



Brussels, 17 November 2020
(OR. en)

13038/20
CRS CRP 44

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
28 October 2020

I. Adoption of the agenda

12275/20 OJ CRP1 40 + COR 1
12283/1/20 REV 1 OJ CRP2 40

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. Regulation on the Connecting Europe Facility (CEF)
Presidency briefing on the outcome of the trilogue

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

3. Decision on a European Year of Rail (2021)
Presidency briefing on the outcome of the trilogue

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

Agriculture and Fisheries

4. Informal videoconference of the Ministers of Agriculture and Fisheries on 16 November 2020: Agenda
(For the items in the remit of the Permanent Representatives Committee)

The Presidency presented the main items on the agenda of the informal videoconference of the Ministers of Agriculture and Fisheries.

Fisheries

5. Regulation on the European Maritime and Fisheries Fund (EMFF) 12132/20
Preparation for the trilogue

The Committee agreed on a revised mandate for the forthcoming trilogue.

Statement by Bulgaria, Croatia, Lithuania, Latvia, and Malta

"The abovementioned Member States support the flexibility related to the temporary cessation, which the Presidency has introduced in the revised mandate, and would like to emphasize the importance of this funding in the context of conservation measures. It has proven to be a valuable tool to provide compensation to the fishermen at the times when they are not allowed to fish, in order to protect the stocks in vulnerable periods, based on scientific data and research. However, such financial support is limited to a maximum of six months per vessel during the whole programming period, and the current implementation has shown such a short period is too restrictive. Therefore, we support flexibility regarding the duration of this measure.

Furthermore, we would also like to emphasize the importance of setting the minimal number of active fishing days in accordance with the different natural specificities and/or fishing patterns throughout the sea basins in the EU. Therefore, we propose establishing a certain percentage (e.g. 80%) of the average number of active fishing days (in each of the last two calendar years) of the Member States' respective fleet segment, instead of setting the minimal number of active fishing days. Alternatively, the solution could be to leave the decision on the minimal number of active fishing days to the regional group."

Employment and Social Policy

6. Regulation amending Regulation (EU) No 223/2014 11939/20
readdressing the COVID-19 crisis (FEAD funding) 8400/20
Mandate for negotiations with the European Parliament

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

Telecommunications

7. Regulation on a temporary derogation from the ePrivacy Directive 12084/20 + COR 1
Mandate for negotiations with the European Parliament

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

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In the margins of Coreper

MEETING OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

Telecommunications

- Procedure for the selection of the seat of the Cybersecurity Competence Centre 12266/20
Approval

The Representatives of the Governments of the Member States approved the procedure for the selection of the seat of the Cybersecurity Competence Centre.

Statement by Bulgaria, Croatia, Cyprus, Romania, and Slovakia

"Bulgaria, Croatia, Cyprus, Romania and the Slovak Republic welcome the efforts of the German Presidency of the Council in the procedure for the selection of the seat of the European Cybersecurity Industrial, Technology and Research Competence Centre, as well as its work in advancing negotiations on this file.

In this context, Bulgaria, Croatia, Cyprus, Romania and the Slovak Republic recall the Conclusions of the Representatives of the Member States, meeting at Head of State or Government level in Brussels on 13 December 2003, and the Conclusions of the European Council of 19/20 June 2008, that give priority to newly Acceding States in the distribution of the seats of EU offices or agencies. Furthermore, the latter Conclusions state that "the seats of future offices or agencies should be primarily located in the Member States that acceded to the Union in or after 2004, while appropriate priority should be given to the Member States that do not already host an EU office or agency".

In this respect, Bulgaria, Croatia, Cyprus, Romania and the Slovak Republic consider that the provisions of the above-mentioned Conclusions apply to the process of determining the seat of EU entities to be set up in the future, regardless of their nature (for example but not limited to EU bodies, offices, agencies, centres or Joint Undertakings), including the European Cybersecurity Industrial, Technology and Research Competence Centre."

COREPER (PART 2)

General Affairs

16. Covid-19 – EU-coordination
Exchange of views

The Committee held an exchange of views.

17. Informal videoconference of the Ministers of European Affairs
on 10 November 2020: Preparation

- a) (poss.) Multiannual Financial Framework
State of play

The Committee took note of the information given by the Presidency and prepared this item for the informal videoconference.

- b) Annual Rule of Law Dialogue - country-specific discussion
Exchange of views
- 11094/20
11225/20
+ ADD 1 - 27

The Committee prepared this item for the informal videoconference.

- c) Legislative Programming
Commission's Work Programme for 2021
Presentation by the Commission
Exchange of views
- 12115/20 + ADD 1

The Committee prepared this item for the informal videoconference.

- f) Other items in connection with the informal
videoconference

The Presidency provided further information regarding the informal videoconference.

Foreign Affairs

19. Meeting of the Council (Foreign Affairs) on
19-20 November 2020: Agenda

The EEAS presented the main items on the agenda and informed the Committee on its intention to have this meeting as a VTC.

20. Council Decision establishing the general conditions under
which third States could exceptionally be invited to participate
in individual PESCO projects
Preparation for the adoption

13437/4/19 REV 4
15529/18

The Committee agreed on the text of the above-mentioned Decision.

Statement by Austria

"As regards the Council Decision establishing the general conditions under which third States could exceptionally be invited to participate in individual PESCO projects, as set out in document 13437/4/19 REV 4 dated 23 October 2020, AT recalls the Treaties and Council Decision 2017/2315 establishing PESCO, which sets out that PESCO is established within the Union framework between those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area. Moreover, the PESCO Notification provides for the possibility of exceptional third State participation in individual PESCO projects, which may entail the involvement of third state entities.

However, Art. 7(2b) of the present text of a Council Decision establishing the general conditions under which third States could exceptionally be invited to participate in individual PESCO projects include provisions which raise serious concerns for AT as regards the principle of non-discrimination and legal certainty for EU entities.

Hence, we underline that PESCO must not enter into conflict with the provisions of EU primary law, most notably the principles of equal treatment and non-discrimination. While under certain circumstances, differentiations between EU entities may be permissible, any differentiation has to be justified by an overriding reason in the public interest and observe the principle of proportionality. In this regard, we have serious concerns that the provision in question puts EU entities and third country entities controlled by a third State on an equal footing.

Furthermore, the requirement of a unanimous Council Decision for becoming involved in the implementation of PESCO projects does not contain any objective assessment criteria justified and proportionate in view of achieving a legitimate aim - in this case safeguarding public security - nor a clear procedure with specific deadlines.

Therefore, AT underlines that this provision must be implemented in a way, which does not lead to an unjustified discrimination of entities controlled by a third State, as this would not be legally permissible."

Statement by Greece

"With regard to the implementation of this Decision, Greece considers that, until the conclusion of the review of the Council Decision (CFSP) 2018/909, the involvement of entities established in, controlled by or having their executive management structures in a third country in the implementation and follow-up of PESCO projects shall be fully consistent with the letter and the spirit of the provisions for the participation of third countries and their entities set out in this Decision."

Statement by Italy

"Italy understands that the provisions in art. 7.2b. refers to:

- entities established in Third States;
- entities controlled by Third State (i.e. where the Third State is the sole or predominant stakeholder) and/or
- entities having their executive management structures in a third State.

With this clarification, Italy is ready to accept the Presidency proposal concerning COUNCIL DECISION (CFSP) establishing the general conditions under which third States could exceptionally be invited to participate in individual PESCO projects."

Statement by Spain

"In this context, Spain supports the wording proposed, in the understanding that the reference to entities "controlled by" a third State in PESCO projects (Article 7.2.b) should be read in accordance with article 7 of the EDIDP Regulation, also reflected in articles 10.1 and 10.2 of the EDF draft regulation.

Spain would like this definition to be included in the upcoming review of the Council Decision establishing a common set of governance for PESCO projects. "

Economic and Financial Affairs

21. Informal videoconference of the Ministers of the Economy and Finance on 4 November 2020: Preparation

- a) Action plan to tackle non-performing loans in Europe
State of play

The Committee prepared this item for the informal videoconference.

- b) Conclusions on the Commission's action plan for a comprehensive Union policy on preventing money laundering and terrorism financing
Information from the Presidency
Exchange of views

The Committee prepared this item for the informal videoconference.

- c) European Semester
 - i) Conclusions on the European Court of Auditors' Special Report 16/2020 on the European Semester
 - ii) Conclusions on the Annual Sustainable Growth Strategy 2021

Information from the Presidency

The Committee prepared this item for the informal videoconference.

- d) European Fiscal Board 2020 Annual Report
 - Presentation*
 - Exchange of views*

The Committee prepared this item for the informal videoconference.

- e) Follow-up to the G20 Meeting of Finance Ministers and Central Bank Governors and to the IMF and World Bank annual meetings in October 2020 and update on the international taxation discussion
 - Information from the Presidency and the Commission*

The Committee prepared this item for the informal videoconference.

- f) Conclusions on EU statistics
 - Information from the Presidency*
 - Exchange of views*

The Committee prepared this item for the informal videoconference.

- g) Other items in connection with the informal videoconference

The Presidency provided further information regarding the informal videoconference.

General Affairs

17. Informal videoconference of the Ministers of European Affairs on 10 November 2020: Preparation

- d) Enlargement - Accession Negotiations with the Republic of Albania
 - i) General EU Position
 - ii) Procedure for accession negotiations (internal arrangements)

Approval

11954/1/20 REV 1
11955/20

The Committee held an exchange of views and agreed to revert on this issue at its next meeting.

Statement by Bulgaria

"In line with our continuing support to the European perspective of the region, we remain supportive of Albania. We can accept the Negotiating Framework for Albania, even though further progress is needed, namely on the rights of national minorities and the population census prior to holding an IGC.

Above all, the Republic of North Macedonia and Albania should not be decoupled at this stage of their accession process."

e) Enlargement - Accession Negotiations with Republic of North Macedonia

11956/1/20 REV 1
11957/20

i) General EU Position

ii) Procedure for accession negotiations (internal arrangements)

Approval

The Committee held an exchange of views and agreed to revert on this issue at its next meeting.

Statement by Bulgaria

"The revised draft of the Negotiation Framework for RNM doesn't give us any ground to change our position. None of our concerns is reflected in it. We cannot accept this text as our main requests are not addressed in it. We still insist on having your support for our request for chapter 35.

There is nothing new or unexpected in Bulgaria's position. The main reason to find ourselves in the current situation is the lack of implementation of the Treaty of Friendship, Good-neighborliness, and Cooperation between the RNM and Bulgaria from 2017. This Treaty already covers all the issues we are raising today.

First, after committing themselves to intensifying the work of the Joint Historical Commission, our interlocutors unilaterally blocked the functioning of this commission for more than a year.

Second, in violation of the Treaty once again, Skopje still raises unfounded claims for the existence of a so-called "Macedonian" minority in Bulgaria. Its' lobbying efforts culminated with the inclusion of a reference to this so-called minority in the European Parliament resolution from the 8th of October 2020.

Third, the language issue is already regulated under the Treaty from 2017. If this issue is once again on the table, it is on the initiative of Skopje which attempted to include a mentioning of the so-called "Macedonian" language in its' Frontex agreement thus deviating from the formula we agreed upon in the 2017 Treaty.

Four, Skopje is purposefully impeding the construction of Corridor 8 which will link Bulgaria and the Adriatic Sea. These delays lead to the loss of EU funding for the project.

Fifth, Bulgarian investors in the Republic of North Macedonia face a number of impediments and discriminations to which other MS's investors are not subjected. We have duly informed the Commission about these instances.

All of this coincided with an unprecedented hate speech campaign against Bulgaria prior to the elections and which is still raging on. For months, Bulgaria refrained from further fueling this public debate. In the face of this media campaign and Skopje's lobbying, we can no

longer remain indifferent.

I hope everyone around this table realizes in what a difficult position we find ourselves. I hope you also understand how important it is for the Union not to import this kind of unresolved issues within the Union. We already have examples of why that needs to be avoided.

Although we do not consider the issue between Bulgaria and the Republic of North Macedonia as a bilateral one we have always been trying to explore the bilateral avenues as well and seek elsewhere the guaranties we were expecting to see through it.

We need a viable and lasting solution to the political problem between Bulgaria and the Republic of North Macedonia. Such a solution can only be based on mutual compromise, reached through the simultaneous recognition of two fundamental facts:

Bulgaria would recognize the present day realities in the Republic of North Macedonia, i.e. the Macedonian identity of its citizens and the Macedonian language as one of the official languages of that country. The Republic of North Macedonia would recognize the historical truth about the genesis of the political process that led to its establishment as an independent state, the Bulgarian ethnic origins of its Slavic population and the Bulgarian origin of its official language. Skopje should denounce the false claim for alleged Macedonian minority in Bulgaria.

Bulgaria does not deny the right of the citizens of the Republic of North Macedonia to self-identify today as Macedonians, nor their right to declare their language as Macedonian language. Simultaneously, the Republic of North Macedonia should recognize the historical truth about the Bulgarian foundations upon which this new Macedonian identity and the official language have been created.

That is why the recognition of our common history and of the Bulgarian origin of today's Macedonian language are so important to Bulgaria. The completely unfounded and false claim that an alleged Macedonian minority exists in Bulgaria should be permanently abolished.

For all those reasons, and in order to have a fair, just and lasting solution we proposed to the Republic of North Macedonia to agree on the principles of our relations before the start of the accession negotiations. There are clear benefits for both sides from such a solution

For the Republic of North Macedonia - Start of EU accession negotiations; Recognition of the new Macedonian identity; Recognition of the official Macedonian language; Guarantees for the country's sovereignty and territorial integrity.

For Bulgaria - Termination of the falsifications of the Bulgarian history; Recognition of the common history; Recognition of the Bulgarian origins of today's Macedonian language; Guarantees for permanent cessation of claims for an alleged Macedonian minority in Bulgaria.

Such a solution would be difficult for both parties. It requires strong political leadership. Recognizing a separate Macedonian identity and language of today's population of the Republic of North Macedonia would be perceived by an overwhelming majority of Bulgarians as an impossible concession to make. Currently, almost 1/3 of the Bulgarian population (about 2 million people) originate from the geographical region of Macedonia. After the First World War, 650,000 Bulgarian refugees came to Bulgaria from Vardar Macedonia, which remained under Serb rule. The heirs of these people would never accept their ancestors, who lost or risked their lives just because they were Bulgarians, today to be defined retrospectively as Macedonians. That is why, it is important that the recognition of today's Macedonian identity and language goes hand in hand with the recognition of their

Bulgarian roots.

Bulgaria is ready to take on its responsibilities. We are ready for a historical compromise based on the European traditions, principles and values. It is time for the Republic of North Macedonia to do the same. A simultaneous recognition of the contemporary realities and the historical facts would clear the way to a future-oriented, balanced and sustainable solution that would permanently close the contentious issues between the two countries, while taking into account their greatest concerns and fundamental interests.

Since October 9, 2020 intensive talks are going on between teams from the two foreign ministries. The progress so far is not encouraging. Skopje doesn't understand what the stake is. We offer them the start of the EU negotiations, recognition of the Macedonian identity and language but they are not ready to commit that in exchange they will abandon the very basis of their claims against Bulgaria. Nevertheless, Bulgaria has not given up, we really want to help them as we are constructive.

Once an agreement along the above mentioned lines is reached bilaterally, we will be ready to agree with the adoption of the Negotiation Framework for RNM.

After our last Coreper meeting a detailed account of my statement has reached the foreign ministry in Skopje through unknown channels and became subject of many comments. That is why we would provide all delegations and the Secretariat with a copy of my statement today so that it is attached to the minutes and Skopje gets the most accurate report of what I have said.

Above all, the Republic of North Macedonia and Albania should not be decoupled at this stage of their accession process."

Justice and Home Affairs

23. Meeting of the Council (Justice and Home Affairs) on
13 November 2020: Preparation
Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

IV. Any other business

COREPER (PART 1)

Working methods

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

Informal videoconference of the Ministers of Health on 30 October 2020

The Committee decided to invite an external guest, Dr. Andrea Ammon, Director of the European Centre for Disease Prevention and Control.

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 12199/20
PE-QE

Robert Biedroń (S&D), Evelyn Regner (S&D), Maria Noichl (S&D), Pina Picierno (S&D), Helène Fritzon (S&D), Maria-Manuel Leitão-Marques (S&D)
"Gender equality as one of the Council's priorities" 11435/20

9. **Minutes of Council Meetings**

Approval

AGRIFISH 21.9.2020

11006/1/20 REV 1
+ ADD 1

Appointments

10. One alternate member (SK) of the Advisory Committee on Freedom of Movement for Workers
Decision to use the written procedure for the adoption 12181/20
12180/1/20 REV 1
SOC

EU positions for international negotiations

11. Council Decision on the EU position on UNECE (November 2020)
Decision to use the written procedure for the adoption 11872/20
11849/20
11850/20
MI

Employment and Social Policy

12. Recommendation on Youth Guarantee
Decision to use the written procedure for the adoption 12179/20
11320/20
SOC

Internal Market and Industry

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| 13. | Regulation amending Regulation (EU) No 168/2013 on L-category vehicles
<i>Decision to use the written procedure for the adoption of the legislative act</i> | 12134/20
PE-CONS 39/20
ENT |
| 14. | Directive on Representative Actions
<i>Decision to use the written procedure for the adoption of the Council's position at first reading and of the statement of the Council's reason</i> | 11846/20 + ADD 1
9573/20 + ADD 1
CONSOM |

Statement by Ireland

"Ireland has two main areas of concern with the text of the Directive.

Firstly, in relation to article 10.1 of the text which deals with funding of representative actions for redress by 3rd parties who are not necessarily associated with the request to launch a representative action. Funding of civil litigation by 3rd parties is not permitted in the Irish legal system and the introduction of this principle for representative actions presents us with significant legal challenges. We flagged our concerns with this issue during the discussions on the file both at the attaché working party meetings and at COREPER 1 on 17 June last. We indicated that we would have considerable difficulties with accepting this wording due to the nature of our common law system. We now have to deal with these implications in applying this article as part of the transposition process. However, we would like this Committee to take note that the domestic challenges which we will face will require extensive analysis, consultation and making changes to our legal system in due course. These changes will not be completed quickly or easily, and it may well take longer than the transposition period allowed for in the text of the Directive. On a wider point, we believe that we are being placed at a disadvantage at EU level in the context of negotiations on legal instruments such as this Directive where we operate on a common law system rather than a codified judicial system. Such issues will arise again, and we would like to believe that our concerns with making fundamental changes to our common law system would be listened to by this Committee in the future.

Secondly, regarding article 20 of the Directive which deals with assistance for qualified entities. Ireland has difficulty accepting any proposal that obliges the Member State to provide certain types of assistance to 3rd party organisations, in this instance to qualified entities. Ireland has been consistent in registering its opposition to being legally obliged to apply such a provision thereby placing a burden on the public finances and creating a new precedent for funding organisations engaged in civil litigation. However, while the provisions in the current text of article 20.1 refers to 'costs of the proceedings' not preventing qualified entities seeking to exercise their rights under article 7, the text at article 20.2 further leverages this obligation on Member States. The text adds that this assistance may take the form of (1) public funding including structural support for the qualified entities, (2) the limitation of applicable court or administrative fees or (3) access to legal aid. These are significant structural interventions that are required of the Member State, and one which Ireland will find difficult to meet, particularly now with added pressures on our public finances. Ireland asks the Committee to take note of our opposition to the text at article 20.2 and our significant concerns that this will place pressures on our public finances that have not been accurately modelled, costed or assessed.

In relation to article 20.3, we believe that this is a regressive step. The legislative provision here provides for the Member State to allow qualified entities to require modest entry fees or similar participation charges from those consumers who have expressed their willingness to be represented by a qualified entity within a particular representative action. Ireland has indicated on several occasions that it does not support putting financial obligations on consumers who wish to participate in a representative action. The matter of accessing a representative action should be made as straightforward as possible for our consumers and the current text serves as a disincentive to that aim. We believe that consumers should be encouraged to get involved in representative actions where an infringement of their consumer rights has taken place and that no financial barriers should be put in the way. This will, we believe, make it more difficult to encourage consumers to exercise their new rights under this Directive and become involved in representative actions.

Throughout this process, we voiced real concerns about certain legislative provisions in this text, which were clearly not heard. This is not a conducive environment in which to encourage Member States and their officials to fully participate in the drafting of legislation which is designed to protect European consumers and ensure that all businesses are required to operate to the same standards of consumer protection."

COREPER (PART 2)

Institutional Affairs

24. Minutes of Council meetings

Approval

a) FAC 21.09.2020

11007/20 + ADD 1
+ ADD 1 COR 1

b) GAC 22.09.2020

11008/20 + ADD 1

Appointments

25. EESC renewal - appointment of a member (PL)

Decision to use the written procedure for the adoption

12220/20
12117/20
CES

Transparency

26. Public access to documents

Confirmatory application No 21/c/01/20

Decision to use the written procedure for the adoption

11761/20 + ADD 1
11760/20
INF
API

27. Public access to documents

Ombudsman Own Initiative inquiry - Transparency of Council
Decision making during COVID-19 crisis OI/4/2020 TE

Approval of a letter

11941/20
INF
API

Economic and Financial Affairs

28. Council Implementing Decision authorising Croatia to apply a
special scheme for small enterprises derogating from Directive
2006/112/EC on the common system of value added tax

Decision to use the written procedure for the adoption

11685/20
11830/20
FISC

29. Council Implementing Decision authorising Malta to apply a
special scheme for small enterprises derogating from Directive
2006/112/EC on the common system of value added tax

Decision to use the written procedure for the adoption

12273/20
11688/20
FISC

30. Transfer No DEC 21/2020 (Section III - Commission)

Approval

Decision to use the written procedure

11908/20
11884/20
FIN

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| 31. | New Luxembourg Commemorative Coin | 11798/20
UEM |
| 32. | Conclusions on EU Statistics
<i>Approval</i> | 12257/20
12246/1/20 REV 1
12258/20
ECOFIN
STATIS |

General Affairs

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| 33. | Regulation establishing the Instrument for Pre-accession Assistance (IPA III)
<i>Mandate for negotiations with the European Parliament</i> | 11382/2/20 REV 2
ELARG |
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Joint statement by Cyprus and Greece

"We regret that the provision of paragraph 122 of the European Council Conclusions of 21 July 2020 on conditionality for external funding is not duly reflected in the Presidency's proposal for completing the mandate for negotiations with the European Parliament.

We acknowledge the Presidency's written assurance, as contained in document 11382/1/20 REV 1, that the issue will be further discussed in the course of ongoing negotiations with the European Parliament, and anticipate that this conditionality will be accurately reflected in the main text of the IPA III Regulation."

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| 34. | EP Resolutions and decisions (October II 2020) | 12234/20
PE-RE |
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Justice and Home Affairs

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| 35. | Regulation amending Council Regulation (EC) No 1206/2001 on the Taking of Evidence
<i>Decision to use the written procedure for the adoption of the Council's position at first reading and of the statement of the Council's reason</i> | 11847/20
9889/20 + ADD 1
JUSTCIV |
| 36. | Regulation amending Regulation (EC) No 1393/2007 on the Service of Documents
<i>Decision to use the written procedure for the adoption of the Council's position at first reading and of the statement of the Council's reason</i> | 11848/20
9890/20 + ADD 1
JUSTCIV |
| 37. | Bonn Agreement - Council Decision on the conclusion of the amendments to the Agreement
<i>Request for the consent of the European Parliament</i>
<i>Decision to use the written procedure for the approval</i> | 12165/20
11487/20
11490/20
11493/20
PROCIV |

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| 47. | Covid-19 – EU-coordination
<i>Approval</i>
<i>Decision to use the written procedure</i> | 12332/20
12224/20 |
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Statement by Austria

"In connection with the text proposal for a Council recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic in the Schengen area, Austria states the following:

Austria recalls its declaration to the minutes of Coreper on 9 October and to the minutes of the General Affairs Council on 13 October on the item "Council Recommendation on COVID-19 pandemic EU coordination". Given that the current Council recommendation only extends the scope of the said recommendation to Schengen associated countries, the Austrian position on this Council recommendation also is: abstention. The reason for this position remains as in the previous declaration: "Wherever possible, the preferred option should be to undergo a test. Concerning the mapping of risk areas when considering restrictions of free movement, we state that Austria explicitly supports such a mapping in itself. However, the proposed thresholds and criteria absolutely need to be adapted in the near future, as they do not reflect the current epidemiological situation in most of the EU Member States and as the epidemiological situation is not expected to significantly change in the coming weeks and months. The Austrian position on this Council recommendation therefore is: abstention."

Statement by the Commission

"The Commission considers that this additional recommendation, based on Articles 77(2)(c) and (e) and 292 TFEU, is unnecessary and legally incorrect.

In particular, this recommendation is not correctly based on Articles 77(2)(c) and (e) and 292 TFEU as its operative part does not deal with the absence of controls of persons at internal borders. Finally, the adoption of the second recommendation without a Commission proposal constitutes a breach of the Commission's right of initiative.

Therefore, the Commission objects to the adoption of the recommendation."

Foreign Affairs

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| 38. | Positive opinion of the Council on the extension of the Syria Trust Fund for one year
<i>Approval</i> | 12107/1/20 REV 1
MAMA
FIN |
| 39. | Council Decision on the signing and provisional application of the agreement amending the EU-Pacific IPA following the accessions of Samoa and Solomon Islands and future accessions of other Pacific Island States
<i>Adoption</i> | 12150/20
11656/20
11669/20
ACP |
| 40. | Council Decision on the conclusion of the agreement amending EU-Pacific IPA following the accession of Samoa and Solomon Islands, and future accessions of other Pacific Island States
<i>Request for the consent of the European Parliament</i> | 12152/20
11657/20
11669/20
ACP |

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| 41. | Democratic Republic of Congo restrictive measures - pre-notifications
<i>Approval</i>
<i>Decision to use the written procedure</i> | 12231/1/20 REV 1
CORLX |
| 42. | Draft Joint Statement of the 11th Union for the Mediterranean (UfM) Trade Ministers Conference
<i>Approval</i>
<i>Decision to use the written procedure</i> | 12103/20
MAMA
MED
WTO |

EU positions for international negotiations

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| 43. | Council Decision on the EU position in the Council of Members of the International Olive Council (IOC) with respect to the accession of the Republic of Uzbekistan to the International Agreement on Olive Oil and Table Olives, 2015
<i>Decision to use the written procedure for the adoption</i> | 11257/20
11258/20
PROBA |
| 44. | Council Decision on the position to be taken on behalf of the European Union in the International Coffee Organization Council
<i>Decision to use the written procedure for the adoption</i> | 11514/20
11720/20
PROBA |
| 45. | Council Decision on the EU Position in the Harmonized System under the Harmonised System Convention of the World Customs Organization
<i>Adoption</i> | 11708/20
11650/20
11651/20
UD |

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 3 to be inappropriate."

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| 46. | Council Decision on the EU position in the EU-Pacific IPA Trade Committee regarding amendments to the Agreement further to the accession of Samoa and Solomon Islands
<i>Adoption</i> | 12149/20
11629/20
11630/20
ACP |
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