



Brussels, 20 December 2021
(OR. en)

15147/21
CRS CRP 45

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
1 December 2021

I. Adoption of the agenda

14463/21 OJ CRP1 42

14494/1/21 REV 1 OJ CRP2 42

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)

Environment

2. Meeting of the Council (Environment) on 20 December 2021: Agenda

The Presidency presented the main items on the agenda. The Presidency proposed to have the lunch discussion in the presence of the President of UNEA and the Executive Director of UNEP.

Health

3. Regulation amending Regulation (EC) No 851/2004 establishing
a European Centre for disease prevention and control (ECDC)
Presidency debriefing on the outcome of the trilogue

The Presidency debriefed on the trilogue which took place on 29 November 2021.

Telecommunications

4. Regulation on European data governance (Data Governance Act)
Presidency debriefing on the outcome of the trilogue

The Presidency debriefed on the trilogue which took place on 30 November 2021.

Fisheries

5. Regulation amending various Regulations as regards fisheries control
Preparation for the trilogue 14237/21

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

Employment, Social Policy, Health and Consumer Affairs

6. Meeting of the Council (Employment, Social Policy, Health and Consumer Affairs) on 6 and 7 December 2021: Preparation

The Presidency proposed to have the lunch discussion in the presence of the Chair of the High-Level Group on the Future of Social Protection and of the Welfare State.

- 1 Directive on binding pay transparency measures
(poss.) General approach 14099/21

The Committee prepared the item for the Council.

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, wyrażenie "gender equality" Polska będzie interpretowała jako równość kobiet i mężczyzn, zgodnie z art. 2 i 3 Traktatu o Unii Europejskiej oraz art. 8 i 157 para 3 Traktatu o Funkcjonowaniu Unii Europejskiej, natomiast wyrażenie „gender pay gap” jako lukę płacową między kobietami i mężczyznami. W związku z powyższym, pozostałe wyrażenia zawierające termin "gender", Polska będzie interpretowała jako płeć ("sex"), zgodnie z art. 10, art. 19 para 1 oraz art. 157 para 2 i 4 Traktatu o Funkcjonowaniu Unii Europejskiej.”

Courtesy copy

“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 Polish national legal system in line with international human rights treaties and within the framework of the fundamental values and principles of the European Union. For these reasons, the expression "gender equality" will be interpreted by Poland as equality between women and men, in accordance with Article 2 and 3 of the Treaty on European Union and Article 8 and 157 para 3 of the Treaty on the Functioning of the European Union, while expressing "gender pay gap" as the "pay gap between women and men". In connection with the above, the

remaining expressions containing the term "gender" will be interpreted by Poland as "sex", in accordance with Article 10, Article 19 para 1 and Article 157 para 2 and 4 of the Treaty on the Functioning of the European Union.”

2. Towards Europe of Equality
Policy debate

14157/21

The Committee prepared the item for the Council.

3. Conclusions on the impact of artificial intelligence on
gender equality in the labour market
Approval

13976/21
+ ADD 1-2

The Committee prepared the item for the Council.

Statement by Hungary

“Hungary declares that the Commission’s Communication on a Union of Equality: Gender Equality Strategy 2020-2025 (hereinafter referred to as “Strategy”), mentioned in these Council Conclusions, should be interpreted with due regard to national competences and the specific circumstances in each Member State.

Furthermore Hungary states that equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. 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 term ‘gender’ as a reference to ‘sex’ in the Council Conclusions on The Impact of Artificial Intelligence on Gender Equality in the Labour Market.”

Statement by Poland

“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 international human rights treaties and within the framework of the fundamental values and principles of the European Union. For these reasons, Poland will interpret the expression ‘gender equality’ as equality between women and men, in accordance with Articles 2 and 3 of the Treaty on European Union and Articles 8 and 157(3) of the Treaty on the Functioning of the European Union. In view of the above, Poland will interpret other expressions containing the term ‘gender’ as referring to ‘sex’, in accordance with Article 10, Article 19(1) and Article 157(2) and (4) of the Treaty on the Functioning of the European Union.”

4. Directive on equal treatment (Article 19)
Progress report

14046/21

The Committee prepared the item for the Council.

5. European Semester 2022 14109/21
Policy debate

The Committee prepared the item for the Council.

- a) 2022 Annual Sustainable Growth Survey (ASGS), 14145/21
Alert Mechanism Report (AMR), draft Joint 14143/21
Employment Report (JER) and draft 14267/21 + ADD 1
Recommendation on the economic policy of the euro 14146/21
area
Presentation by the Commission

The Committee prepared the item for the Council.

- b) EMCO Review of the implementation of the Youth 14111/21
Guarantee - key messages + ADD 1-2
Endorsement

The Committee prepared the item for the Council.

- c) Update on the national plans under the Council 14150/21
Recommendation on Access to Social Protection for
workers and the self-employed
*Presentation by the Chair of the Social Protection
Committee*

The Committee prepared the item for the Council.

6. COVID-19 – Current and future response to the pandemic 14057/1/21 REV 1
Exchange of views

The Committee prepared the item for the Council. The Presidency proposed to invite the ECDC Director and EMA Executive Director.

7. Council Regulation on the emergency framework 14031/21
regarding medical countermeasures (HERA)
(poss.) Political agreement

The Committee prepared the item for the Council and took note of the Presidency's intention for an exchange of views.

COREPER (PART 2)

General Affairs

23. Meeting of the Council (General Affairs) on 14 December 2021:
Preparation

- a) Preparation of the European Council on 16 and 17 December 2021: Guidelines 13647/21
Exchange of views

The Committee held an exchange of views on the guidelines.

- b) (poss.) Conclusions on Enlargement and Stabilisation and Association Process 13567/21
Approval

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 the participation of the Director of the Fundamental Rights Agency for a presentation of its report on the fight against anti-Semitism.

Foreign Affairs

25. EU Contribution to the Summit for Democracy 14282/21
Approval

The Committee took note that there would be no written EU contribution.

Economic and Financial Affairs

26. Meeting of the Council (Economic and Financial Affairs) on 7 December 2021: Preparation

- a) (poss.) Proposal for a Council Directive regarding rates of value added tax 14349/21 + COR 1
14399/21
General approach

The Committee prepared this item for the Council meeting.

- b) Fit for 55 package proposals (CBAM, ETD and SCF) 13850/21
Progress report

The Committee agreed that the progress report would go as an A-item to the Council.

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| c) | Strengthening of the Banking Union | 13965/21 |
| | <i>Progress report</i> | 13966/21 |

The Committee prepared this item for the Council meeting.

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| d) | (poss.) Capital Markets Union legislative package | 14380/21 + ADD 1 |
| | <i>Policy debate</i> | |
| i) | European Single Access Point (ESAP) | 14364/21 + ADD 1 |
| | | 14377/21 |
| | | 14378/21 |
| ii) | Alternative Investment Fund Managers Directive (AIFMD) | 14365/21 + ADD 1 |
| iii) | European Long-Term Investment Funds Regulation (ELTIF) | 14367/21 + ADD 4 |
| iv) | Review of Markets in Financial Instruments Regulation (MiFIR) | 14368/21 |
| | | 14382/21 |

The Committee prepared this item for the Council meeting.

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| e) | Anti-money-laundering and countering the financing of terrorism legislative package | 14331/21 |
| | <i>Progress report</i> | |

The Committee prepared this item for the Council meeting.

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| f) | Economic recovery in Europe | |
| i) | Implementation of the Recovery and Resilience Facility | |
| | <i>State of play</i> | |
| | <i>Exchange of views</i> | |
| ii) | (poss.) Council Implementing Decisions under the Recovery and Resilience Facility | |
| | <i>Adoption</i> | |

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

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| g) | European Semester 2022 | 14143/21 + ADD 1 |
| | Annual Sustainable Growth Survey 2022, Alert | 14145/21 |
| | Mechanism Report 2022 and Recommendation on the economic policy of the euro area | 14146/21 + ADD 1 |
| | <i>Presentation by the Commission</i> | |

The Committee prepared this item for the Council meeting.

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| h) | 2021 Annual Report of the European Fiscal Board | 14315/21 |
| | <i>Presentation</i> | |

The Committee prepared this item for the Council meeting. The Committee took note that the Chair of the European Fiscal Board will be invited to participate under this agenda item.

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| i) | (poss.) Code of Conduct (Business taxation) | |
| | <i>Approval</i> | |
| i) | Conclusions on the progress achieved by the Code of Conduct (Business Taxation) Group | 14363/1/21 REV 1 |
| ii) | Resolution on a revised Code of Conduct | 14354/1/21 REV 1 |

The Committee prepared these two sub-items for the Council.

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| iii) | Report to the Council | 14230/21 |
| | | + ADD 1-9 |

The Committee agreed that there is agreement on the text of the report and that this sub-item would go as A-item to the Council.

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| j) | (poss.) ECOFIN Report to the European Council on tax issues | 14338/21 |
| | <i>Approval</i> | |

The Committee agreed that there is agreement on the text of the report and that this would go as A-item to the Council.

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| k) | Follow-up to the adoption of the Budget for 2022 |
| | <i>Information from the Presidency</i> |

The Committee prepared this item for the Council meeting.

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| l) | Other items in connection with the Council meeting |
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The Committee took note of the information provided by the Presidency. The Committee agreed to the participation of the EIB President in the ECOFIN Council meeting and in the informal breakfast, as well as to the participation of the Managing Director of the ESM in the informal breakfast.

Justice and Home Affairs

27. (poss.) Annex I of Council Recommendation (EU) 2020/912 of 30 June 2020 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction
Approval

The Committee agreed to remove Jordan and Namibia from Annex I of Council Recommendation 2020/912 with a view to the adoption of the updated Recommendation by the Council.

28. Meeting of the Council (Justice and Home Affairs) on 9 and 10 December 2021: Preparation

- a) Directive on the resilience of critical entities 14352/21
Progress report

The Committee prepared this item for the Council meeting.

- b) Implementation of interoperability
Exchange of views
Information from the Commission and eu-LISA

The Committee prepared this item for the Council meeting.

- c) Next Generation EU - preventing the infiltration by organised crime 14255/21
Policy debate

The Committee prepared this item for the Council meeting.

- d) Cooperation between competent authorities dealing with counter-terrorism
a) State of play by the EU Counter Terrorism Coordinator (EU CTC)
b) State of play by the Counter Terrorism Group (CTG)

The Committee prepared this item for the Council meeting and agreed to the participation of Europol under this agenda item.

- e) Migration as a hybrid attack tool
Policy debate

The Committee prepared this item for the Council meeting and agreed to the participation of FRONTEX, EASO and Europol under this agenda item.

The Committee also agreed to rename the agenda item to 'Countering hybrid threats and migratory challenges'.

- f) Regulation on European Production and Preservation
Orders for e-evidence
Progress report

14212/21

The Committee prepared this item for the Council meeting.

- g) EU accession to ECHR
State of play

The Committee prepared this item for the Council meeting.

- h) The Covid-19 pandemic - lessons learned for the
functioning of courts and for the judicial review/scrutiny
of emergency measures
Exchange of views

14266/21

The Committee prepared this item for the Council meeting. The Committee agreed to the participation of the Director of the Fundamental Rights Agency under this agenda item.

- i) Combating hate speech and hate crime for a more
inclusive and protective Europe
Exchange of views

14334/21

The Committee prepared this item for the Council meeting.

- j) EPPO – European Public Prosecutor’s Office
State of play

14220/21

The Committee prepared this item for the Council meeting and agreed to the participation of the European Chief Prosecutor under this agenda item.

- k) Other items in connection with the Council meeting

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

IV. Any other business

COREPER (PART 1)

Procedural steps in order to prepare the political agreement by the AGRIFISH Council for fixing the fishing opportunities for 2022 in Union and non-Union waters

Information by the Presidency

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

COREPER (PART 2)

None.

"I" items approved

COREPER (PART 1)

Institutional Affairs

Written questions

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| 7. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 14313/21
PE-QE |
| a) | Robert Biedroń (S&D)
"EU strategy towards the Belarusian regime" | 13578/21 |
| b) | Nacho Sánchez Amor (S&D)
"The EU-Georgia Association Agenda for 2021-2027" | 13270/21 |
| c) | Özlem Demirel (The Left)
"Criticism of EUBAM in Libya" | 13403/21 |
| 8. | Minutes of Council Meetings
<i>Approval</i> | |
| a) | COMPET 28-29.09.2021 | 12354/21
+ ADD 1 REV 1 |
| b) | ENV 6.10.2021 | 12674/21 + ADD 1 |
| c) | AGRIFISH 11-12.10.2021 | 12769/21 + ADD 1 |
| d) | EPSCO 15.10.2021 | 12890/21 + ADD 1 |

Appointments

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| 9. | One member (SL) of the Advisory Committee for the Coordination of Social Security Systems
<i>Adoption</i> | 14323/21
SOC |
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Other

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| 10. | Attendance of third parties at the Working Party on Space on 7 December 2021
<i>Approval</i> | 14293/21
ESPACE |
| 11. | Attendance of third parties at the informal videoconference of the members of the Working Party on Plants and Plant Health Questions (COPHS) on 1 and 2 December 2021
<i>Approval</i> | 14332/21
14422/21
AGRI |

EU positions for international negotiations

12. Council Decision on the EU position in the 32nd session of the IMO Assembly
Adoption
- 13993/21 + ADD 1
13964/21
MAR
OMI

Statement by the Commission

“The proposed amendments to the Survey Guidelines under the Harmonized System of Survey and Certification to be adopted by the IMO will affect existing Union rules or alter their scope. As such, these amendments fall entirely within the exclusive external competence of the Union.

Further and in any event, in accordance with established case-law, in particular case C-600/14, the EU external competence is not limited to its exclusive competence. The Union position established in respect of those proposed amendments cannot be limited in scope and must be understood as covering them in their entirety.

The Commission reserves all its rights.”

13. Council Decision on the EU position at the Barcelona Convention COP22 on the adoption of a Decision to amend the Annex to the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea (the ‘Dumping Protocol’)
Adoption
- 14023/21 + ADD 1
13970/21
ENV

Statement by the Commission

“The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 3 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.”

14. Council Decision on the EU position at the Barcelona Convention COP22 on the adoption of a Decision to amend Annexes I, II and IV to the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities (the ‘LBS Protocol’)
Adoption
- 14023/21 + ADD 1
13971/21
ENV

Statement by the Commission

“The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 3 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.”

15. Council Decision on the EU position at the Barcelona Convention COP22 on the adoption of a Decision to amend the Annexes to the Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (the ‘Offshore Protocol’)
Adoption
- 14023/21 + ADD 1
13972/21
ENV

Statement by the Commission

“The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 3 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.”

16. Council Decision on the EU position at the Barcelona Convention COP22 on the adoption of a Decision to submit a proposal to designate the Mediterranean Sea, as a whole, as an emission control area for sulphur oxides (‘MED SO_x ECA’)
Adoption
- 14023/21 + ADD 1
13973/21
ENV

Statement by the Commission

“The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 3 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.”

17. Council Decision on the EU position at the Barcelona Convention COP22 on the adoption of a Decision to adopt the amendments to the Regional Plan on Marine Litter Management in the Mediterranean in the framework of Article 15 of the LBS Protocol
Adoption
- 14023/21 + ADD 1
13974/21
ENV

Statement by the Commission

“The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 3 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.”

18. Council Decision on the EU position at the Barcelona Convention COP22 on the adoption of a Decision to adopt Regional Plans on Urban Wastewater Treatment and Sewage Sludge Management in the framework of Article 15 of the LBS Protocol
Adoption

14023/21
13975/21 + ADD 1
ENV

Statement by the Commission

“The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 3 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.”

Fisheries

19. Note Verbale to the United States regarding the identification of the EU and eight of its member states under the U.S. High Seas Driftnet Fishing Moratorium Protection Act
Approval

14210/21
14231/21
PECHE

Environment

20. Antalya Ministerial Declaration for the Barcelona Convention COP 22 (Antalya, Turkey, 7-10 December 2021)
Authorisation to sign an NBI

14288/21
ENV

Telecommunications

21. Alliance for the future of Internet
Authorisation to negotiate an NBI

14333/21
TELECOM

The Committee was not in a position to agree on the item.

Statement by Germany

“Deutschland geht davon aus, dass das Mandat die Kommission nur dazu ermächtigt, die Verhandlungen der Mitgliedstaaten mit den USA zu einer Alliance for the Future of the Internet zu koordinieren und ein auf dem Summit for Democracy zu beschließendes Vision Statement zu verhandeln.

Deutschland geht weiter davon aus, dass, sobald ein entsprechendes Vision Statement verabschiedet wurde, ein neuer EU-interner Prozess aufgesetzt wird, der sicherstellt, dass und wie die Mitgliedstaaten im weiteren Verhandlungsprozess zu jeder Zeit umfassend informiert und beteiligt werden.

Des Weiteren geht Deutschland davon aus, dass das Mandat die Mitgliedsstaaten nicht daran hindert, im Rahmen der abgestimmten lines-to-take selbst Verhandlungen mit den USA zu führen. ”

Courtesy copy

“Germany assumes that the mandate only authorizes the Commission to coordinate the negotiations of the Member States with the USA regarding an Alliance for the Future of the Internet and to negotiate the adoption of a Vision Statement at the Summit for Democracy.

Furthermore, Germany assumes that as soon as such a Vision Statement is adopted, a new EU-internal process will be set up which ensures that and how the Member States will be comprehensively informed and involved in further negotiations at any time.

Germany also assumes that the mandate does not prevent the Member States to negotiate with the USA themselves within the framework of the agreed lines to take.”

Delegated or Implementing Acts

Agriculture

22. Commission Delegated Regulation (EU) .../... of 21.10.2021 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with rules on the cases where and conditions under which organic products and in-conversion products are exempted from official controls at border control posts, the place of official controls for such products and amending Commission Delegated Regulations (EU) 2019/2123 and (EU) 2019/2124
14045/21
13129/21
DENLEG
Delegated act - Intention not to raise objections

Statement by Austria

“The proposal will lead to an increase in administrative burden and hampering of the Austrian preparations already done and agreed by Parliament with regard to the entry into force of Regulation (EU) 2018/848 putting an even stronger lever to the system already agreed by the legislators (Council and EP), more or less abolishing Article 45 (5) of Regulation (EU) 2018/848.

The legislative process in Austria for the implementation of a Federal Office responsible for the future checks in the context of the OCR including those on organics had to be finished by the end of 2020. In order for the Austrian legislator to be in a position to evaluate the financial implications of the proposed additional administrative operations, information should have been given in the context of the extension of the date of application of the future rules on organic checks. Thus the information by the Commission “as early as February 2021” was not in time.

Therefore, while Austria does not want to delay the entry into force of the system of official checks in the context of the OCR including those on organics, the timing and way of communicating information chosen by the Commission should be avoided in future legislative activities, in order not to negatively influence the good cooperation between the institutions.”

COREPER (PART 2)

Judicial Affairs

29. Case T-771/20 AJ, KS and KD v. Council, Commission and EEAS 14219/21
Information note for the Permanent Representatives Committee JUR
(Part 2)

Institutional Affairs

30. **Minutes of Council meetings**
Approval

- a) JHA extra 31.08.2021 11545/21 + ADD 1
b) GAC 21.09.2021 12228/21 + ADD 1
c) ECOFIN 5.10.2021 12669/21 + ADD 1
d) FAC 18.10.2021 12951/21 + ADD 1

Appointments

31. Establishment of an official appointed to a post of Director-General for External Relations at the General Secretariat of the Council 13224/21
Adoption 14113/21
STAT
32. A member and two alternate members (FI) of the Committee of the Regions 14191/1/21
Adoption 14186/1/21
CDR

Other

33. Attendance of a third party at the EUMC meeting on 07 December 14345/21
Approval EUMC
34. Attendance of a third party at the EUMCWG/HTF meetings on 2, 7, 9, 10, 13 and 14 December 2021 14401/21
Approval EUMC
35. Attendance of a third party at the informal videoconference of the Working Party on Transatlantic Relations on 7 December 2021 14245/21
Approval COTRA

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| 36. | Attendance of third parties at the informal videoconferences of the members of the Working Party on Development cooperation and international partnerships on 2 and 6 December 2021 and at their meeting on 9 December
<i>Approval</i> | 14292/21
DEVGEN |
| 37. | Attendance of a third party at the Middle East/Gulf Working Party on 9/12/2021
<i>Approval</i> | 14454/21
MOG |
| 38. | Attendance of a third party at the informal videoconference of the members of the Visa Working Party on 3 December 2021
<i>Approval</i> | 14460/21
VISA |
| 39. | Attendance of third parties at the Security Committee meeting on 8 December 2021
<i>Approval</i> | 14322/21
CSC |
| 74. | Attendance of third parties at the informal videoconference of the members of the ACP Working Party on 7 December 2021
<i>Approval</i> | 14547/21
ACP |

Transparency

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| 40. | Public access to documents
Confirmatory application No 37/c/01/21
<i>Adoption</i> | 14299/21 + ADD 1
14097/21
INF
API |
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Economic and Financial Affairs

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| 41. | New Spanish Commemorative Coin | 13619/21
UEM |
| 42. | Transfer No DEC 2/2021 (Section VII – Committee of the Regions)
<i>Approval</i> | 14201/21
FIN |
| 43. | Conclusions on ECA SR No 18/2021 on Surveillance
<i>Approval</i> | 14077/21
FIN |
| 44. | ECA SR No 26/2021 on regularity of spending in EU Cohesion policy
<i>Designation of a Working Party</i>
<i>Attendance of the European Court of Auditors at the Working Party meeting</i> | 14326/21
FIN |

45. Anti money-laundering transfer of funds regulation
Mandate for negotiations with the European Parliament

14257/21
14259/21
EF

Statement by Ireland

“Ireland notes the content of the amended Regulation on information accompanying transfers of funds and certain crypto assets, as amended by the Slovenian Presidency following Council working party discussions.

Ireland provided compromise text to the Presidency in relation to the €1,000 threshold provisions, with a view to addressing concerns expressed by some Member States, in relation to low-value crypto-transfers, while also avoiding the risk of more such transfers becoming unregulated and simultaneously, embracing calls, by the EU Commissioner for Financial Services, that we allow non-banks, as well as different forms of retail payment the space to provide viable alternatives to consumers. Our compromise text would have provided that the threshold is retained, with a 2 year review clause to assess if it should be removed if evidence of ML/TF emerges. This aligns with the risk-based approach to ML and would maintain a level playing field between fiat currency, e-money and cryptoassets, especially emoney tokens. We are cognisant of strong proposals that stablecoins should be an integral part of the digital market, as stated by the EU Commissioner for Financial Services.

We also think it is important to suggest that the proposal to remove the threshold in this Regulation may well conflict with the regulatory regime in the proposed MiCA Regulations – with which these Transfer of Funds Regulations are linked - which seek to ensure that e-money tokens and e-money are treated in the same way.

It is understood that these Regulations which relate to AML/CFT matters, should be formulated on a risk-based approach. To that end, Ireland is of the view that time should be provided to assess ML/TF risks, if any, that emerge in relation to low value crypto asset transactions, before any move to differentiate the regulatory treatment of these transactions from those involving fiat currency. To that end, at the least we propose a longer transposition period to allow for compliance with a new regulatory regime for a sector that is still somewhat in its infancy.

The €1,000 threshold proposed by the EU Commission is in line with FATF Standards and various other EU strategies and legislative proposals. Commissioner McGuinness has recently highlighted the need to provide the digital industry with the clarity it needs to innovate while simultaneously protecting consumers against risk, and noted, in particular, the importance to ensure a level playing field between banks and non-banks. The Commissioner has also stated her belief that stablecoins will become mainstream in the future, as they offer a fast and cost-effective way to transfer money. Retention of the threshold, with an accompanying review clause would incentivise industry to ensure strong compliance for AML/CFT purposes and would reduce barriers to entry into the CASP sector, particularly for smaller CASPs that can provide more competition, to the benefit of consumers.

Ireland has additional concerns about the proposed Regulations, in relation to whether they will also apply to the anticipated future digital euro/Central Bank Digital Coin and, in particular, in relation to privacy concerns highlighted by citizens in a recent ECB survey. The current draft Regulations could create a privacy disadvantage when using non-CBDC crypto asset payments versus CDBC ones.

Ireland has a robust AML/CFT framework, albeit no country can eliminate all the risks associated with such activity. What we can do is try to achieve a balance between innovation and the benefits that brings to consumers; and minimising risks, by formulating achievable, transparent and compliant frameworks that allow for proper risk-based analysis of any emerging concerns.”

General Affairs

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| 46. | EP Resolutions and Decisions November II 2021 | 13887/21
PE-RE |
| 47. | 13th meeting of the EU-Serbia Intergovernmental Conference at Ministerial level
<i>Establishment of the EU common position</i> | 13443/21
ELARG |

Statement by Poland

“Poland understands the formulation “gender equality” as referring to the equality between women and men, in line with art. 2 of the Treaty on European Union and art. 23 of the Charter of Fundamental Rights of the EU.”

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| 48. | 14th meeting of the EU-Montenegro Intergovernmental Conference at Ministerial level
<i>Establishment of the EU common position</i> | 13442/21
ELARG |
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Statement by Poland

“Poland understands the formulation “gender equality” as referring to the equality between women and men, in line with art. 2 of the Treaty on European Union and art. 23 of the Charter of Fundamental Rights of the EU.”

Justice and Home Affairs

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| 53. | Conclusions on ECA SR No. 17/2021 on the EU readmission cooperation with third countries
<i>Approval</i> | 14199/21
MIGR |
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| 54. | EU Asylum Agency Regulation
<i>Adoption of the legislative act</i> | 14294/21 + ADD 1
PE-CONS 61/21
ASILE |
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Joint statement by Cyprus, Greece, Italy, Malta and Spain

"Cyprus, Spain, Greece, Italy, Malta and Spain consider that the legislative proposals presented by the Commission in 2016 on the reform of the Common European Asylum System and in 2020 within the new Pact on Migration and Asylum constitute a legislative package whose elements are closely interlinked. The adoption of the European Asylum Agency Regulation is an important and necessary step that does not affect this package approach. Consequently, the objective remains the adoption of a fully integrated and coherent set of rules, ensuring the effective application of the principle of solidarity and fair sharing of responsibility, a result that should be achieved in the course of the negotiations on the different proposals currently under discussion."

Joint statement by Hungary and Poland

"Hungary and Poland would like to stress their commitment to the reform of the Common European Asylum System, however the reform of the EU asylum policy shall be based on a consensus between Member States that stays in line with the European Council conclusions from 2018, ensuring the proper balance between responsibility and solidarity. We perceive that the Agency should be treated as a tool for implementing the legislative proposals included in the Pact. In this regard we are convinced that we should not urge solutions that were contraproductive in the past and resulted in the deepening of mistrust among the Member States. Finally and taking into account the interlinkage of the relevant legislative proposals we remain fully committed to the principle that nothing is agreed until everything is agreed, thus Hungary and Poland cannot confirm the compromise text proposed by the Presidency with a view to an agreement with the European Parliament."

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| 56. | Schengen evaluation Recommendation – FR police cooperation
<i>Adoption</i> | 14356/21
14355/21
SCH-EVAL |
| 57. | Schengen evaluation Recommendation – FR Schengen Information System
<i>Adoption</i> | 14358/21
14357/21
SCH-EVAL |
| 58. | Schengen evaluation Recommendation – NL Schengen Information System
<i>Adoption</i> | 14361/21
14360/21
SCH-EVAL |
| 59. | Coordinated EU and its MS position with view to the new Open-Ended WG organisational meetings
<i>Approval</i> | 14347/21
CYBER |

Foreign Affairs

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| 60. | PSC Decision EUMM GEORGIA/1/2021 - extension of the mandate of the Head of Mission
<i>Decision to publish in the Official Journal</i> | 13865/21
13566/21
PSC DEC |
| 61. | PSC Decision EUCAP Sahel Niger/1/2021 – extension of the mandate of the Head of Mission
<i>Decision to publish in the Official Journal</i> | 13866/21
13553/21
PSC DEC |
| 62. | Exercise Specifications (EXSPEC) for the 2022 EU Crisis Management Military Exercise (MILEX 22)
<i>Approval</i> | 14163/21
EUMC
CSDP/PSDC |
| 63. | Nutrition for Growth (N4G) Summit: Tokyo Compact
<i>Approval of a non-binding instrument</i> | 14348/1/21 REV1
14351/1/21 REV 1
DEVGEN
COHAFA |
| 64. | Council Decision in support of the comprehensive programme on supporting efforts to prevent and combat illicit trafficking of Small Arms and Light Weapons (SALW) and Conventional Ammunition (CA) in South-Eastern Europe
<i>Adoption</i> | 12550/21
12549/21 + COR 1
+ ADD1
+ ADD1 COR 2
CORLX |
| 65. | Council Decision on an Assistance Measure under the European Peace Facility to support the Georgian Defence Forces
<i>Adoption</i> | 14139/21
13492/21
CORLX |
| 66. | Council Decision on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces
<i>Adoption</i> | 14140/21
13499/21
CORLX |
| 67. | Council Decision on an Assistance Measure under the European Peace Facility to support the Armed Forces of the Republic of Moldova
<i>Adoption</i> | 14141/21
13522/21
CORLX |
| 68. | Council Decision on an Assistance Measure under the European Peace Facility to support the armed forces of the Republic of Mali in conjunction with the EUTM in Mali
<i>Adoption</i> | 14142/21
13735/21
CORLX |

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| 69. | Council Decision in support of gender mainstreamed policies, programmes and actions in the fight against small arms trafficking and misuse
<i>Adoption</i> | 13820/21
13819/21
CORLX |
| 70. | Council Decision and Implementing Regulation concerning restrictive measures against the Democratic Republic of the Congo
<i>Adoption</i> | 14264/21
14260/21
14263/21
CORLX |
| 71. | Council Implementing Decision and Implementing Regulation concerning restrictive measures against Belarus
<i>Adoption</i> | 14410/21
13206/21
13208/21
CORLX |
| 72. | Declaration on the conclusion of negotiations on Services Domestic Regulation
<i>Approval</i> | 14496/21
14498/21
WTO |
| <u>Other items</u> | | |
| 73. | Withdrawal of the approval of cryptographic product
<i>Approval</i> | 14202/21
CSCI
CSC |