

Brussels, 3 November 2020
(OR. en)

12501/20
CRS CRP 42

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
14 October 2020

I. Adoption of the agenda

11687/20 OJ CRP1 38 + COR 1
11776/2/20 REV 2 OJ CRP2 38

The Committee adopted the agenda.

II. Approval of the "I" items

The Committee approved the "I" items as set out in the Annex.

III. Discussion items

COREPER (PART 1)

Environment

2. Meeting of the Council (Environment) on 23 October 2020: Preparation

1. Conclusions on Biodiversity - the need for urgent action
Approval

11569/20

The Committee prepared this item for the Council.

Statement by Hungary

"Biodiversity is the absolute basis of life. The active contribution of various sectors including the agricultural and forest sectors to protect biodiversity is essential.

However, Hungary emphasizes that the fulfilment of some of the targets put forward by the European Commission seems impossible to achieve or may place a disproportionate burden at Member State level. We consider especially the 50 percent decrease in the overall use of chemical pesticides and the 25 percent organic farming target are considered unfulfillable within the timeframe of the strategy on Member State level. Moreover, the proposed extension of protected and strictly protected areas require further clarification regarding its scientific basis and key definitions.

Hungary emphasizes that legislation to support the implementation of the strategy should in all cases be based on detailed impact assessments at Member State level.

Hungary underlines that sustainable forest management is an effective framework and instrument to maintain and improve forest biodiversity. This concept should be properly considered and reflected in the forthcoming EU Forest Strategy and especially through the implementation of relevant strategies.

It is of utmost importance that the contribution of the Common Agricultural Policy to the objectives of the Biodiversity Strategy be based on a solid legal background and proportionate to the funds available. Farmers and forest owners should only comply with requirements that are incorporated in the basic acts or other relevant EU legislation. As the Commission's forthcoming recommendations for national strategic plans on how to address the objectives of the Biodiversity Strategy and the Farm to Fork Strategy are set to be legally not binding, they can only provide Member States with additional guidance which they may take into account when drawing up their national CAP Strategic Plans. Therefore, the Commission should assess national Strategic Plans only with reference to criteria that have appropriate legal bases. Should a Member State opt for different policy choices than the Commission recommendations, this should not entail any legal consequences with respect to the adoption of the national CAP Strategic Plans."

2. Regulation on European Climate Law 11582/20
(poss.) General approach

The Committee prepared this item for the Council.

3. EU submission of an updated Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC) 11583/1/20 REV 1
+ REV 1 COR 1
(poss.) Approval

The Committee prepared this item for the Council.

Employment, Social Policy, Health and Consumer Affairs

3. Informal videoconference of the Ministers of Health on 30 October 2020: Agenda

The Presidency presented the main items on the agenda of the informal videoconference of Ministers of Health.

Internal Market and Industry

4. Regulation amending Regulation (EC) No 715/2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) *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 9 October 2020.

Fisheries

6. Council Regulation opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2021-2023 *Political agreement*

11510/20

The Committee reached a political agreement on the compromise text.

Agriculture and Fisheries

7. Meeting of the Council (Agriculture and Fisheries) on 19 and 20 October 2020: Preparation

1. Regulation fixing for 2021 the fishing opportunities in the Baltic Sea *Political agreement*

11507/1/20 REV 1
10274/20 + ADD 1

The Committee prepared this item for the Council.

2. Conclusions on the Farm to Fork Strategy *Approval*

11308/20

The Committee prepared this item for the Council.

Statement by Hungary

"The Hungarian delegation agrees that the agricultural sector has to contribute to the objectives of the Green Deal, but emphasizes that the synergy with the ongoing CAP reform should have been delivered through the standard regulatory procedure.

The fulfilment of some thresholds incorporated in the Farm to Fork Strategy, which fails to define the baselines, seems impossible to achieve or may place a disproportionate burden on Member States. We consider especially the 50 percent decrease in the overall use of chemical pesticides beyond the reduction already accomplished and the 25 percent organic farming target as overly ambitious. In case of pesticides and fertilisers the reduction targets should take into account the already achieved results and the current factual usage of these substances by Member States.

Hungary regrets that the Farm to Fork Strategy was published without any assessment of the possible impacts resulting from the implementation of the targets. It remains therefore uncertain how it would influence the competitiveness of European farmers. Hungary considers that the necessity to find a balance between the Treaty-based objectives of the CAP and the environmental and climate-related objectives has not yet been clearly addressed so far.

It is of utmost importance that the contribution of the Common Agricultural Policy to the objectives of the Farm to Fork Strategy be based on a solid legal background and proportionate to the funds available. Farmers should only comply with requirements that are incorporated in the basic acts or other relevant EU legislation. In this context the Commission should assess national Strategic Plans only with reference to criteria that have appropriate legal bases. Should a Member State opt for different policy choices than the Commission recommendations, this should not entail any legal consequences with respect to the adoption of the national CAP Strategic Plans."

COREPER (PART 2)

Foreign Affairs

30. Council Implementing Decision and Implementing Regulation concerning restrictive measures in view of the situation in Libya
Decision to use the written procedure for the adoption
- 11773/20
11741/20 + ADD 1
R-UE
11743/20 + ADD 1
R-UE

The Committee agreed on the text of the Council Implementing Decision and Implementing Regulation and agreed on the use of the written procedure for their adoption.

31. Council Decision and Implementing Regulation concerning restrictive measures against the proliferation and use of chemical weapons
Decision to use the written procedure for the adoption
- 11762/20
11737/20 + ADD 1
R-UE
+ ADD 1 COR 1
R-UE
11739/20 + ADD 1
R-UE

The Committee agreed on the text of the Council Decision and Implementing Regulation and agreed on the use of the written procedure for their adoption.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

None.

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

8. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure 11625/20
PE-QE
- a) Radka Maxová (Renew), Chrysoula Zacharopoulou (Renew), Dragoş Pişlaru (Renew), Klemen Grošelj (Renew), Jarosław Duda (PPE), Łukasz Kohut (S&D), Kateřina Konečná (GUE/NGL), Leszek Miller (S&D), Ville Niinistö (Verts/ALE), Olivier Chastel (Renew), Fabio Massimo Castaldo (NI), Salvatore De Meo (PPE), Miriam Lexmann (PPE), Elżbieta Kruk (ECR), Demetris Papadakis (S&D), Milan Brglez (S&D), Alex Agius Saliba (S&D), Manuel Pizarro (S&D), Karin Karlsbro (Renew), Robert Biedroń (S&D), Pascal Arimont (PPE), Magdalena Adamowicz (PPE), Marisa Matias (GUE/NGL), Viktor Uspaskich (Renew), Hilde Vautmans (Renew), Elżbieta Katarzyna Łukacijewska (PPE), Katrin Langensiepen (Verts/ALE), Cindy Franssen (PPE), Sylvie Brunet (Renew), Ádám Kósa (PPE), Izaskun Bilbao Barandica (Renew), Laurence Farreng (Renew), Carles Puigdemont i Casamajó (NI), Antoni Comín i Oliveres (NI), Clara Ponsatí Obiols (NI), Atidzhe Alieva-Veli (Renew), Marianne Vind (S&D), José Gusmão (GUE/NGL), Krzysztof Hetman (PPE), Miriam Dalli (S&D), Jadwiga Wiśniewska (ECR), Alviina Alametsä (Verts/ALE), Brando Benifei (S&D)
"Disability focal points" 10937/20
- b) Engin Eroglu (Renew)
"Ban on incurring debt" 10864/20
- c) Christine Anderson (ID)
"Classification of Antifa as a terrorist organisation" 10907/20

Appointments

9. An alternate member (IT) of the Committee of the Regions
Adoption by silence procedure 11579/20
11578/20
CDR

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| 10. | An alternate member (RO) of the Committee of the Regions
<i>Adoption by silence procedure</i> | 11576/20
11575/20
CDR |
| 11. | EESC renewal - appointment of a member (LV)
<i>Decision to use the written procedure for the adoption</i> | 11574/20
11573/20
CES |
| 12. | One member (SE) of the Management Board of the European Foundation for the Improvement of Living and Working Conditions
<i>Adoption</i> | 11621/20
SOC |
| 13. | One alternate member (BE) of the Management Board of the European Agency for Safety and Health at Work
<i>Adoption</i> | 11623/20
SOC |
| 14. | One alternate member (SK) of the Management Board of the European Institute for Gender Equality
<i>Adoption</i> | 11620/20
SOC |
| 15. | One member (SK) of the Management Board of the European Institute for Gender Equality
<i>Adoption</i> | 11619/1/20 REV 1
SOC |
| 16. | One alternate member (BE) of the Advisory Committee on Safety and Health at Work
<i>Adoption</i> | 11622/20
SOC |

EU positions for international negotiations

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| 17. | Council Decision on the EU position in the Convention for the Conservation of Salmon in the North Atlantic Ocean as regards the application for accession to that Convention submitted by the United Kingdom
<i>Adoption</i> | 11431/1/20 REV 1
11250/20
PECHE |
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Fisheries

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| 18. | Council Decision on the conclusion of the Fisheries Agreement in the form of an exchange of letters between the European Union and the Cook Islands
<i>Agreement in principle</i>
<i>Request for the consent of the European Parliament</i> | 11460/20 + ADD 1
11262/20
PECHE |
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Statement by the Commission

"By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the decisions on the signing and provisional application as well as on the conclusion of the Agreement in the form of an exchange of letters between the European Union and the Government of the Cook Islands on an extension of the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands, the Commission regrets the Council's amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph), and therefore maintains its initial proposal."

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| 19. Council Decision on the signing and provisional application of the Fisheries Agreement in the form of an exchange of letters between the European Union and the Cook Islands
<i>Adoption</i> | 11460/20 + ADD 1
11261/20
11271/20
PECHE |
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Statement by the Commission

"By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the decisions on the signing and provisional application as well as on the conclusion of the Agreement in the form of an exchange of letters between the European Union and the Government of the Cook Islands on an extension of the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands, the Commission regrets the Council's amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph), and therefore maintains its initial proposal."

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| 20. Regulation on the European Maritime and Fisheries Fund (EMFF)
<i>Partial general approach</i> | 10050/20 + COR 1
PECHE |
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Environment

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| 21. Directive on drinking water (recast)
<i>Adoption of the Council's position at first reading and of the statement of the Council's reasons</i> | 11563/20
+ ADD 1 REV 1
6230/20 + ADD 1
ENV |
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22. A Call for action: Raising Ambition for Climate Adaptation and Resilience
Authorisation to join the Call on behalf of the European Union
- 11550/1/20 REV 1
ENV

Internal Market and Industry

23. Regulation amending and Regulation (EU) No 168/2013 on L-category vehicles
Confirmation of the final compromise text with a view to agreement
- 11484/20
ENT

Foreign Affairs

24. Conclusions on ECA Special Report No 17/2020 on trade defence instruments
Approval
- 11581/20
COMER

General Affairs

25. Our Ocean Conference 2020 - list of commitments
Approval
Decision to use the written procedure
- 11392/1/20 REV 1
11393/20
POLGEN
POLMAR

Delegated or Implementing Acts

Agriculture

26. Commission Regulation (EU) .../... of XXX refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health
Decision not to oppose adoption
- 11380/20
10778/20 + ADD 1
DENLEG
27. Commission Regulation (EU) .../... of XXX amending the Annex to Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards specifications for titanium dioxide (E 171)
Decision not to oppose adoption
- 11533/20
10771/20 + ADD 1
DENLEG

Internal Market and Industry

28. Commission Delegated Regulation (EU) .../... of 31.8.2020 amending Article 25 of Regulation (EC) 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures as regards bespoke paints
Delegated act - Intention not to raise objections
29. Commission Delegated Regulation (EU) .../... of 31.8.2020 amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures in order to improve the workability of information requirements related to emergency health response
Delegated act - Intention not to raise objections

COREPER (PART 2)

Foreign Affairs

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| 32. | Council Implementing Decision and Implementing Regulation concerning restrictive measures against the Democratic Republic of the Congo - UN update
<i>Decision to use the written procedure for the adoption</i> | 11780/20
10913/20 + ADD 1
10915/20 + ADD 1
CORLX |
| 33. | Council Implementing Decision and Implementing Regulation concerning restrictive measures against Syria
<i>Decision to use the written procedure for the adoption</i> | 11722/20
11585/20
11587/20
CORLX |
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