



Brussels, 15 September 2020
(OR. en)

10766/20
CRS CRP 33

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
22 and 24 July 2020

I. Adoption of the agenda

9663/20 OJ CRP1 29 + COR 1
9711/2/20 REV 2 OJ CRP2 29

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)

Research

2. Regulation on European Institute of Innovation and Technology (EIT)
Decision on Strategic Innovation Agenda (SIA) of the European Institute of Innovation and Technology (EIT)
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 16 July 2020.

Transport

3. Conclusions on compliance with the necessary hygiene and infection control measures to ensure cross-border collective passenger transport

9661/20

Preparation for the approval

Decision to use the written procedure

The Committee agreed on the draft text of the Council Conclusions and decided on the use of the written procedure for its approval.

COREPER (PART 2)

WEDNESDAY 22 JULY 2020

General Affairs

11. Special European Council on 17-18 July 2020: Follow-up
State of play

The Committee took note of the main outcomes of the European Council and took note of the intended next steps.

12. REACT-EU Regulation 9426/20
Partial mandate for negotiations with the European Parliament

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

13. Amendments to the Cohesion policy package 2021-2027 9428/20
a) Common Provisions Regulation (amended proposal) 9430/20
b) Regulation for the ERDF/Cohesion Fund (amended proposal) 9431/20
c) ESF Plus Regulation (amended proposal)
Partial mandates for negotiations with the European Parliament

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

Foreign Affairs

14. EU-India Summit VTC on 15 July 2020
Debriefing

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

15. EU-China
Exchange of views

The Committee held an exchange of views.

16. EU-Ukraine Summit 9662/20
Exchange of views

The Committee held an exchange of views, and agreed to revert to this issue at one of its forthcoming sessions.

FRIDAY 24 JULY 2020

General Affairs

17. EU-UK relations 9674/20
State of play

The Committee took note of the information provided from the chief negotiator on the state of play and the way forward, and held an exchange of views.

18. Multiannual Financial Framework 2021-2027 and Recovery 9784/20 + ADD1
Package 9785/20
Exchange of views 9786/20 + ADD1
9787/20
9789/20
9830/20

The Committee held an exchange of views and took note of the intended next steps.

Foreign Affairs

54. (poss.) Conclusions on Hong Kong 9871/20
Approval 9872/20
Decision to use the written procedure

The Committee agreed on the draft text of the Council Conclusions and decided on the use of the written procedure for the approval of the text.

IV. Any other business

COREPER (PART 1)

Update on vaccines

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

COREPER (PART 2)

AU-EU ministerial

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

Legislative programming - Joint declaration

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

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

4. Replies to questions for written answer submitted to the Council by Members of the European Parliament 9707/20
PE-QE
Adoption by silence procedure
- a) Raphaël Glucksmann (S&D) 9744/20
"LGBT-free areas"

Statement by Poland

"Polska stanowczo podkreśla, że w Polskiej rzeczywistości prawnej nie istnieje pojęcie „stref wolnych od LGBT”. W Polsce nie istnieje żadna polityka publiczna ani przepis ograniczający prawa obywatelskie osób o odmienniej orientacji seksualnej. Działania takie byłyby niezgodne z obowiązującą Konstytucją RP, która stanowi, że „wszyscy są wobec prawa równi” oraz, że „wszyscy mają prawo do równego traktowania przez władze publiczne”(art. 32 ust. 1) oraz że „nikt nie może być dyskryminowany w życiu politycznym, społecznym lub gospodarczym z jakiegokolwiek przyczyny” (art. 32 ust. 2).

Niektóre władze samorządowe w Polsce podjęły uchwały tzw. Karty Praw Rodziny, w których promowane są tradycyjne wartości rodzinne (małżeństwo jako związek kobiety i mężczyzny, rodzicielstwo, macierzyństwo, prawo do wychowania dzieci przez rodziców zgodnie z ich przekonaniem), gwarantowane przez Konstytucję RP i podlegające w Polsce ochronie konstytucyjnej (art. 18). Konstytucja RP zawiera ponadto w preambule niedwuznaczne treści, które należy traktować jako drogowskaz interpretacji ustawy zasadniczej i całego prawoznawstwa, a które przywołują m.in. chrześcijańskie dziedzictwo Narodu. Te wartości, mające podstawę w Konstytucji, są elementem tożsamości narodowej chronionej przez art. 4 TUE.

Państwo ma prawo i obowiązek chronić wartości rodzinne, w tym prawo rodziców do wychowania dzieci zgodnie ze swoimi przekonaniem (por. art. 53 ust. 3 Konstytucji, który stanowi, że „Rodzice mają prawo do zapewnienia dzieciom wychowania i nauczania moralnego i religijnego zgodnie ze swoimi przekonaniem”). Obowiązek państwa zapewnienia rodzicom prawa do wychowania dzieci zgodnie z ich przekonaniem wynika nie tylko z polskiej Konstytucji, ale również z międzynarodowych aktów prawnych chroniących podstawowe prawa człowieka, tj. Powszechna Deklaracja Praw Człowieka z 1948 r. (art. 26 ust. 3), Międzynarodowy Pakt Praw Obywatelskich (art. 18 ust. 4), Międzynarodowy Pakt Praw Gospodarczych, Społecznych i Kulturalnych (art. 13 ust. 3), czy protokół dodatkowy (nr. 1) do Europejskiej Konwencji o ochronie praw człowieka i podstawowych wolności (art. 2).

Realizacja prawa do wychowania dzieci zgodnie z przekonaniem rodziców stanowi zatem realizację fundamentalnych praw człowieka i nie może być uważana za jakikolwiek przejaw dyskryminacji ze względu na orientację seksualną. Tak samo, jak nie może być w żaden sposób uznany za dyskryminację brak instytucjonalizacji związków osób tej samej płci. Sformalizowanie tych związków byłoby sprzeczne z polską Konstytucją oraz podstawowymi

zasadami polskiego porządku prawnego. Nie można utożsamiać z nietolerancją braku afirmacji osób należących do mniejszości seksualnych oraz gwarantowanej przez państwo ochrony dla małżeństwa rozumianego w sposób tradycyjny, to jest jako związek kobiety i mężczyzny.

Promowanie i wspieranie wartości konstytucyjnych wspierających tradycyjne wartości rodzinne stanowi o przestrzeganiu przez państwo praw człowieka i nie może być postrzegane jako naruszające prawa mniejszości seksualnych czy też niezgodne z zasadami praworządności."

Courtesy translation

"Poland strongly emphasises that "LGBT free areas" are not present in Polish legal reality. There is no policy nor legislation in Poland prohibiting LGBT persons from enjoying their citizen rights. Such actions would be contrary to the Constitution of the Republic of Poland, which provides that "all persons shall be equal before the law", "all persons shall have the right to equal treatment by public authorities" (Article 32 (1)) and "no one shall be discriminated against in political, social or economic life for any reason whatsoever" (Article 32 (2)).

Some local authorities adopted resolutions on the so-called Family Rights' Charter, which promote traditional family values (marriage being a relation between a woman and a man, parenthood, motherhood, the right for parents to raise their children according to their beliefs), which are ensured by the Constitution of the Republic of Poland and are subject to constitutional protection in Poland (Article 18). Moreover, the preamble of the Constitution of the Republic of Poland contains unambiguous references, which should be treated as guidelines for the interpretation of the Basic Law and the whole body of legislation, as they refer a.o. to the Nation's Christian heritage. As values based on the Constitution, they constitute a component of national identity, protected by Article 4 of the TEU.

It is the right and obligation of the state to protect family values and to protect the right of parents to raise their children according to their beliefs (cf. Article 53 (3) of the Constitution, which stipulates that "parents shall have the right to ensure their children a moral and religious upbringing and teaching in accordance with their convictions"). The obligation of the state to ensure for parents the right to raise their children according to their beliefs not only results from the Polish Constitution but also from some instruments of international law, which protect fundamental human rights, i.e. the 1948 Universal Declaration of Human Rights (Article 26 (3)), the International Covenant on Civil and Political Rights (Article 18 (4)), the International Covenant on Economic, Social and Cultural Rights (Article 13 (3)), or the Additional Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (Article 2).

Thus, the exercise of the right of parents to raise children according to their beliefs implements fundamental rights of a human being and must not be treated as a manifestation of discrimination based on sexual orientation. Also the absence of institutionalisation of same-sex relationships must not be treated as discrimination. Formalisation of such relationships would be contrary to the Polish Constitution and basic principles of the Polish legal order. The absence of affirmation towards persons from sexual minorities and protection of a traditionally understood marriage, i.e. a relation between a woman and a man, as ensured by the state, cannot be equated with intolerance.

Promotion and support for the constitutionally based traditional family values shows that respect for human rights and should not be treated as violating the rights of sexual minorities, nor as a violation of the principle of rule of law."

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| b) | Robert Roos (ECR)
"Biased judges at the European Court of Human Rights" | 9039/20 |
| c) | Frédérique Ries (Renew), Valerie Hayer (Renew),
Stéphane Séjourné (Renew)
"‘New IP’ internet redesign project" | 9194/20 |
| d) | Moritz Körner (Renew)
"Member States going it alone in the battle against corona" | 9051/20 |
| e) | Maximilian Krah (ID)
"ECLJ report on instances of collusion at the ECHR" | 9040/20 |
| f) | Lukas Mandl (EPP)
"The EU’s diminished capacity to act and take decisions
during the COVID-19 pandemic" | 9309/20 |
| g) | Łukasz Kohut (S&D)
"Cross-border strategic environmental assessments" | 8990/20 |
| h) | Antonio Maria Rinaldi (ID), Marco Campomenosi (ID),
Marco Zanni (ID)
"Sovereign debt ratings" | 9740/20 |
| i) | Robert Biedroń (S&D)
"Gender equality within the EU institutions" | 9122/20 |
| j) | Lina Gálvez Muñoz (S&D)
"Extraordinary measures in the area of gender
mainstreaming — High-Level Group on Gender
Mainstreaming" | 9130/20 |

Other

5. List of Working Parties which will be officially organised in Germany under the German Presidency (second half of 2020)
Information note for the Permanent Representatives Committee (Part 1)
- 7580/20
POLGEN

Fisheries

6. Regulation amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (NAFO)
Mandate for negotiations with the European Parliament
- 9565/20
8472/20 + COR 1
PECHE

Internal Market and Industry

7. Directive on Representative Actions
Political agreement
- 9592/20
CONSOM

Telecommunications

8. Regulation establishing the European Cybersecurity Competence Centre and the Network of Coordination Centres
Mandate for negotiations with the European Parliament
- 9745/20
CYBER

Delegated or Implementing Acts

Internal Market and Industry

9. Commission Regulation (EU) .../...of XXX amending Regulation (EC) N° 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Standard 16 (Text with EEA relevance)
Decision not to oppose adoption
Decision to use the written procedure
- 9483/20
9706/20
9466/20 + ADD 1
DRS

COREPER (PART 2)

WEDNESDAY 22 JULY 2020

Judicial Affairs

19. Case T-267/20 (Sergej Arbuzov v. Council of the EU) 9594/20
Information note for the Permanent Representatives Committee JUR
(Part 2)
20. Case T-349/20 (AJ, ND v. Council) 9691/2020
Information note for the Permanent Representatives Committee JUR
(Part 2)

Institutional Affairs

Appointments

21. Renewal of the Committee of the Regions 2020-2025 9717/20
Decision to use the written procedure for the adoption 9600/20
CDR
22. Two members (EL) of the Committee of the Regions 9719/20
Adoption by silence procedure 9718/20
CDR

Economic and Financial Affairs

23. Transfer No DEC 13/2020 (Section III - Commission) 9635/20
Approval 9377/20
Decision to use the written procedure FIN
24. Regulation on central counterparties recovery and resolution 9397/20 + ADD 1
(CCP RR) EF
Confirmation of the final compromise text with a view to agreement

Statement by the Commission

"The Commission takes note of the fact that the political agreement relative to the Commission proposal on a framework for the recovery and resolution of central counterparties 2016/0365 (COD) has included provisions relative to open access requirements under articles 35 and 36 of the Market in Financial Instrument Regulation (MiFIR). These provisions were not included in the initial proposal of the Commission.

In the Commission's view, these provisions are not entirely in line with the EU's institutional set-up, in particular the Commission's right of initiative, and cannot constitute a precedent for future negotiations.

As the MiFIR changes at issue do not entail a substantive change of policy, but are rather limited to a short postponement of the MiFIR access provisions, the Commission will not now stand in the way of their adoption. This is without prejudice to any policy that the Commission may propose on this issue in the future."

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| 25. | Conclusions on ECA Special Report No 17/2019 on EU interventions for venture capital
<i>Approval</i> | 9730/20
EF |
| 26. | Regulation establishing a Technical Support Instrument
<i>Partial mandate for negotiations with the European Parliament</i> | 9714/20
UEM |

Statement by Austria

"With respect to Art. 6a (2) of the proposed Regulation establishing a Technical Support Instrument, AT underlines that Art 21 (2) (a) of the Financial Regulation does not foresee external assigned revenue for expenditure like the one provided through the Technical Support Instrument. Article 21(5) of the Financial Regulation should not be used for artificially expanding the categories of assigned revenue from Member States. Therefore, in the interest of the integrity of the hierarchy of legal acts, AT would have preferred to move this provision to the Financial Regulation."

Justice and Home Affairs

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| 27. | Amendments to the Rules of Procedure of Eurojust
<i>Approval</i>
<i>Decision to use the written procedure</i> | 9597/20
9347/20 + ADD 1
COPEN |
| 29. | Prüm Decisions: Implementing Decision on the launch of automated data exchange with regard to dactyloscopic data in the United Kingdom
<i>Decision to use the written procedure for the adoption</i> | 9296/20 + COR 1
9273/20 + COR 1
IXIM |
| 30. | Prüm Decisions: Implementing Decision on the launch of automated data exchange with regard to DNA data in the United Kingdom
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 9310/20
IXIM |
| 31. | Regulation amending Regulation (EC) No 1393/2007 on the Service of Documents
<i>Confirmation of the final compromise text with a view to agreement</i> | 9677/20 + ADD 1
JUSTCIV |

Statement by Hungary

"Article 6 of Regulation No 1393/2007 governs the receipt of the requests for service of documents and lists the measures to be taken by the receiving agency upon receipt of a request. The corresponding Article of the recast Regulation (as presented in document No 9677/2020 ADD1) is Article 9.

According to Article 35 (1) of the recast Regulation, Regulation No 1393/2007 will be repealed as from the date of application of the recast Regulation, namely 18 months after entry into force of the latter. However, according to Article 36 (3) of the recast Regulation, its Article 9, which would replace Article 6 of Regulation No 1393/2007, will become applicable at a later date.

In order to ensure the continuity of obligations of receiving agencies relating to receipt of requests and the legal certainty attached thereto, Hungary is of the view that it is necessary to clarify that Article 6 of the Regulation No 1393/2007 will only be repealed when Article 9 of the recast Regulation will become applicable."

Statement by the Commission

"The Commission endorses the political agreement reached on the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), as well as on the proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1206/2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.

The Commission also agrees with the transformation of the texts into recasts in the interest of legal practitioners, as requested by Council and Parliament, bearing in mind the specific circumstances and calendar of adoption of the two proposals as amending acts at the end of the previous Commission's mandate. The recast procedure has been completed in cooperation with the Commission."

32. Regulation amending Council Regulation (EC) No 1206/2001 on the Taking of Evidence 9678/20 + ADD 1
JUSTCIV
Confirmation of the final compromise text with a view to agreement

Statement by the Commission

"The Commission endorses the political agreement reached on the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), as well as on the proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1206/2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.

The Commission also agrees with the transformation of the texts into recasts in the interest of legal practitioners, as requested by Council and Parliament, bearing in mind the specific circumstances and calendar of adoption of the two proposals as amending acts at the end of the previous Commission's mandate. The recast procedure has been completed in cooperation with the Commission."

34. Regulation of the European Parliament and of the Council
setting up a Union regime for dual-use items
Mandate for negotiations with the European Parliament

9643/20
COMER

Statement by France

"Le renforcement légitime de la transparence sur le régime européen de contrôle des exportations de biens à double usage, dans le cadre du rapport annuel prévu à l'article 24, doit être pleinement concilié avec la protection des intérêts de sécurité et de défense des Etats membres.

A cet égard, le texte proposé va en effet au-delà de ce que la France était prête à accepter initialement, en particulier sur le respect de la primauté des régimes multilatéraux pour fixer les listes de biens contrôlés à l'exportation, ainsi que sur la non-divulgation d'informations mettant en jeu le secret commercial ou la souveraineté (défense, sécurité nationale, politique étrangère). Cette liste peut nuire à la protection des informations échangées entre les instances compétentes des Etats membres.

D'une manière générale, la France considère qu'il ne sera pas possible d'aller au-delà du compromis proposé sur la liste de vigilance relative aux biens de cyber-surveillance ne figurant pas sur les listes de contrôle, ainsi que sur la publication au Journal Officiel de l'UE de la liste de ces biens.

En conséquence, l'établissement du rapport annuel prévu à l'article 24 doit s'effectuer :

- **dans le respect des principes posés par l'article 346 TFUE**, qui stipule que: « a) aucun État membre n'est tenu de fournir des renseignements dont il estimerait la divulgation contraire aux intérêts essentiels de sa sécurité b) tout État membre peut prendre les mesures qu'il estime nécessaires à la protection des intérêts essentiels de sa sécurité et qui se rapportent à la production ou au commerce d'armes, de munitions et de matériel de guerre; ces mesures ne doivent pas altérer les conditions de la concurrence dans le marché intérieur en ce qui concerne les produits non destinés à des fins spécifiquement militaires ».
- **dans le respect du considérant 25A**, qui précise que « le rapport annuel devrait inclure des informations pertinentes sur l'octroi de licences et l'application des contrôles au titre du présent règlement, en tenant dûment compte de la nécessité de garantir la protection de la confidentialité de certaines données, en particulier lorsque la publication de données d'octroi de licences pourrait avoir une incidence sur les préoccupations de sécurité nationale soulevées par les États membres ou compromettre la confidentialité commerciale (...) »
- **dans le respect des principes posés par l'article 24.3 du projet de règlement**. Dans ce cadre, « l'information fournie par les Etats membres pour l'établissement du rapport annuel doit dûment prendre en compte toutes les prescriptions légales relatives à la protection de l'information personnelle, aux informations commerciales sensibles, à la politique étrangère ou à l'information relative à la sécurité nationale. Le règlement Statistiques n°223/2009 s'applique à toute information échangée ou publiée dans le cadre de cet article ».

Dans ce contexte, les futures lignes directrices de la Commission et du Conseil, prévues à l'article 24.2 et qui doivent permettre de préciser, s'agissant notamment des biens de cybersurveillance, la méthodologie relative à la collecte et au traitement des informations relatives aux autorisations, devront pleinement garantir le respect de ces principes.

Il conviendra enfin d'être particulièrement attentif à ce que la création de facto d'une liste de contrôle spécifique à l'Union européenne ne crée pas une distorsion de concurrence au détriment des exportateurs européens."

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| 35. | Council Decision and Implementing Regulation concerning restrictive measures against the Democratic People's Republic of Korea - Review
<i>Decision to use the written procedure for the adoption</i> | 9684/20
9501/20
9503/20
CORLX |
| 36. | Council Decision and Implementing Regulation on restrictive measures to combat terrorism - Common Position 2001/931/CFSP - review
<i>Decision to use the written procedure for the adoption</i> | 9320/20
9221/20
9218/20
9220/20
CORLX |
| 37. | PSC Decision on the acceptance of a third State's contribution (BiH/30/2020)
<i>Decision to publish in the Official Journal</i> | 9584/20
9117/20
CFSP |
| 38. | Council Decision and Implementing Regulation concerning restrictive measures against ISIL (Da'esh) and Al-Qaeda and persons, groups, undertakings and entities associated with them
<i>Decision to use the written procedure for the adoption</i> | 9332/20
9331/20
9327/20
9329/20
CORLX |
| 39. | Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in Libya - review
<i>Decision to use the written procedure for the adoption</i> | 9696/20
9545/20
9547/20
CORLX |
| 40. | Council Decision launching the European Union CSDP Advisory Mission in the Central African Republic (EUAM RCA)
<i>Decision to use the written procedure for the adoption</i> | 9013/20
8966/20
CORLX |
| 41. | Council Decision on a European Union Military Training mission in the Central African Republic
<i>Decision to use the written procedure for the adoption</i> | 9750/20
9294/20
CORLX |
| 49. | Council Decision and Implementing Regulation concerning restrictive measures against cyber-attacks threatening the Union or its Member States
<i>Decision to use the written procedure for the adoption</i> | 9754/20
9564/20
9568/20
CORLX |

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| 50. | Restrictive measures directed against certain persons and entities in view of the situation in Tunisia - draft reply
<i>Decision to use the written procedure for the adoption</i> | 9764/20
CORLX |
| 42. | Council Decision on the signing of a Protocol to the Euro-Mediterranean agreement with Tunisia to take account of the accession of the Republic of Croatia to the EU - GA version
<i>Approval</i> | 9690/20
12292/18 (GA)
MAMA |
| 43. | Council Decision on the conclusion of a Protocol to the Euro-Mediterranean agreement with Tunisia to take account of the accession of the Republic of Croatia to the EU - GA version
<i>Approval</i> | 9690/20
12294/18 (GA)
MAMA |
| 44. | Affirmation of the continuing commitment to fulfil the objectives as set out in the Joint Action Plan on Counter-terrorism for the Western Balkans
<i>Approval</i>
<i>Decision to use the written procedure</i> | 9724/20
COTER |
| 45. | Council Decision on the amendment to protocols 1 and 4 of the Agreement between the European Union, Denmark and the Faroe Islands
<i>Decision to use the written procedure for the adoption</i> | 9759/20
9323/20
9385/20
AELE |

EU positions for international negotiations

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| 46. | Report on the high-level meeting of the International Working Group on export credits of 10 July 2020
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 9708/20
CCG |
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FRIDAY 24 JULY 2020

Institutional Affairs

Written questions

47. Replies to questions for written answer submitted to the Council by Members of the European Parliament 9755/20
PE-QE
Adoption by silence procedure

Lukas Mandl (EPP) 9752/20
"Targeted sanctions against individuals responsible for human rights violations and repression in Venezuela"

Justice and Home Affairs

28. EPPO-Council Implementing Decision appointing the European Prosecutors 9628/20
14830/19
EPPO
Decision to use the written procedure for the adoption

33. Regulation establishing the Asylum and Migration Fund (AMF) 9705/1/20 REV 1
Mandate for negotiations with the European Parliament JAI
ASIM

Statement by Austria

"Austria recognises the need for a rapid establishment of the AMF.

Nevertheless, an issue of concern remains with regard to the application of Article 16 and 17 which could undermine the financial capacity of the fund related to areas other than those mentioned in these provisions. Furthermore, these provisions could lead to an imbalance of available resources between asylum cases under Article 16 and 17 and "ordinary" asylum procedures to the disadvantage of Member States with a high number of spontaneous asylum applications. Therefore, Austria would have welcomed the introduction of a financial ceiling for the measures under Article 16 and 17.

Finally, Austria underlines that Article 17 must not, in any way, prejudice the discussions and policy decisions to be taken by the Council on any possible future proposal tabled by the Commission in relation to CEAS.

Therefore, Austria abstains."

Statement by Belgium

"Belgium can support the Presidency compromise for the AMF-provisions related to the Common European Asylum System to be integrated in the negotiating mandate. However, it regrets that the opportunity has not been seized during the discussions within the Council to realize a more structural reform of the financial mechanisms directly supporting Member States facing disproportionate asylum pressure. As the discussions on the new Pact on Migration and Asylum, accompanied by new legislative proposals, are not expected to start before the Autumn and to be concluded in the near future, intermediate financial solutions are needed to address some of the shortcomings and imbalances in the current system, as pragmatic short-term steps to enable solidarity and responsibility. Belgium refers to its detailed position in Council Working document [WK 6992/2020](#).

The upcoming inter-institutional negotiations and the revision clause included in Presidency's compromise proposal provide a new opportunity to revert to this question at a later stage. "

Statement by the Netherlands

"The Netherlands can support the Presidency compromise proposal for article 16 and 17 of the Asylum and Migration Fund related to the Common European Asylum System and to further advance the negotiations with the European Parliament on this basis.

However, the Netherlands would like to reiterate our concerns about the expected expenditure for the measures under article 16 and 17 in relation to the final allocation of the thematic facility.

The Netherlands would like to stress that that other actions e.g. emergency actions and union actions within the objective of the fund under the thematic facility should not be hampered. The Netherlands is furthermore of the opinion that the current proposal would impact the Thematic Facility and will pose a burden on other actions as well as the national programmes.

The Netherlands underlines the importance of the review clause to ensure not to lose sight of the overall objective of the fund and welcomes the opportunity it provides for the Netherlands to revert to the issue during the upcoming inter-institutional negotiations. Finally, the Netherlands underlines that the CEAS related provisions as currently discussed should not, in any way, prejudice the discussions in and decisions by the Council within the light of the future Pact on Migration and Asylum as to be proposed by the Commission."

Statement by Poland

"Poland supports the approach according to which the work on the AMF Regulation should be accelerated so as to ensure the continuity of funding in the area of migration and asylum. Therefore, Poland agrees to the adoption of the document. At the same time, Poland would like to raise the issue of the recent changes to the text of Art. 17(1) of AMF and the additional wording: "or as a result of similar forms of relocation". So far, under Art. 17 of AMF Regulation transfers of applicants according to Art. 17 of the Dublin III Regulation and their family members, or transfers of beneficiaries of international protection and their family members, were only included in the text. Therefore, it is unclear what other forms of relocation are foreseen in the changed text, as they have not been defined.

In addition, Poland would like to point out that taking into account the COVID-19 pandemic effects and possible budget cuts under the AMF Regulation, the activities as referred to in Art. 16 and 17 of the Regulation should not be prioritized. The financial resources dedicated to these instruments should not be unlimited, specifically in the context of socio-economic impact of the pandemic. Greater emphasis should be placed on using them more flexibly so as to maximize the spending of funds, especially that the actions which are referred to here are of voluntary nature."

Statement by the Commission

"The Commission shares the view that negotiations on the AMF proposal should be advanced, but notes that it is not possible to decouple the discussion on the support provided under the Articles 16 and 17 from the wider political discussion on the MFF.

The financial sustainability of these two proposed amendments, if agreed, has to be assessed against the final political agreement on the MFF and the related final allocation to the AMF. Against this background, the Commission reserves its position. It also underlines the importance of a strong review clause which ensures the AMF is amended in order to reflect the agreement of the co-legislators on the future legislation linked to the Pact on Migration and Asylum, without prejudice to the Commission's right of initiative enshrined in the EU Treaties and noting that Article 29 of the AMF proposal already foresees a mid-term evaluation."

Foreign Affairs

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| 48. | PSC Decision EUNAVFOR MED IRINI/1/2020 -
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<i>Decision to publish in the Official Journal</i> | 9715/20
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| 51. | Council Decision on Union outreach activities in support of the
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| 52. | AU-EU Ministerial Meeting - outcome document
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| 53. | AU-EU Ministerial Meeting - outcome document
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