

Brussels, 10 February 2022  
(OR. en)

6137/22  
CRS CRP 4

**SUMMARY RECORD**  
PERMANENT REPRESENTATIVES COMMITTEE  
26 and 28 January 2022

**I. Adoption of the agenda**

5513/22 OJ CRP1 4  
5604/2/22 REV 2 OJ CRP2 4

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)**

**Internal Market and Industry**

2. Directive amending Directive 2014/53/EU relating to the making available on the market of radio equipment (common charger) 5456/22  
*Mandate for negotiations with the European Parliament*

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

## **COREPER (PART 2)**

### **WEDNESDAY 26 JANUARY 2022**

#### **Foreign Affairs**

20. EU-AU Summit (Brussels, 17-18 February 2022)  
*State of play and guidance for further work*

The Committee took note of the update on the preparations of the summit and will revert next week on the organisation of the summit.

21. International solidarity on vaccines  
*Exchange of views*

The Commission and the EEAS presented the state of play of global vaccine sharing. The Committee held an exchange of views.

22. Council meeting (Foreign Affairs) on 24 January 2022: follow-up

The EEAS and the Presidency mentioned the main elements of the follow-up. The Committee will revert on Friday to the European security situation.

#### **Justice and Home Affairs**

23. Regulation amending Regulation (EU) 2016/794 on Europol 5370/22  
*Preparation for the trilogue*

The Committee prepared the trilogue on the Europol regulation.

#### **Economic and Financial Affairs**

24. Regulation on digital operational resilience for the financial sector (DORA Regulation) 5297/22  
*Presidency debriefing on the outcome of the trilogue* 5390/22  
*Information from the Presidency* EF

The Presidency debriefed on the trilogue, which took place on 25 January. The Committee will revert to prepare the next trilogue early March.

#### **General Affairs**

25. Relations with the EP (January 2022)  
*Debriefing*

The Presidency debriefed delegations about relations with the EP.

26. Council meeting (General Affairs) on 25 January 2022: follow-up

The Presidency confirmed that the Conference on the future of Europe will be on the agenda of all GAC meetings until 9 May.

### **FRIDAY 28 JANUARY 2022**

27. Migration and asylum: a gradual approach for the benefit of the European Union and all Member States  
*Guidance for further work*

The Committee held an exchange of views.

28. Council Decision on provisional emergency measures for the benefit of Latvia, Lithuania and Poland  
*Confirmation of the final compromise text with a view to agreement*  
*Decision to consult an institution or body*

5561/22

The Committee could not agree on the compromise text.

29. Directive on the resilience of critical entities  
*Preparation for the trilogue*  
*Information from the Presidency*

14594/21

5112/1/22 REV 1

The Committee took note of the information provided by the Presidency and prepared the first trilogue on the directive on the resilience of critical entities.

### **General Affairs**

30. Alliance for the Future of Internet  
*Guidance for further work*

The Committee held an exchange of views.

### **Foreign Affairs**

56. European security situation  
*Exchange of views*

The Committee held an exchange of views.

**IV. Any other business**

**COREPER (PART 1)**

Proposal of principles for the digital decade  
*Presentation by the Commission*

The Committee took note of the presentation by the Commission.

**COREPER (PART 2)**

None.

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**"I" items approved****COREPER (PART 1)****Institutional affairs****Written questions**

3. Reply to question for written answer submitted to the Council by Members of the European Parliament  
*Adoption by silence procedure*
- 5458/22  
PE-QE
- Biljana Borzan (S&D)
- 15071/21
- Change of time
4. **Minutes of Council meetings**  
*Approval*
- (a) Competitiveness Council on 25 and 26 November 2021
- 14464/21 + ADD 1
- (b) TTE Council on 2-3 December 2021
- 14784/21 + ADD 1
- (c) TTE Council (Transport) on 9 December 2021
- 14921/21 + ADD 1

**Appointments**

5. One member (AT) of the Advisory Committee on Safety and Health at Work  
*Adoption*
- 5401/22  
SOC

**Other**

6. Attendance of third parties at the Research Working Party meeting on 3 February 2022  
*Approval*
- 5384/22  
RECH
7. Attendance of third parties at the meeting of the Cultural Affairs Committee on 27 January 2022  
*Approval*
- 5425/22  
CULT
8. Attendance of third parties at the meetings of the Working Party on International Environmental Issues (Biodiversity) during the first half of 2022  
*Approval*
- 5454/22  
ENV
9. Attendance of a third party at the meeting of the Working Party on Space on 1 February 2022  
*Approval*
- 5467/22  
ESPACE

## **Judicial Affairs**

10. Case C-828/21 P (European Union Copper Task Force v Commission) 5286/22  
JUR  
*Information note for the Permanent Representatives Committee (Part 1)*

## **Transport**

11. High-level agreement between the EU and Ukraine 5193/22  
(TEN-T Regulation) TRANS  
*Authorisation to negotiate a non-binding instrument* RELEX
12. Toulouse Declaration on sustainable development and the 5415/1/22 REV 1  
decarbonisation of aviation + ADD 1  
*Approval of a non-binding instrument* AVIATION  
*Decision to use the written procedure*
13. IMO - joint submission to the 105th session of the Maritime 5434/22  
Safety Committee on the demonstration of a two-way MAR  
communication service provided by the Cospas-Sarsat distress OMI  
beacons via the SAR/Galileo Return Link Service  
*Approval*
14. IMO - joint submission to the 9th session of the Sub-Committee 5437/22  
on Pollution Prevention and Response on the Convention on the MAR  
Control of Harmful Anti-fouling Systems on Ships OMI  
*Approval*
15. IMO - joint submission to the 11th meeting of the Intersessional 5438/22 + ADD 1  
Working Group on the reduction of GHG emissions: directives MAR  
on GHG emissions intensity and carbon intensity over the entire OMI  
lifecycle of fuels  
*Approval*

### 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."

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| 16. | Regulation amending Regulation (EU) 2020/1429 on the levying of charges for the use of railway infrastructure<br><i>Mandate</i> | 5465/22<br>TRANS |
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### Employment and Social Policy

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| 17. | Council Recommendation on the economic policy of the euro area for 2022 - contribution on the employment and social aspects<br><i>Approval</i> | 5461/22<br>SOC |
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### Sport

- |     |  |                  |
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| 18. | Replacement of a representative of the EU Member States in the World Anti-Doping Agency (WADA) Foundation Board<br><i>Approval</i> | 5299/22<br>SPORT |
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### Delegated or Implementing Acts

#### **Transport**

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| 19. | Commission Delegated Regulation (EU) .../... of 15.12.2021 amending Council Regulation (EEC) No 95/93 as regards the extension of measures for temporary relief from the slot utilisation rules due to the COVID-19 crisis<br><i>Delegated act – Intention not to raise objections</i><br><i>Decision to use the written procedure</i> | 15170/21<br>5449/22 + COR 1<br>TRANS |
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## Statement by Belgium, Denmark, Finland and Italy

"The Transport Ministers of Belgium, Denmark, Finland and Italy would like to draw the attention of the European Commission to the necessary update of the EU policy regarding the aviation slot relief rules given the worrying trends observed in the sector, in the context of the COVID-19 pandemic.

Indeed, the Lufthansa company has announced that it will perform in the coming months a large number of empty or almost empty flights given the obligation imposed by Regulation (EU) 2021/250 (amending Regulation (EEC) no 95/93) to have to fly a still high percentage of slots allocated at coordinated airports in order to be able to keep them. Lufthansa is unfortunately not the only company that is or will be obliged to do so. Any airline operating from coordinated airports is likely to need to do the same.

In July 2021, the Transport Ministers of Belgium, Greece and Malta already mentioned the fears of increasing the number of flights for no other reason than to maintain slots at certain airports. Today these fears are becoming realities.

As we have seen since the start of the COVID crisis, the different waves of the pandemic make any forecast of flights and passenger numbers uncertain. It is therefore essential, in these circumstances, to offer airlines as much flexibility as possible in the planning of their flights in order to allow them to rationalize their offer and ensure the highest possible economic and environmental efficiency for each flight.

Maintaining the rules now in force creates unsatisfactory situations where airlines have to fly empty and incur costs that are as great as they are unnecessary, in addition to the lack of sufficient financial return as passengers numbers are too low. The large-scale pollution created by these empty flights differs sharply with the EU's climate targets. We therefore risk jeopardizing the expected benefits from the recent legislative proposals of the "Fit for 55" Package which aim to reduce the environmental footprint of aviation, such as the "ReFuelEU Aviation" proposal.

It should also be noted that this situation generates unfair competition between airlines using coordinated airports and those using smaller airport platforms, or low-cost airports which are not themselves coordinated, and for which there is therefore no obligation of a minimum percentage of attendance. The application of Regulation (EU) 2021/250 is consequently unfavorable, in terms of competition, to coordinated airports compared to those that are not.

These competitive, economic and environmental biases must be considered at their proper level and require adequate, rapid and proportionate actions.

Given these exceptional circumstances, this is why we ask the European Commission to ensure, by means of Delegated Acts, that the mandatory usage threshold for slots is decreased again, and new exemption possibilities are introduced, at least for the winter 2021/2022 and summer 2022 seasons, and until an exit from this crisis linked to the coronavirus can be confirmed."



## COREPER (PART 2)

### Institutional affairs

#### 31. Minutes of Council meetings

*Approval*

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|-----|--------------------------------|------------------|
| (a) | ECOFIN 9.11.2021               | 13730/21 + ADD 1 |
| (b) | ECOFIN (Budget) 12.11.2021     | 13978/21         |
| (c) | FA/FAC (Defence) 15-16.11.2021 | 13982/21 + ADD 1 |
| (d) | GAC (Cohesion) 18.11.2021      | 14166/21 + ADD 1 |
| (e) | FAC (Development) 19.11.2021   | 14167/21 + ADD 1 |
| (f) | GAC 23.11.2021                 | 14397/21 + ADD 1 |

#### **Other**

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|-----|---|---------------------------|
| 32. | Attendance of a third party in the margins of the informal video conference of the members of the COJUR Working Party on 3 February 2022<br><i>Approval</i> | 5411/22<br>COJUR          |
| 33. | Attendance of third parties in the margins of informal meetings or video conferences of the members of the COJUR-ICC Working Party<br><i>Approval</i>       | 5503/22<br>COJUR          |
| 34. | Attendance of a third party at the meeting of the Horizontal Working Party on Cyber Issues on 8 February 2022<br><i>Approval</i>                            | 5440/22<br>CYBER          |
| 35. | Attendance of third parties at the informal video conference of the COASI Working Party on 27 January 2022<br><i>Approval</i>                               | 5347/22<br>COASI          |
| 36. | Attendance of a third party at an informal meeting of the members of the Political and Security Committee on 27 January 2022<br><i>Approval</i>             | 5490/22<br>COPS<br>POLMIL |
| 37. | Attendance of a third party at the meeting of the Working Party on the Western Balkans Region on 10 February 2022<br><i>Approval</i>                        | 5469/22<br>COWEB          |

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| 38. | Attendance of a third party at the meeting of the Working Party on the Western Balkans Region on 14 February 2022<br><i>Approval</i>                           | 5475/22<br>COWEB       |
| 39. | Attendance of third parties at the informal video conference of the members of the Trade Policy Committee (Full Members) on 4 February 2022<br><i>Approval</i> | 5362/22<br>POLCOM      |
| 40. | Attendance of third parties at the informal video conference of the members of the Security Committee on 1 February 2022<br><i>Approval</i>                    | 5504/1/22 REV 1<br>CSC |
| 41. | Attendance of a third party at the meeting of the Working Party on the OSCE and the Council of Europe (COSCE) on 4 February 2022<br><i>Approval</i>            | 5520/22<br>COSCE       |
| 42. | Attendance of third parties at the Working Party on Humanitarian Aid and Food Aid on 9 February 2022<br><i>Approval</i>  | 5529/22<br>COHAFA      |

### **Transparency**

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| 43. | Public access to documents<br>Confirmatory application No 42/c/03/21<br><i>Decision to use the written procedure for the adoption</i> | 5108/22<br>5109/22<br>INF<br>API         |
| 44. | Public access to documents<br>Confirmatory application No 43/c/02/21<br><i>Decision to use the written procedure for the adoption</i> | 5216/22 + ADD 1<br>5215/22<br>INF<br>API |
| 45. | Public access to documents<br>Confirmatory application No 44/c/01/21<br><i>Decision to use the written procedure for the adoption</i> | 5473/22<br>5023/22<br>INF<br>API         |

### **Economic and Financial Affairs**

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| 46. | European Court of Auditors' Special Report No 02/2022 on energy efficiency in enterprises<br><i>Designation of a Working Party</i><br><i>Attendance of the European Court of Auditors at the Working Party meeting</i> | 5464/22<br>FIN |
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47. Action Plan on the Customs Enforcement of Intellectual Property Rights between the Commission and the General Administration of Customs of China  
*Approval*
- 5412/22  
UD

### **General Affairs**

48. EP resolutions and decisions (January 2022)
- 5413/22  
PE-RE

### **Justice and Home Affairs**

49. Schengen evaluation Recommendation – Liechtenstein data protection  
*Adoption*
- 5508/22  
5507/22  
SCH-EVAL

### **Foreign Affairs**

50. European Union action to support the evacuation of certain particularly vulnerable persons from Afghanistan  
*Decision to use the written procedure for the adoption*
- 5135/22  
5134/22  
CORLX
51. Council Decision and Regulation concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan  
*Decision to use the written procedure for the adoption*
- 5284/22  
5281/22  
5283/22  
CORLX
52. Council Decision and Implementing Regulation on restrictive measures to combat terrorism – Common Position 2001/931/CFSP – review  
*Decision to use the written procedure for the adoption*
- 5234/2/22 REV 2  
5233/22  
5223/22  
5225/22  
CORLX
53. Council Decision and Regulation concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia  
*Decision to use the written procedure for the adoption*
- 5514/22 + COR 1  
5358/22  
5360/22  
CORLX
54. EU-Kenya Strategic Dialogue – Joint statement  
*Approval*  
*Decision to use the written procedure*
- 5527/22  
5310/22  
COAFR

## EU positions for international negotiations

55. EU position on the appointment of the new Executive Director  
of the International Coffee Council  
*Approval*  
*Decision to use the written procedure*
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5414/22 + COR 1-2  
PROBA