



Brussels, 28 April 2022
(OR. en)

8505/22
CRS CRP 18

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
13 April 2022

I. Adoption of the agenda

8067/22 OJ CRP1 15
8150/1/22 REV 1 OJ CRP2 15

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)

Transport

2. 'Fit for 55' package

Regulation on the deployment of alternative fuels infrastructure,
and repealing Directive 2014/94/EU (AFIR)
Guidance for further work

7775/22

The Committee provided guidance for further work.

3. 'Fit for 55' package

Regulation on the use of renewable and low-carbon fuels in
maritime transport (FuelEU Maritime initiative)
Guidance for further work

7732/22

The Committee provided guidance for further work.

Energy

4. 'Fit for 55' package

Revision of the Renewable Energy Directive
Guidance for further work

7736/22

The Committee provided guidance for further work.

5. 'Fit for 55' package

Revision of the Energy Efficiency Directive (recast)
Guidance for further work

7031/22

The Committee provided guidance for further work.

COREPER (PART 2)

Foreign Affairs

14. Council meeting (Foreign Affairs) on 11 April 2022: follow-up

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

Justice and Home Affairs

15. Operational mechanism for coordinating actions for the external dimension of migration (MOCADÉM)
State of play

The Committee endorsed the two action fiches and took note of the overview of other work strands.

General Affairs

16. Independent European ethics body 8013/22
Guidance for further work 7701/22

The Committee provided guidance for further work.

17. Council meeting (General Affairs) on 12 April 2022: follow-up

The above-mentioned item was withdrawn.

Economic and Financial Affairs

19. European Green Bonds Regulation (EuGB) 7379/22 + ADD 1-2
Mandate for negotiations with the European Parliament

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

Statement by Austria

"We support measures that will help to channel financial resources towards sustainability. Therefore, Austria also takes a positive view of the European Green Bond Standard in general. However, we have always pursued the goal of establishing a credible and science-based taxonomy and we reject that nuclear investments can qualify as transition activities. We fully respect national sovereignty as well as European and international law regarding national energy policies, but we consider it green washing to classify economic activities in the context of nuclear power as sustainable. Since the EuGB standard does not exclude these kinds of assets, we cannot support the Presidency's compromise for a EuGB-Standard Regulation in its proposed form."

Joint statement by Denmark, Sweden, The Netherlands and Belgium

"We, the delegations of Denmark, Sweden, The Netherlands and Belgium, welcome the proposal of the Commission for a green bond standard and fully support its goal of laying down a uniform set of requirements for bonds issued by undertakings and sovereigns that voluntarily wish to use the designation 'European green bond'. We also underline the need to move forward swiftly with this very important regulation.

We understand that the incomplete nature of the EU taxonomy may impact the possibility for bond issuers to allocate 100% of the proceeds to economic activities that are aligned with the EU taxonomy and that the flexibility pocket that is foreseen in the compromise text intends to address that issue.

However, we also believe that the 'European green bond' being a voluntarily standard, it should be ambitious by setting high standards. We therefore regret the size and permanent nature of the flexibility pocket foreseen and would have preferred a flexibility pocket more limited in size and time.

We acknowledge the work done to ensure that sufficient and clear information is provided to investors by those issuers that use the flexibility pocket and would like to underline the importance of having and keeping strong disclosure requirements whenever the proceeds of a 'European green bond' are not exclusively funding economic activities that are aligned on the EU taxonomy.

To help issuers to fund only taxonomy-aligned economic activities and thus limit the use of the flexibility pocket, we invite the Commission to complete the EU taxonomy as soon as possible in order to reduce the use of a flexibility pocket in the long run."

Joint statement by Denmark and Spain

"The delegations of Denmark and Spain are strong advocates of the essential role that sustainable finance can play in promoting the green transition by leveraging the flow of public and private sector investment into sustainable activities. The cornerstone of sustainable finance is the principle of transparency, based on which investors can make informed decisions.

One relevant instrument of the sustainable finance toolbox is the EU Green Bond Standard (EU GBS), whose adoption we clearly support. One of the key features of the EU GBS is the requirement that the proceeds must be used to finance sustainable activities, as defined in the Taxonomy Regulation and its delegated acts. In this regard, we welcome the latest amendments introduced by the Presidency to provide detailed information to the public on the issuer's intention to make use of the flexibility pocket.

There are strong disagreements among member states, however, concerning the interplay between the Complementary Delegated Act on gas and nuclear activities, on the one hand, and the EU GBS, on the other. Our view is that the file should make progress anyway, as we consider it better to have this proposed standard rather than not having any EU Standard. In order to address the concerns of a relevant number of Member States, we consider that the negotiating mandate must include, at least, an explicit call to the co-legislators to review this matter during the upcoming trilogues.

Without questioning in the negotiations of the EU GBS the content of the Taxonomy (which has to be decided according to the established procedures), we propose, as a compromise, to address green investors' legitimate concerns about financing nuclear and gas activities by increasing transparency on the intended use of the proceeds, in order to preserve the credibility and applicability of the EU GBS among green investors.

This enhanced transparency would allow investors to be fully aware of their contribution to gas and nuclear activities from the very beginning, so as to ensure that they make an informed decision and comply with their green investment policy.

Proposal to enhance the level of transparency in EU GBS

Rationale: Although the degree of transparency on the intended allocation of proceeds of the green bonds is high, there are some situations where an issuer can avoid detailing that information on grounds of confidentiality agreements, competitive considerations, the quantity of underlying qualifying projects and in cases where the factsheet applies to several future bonds. Moreover, when the information on projects or activities is not available, issuers will not specify that they will allocate the proceeds on activities such as nuclear and gas.

While we understand that such exceptions to the duty to disclose the intended allocation of proceeds are reasonable, we believe that in the case of investments in gas and nuclear activities, the issuer should specify from the outset that the proceeds will be allocated to such activities. Thus, without specifying this intention of allocation, the issuer should not be able to allocate the green bond funds to these activities.

The Presidency has already incorporated enhanced transparency from the outset when there is an intention to allocate proceeds within the flexibility pocket.

Proposal: We suggest inserting the following sentences at the end of the Factsheet Annex I point 4. "Intended allocation of bonds proceeds" 3. "Intended qualifying green projects and activities".

"The issuer shall specify if proceeds will be allocated into activities referred to in Sections 4.26, 4.27 and 4.28; and 4.29, 4.30 and 4.31 of Annexes I and II to the Delegated Regulation 2021/2139 and no proceeds shall be allocated to such activities unless previously specified in the factsheet." "

Statement by Luxembourg

"Luxembourg welcomes the Commission's proposal for a Regulation on European green bond standard and fully supports its goal of laying down a uniform set of requirements for the issuance of bonds by undertakings and sovereigns that voluntarily wish to use the designation 'European green bond'. The 'European green bond' being a voluntarily standard, it should set ambitious targets. The Regulation should also lay down the foundation for an efficient framework, which encourages the take-up of the new standard, promotes the development of diverse and dynamic sustainable finance ecosystems and builds on synergies with existing arrangements.

The proposed compromise text does not fully reach the above-mentioned objectives in several regards.

The proposal of the Commission to allow for the qualification of investments in nuclear energy as sustainable investments under the Taxonomy Regulation is not compatible with the intention to lay down an ambitious, high quality and credible standard.

Furthermore, the proposed supervisory arrangements regarding external reviewers could result in additional complexities, inefficiencies and duplications and could thus hamper the future development of dynamic sustainable finance ecosystems across the Union.

We believe that further discussions on these points would have allowed for a more balanced compromise text in support of the ambitious objectives of the Commission's proposal. Luxembourg is therefore not in a position to support the text in its current form."

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| 20. | Council Recommendation on the conversion of the Ukrainian
currency
<i>Approval</i>
<i>Decision to use the written procedure for the adoption</i> | 7971/22
7880/22
8056/22 |
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The Committee confirmed its agreement on the text and decided to use the written procedure for its adoption.

Justice and Home Affairs

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| 21. | Directive on the resilience of critical entities
<i>Preparation for the trilogue</i> | 7987/22 |
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The Committee prepared the forthcoming trilogue.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

Extraordinary **European Council** on 30-31 May 2022

The Committee took note of the information provided by the PEC Cabinet.

Ukraine Solidarity Trust Fund

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

Currency of payment for energy contracts

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

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

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| 6. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 7894/22
PE-QE |
| (a) | Assita Kanko (ECR)
‘Twenty-seven perish off the Calais coast’ | 7443/22 |
| (b) | Francesca Donato (NI), Ivan Vilibor Sinčić (NI), Nicolaus Fest (ID), Joachim Kuhs (ID), Rob Rooker (ECR)
‘Vaccines and the pandemic’ | 7367/22 + COR 1 |
| (c) | Bronis Ropë (Verts/ALE)
‘Passenger registration system and pandemic management rules’ | 7444/22 |
| (d) | Özlem Demirel (The Left)
‘Training and support for Ukraine’s armed forces to counter cyberattacks’ | 7447/22 |
| (e) | Özlem Demirel (The Left)
‘European Peace Facility operations’ | 7440/22 |

Other

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| 7. | Attendance of a third party at the informal video conference of the members of the Working Party on Forestry on 28 April 2022
<i>Approval</i> | 7842/22
AGRI |
| 8. | Attendance of third parties at the meeting of the Working Party on International Environment Issues (Climate Change) on 20 April 2022
<i>Approval</i> | 7952/22
CLIMA |

9. Regulation laying down transitional rules for the packaging and labelling of veterinary medicinal products
Mandate for negotiations with the European Parliament

7967/22 + ADD 1
VETER

Statement by Denmark

"Denmark supports the proposal on amendments to the Commission proposal for a Regulation of the European Parliament and of the Council laying down transitional rules for the packaging and labelling of veterinary medicinal products authorized in accordance with Directive 2001/82/EC and Regulation (EC) No 726/2004. Denmark finds it very important that the issues relating to packaging and labelling are resolved swiftly with transitional measures such as the measures proposed.

However, Denmark is still concerned that Article 106(1) of Regulation 2019/6 could lead to an unintentional increase in the use of antimicrobials in Denmark and would have preferred if the proposal had also addressed this issue. According to paragraph 1 of Article 106, veterinarians are no longer allowed to deviate from the dosage and the duration of treatment stated in the Summary of Product Characteristics (SPC). Denmark is concerned that veterinarians will be forced to use unnecessarily high amounts of antimicrobials by not being allowed to reduce the duration of treatment stated in the Summaries of Product Characteristic (SPC), even when clinical effect can be achieved by a shorter duration of treatment. An increase in the consumption of antibiotics would be incompatible with the reduction targets in the Farm to Fork-strategy.

The Commission has referred to updating of SPC's as the solution to this issue. However, according to the Danish Medicines Agency it is up to the marketing authorization holder to decide which dosage and duration treatment regime they wish to have covered by the SPC – as long as the safety and efficacy is confirmed by the supporting documentation. Furthermore, if there is evidence to support a need to change the SPC for the above reasons, it is still up to the marketing authorization holder to decide, whether they wish to change the marketing authorization or alternatively deregister the medicinal product, which can lead to supply problems and risk of animal health and welfare. Therefore, until the marketing authorizations have been updated, and for products where the marketing authorizations will not be updated to a sufficient extent, to mitigate these consequences, there is a need for an alternative solution.

Denmark therefore urges the Commission to assist Member States in finding a solution that decreases antibiotic consumption all over the EU."

Fisheries

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| 10. | Regulation laying down management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence
<i>Mandate for negotiations with the European Parliament</i> | 7970/22
7320/1/22 REV 1
PECHE |
| 11. | Regulation amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (NAFO)
<i>Mandate for negotiations with the European Parliament</i> | 7889/22
6272/22
PECHE |

Transport

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| 12. | IMO – joint submission to the ninth session of the International Maritime Organization’s Sub-Committee on Navigation, Communications and Search and Rescue on the demonstration of a two-way communication service
<i>Approval</i> | 8026/22
MAR
OMI |
| 13. | IMO – joint submission to the sixth intersessional meeting of the International Maritime Organization’s Expert Group on Data Harmonization suggesting an IMO data set related to ‘waste delivery receipt’
<i>Approval</i> | 8129/22
MAR
OMI |

COREPER (PART 2)

Judicial Affairs

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| 22. | Cases T-125/22 and T-125/22 R (RT France v Council)
<i>Information note for the Permanent Representatives Committee
(Part 2)</i> | 8051/22
JUR |
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Institutional affairs

Other

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| 23. | Attendance of third parties at the meetings of the Political and Security Committee (PSC) and of the Working Party on the Common Foreign and Security Policy (CFSP), or in the margins of such meetings
<i>Approval</i> | 8031/22
COPS
CFSP/PESC |
| 24. | Attendance of a third party at the meeting of the Political and Security Committee on 13 April 2022
<i>Approval</i> | 8136/22
COPS |
| 25. | Attendance of a third party at an informal meeting of the Working Party on Human Rights on 20 April 2022
<i>Approval</i> | 7704/22
COHOM |
| 26. | Attendance of a third party at the meeting of the Working Party on Terrorism on 20 April 2022
<i>Approval</i> | 7243/22
CT |
| 27. | Attendance of a third party at the meeting of the Law Enforcement Working Party (Police) on 19 April 2022
<i>Approval</i> | 7872/22
ENFOPOL |
| 28. | Attendance of a third party at the meeting of the Law Enforcement Working Party (Customs) on 2 May 2022
<i>Approval</i> | 7922/22
ENFOCUSTOM |
| 29. | Attendance of third parties at the meeting of the Working Party on Humanitarian Aid and Food Aid on 25 April 2022
<i>Approval</i> | 8052/22
COHAFA |
| 30. | Attendance of third parties at the meeting of the ACP Working Party on 26 April 2022
<i>Approval</i> | 7954/22
ACP |

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| 31. | Attendance of third parties at the meeting of the Security Committee on 26 April 2022
<i>Approval</i> | 7939/22
CSC |
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Economic and Financial Affairs

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| 32. | ECA SR No 05/2022 on the cybersecurity of the EU institutions, bodies and agencies
<i>Designation of a Working Party</i>
<i>Attendance of the European Court of Auditors at the Working Party meeting</i> | 8041/22
FIN |
| 33. | Declaration of the Ministers of the Financial Action Task Force (GAFI/FATF)
<i>Authorisation to sign a non-binding instrument</i>
<i>Decision to use the written procedure</i> | 7307/22
EF |

General Affairs

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| 34. | EP resolutions and decisions (April 2022) | 6392/22 + COR 1
PE-RE |
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Foreign Affairs

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| 35. | UfM Ministerial Declaration on Strengthening the Role of Women in Society
<i>Authorisation to negotiate a non-binding instrument</i> | 8009/22
MAMA |
| 36. | Memorandum of understanding with USAID on Power Africa
<i>Authorisation to negotiate a non-binding instrument</i>
<i>Decision to use the written procedure</i> | 8010/22
DEVGEN |
| 37. | PSC Decision EUTM Mali/1/2022 – appointment of Force Commander
<i>Decision to publish in the Official Journal</i> | 7825/22
7451/22
PSC DEC |
| 38. | Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in Myanmar/Burma
<i>Decision to use the written procedure for the adoption</i> | 7651/22
7648/22
7650/22
CORLX |
| 39. | Council Decision on an assistance measure under the European Peace Facility to support military units trained by the EU Training Mission in Mozambique
<i>Decision to use the written procedure for the adoption</i> | 6979/22
6167/22
CORLX |

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| <p>40. Council Decision on an assistance measure taking the form of a general programme for support to the African Union under the European Peace Facility for the period from 2022 to 2024
<i>Decision to use the written procedure for the adoption</i></p> | <p>6168/22
6164/22
CORLX</p> |
| <p>41. Syria restrictive measures – pre-notifications
<i>Approval</i>
<i>Decision to use the written procedure</i></p> | <p>8004/1/22 REV 1
CORLX</p> |
| <p>42. Council Decision and Implementing Regulation concerning restrictive measures against the Democratic People’s Republic of Korea
<i>Decision to use the written procedure for the adoption</i></p> | <p>7948/1/22 REV 1
+ REV 1 COR 1
7945/22
7947/22
CORLX</p> |
| <p>43. Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
<i>Decision to use the written procedure for the adoption</i></p> | <p>6038/22
6035/22
6037/22
CORLX</p> |
| <p>44. Council Decision and Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
<i>Decision to use the written procedure for the adoption</i></p> | <p>8104/22
8101/22
8103/22
CORLX</p> |
| <p>45. Council Decision and Regulation concerning restrictive measures in response to the recognition of the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas
<i>Decision to use the written procedure for the adoption</i></p> | <p>8115/22
8110/22
8114/22
CORLX</p> |
| <p>46. Restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine – pre-notifications
<i>Approval</i>
<i>Decision to use the written procedure</i></p> | <p>8169/22
CORLX</p> |
| <p>47. Council Decision on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine)
<i>Decision to use the written procedure for the adoption</i></p> | <p>8117/22
8095/22
CORLX</p> |

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| 50. Council Decisions amending the Council Decisions on assistance measures under the European Peace Facility to support the Ukrainian Armed Forces | 8047/22
8044/22
8046/22
CORLX |
| <i>Decision to use the written procedure for the adoption</i> | |

Formal Declaration by Austria on abstention regarding the Council Decision amending Council Decision (CFSP) 2022/338 on an Assistance Measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force

"In accordance with the second subparagraph of Article 31(1) TEU and in line with Austria's declaration on the application of constructive abstention at the time of the adoption of the Council Decision establishing the European Peace Facility, Austria hereby notifies the Council of its decision to abstain from the Council Decision amending Council Decision (CFSP) 2022/338, previously amended by Council Decision (CFSP) 2022/471 of 23 March 2022, on an Assistance Measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force, as she deems this decision sensitive for the specific character of her security and defence policy.

Austria, acting in a spirit of mutual EU solidarity, will refrain from any action likely to conflict with or impede Union action based on that decision.

Therefore, AT will not contribute to the financing of this Assistance Measure. Instead, AT will voluntarily contribute an additional amount to a non-sensitive assistance measure for Ukraine within the framework of the European Peace Facility."

Declaration by Ireland under Article 31(1) TEU on Abstention from the Council Decision amending Council Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force

"Ireland refers to document ST 8044/22 of 12 April 2022¹.

Recalling its formal declaration of 27 February on abstention from Council Decision (CFSP) 2022/338, Ireland, in accordance with the second subparagraph of Article 31(1) of the Treaty on European Union, hereby makes a formal declaration and notifies the Council of its decision to abstain from the Council Decision amending Council Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force.

Accordingly, Ireland will not be contributing to the costs of that Assistance Measure, as amended.

Ireland recalls and reiterates in full its statement of 17 March 2021 to the minutes of COREPER and to the Council at the time of adoption of Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility.

¹ Council Decision amending Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force

Ireland further recalls Recital 22, Article 27 and Article 57(3) of that Council Decision and hereby signals its preference to contribute instead to Council Decision (CFSP) 2022/339 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces, as amended."

Formal Declaration in accordance with the second subparagraph of Article 31(1) of the TEU by Malta on abstention regarding the Council Decision amending Council Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force

"In accordance with the second subparagraph of Article 31(1) of the Treaty of the European Union, Malta hereby notifies the Council of its decision to abstain from adopting the Council Decision amending Council Decision on an Assistance Measure under the European Peace Facility on the provision of lethal force equipment to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force.

As stated at the time of adoption of the Council Decision establishing the European Peace Facility, Malta reserves its right to constructively abstain from assistance measures under the European Peace Facility that allow for the supply of military equipment, or platforms, designed to deliver lethal force.

In the spirit of mutual EU solidarity, MT will refrain from any action likely to conflict with or impede Union action based on that decision.

Therefore, through our voluntary elective commitment, Malta will instead provide a corresponding contribution to the budget for assistance measures in support of Ukraine which do not involve supply of such lethal equipment or platforms."

Other items

48. Interim approval of cryptographic products
Approval

7644/22 **R-EU**
CSCI
CSC

49. Interim approval of a cryptographic product
Approval

7646/22 **R-EU**
CSCI
CSC