provided by Lithuania.

COREPER (PART 1)

None.

"I" items approved**COREPER (PART 2)****Judicial Affairs**

- | | | |
|----|---|-----------------|
| 7. | Case T-262/21 (Viktor Federovych Yanukovych v. EU Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 10864/21
JUR |
| 8. | Case T-263/21 (Oleksandr Viktorovych Yanukovych v. EU Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 10866/21
JUR |
| 9. | Case C-206/21 (Prefet de Saône et Loire, Compatibility of the resource requirement in Article 7(1) (b) of the Citizenship Directive 2004/38/EC with the principle of non-discrimination on grounds of disability)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 10865/21
JUR |

Institutional Affairs**10. Minutes of Council meetings***Approval*

- | | | |
|----|----------------------|----------------------------------|
| a) | FAC/Defence 6.5.2021 | 8837/21 + ADD 1 |
| b) | FAC 10.5.2021 | 8838/21 + ADD 1 |
| c) | GAC 11.5.2021 | 8839/21 + ADD 1 |
| d) | FAC/Trade 20.5.2021 | 8975/21 + ADD 1
+ ADD 1 COR 1 |

Appointments

- | | | |
|-----|--|-----------------------------|
| 11. | An alternate member (CZ) of the Committee of the Regions
<i>Adoption by silence procedure</i> | 10832/21
10822/21
CDR |
| 12. | An alternate member (EL) of the Committee of the Regions
<i>Adoption by silence procedure</i> | 10834/21
10830/21
CDR |
| 13. | An alternate member (ES) of the Committee of the Regions
<i>Adoption by silence procedure</i> | 10836/21
9351/21
CDR |

Transparency

14. Public access to documents
Confirmatory application No 15/c/01/21
Decision to use the written procedure for the adoption 9039/21 + ADD 1
9590/1/21 REV 1
INF
API
15. Public access to documents
Confirmatory application No 19/c/02/21
Decision to use the written procedure for the adoption 10753/21
8454/21
INF
API
16. Public access to documents
Confirmatory application No 24/c/01/21
Decision to use the written procedure for the adoption 10357/21
9908/21
INF
API
17. Complaint No 360/2021/TE - European Ombudsman final
decision
Approval of a letter 10926/21
10505/21
API
INF

Economic and Financial Affairs

18. Transfer No DEC 15/2021 (Section III - Commission)
Approval 10555/21
Decision to use the written procedure 10422/21
FIN
- The Committee was not in a position to agree on the item.
19. ECA SR No 12/2021 on the Polluter Pays Principle
Designation of a Working Party 10758/21
FIN
20. Ad hoc working party on CBAM (establishment and approval of
the mandate)
Approval 10846/21
ECOFIN
21. Council Implementing Decision on the approval of the
assessment of the recovery and resilience plans for Slovenia,
Lithuania, Cyprus and Croatia 10918/21
ECOFIN
- a) Council Implementing Decision on the approval of the
assessment of the recovery and resilience plan for
Slovenia 10612/21 + ADD 1
Decision to use the written procedure for the adoption ECOFIN
- b) Council Implementing Decision on the approval of the
assessment of the recovery and resilience plan for
Lithuania 10477/21 + ADD 1
Decision to use the written procedure for the adoption ECOFIN

- | | | |
|----|--|----------------------------|
| c) | Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Cyprus
<i>Decision to use the written procedure for the adoption</i> | 10686/21 + ADD 1
ECOFIN |
| d) | Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Croatia
<i>Decision to use the written procedure for the adoption</i> | 10687/21 + ADD 1
ECOFIN |

General Affairs

- | | | |
|-----|--|------------------------------------|
| 22. | Appointment of the Director of the Authority for European Political Parties and Foundations
<i>Decision to use the written procedure for the adoption</i> | 10797/21
10132/21
AG
INST |
|-----|--|------------------------------------|

Justice and Home Affairs

- | | | |
|-----|--|--------------------------------------|
| 23. | Mutual evaluation reports 9th round (Malta)
<i>Approval</i> | 5177/1/21 REV 1
10632/21
COPEN |
| 24. | Regulation on e-CODEX system and amending Regulation (EU) 2018/1726
<i>Approval</i> | 10805/21
ECODEX |

Statement by the Commission

"The Commission's proposal assigns to the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) the development and operational management of the e-CODEX system as of mid-2023.

The Commission is neutral regarding the location from where the operational management of the e-CODEX system will be carried out, provided that the conditions for the development, establishment, operation and use of large-scale IT systems set by the Agency establishing Regulation and by the proposal for e-CODEX Regulation are fulfilled; and as long as the choice of a location different from Strasbourg does not require additional human or financial resources, including for the installation of additional components linked to the e-CODEX system at a later stage.

Without prejudice to its future position on the amendments tabled by the co-legislator, the Commission takes note of the reassurance provided by Estonia and eu-LISA that the potential development and operational management of the e-CODEX system from Tallinn instead of Strasbourg is based on the assumption that (i) the required human and financial resources will not increase; and (ii) it will not impinge upon the timely handover of the e-CODEX system to eu-LISA."

Foreign Affairs

25. (poss.) PSC Decision EUNAVFOR MED IRINI/2/2021 –
reconfirmation of the authorisation
Decision to publish in the Official Journal 10744/21
10715/21
PSC DEC
26. Two ASEAN Regional Forum (ARF) Statements
Approval 10685/21
Decision to use the written procedure COASI
27. Ukraine: Joint Declaration of the Crimea Platform Participants
Approval 10719/21 + ADD 1
Decision to use the written procedure COEST
28. (poss.) Council Decision authorising the opening of negotiations
to amend the International Coffee Agreement 2007
Decision to use the written procedure for the adoption 10673/21
10799/21 + ADD 1
PROBA
29. Council Decision and Implementing Regulation concerning
restrictive measures against Iran
Decision to use the written procedure for the adoption 10767/21
10764/21
10766/21
CORLX
30. Joint Declaration between the EU and UNRWA on EU support
to UNRWA (2021-2024)
Approval 10971/21
Decision to use the written procedure MAMA

EU positions for international negotiations

31. Council Decision on the EU position to be adopted on behalf of
the European Union, within the EEA Joint Committee
concerning an amendment to Protocol 31 to the EEA
Agreement, on cooperation in specific fields outside of the four
freedoms (Budget line 07 20 03 01 - Social Security)
Decision to use the written procedure for the adoption 10508/21
10506/21
10507/21
AELE
32. Council Decision on the EU position within the EEA Joint
Committee concerning an amendment to Protocol 31 to the EEA
Agreement, on cooperation in specific fields outside the four
freedoms (European Defence Fund)
Decision to use the written procedure for the adoption 10695/21
10692/21
10693/21
AELE

COREPER (PART 1)

Institutional Affairs

Written questions

36. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure
- 10781/21
PE-QE
- a) Mounir Satouri (Verts/ALE), Hannah Neumann (Verts/ALE)
"Council discussions for the EU to become an observer regional organisation at the first meeting of States Parties to the Treaty Prohibiting Nuclear Weapons"
- 10190/21
- b) Cornelia Ernst (The Left)
"Use of EMPACT resources"
- 9855/21
- c) Sandro Gozi (Renew)
"EU official languages"
- 10188/21
- d) Łukasz Kohut (S&D), Petar Vitanov (S&D), Alex Agius Saliba (S&D), Miriam Lexmann (PPE), Carlos Zorrinho (S&D), Tudor Ciuhodaru (S&D), Fabienne Keller (Renew), Maria Grapini (S&D), Robert Hajšel (S&D), Tatjana Ždanoka (Verts/ALE), Milan Brglez (S&D), Petra Kammerevert (S&D), Juozas Olekas (S&D), Robert Biedroń (S&D), Yana Toom (Renew), Bogusław Liberadzki (S&D)
"Non- discriminatory treatment of children with regard to the EU digital COVID- 19 certificate scheme – measures taken by the Council"
- 10183/21
- e) Tom Vandenkendelaere (PPE)
"Practical implementation of the Digital Green Certificate: situation of children and young people"
- 10181/21
37. Minutes of Council Meetings
Approval
- EYCS 17-18.05.2021
- 8841/21 + ADD 1
PV CONS

Judicial Affairs

38. PCA CASE No 2020-07 (Arbitration under the Energy Charter Treaty and the UNCITRAL arbitration rules between Nord Stream 2 AG and the European Union) - Production of Council documents before the Arbitral Tribunal
Authorisation to produce a copy of or an extract from a Council document for use in legal proceedings
Approval of a letter
- 10878/21+ COR 1
JUR

Environment

39. Ministerial Statement at the Ministerial Conference on Marine Litter and Plastic Pollution 10969/21
Approval of entering into discussion ENV
Decision to use the written procedure

Transport

40. IMO - Joint submission - ISWG/ GHG 9 life cycle analysis for alternative fuels 10639/21
Endorsement MAR
OMI

Statement by the Commission

"The Commission considers that Union submissions to be sent to the IMO are covered by EU exclusive competence. Submission of proposals to the IMO on issues of EU competence is an act of external representation, which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

In the Commission's view, the procedural arguments against presenting submissions to the IMO by the Commission on behalf of the EU are not convincing. This is because there is no evidence to suggest that the IMO, as a specialised agency of the United Nations, would be in a position to reject such a submission.

The Treaty provisions on external representation of the Union must be applied. It should therefore be made by the European Commission on behalf of the European Union and sent to the IMO by the Commission.

The Commission reserves all its rights in this regard."

41. IMO - Joint submission - MEPC 77 on GISIS Port Reception Facilities 10637/21
Endorsement MAR
OMI

Statement by the Commission

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