

Brussels, 17 March 2022  
(OR. en)

7304/22  
CRS CRP 10

**SUMMARY RECORD**  
PERMANENT REPRESENTATIVES COMMITTEE  
28 February, 2 and 4 March 2022

**I. Adoption of the agenda**

6616/3/22 REV 3 OJ CRP2 9  
6612/1/22 REV 1 OJ CRP1 9

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)**

**MONDAY 28 FEBRUARY 2022**

**Foreign Affairs**

2. European security situation – follow-up to the extraordinary Foreign Affairs Council meeting on 25 February 2022 and the informal videoconference of foreign affairs ministers on 27 February 2022

The Committee took stock of recent developments and held an exchange of views on further measures.

**Justice and Home Affairs**

3. Extraordinary meeting of the Justice and Home Affairs Council on 27 February 2022: follow-up

The Committee took note of the main outcomes of the extraordinary Council.

## **General Affairs**

4. Informal meeting of Heads of State or Government on 10 and 11 March 2022  
*Exchange of views*

The Committee took note of the information provided by the Presidency and agreed to revert on this item.

## **WEDNESDAY 2 MARCH 2022**

### **Foreign Affairs**

24. European security situation  
*Exchange of views*

The Committee held an exchange of views.

- Council Decision and Regulation concerning restrictive measures in view of the situation in Belarus  
*Approval*  
*Decision to use the written procedure for the adoption*

6683/22  
6571/22  
6574/22

The Committee confirmed its agreement on the text and decided to use the written procedure for its adoption.

41. Extraordinary Council meeting (Foreign Affairs) on 4 March 2022: agenda and preparation

The Committee took note of the agenda and approved the attendance of the U.S. Secretary of State, NATO Secretary General, the UK Foreign Secretary and the Minister of Foreign Affairs of Canada, as well as of the Minister of Foreign Affairs of Ukraine via videoconference.

### **Economic and Financial Affairs**

25. Informal videoconference of economy and finance ministers on 2 March 2022: agenda and preparation

The Committee took note of the agenda and prepared the sole item on it.

### **General Affairs**

5. Council meeting (General Affairs) on 22 March 2022: agenda

The Presidency presented the main items on the agenda.

## **Foreign Affairs**

6. Regulation on the public procurement reciprocity instrument  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue, which took place on 1 March 2022.

## **Justice and Home Affairs**

26. Justice and Home Affairs Council meeting on 3 and 4 March  
2022: preparation

Political governance of the Schengen area

- (a) Council Regulation on the Schengen evaluation and  
monitoring mechanism  
*General approach*

The Committee prepared this item for the Council meeting.

### Joint Declaration by the Republic of Bulgaria and Romania

on the Draft Council Regulation on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing Regulation (EU) No 1053/2013

"We, Bulgaria and Romania support the text of the Presidency as included in the Annex to the document 6685/22 that reflects the applicable rules concerning the participation of the two countries to the evaluation and monitoring mechanism, namely that verification under Article 1(2)(b) of this draft Regulation will not be carried out in respect to Bulgaria and Romania.

Bulgaria and Romania recall that they successfully accomplished the evaluation process in accordance with the applicable Schengen evaluation procedures pursuant to Article 4(2) of the 2005 Act of Accession, as already repeatedly acknowledged by the Council and the European Parliament and confirmed by the European Council.

We fully recognize the need to restore the proper functioning of the Schengen area, that relies on the correct application of the Schengen acquis and we are consistent in our efforts to contribute to this objective. Our strong commitment towards this goal has been undertaken at the moment of our EU accession and is proven on an everyday basis by our high profile as top contributors to the security of the Union.

Bulgaria and Romania acknowledge that the Schengen acquis has developed over the last years. Therefore, with a view to strengthening mutual trust on which the area without internal border controls is built on, we are willing to invite, on a voluntary basis and under commonly agreed conditions, a team under the coordination of the Commission, to ensure the application among others of the latest developments of the Schengen acquis since the evaluation, focusing on external border management and police cooperation. The final decision concerning the organization of this exercise will depend on substantial guarantees for the adoption by the Council of the Decision on full application of the provisions of the Schengen acquis for Bulgaria and Romania.

This endeavor shall be without prejudice to the already completed verification process or to the adoption of the Decision for the full application of the Schengen acquis for Bulgaria and Romania."

- (b) Council Decision on hate speech and hate crimes 6523/22  
*General approach/policy debate*

The Committee prepared this item for the Council meeting and agreed to change the aim to a policy debate.

- (c) Other items in connection with the Council meeting

The Committee took note of the information provided by the Presidency concerning changes to the agenda due to the developments in Ukraine.

7. Electronic evidence 6323/22 + COR 1  
(a) Regulation on European Production and Preservation  
Orders for electronic evidence  
(b) Directive on legal representatives for gathering evidence  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue, which took place on 1 March 2022.

8. European Union Agency for Asylum  
*Exchange of views with the Executive Director*

The Committee held an exchange of views with the Executive Director of the European Union Agency for Asylum.

### **Foreign Affairs**

10. Council meeting (Foreign Affairs) on 21 March 2022: agenda

The EEAS presented the main items on the agenda.

9. Defence package 6704/1/22 REV 1  
*Exchange of views*

The Committee postponed this item to its next meeting.

## **COREPER (PART 1)**

### **WEDNESDAY 2 MARCH 2022**

#### **Environment**

27. Council meeting (Environment) on 17 March 2022: preparation

1. Regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020  
*General approach*

6490/22

The Committee held an exchange of views and agreed to revert to the item at its forthcoming meeting.

#### **Agriculture and Fisheries**

28. Extraordinary informal video conference of Ministers for Agriculture on 2 March 2022:  
Agenda  
(For the items in the remit of the Permanent Representatives Committee)

The Presidency presented the agenda.

29. Council meeting (Agriculture and Fisheries) on 21 March 2022: agenda  
(For the items in the remit of the Permanent Representatives Committee)

The Presidency presented the main items on the agenda.

#### **Internal Market and Industry**

30. Regulation on contestable and fair markets in the digital sector  
(Digital Markets Act)  
*Presidency debriefing on the outcome of the trilogue*

The Presidency debriefed on the trilogue which took place on 1 March 2022.

## Employment, Social Policy, Health and Consumer Affairs

31. Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 14 March 2022: preparation

1. 2022 European Semester

- (a) Conclusions on the 2022 Annual Sustainable Growth Strategy and Joint Employment Report 6473/22  
*Approval*

The Committee prepared this item for the Council meeting.

- (b) Joint Employment Report 2022 6188/22  
*Adoption*

The Committee prepared this item for the Council meeting.

2. Directive on improving the gender balance among directors of companies listed on stock exchanges and related measures 6340/22  
*General approach*

The Committee prepared this item for the Council meeting.

### 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, a wyrażenie "gender balance" Polska będzie interpretowała jako równowagę kobiet i mężczyzn, zgodnie z art. 2 i 3 Traktatu Unii Europejskiej oraz art. 8 i 157 para 3 Traktatu o Funkcjonowaniu Unii Europejskiej. 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 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 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, the expression "gender equality" will be interpreted by Poland as equality between women and men, the expression "gender balance" will be interpreted by Poland as balance 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. 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."

## FRIDAY 4 MARCH 2022

### Environment

27. (continuation) Council meeting (Environment) on 17 March 2022: preparation

2. Regulation on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation  
*Policy debate* 6464/22

The Committee prepared this item for the Council meeting.

32. Fit for 55 package 6491/22  
*Guidance for further work*

The Committee provided guidance for further work.

**IV. Any other business**

**COREPER (PART 2)**

Russian disinformation campaign

The Committee took note of the information provided by Poland.

**COREPER (PART 1)**

None.

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

- |     |  |                |
|-----|--|----------------|
| 11. | Cases C-44/22 P and C-29/22 P – Appeals following Case T-771/20 (EULEX KOSOVO, non-contractual liability, alleged human rights violations)<br><i>Information note for the Permanent Representatives Committee (Part 2)</i> | 6527/22<br>JUR |
| 12. | Case C-46/22 P (Jenkinson v Council, Commission, EEAS and Eulex Kosovo)<br><i>Information note for the Permanent Representatives Committee (Part 2)</i>  | 6431/22<br>JUR |

**Institutional affairs****Appointments**

- |     |  |                            |
|-----|--|----------------------------|
| 13. | Appointment of four members of the Court of Auditors<br><i>Adoption</i>                    | 5530/22<br>5524/22<br>INST |
| 14. | A member and two alternate members (EE) of the Committee of the Regions<br><i>Adoption</i> | 6200/22<br>6018/22<br>CDR  |

**Other**

- |     |  |                        |
|-----|--|------------------------|
| 15. | Attendance of third parties at the informal video conference of the Africa Working Party on 3 March 2022<br><i>Approval</i>  | 6621/22<br>COAFR       |
| 16. | Attendance of third parties at the meetings of the Working Party on Development Cooperation and International Partnerships on 3 and 10 March 2022<br><i>Approval</i> | 6568/22<br>DEVGEN      |
| 17. | Attendance of a third party at the meeting of the Working Party on the Western Balkans Region on 7 March 2022<br><i>Approval</i>                                     | 6555/22<br>COWEB       |
| 18. | Attendance of third parties at the meeting of the Security Committee on 9 and 10 March 2022<br><i>Approval</i>   | 6550/1/22 REV 1<br>CSC |

## **Transparency**

19. Public access to documents 6381/22  
Confirmatory application No 01/c/01/22 5624/1/22 REV 1  
*Adoption* INF  
API

## **Economic and Financial Affairs**

20. Council Implementing Regulation as regards the update of the 6454/22 + COR 1  
VAT and/or excise duty exemption certificate + ADD 1 REV 1  
*Adoption* 6066/22  
FISC

### **Statement by the Commission**

"With regard to the adjustment of the certificate used as supporting document for the exemption provided for under Article 151 of Directive 2006/112/EC and Article 13 of Directive 2008/118/EC, the Commission takes note of the need for further technical amendments of the certificate, notably to align with the one put in place in the field of excise duties.

The Commission acknowledges the desire to keep the exemption certificate aligned to both VAT and excise duties' rules and will, as part of an assessment of the feasibility and costs of transforming the certificate into an electronic form and introducing an electronic procedure, examine any updates to the content of the certificate put forward by Member States."

40. Russian Federation's request to be added to the Cape Town list 6744/22 + ADD 1  
– draft reply CCG  
*Approval*

## **General Affairs**

21. Specification of a Union position on the rules of procedure of 6535/22  
the Working Group on Fisheries UK  
*Approval*

## **Foreign Affairs**

22. Council Decision and Implementing Regulation concerning 5955/22  
restrictive measures in respect of actions undermining or 5952/22  
threatening the territorial integrity, sovereignty and 5954/22  
independence of Ukraine CORLX  
*Decision to use the written procedure for the adoption*

## **EU positions for international negotiations**

23. Council Decision on the EU position in the 65th session of the 6409/22  
Commission on Narcotic Drugs as regards an addition to the list 6202/22  
of substances in Table I of the United Nations Convention UD  
*Adoption*

## COREPER (PART 1)

WEDNESDAY 2 MARCH 2022

### Institutional affairs

#### **Written questions**

33. Replies to questions for written answer submitted to the Council by Members of the European Parliament 6517/22  
PE-QE  
*Adoption by silence procedure*
- (a) Manon Aubry (The Left), José Gusmão (The Left), Martin Schirdewan (The Left) 5881/22  
‘Revision of the EU list of non-cooperative jurisdictions regarding the Pandora Papers scandal’
- (b) Jean-Paul Garraud (ID) 5906/22  
‘Sanitary requirements for media representatives who wish to attend European Council meetings’

#### **Other**

34. Attendance of third parties at the Working Party on Research (Atomic Questions) meeting on 7 March 2022 6382/22  
RECH  
*Approval*
35. Appointment of members of the Management Board of the European Food Safety Authority: selection procedure 6306/22  
AGRILEG  
*Approval*

### EU positions for international negotiations

36. Council Decision concerning the position to be taken on behalf of the EU within the North Pacific Fisheries Commission 6414/22 + ADD 1  
5663/22  
PECHE  
*Adoption*

#### Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 4 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."

## Employment and Social Policy

37. Revision of Directive on carcinogens and mutagens at work  
(fourth batch)  
*Adoption of the legislative act*

6445/22 + ADD 1  
+ ADD 2 REV 2  
PE-CONS 89/21  
SOC

### Statement by the Commission (Hazardous medicinal products)

"The Commission highlights the importance of protecting workers from the adverse health effects that occupational exposure to certain hazardous medicinal products can have.

In this regard, it is acknowledged that certain hazardous medicinal products which contain one or several substances meeting the criteria for classification as carcinogenic (categories 1A or 1B), mutagenic (categories 1A or 1B) or reprotoxicant (categories 1A or 1B) in accordance with Regulation (EC) No 1272/2008 fall under the scope of Directive 2004/37/EC."

### Statement by the Commission (Action plan and legislative proposals)

"The obligations imposed on the Commission in Article 18a, third paragraph, regarding the presentation of an action plan and the presentation of a legislative proposal cannot go against the institutional prerogatives of the Commission and its right of initiative deriving directly from the Treaties.

Article 18a, third paragraph, refers to Article 16 of Directive 2004/37/EC, which lays down an obligation to set limit values on the basis of the available information, including scientific and technical data, in respect of all those substances for which this is possible. In implementing this provision, the Commission is also invited to present the action plan referred to in Article 18a, third paragraph. For reasons of transparency, this action plan will consist of a listing of the next 25 new or revised substances to be scientifically evaluated. The evaluations of the listed substances will form part of the established procedure including consultation of social partners, the opinion of the ACSH and impact assessment preparing any necessary legislative proposals in due time."

### Joint statement by Austria, Bulgaria, Cyprus, Estonia, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Slovakia, Denmark, Romania, Portugal

"Austria, Bulgaria, Cyprus, Estonia, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Slovakia, Denmark, Romania, Portugal support any measure to increase the safety and health of workers. In this context, the progress is welcomed that has been made not only in setting new and stricter limit values for carcinogens but also in extending the scope of the Directive to reprotoxic substances.

However, it is regrettable that such substantial changes were made without involving the Advisory Committee for Safety and Health at Work. It would have been desirable to analyse in detail which article or provision should apply or not apply to reprotoxics. That concerns in particular the minimal requirements on health surveillance."

## **Energy**

38. Non-binding joint commitment to accelerate the transformation to a net zero energy system  
*Authorisation to negotiate a non-binding instrument*

6376/22  
ENER

## **Delegated or Implementing Acts**

### **Internal Market and Industry**

39. Commission Delegated Regulation (EU) .../... of 13.1.2022 amending Delegated Regulation (EU) 2018/985 as regards its transitional provisions for certain agricultural and forestry vehicles fitted with engines in the power range greater than or equal to 56kW and less than 130kW in order to address the impact of the COVID-19 crisis  
*Delegated act – Intention not to raise objections*

6343/22  
5329/22  
MI

## **FRIDAY 4 MARCH 2022**

### **Institutional affairs**

#### **Other**

42. Attendance of a third party at the Expert Credits Group meeting on 7 March 2022  
*Approval*

6805/1/22 REV 1  
CCG