



Council of the European Union
General Secretariat

042966/EU XXVII. GP
Eingelangt am 04/12/20

Brussels, 4 December 2020

CM 5179/20

INST
POLGEN
AG
PROCED

COMMUNICATION

WRITTEN PROCEDURE

Contact:	enrique.esteller@consilium.europa.eu codecision.adoption@consilium.europa.eu
Tel./Fax:	+32 2 281 57 24
Subject:	Legislative Programming a) Joint Declaration on the EU legislative priorities for 2021 b) Joint Conclusions on the policy objectives and priorities for 2020-2024 Outcome of the written procedure initiated by CM 5098/20: - Approval

Delegations are informed that the written procedure, opened by CM 5098/20 of 2 December 2020 was completed on 4 December 2020 and that all delegations agreed to the approval of the Joint Declaration on the EU legislative priorities for 2021, as set out in ST 13546/20, and the Joint Conclusions on the policy objectives and priorities for 2020-2024, as set out in ST 13547/20.

The statements by Austria, Cyprus, Denmark, Hungary, Malta, Poland and Sweden are reproduced in the Annex to this CM.

The above statements will be included in the summary of acts adopted by the written procedure as statements to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

**Statement by Austria, Denmark and Sweden
on the Joint Conclusions on policy objectives and priorities for 2020-2024**

Austria, Denmark and Sweden hereby underline that the wording of the Joint Conclusions on policy objectives and priorities for 2020-2024 does not prejudice our position on the Commission's proposal on adequate minimum wages.

The European Pillar of Social Rights does not prescribe a legal initiative for adequate minimum wages. On the contrary, the European Pillar of Social Rights should be implemented at EU and Member State level with due regard for respective competences as well as with full respect to the autonomy of social partners. Preserving the autonomy of the social partners – also with regard to the principles of the social pillar – is essential for maintaining a flexible and dynamic labour market.

We need to carefully analyse the Commission's proposal on adequate minimum wages, in particular its legal basis, which we find questionable in the light of the limits in TFEU, the question of subsidiarity and the risk of undermining well-functioning labour market models, including those where social partners can bargain collectively with no government interference.

**Statement by Hungary and Poland
on the Joint Conclusions on the policy objectives and priorities for 2020-2024**

Hungary and Poland reiterate their position expressed in the statement made during the endorsement of the European Pillar of Social Rights in 2017, namely that the Pillar's purpose is to give political guidance. Therefore the Pillar (and by extension its future Action Plan) does not create new rights and obligations, and must respect the division of competences laid down in the Treaties.

Hungary and Poland find it important that the European Commission's legislative proposal on adequate minimum wages in the EU duly takes into account the Treaty provisions and the competences of the Member States. It is also crucial for us that in the event of a possible adoption the correct legal base is applied.

Statement by Malta and Austria
on the Joint Conclusions on the policy objectives and priorities for 2020-2024

Malta and Austria take note of the reference in paragraph 7 of the Joint Conclusions and the use of the word “alliance” in the context of improving the EU’s defence capabilities for a stronger Europe. The use of this word may give rise to misinterpretation, especially considering that it is used in the context of both defence capabilities and Transatlantic relations. In this respect, Malta and Austria recall that the improvement of the EU’s defence capabilities should be done in full respect of the principles set out in the Treaties and by the European Council, including the principles of inclusiveness, reciprocity and decision-making autonomy of the EU and in full respect of the specific character of security and defence policies of Member States.

Statement by Sweden
on the Joint Conclusions on policy objectives and priorities for 2020-2024

Sweden underlines that the wording of the Joint Conclusions on policy objectives and priorities for 2020-2024 does not prejudice our position on any forthcoming proposal on wage transparency.

Statement by Malta and Cyprus
on the Joint Declaration on the EU legislative priorities for 2021

Malta and Cyprus regret that the legislative proposals mentioned in the Pharmaceutical Strategy do not feature in the Joint Declaration on Legislative Priorities for 2021. It is a matter of priority that pharmaceutical products are placed on the markets of all Member States. The current model under which decisions to place products on markets is based on commercial reasons is not workable. The consequences of the withdrawal of the United Kingdom as well as of the COVID-19 pandemic have only served to amplify this problem. Malta and Cyprus therefore look forward to seeing these proposals included in the Joint Declaration on Legislative Priorities for 2022.

Malta and Cyprus also regret that the Joint Declaration also includes no reference to principle of solidarity and fair sharing of responsibility in the context of the reference to work on migration.