

Brussels, 26 November 2020
(OR. en)

13307/20
CRS CRP 45

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
4 and 6 November 2020

I. Adoption of the agenda

12351/1/20 REV 1 OJ CRP1 41
12517/3/20 REV 3 OJ CRP 41

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)

Competitiveness

2. Informal videoconference of the Ministers of Internal Market and Industry on 19 November 2020: Agenda

The Presidency presented the main items on the agenda of the informal videoconference of the Ministers of Internal Market and Industry.

Internal Market and Industry

3. Regulation on Single Market Programme
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 28 October 2020.

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)
Preparation for the trilogue

12384/1/20 REV 1

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

Competitiveness

5. Informal videoconference of the Ministers of Space on 20 November 2020: Agenda

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

Space

6. Conclusions on key principles for the global space economy
Preparation for the approval
Decision to use the written procedure

12347/20

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

7. Regulation establishing the space programme of the Union
Mandate for negotiations with the European Parliament

12413/20
+ ADD 1 REV 1
+ COR 2

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

Employment and Social Policy

8. Regulation on the European Globalisation Adjustment Fund (EGF)
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 27 October 2020.

9. Revision of Regulations on coordination of social security systems (883/04 and 987/09)
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 29 October 2020.

Telecommunications

10. Regulation establishing the European Cybersecurity Competence Centre and the Network of Coordination Centres
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 29 October 2020.

Transport

11. Decision on a European Year of Rail (2021) 12327/20
Preparation for the trilogue

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

COREPER (PART 2)

WEDNESDAY 4 NOVEMBER 2020

General Affairs

20. Exceptional measures on the continuation of decision-making in the Council 12433/20
Approval
Decision to use the written procedure for the adoption

The Committee agreed on the exceptional measures to be taken and agreed to use the written procedure for the adoption of the respective Council Decision.

Foreign Affairs

21. EU-AU leaders' meeting on 9 December 2020 12494/20
Orientation debate
Guidance for further work

The Committee held an exchange of views and agreed to revert on this issue at a later stage.

General Affairs

22. Informal videoconference of the Ministers of European Affairs on 10 November 2020: Preparation
- h) (poss.) EU-UK relations
State of play

The Committee held an exchange of views and agreed to withdraw this item from the agenda of the informal videoconference.

- a) Fight against anti-semitism
Exchange of views

The Committee prepared this item for the informal videoconference.

- b) European Semester 2021 - Roadmap 9291/1/20 REV 1
Presentation by the Presidency and the incoming Presidency

The Committee prepared this item for the informal videoconference.

- c) Other items in connection with the informal videoconference

The Presidency provided further information regarding the informal videoconference.

Justice and Home Affairs

- 26. Informal videoconference of the Ministers of Home Affairs on 13 November 2020: Preparation

- b) Other items in connection with the with the informal videoconference

The Presidency provided further information regarding the informal videoconference. The Committee agreed to add an item on combatting terrorism.

FRIDAY 6 NOVEMBER 2020

General Affairs

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

- f) Annotated draft agenda for the European Council on 10-11 December 2020 11978/20
Exchange of views

The Committee held an exchange of views and prepared this item for the informal videoconference.

- g) Multiannual Financial Framework
State of play

The Committee took note of the information given by the Presidency on the trilogue agreement on the conditionality mechanism and prepared this item for the informal videoconference.

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

The Committee held an exchange of views.

54. Enlargement - Accession Negotiations with the Republic of Albania
i) General EU Position
ii) Procedure for accession negotiations (internal arrangements)
Approval
Decision to use the written procedure

11954/3/20 REV 3

11955/1/20 REV 1

The Committee held an exchange of views and agreed to revert on this item at a later stage.

55. Enlargement - Accession Negotiations with Republic of North Macedonia
i) General EU Position
ii) Procedure for accession negotiations (internal arrangements)
Approval
Decision to use the written procedure

11956/3/20 REV 3

11957/1/20 REV 1

The Committee held an exchange of views and agreed to revert on this item at a later stage.

Foreign Affairs

24. Informal videoconference of the Ministers of Foreign Affairs/Trade, Brussels, 9 November 2020 - Preparation
- a) State of play of Trade Policy Review and outlook for WTO
State of play

The Committee prepared this item for the informal videoconference.

- b) Trade relations with China, in particular CAI negotiations
State of play

The Committee prepared this item for the informal videoconference.

- c) Trade relations with the US
State of play

The Committee prepared this item for the informal videoconference.

- d) Other items in connection with the informal videoconference

The Presidency provided further information regarding the informal videoconference.

25. Meeting of the Council (Foreign Affairs/Development) on 23 November 2020: Agenda

The EEAS presented the main items on the agenda.

Justice and Home Affairs

26. Informal videoconference of the Ministers of Home Affairs on
13 November 2020: Preparation

- a) Pact on Migration and Asylum
Policy debate

12394/20

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

IV. Any other business

COREPER (PART 1)

Informal videoconference of the Ministers of Agriculture & Fisheries Ministers on 16 November

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

Working methods

The Committee took note of the information provided by the Cypriot delegation.

COREPER (PART 2)

Turkey actions

The Committee took note of the information given by Cyprus and Greece.

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

12. Replies to questions for written answer submitted to the Council by Members of the European Parliament 12436/20
PE-QE
Adoption by silence procedure
- a) Jorge Buxadé Villalba (ECR) 12414/20
"Press censorship by Spanish Socialist Government and EU standards"

Statement by Hungary

"Hungary maintains its opinion expressed previously regarding the Council's reply to question E-002109/2020 - Press censorship by Spanish Socialist Government and EU standards raised by Jorge Buxadé Villalba.

As Hungary has pointed out on several occasions at the General Affairs Working Party, in accordance with document 9277/15 outlining the procedure for the preparation of replies to written questions, all amendments should be factual, reproduce language previously agreed by the Council, and in case the Council is not competent in a certain issue, the answer should specifically refer to that.

In question E-002109/2020 - Press censorship by Spanish Socialist Government and EU standards the preliminary draft reply of 29 June drawn up by the General Secretariat of the Council contained a sentence stating: The Council is not competent to monitor the media landscape in Member States.

Following an amendment and several rounds of discussions this reference was eventually deleted, in light of the actual practice of Council discussions.

Nevertheless, the Treaties clearly define the competences of EU institutions and on this basis the original phrasing of the General Secretariat has been legally factual, that has not been overwritten by any contrary practice.

For an MEP question from 2019 by Monika Benova (S&D) (E-006075/2018) the Council answered in its official reply that "However, the Council does not comment on press reports, neither is it competent to monitor media landscape in Member States." The concerned phrase therefore clearly qualifies as agreed language.

Considering the above, we are still of the opinion that the final version of the reply should contain the referred sentence on the Treaty-based fact that the Council is not competent to monitor the media landscape in Member States."

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| b) | Alessandra Moretti (S&D), Elisabetta Gualmini (S&D), Pina Picierno (S&D), Patrizia Toia (S&D), Pietro Bartolo (S&D), Franco Roberti (S&D), Paolo De Castro (S&D), Giuliano Pisapia (S&D), Brando Benifei (S&D), Giuseppe Ferrandino (S&D)
"Refusal of the Hungarian Parliament to ratify the Istanbul Convention" | 12417/20 |
| c) | Victor Negrescu (S&D)
"Common standard for the imposition of COVID-19 restrictions in the EU" | 12420/20 |
| d) | Cláudia Monteiro de Aguiar (PPE)
"Restrictions on free movement at EU internal borders" | 12421/20 |
| e) | Antonio Tajani (PPE)
"COVID-19 and illegal immigrants: action to protect Europeans' health" | 12422/20 |
| f) | Pablo Arias Echeverría (PPE)
"Revision of Regulation (EC) No 261/2004 on air passenger rights" | 12423/20 |
| g) | Julie Lechanteux (ID)
"Statement of 18 March 2016 and the role third parties may have played in these negotiations between the EU and Turkey" | 11531/20 |
| h) | Christine Anderson (ID)
"Reform of the common asylum system and the role of Turkey" | 12424/20 |
| i) | Jordi Solé (Verts/ALE), Diana Riba i Giner (Verts/ALE)
"The illegal expulsion of asylum seekers in Greece" | 11683/20 |
| j) | Tanja Fajon (S&D), Klemen Grošelj (Renew), Irena Joveva (Renew), Milan Brglez (S&D)
"Restrictions on travel between EU Member States" | 12426/20 |
| k) | Moritz Körner (Renew)
"Common European solutions for binational couples" | 11707/20 |

Appointments

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| 13. | Appointment of President of Boards of Appeal of the European Union Intellectual Property Office (EUIPO)
<i>Decision to use the written procedure for the adoption</i>
<i>Approval of a letter</i> | 12350/20
11746/20
PI |
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Judicial Affairs

14. Case T-576/20 (Evropská vodní doprava-sped. s. r. o. u.a. v the European Parliament and the Council) 12379/20
Information note for the Permanent Representatives Committee (Part 1) JUR

Fisheries

15. Council Regulation opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2021-2023 11804/1/20 REV 1
Adoption 11814/20
PECHE
16. Regulation establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627 12360/20
Revised mandate for negotiations with the European Parliament PECHE

Agriculture

17. Conclusions on the EU post-2020 Forest Strategy 12369/20 + ADD 1
Approval REV 1
Decision to use the written procedure 12370/20
AGRI

Statement by Belgium

"BELGIUM supports the political signal that members states send with these Council Conclusions agreeing on the need for a new approach towards a balanced and strengthened post 2020 EU Forest Strategy with clear focus and proposals for urgent and ambitious action. Challenges we have ahead are many and complex and BELGIUM is of the opinion that this new approach should build on solid partnerships based on mutual trust between all concerned parties and stakeholders within Member States, with Member States and the European Commission as key players.

BELGIUM agrees with the conclusions as they stand, but would like to express its regret about the wording in paragraph 6(g). Paragraph 6(g) of the Council Conclusions entails an ambiguous view on the status of forest policies in the EU and illustrates in addition a defensive way of thinking. Although this or similar formulations are mentioned in nearly every Council Conclusions on the EU forest strategy since 1998, BELGIUM believes it is now time to leave this discussion behind us. Although an identical para is in the adopted Council Conclusions of April 2019 (see its para 2) and other previous Council Conclusions, BELGIUM feels that it would be a step forward and could illustrate that within the EU there is a shared interest in such a partnership, working together on forest policies in an integrated manner and dealing with several challenges ahead in a more coordinated and coherent way. BELGIUM feels that this step is needed in order to send a clear political signal to express the willingness - with no ambiguity what so ever - to build a good basis to enhance coordination and coherence and take the most effective and appropriate actions at EU level for the challenges ahead as expressed in this set of Council Conclusions as well as in the EU Biodiversity Strategy for 2030 and the Farm to Fork Strategy. BELGIUM is of the opinion that reiterating this paragraph illustrates a defensive position whereas BELGIUM feels that a

more proactive and open attitude towards actions on EU level concerning forests would be more appropriate when positioning for the challenges ahead. We know how sensitive and principal this issue is, but assess that the issue on forest competences in the EU deserves a more nuanced view.

Indeed, the statement in paragraph 6(g) is, to say the least, quite misleading or expresses a one-sided view. It is not valid to argue that forests are an exclusive competence of the Member States, reasoning that forests are not explicitly included in the treaty as an EU exclusive competence or shared competence. Forests, just like air, water, waste, etc ... can be, and is subject of EU policies from different angles, like rural development, (international) trade, biodiversity, economic development - to name only a few - which are included in the Treaty. This more balanced insight could give a new strength and legitimacy in further building the new partnership we call for in order to maintain, protect, restore and sustainably manage and use the European forests and enhance sustainability of the whole forest sector for a better good for society and biodiversity in Europe."

Statement by the Commission

"In relation to para 6(g) of the draft Council conclusions, the Commission wished to stress that EU forests and sustainable forest management have a crucial role in reaching the objectives of the European Green Deal. It is correct that the EU competences listed in the Treaty on the Functioning of the European Union do not explicitly mention "forest policy". However, the EU has a range of competences that may relate to forests such as climate, environment, rural development, and disaster prevention. As a matter of fact, the EU has already exercised these competences, and forests are covered by a number of legal texts. Within these competences, the choice of the correct legal basis must be made on a case-by-case basis and be founded on objective factors, including, in particular, the aim and content of the measure. Legal instruments need to pass the test of subsidiarity. Therefore, within these areas of shared EU competences, forests and forestry do not fall within the exclusive competence of Member States. In addition the multi-functional character of forests and their role for the sectors and communities that depend on them, will be fully reflected in the upcoming EU Forest Strategy."

Internal Market and Industry

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| 18. | Conclusions on intellectual property policy and the future revision of the industrial designs system in the Union | 12341/20 |
| | <i>Approval</i> | 12339/20 |
| | <i>Decision to use the written procedure</i> | PI |

Health

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| 19. | Conclusions on the role of the EU in strengthening the World Health Organization | 12372/20 |
| | <i>Approval</i> | 12276/20 |
| | <i>Decision to use the written procedure</i> | SAN |

COREPER (PART 2)

WEDNESDAY 4 NOVEMBER 2020

Economic and Financial Affairs

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| 27. | Amendments of the European Parliament to the Council's position on the draft budget for 2021
<i>Non-approval of the European Parliament's amendment(s)</i>
<i>Decision to use the written procedure</i> | 12317/20
FIN |
| 28. | Transfer No DEC 22/2020 (Section III - Commission)
<i>Approval</i>
<i>Decision to use the written procedure</i> | 12388/20
12204/20
FIN |
| 29. | ECA SR No 22/2020 on the future of EU agencies
<i>Designation of a Working Party</i> | 12268/20
FIN |
| 30. | ECA SR No 23/2020 on the European Personnel Selection Office (EPSO)
<i>Designation of a Working Party</i> | 12412/20
FIN |
| 31. | Regulation establishing the 'Customs' programme for cooperation in the field of customs
<i>Mandate for negotiations with the European Parliament</i> | 12344/20
9929/18
+ ADD 1 -3
UD |
| 32. | Regulation establishing the InvestEU Programme
<i>Partial Mandate for negotiations with the European Parliament</i> | 12207/20
ECOFIN |

Statement by Sweden

"Sweden in general accepts the partial mandate for negotiations with the European parliament regarding the proposed Regulation establishing the InvestEU Programme, as set out in the Annex to document 12207/20.

Sweden however has concerns regarding the reference in article 7 to article 25 of the Space Programme Regulation. At the Permanent Representatives Committee part 1 meeting on November 4, Sweden expressed that the current wording of article 25 cannot be supported. Based on the current wording of article 25 in the Space Programme Regulation, Sweden does not support referring to the article 25 in article 7 of the proposed Regulation establishing the InvestEU programme."

33. Conclusions on AML 12449/20
Approval 12249/20
Decision to use the written procedure EF

35. European Semester

a) Conclusions on the European Court of Auditors' 12459/20
Special Report 16/2020 on the European Semester 12264/20

b) Conclusions on the Annual Sustainable Growth 12461/20
Strategy 2021 12263/20
Approval ECOFIN
Decision to use the written procedure

General Affairs

36. Council Decision on reduced rate of certain indirect taxes on 12157/20
"traditional" rum produced in the French outermost regions 11031/20
Decision to use the written procedure for the adoption REGIO

37. Council Decision on reduced rate of excise duty on certain 12156/20
alcoholic products produced in Madeira and the Azores 11025/20
Decision to use the written procedure for the adoption REGIO

38. Regulation on autonomous Union tariff quotas for imports of 12159/20
certain fishery products into Canary Islands 11038/20
Decision to use the written procedure for the adoption REGIO

39. Council Decision concerning the dock dues in the French 12164/20
outermost regions 11037/20
Decision to use the written procedure for the adoption REGIO

40. Council Decision on the AIEM tax applicable in Canary Islands 12163/20
Decision to use the written procedure for the adoption 11032/20
REGIO

Justice and Home Affairs

41. Council Resolution on the Future of Europol 12464/20
Decision to use the written procedure for the adoption 12463/20
ENFOPOL

42. Council Implementing Decision on the putting into effect of the provisions of the Schengen acquis on data protection and on the provisional putting into effect of certain provisions of the Schengen acquis in Ireland
Decision to use the written procedure for the adoption

12281/20
11319/20
SCH-EVAL

Foreign Affairs

43. Amended Enforcement Regulation
Confirmation of the final compromise text with a view to agreement

12427/20
COMER

44. Council statement on the Commission's proposal for a selection mechanism for adjudicators in international investment courts
Endorsement
Decision to use the written procedure

12434/1/20 REV 1
FDI

45. Council Decision and Implementing Regulation concerning restrictive measures against Iran
Decision to use the written procedure for the adoption

12328/20
12140/20
12142/20
CORLX

46. Council Decision on Union support for the activities of the IAEA in the areas of nuclear security (WMD)
Decision to use the written procedure for the adoption

12113/20
12034/20
CORLX

47. Council Decision and Regulation concerning restrictive measures in view of the situation in the Eastern Mediterranean - review
Decision to use the written procedure for the adoption

12112/20
12077/20
12079/20
CORLX

48. Council Implementing Decision and Implementing Regulation concerning restrictive measures against Syria
Decision to use the written procedure for the adoption

12380/20
12240/20
12242/20
CORLX

49. Council Implementing Decision and Implementing Regulation concerning restrictive measures against Belarus
Decision to use the written procedure for the adoption

12236/20
12057/20
12059/20
CORLX

50. Informal meeting of the members of the EEA Council on 18 November 2020 - Joint Statement
Approval

12366/20
AELE

EU positions for international negotiations

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| 51. | Council Decision on the EU position in the EU-Pacific IPA Trade Committee regarding amendment of certain provisions of Protocol II (rules of origin) | 12153/20
10898/20
10899/20
ACP |
| | <i>Adoption</i> | |

FRIDAY 6 NOVEMBER 2020

Foreign Affairs

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| 53. | Common Position 2001/931/CFSP - authorisation to produce Council documents before Belgian court | 12581/20
CORLX |
| | <i>Authorisation to produce a copy of or an extract from a Council document for use in legal proceedings</i> | |

Economic and Financial Affairs

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| 34. | VAT-based OR Regulations | 12432/20
RESPR |
| | <i>Agreement in principle</i> | |
| | <i>Decision to consult an institution or body</i> | |

Statement by the Commission

"The Commission disagrees with the establishment of the rapid review procedure laid down in the Presidency compromise for the Making Available Regulation on plastics (Article 9) and in the regulation amending the regulation on uniform arrangements for the collection of own resources accruing from value added tax. The Commission is of the view that in accordance with current legislation the Member States should remain responsible for the accuracy of the making available of own resources and should also bear the risks connected with the errors. The proposed review procedure would shift such responsibility from the Member States to the Commission. In addition, this would unnecessarily and significantly delay the making available of these amounts of the relevant own resources, create legal uncertainty for certain periods and significantly increase litigation. Moreover it is not appropriate to set up a different procedure for a specific own resource.

The Commission recalls that the Judgement of the Court of 9 July 2020 in case C-575/18P stresses that, in accordance with the principle of sincere cooperation, the Commission has the explicit obligation to start a constructive dialogue with the Member State to resolve any divergence of views in relation to own resources made available, while the Member State has formulated reservations as to the validity of the arguments presented by the Commission. This ruling also confirmed the possibility for Member State to bring an action for unjust enrichment before the General Court to contest such a payment. This constitutes a legal remedy for the Member States allowing them to obtain judicial review of the status of the amounts of own resources made available under reservation.

Should the Council not appropriately take into account the Commission's view, the Commission reserves its right to formally oppose the amendments envisaged by Council in line with Article 293(1) TFEU."