

Brussels, 20 January 2021
(OR. en)

14163/20
CRS CRP 53

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
14, 15, 16 and 18 December 2020

I. Adoption of the agenda

14017/1/20 REV 1 OJ CRP1 48 + COR 1
14024/1/20 REV 1 OJ CRP2 48 + CM 5454/2/20 REV 2

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)

MONDAY 14 DECEMBER 2020

Agriculture and Fisheries

2. Meeting of the Council (Agriculture and Fisheries) on 15 and 16 December 2020: Preparation

1. Council Regulation fixing for 2021 the fishing opportunities in the Atlantic and North Sea
Political agreement 13509/1/20 REV 1
12189/20
+ ADD 1-2
2. Council Regulation fixing for 2021 and 2022 the fishing opportunities for certain deep-sea stocks
Political agreement 13501/1/20 REV 1
12126/20 + ADD 1

The Committee prepared these items for the Council meeting.

TUESDAY 15 DECEMBER 2020

Environment

3. Meeting of the Council (Environment) on 17 December 2020: Preparation

1. Regulation on European Climate Law 13959/20
General approach

The Committee prepared this item for the Council meeting.

2. EU submission of an updated Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC) 13958/20
Approval

The Committee prepared this item for the Council.

FRIDAY 18 DECEMBER 2020

Employment and Social Policy

4. 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 7 December 2020.

5. 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 16 December 2020.

6. Council Decision authorising Member States to ratify the 2019 ILO Convention on Violence and Harassment (No. 190) 13995/20
Guidance for further work

The Committee held an exchange of views and provided guidance for further work.

7. Regulation on Creative Europe 2021-27

13848/20

Presidency debriefing on the outcome of the trilogue

Analysis of the final compromise text with a view to agreement

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 14 December 2020. The Committee endorsed the text of the final compromise and the European Parliament will be informed.

Statement by the Commission (on use of logo)

"The Commission regrets that the co-legislators decided to maintain the MEDIA logo. This runs counter to the horizontal approach of not having programme-specific logos under the future long-term budget. The Commission's intention is to make sure that Europeans can relate to the Union as a whole thanks to the use of the single European emblem by its different programmes. This emblem is common to all EU Institutions and will be an important part of the simple, coherent and binding communication and visibility requirements across programmes. For the sake of reaching overall agreement on the programme, the Commission can accept to maintain the MEDIA logo under the condition that it remains limited to the duration of the concerned programming period.

The Commission remains convinced that communication and visibility of EU action towards a broad public is more effective without any programme-specific logos. The Commission remains at the co-legislators' disposal to demonstrate this well ahead of the negotiations of the subsequent programming period."

Statement by the Commission on European Union youth orchestra ('letter of intent')

"In the context of recital 23 and Annex I, Article 1, special actions e) as well as Article 7(5) of the above mentioned Regulation, as agreed by co-legislators on 14 December 2020, the European Commission confirms its intention to launch calls for proposals inviting applications for multi-annual operating grants to which the European Union Youth Orchestra and other entities could apply and which would provide the necessary stability for the functioning of these entities need. These calls will be subject to the adoption of work programmes, which will set out exact conditions, such as the timing of calls or the duration of grant agreements foreseen. The Commission further confirms its intention to launch the first of such calls in the 2021 annual work programme. This intention is subject to the adoption of the above-mentioned regulation and final agreement on the Union budget for 2021."

Statement by Poland

"Równość kobiet i mężczyzn została zapisana w traktatach Unii Europejskiej jako podstawowe prawo. Polska zapewnia równość kobiet i mężczyzn w ramach polskiego krajowego systemu prawnego zgodnie z międzynarodowymi traktatami praw człowieka oraz w ramach podstawowych wartości i zasad Unii Europejskiej. Z tych powodów w wyrażeniach zawierających termin płeć (gender), Polska będzie interpretowała ją jako równość kobiet i mężczyzn zgodnie z art. 8 TFUE."

Courtesy translation

"Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, in wordings referring to gender Poland will interpret it as a equality between women and men, according to Article 8 TFEU."

Youth

8. Regulation on the European Solidarity Corps 13847/20
Presidency debriefing on the outcome of the trilogue
Analysis of the final compromise text with a view to agreement

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 11 December 2020. The Committee endorsed the text of the final compromise and the European Parliament will be informed.

Statement by the Commission

"The European Commission takes note of the proposal of the European Parliament to consider 'the number of local actors that apply the knowledge, the principles and the approaches learnt through the humanitarian activities in which the volunteer and the experts have participated when supplementing the Regulation with provisions on the establishment of a monitoring and evaluation framework."

Statement by Hungary

"Equality between women and men is enshrined in the Treaties of the European Union as a fundamental right. Hungary ensures equality between women and men within the framework of the Hungarian national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, Hungary interprets the concept of "gender" in the text of the regulation as a reference to sex."

Statement by Poland

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Education

9. Regulation on Erasmus

13809/20 + ADD 1

Presidency debriefing on the outcome of the trilogue

Analysis of the final compromise text with a view to agreement

The Committee took note of the information provided by the Presidency on the outcome of the trilogues of 7 and 11 December 2020. The Committee endorsed the text of the final compromise and the European Parliament will be informed.

Statement by the Commission

"Without prejudice to the powers of the legislative and budgetary authority, the Commission commits to allocating an indicative amount of EUR 400 million in current prices to support platforms of Centres for vocational excellence over the whole duration of the programme, provided that the interim evaluation of the programme confirms a positive assessment of the results of the action."

Statement by Hungary

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Statement by Poland

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Telecommunications

10. Regulation establishing the Digital Europe Programme for the period 2021-2027 13835/20
Presidency briefing on the outcome of the trilogue
Analysis of the final compromise text with a view to agreement

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 14 December 2020. The Committee endorsed the text of the final compromise and the European Parliament will be informed.

11. Regulation on a temporary derogation from ePrivacy Directive
Presidency briefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 17 December 2020.

12. Regulation establishing the European Cybersecurity Competence Centre and the Network of Coordination Centres 13856/20
Presidency briefing on the outcome of the trilogue
Analysis of the final compromise text with a view to agreement

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 11 December 2020. The Committee endorsed the text of the final compromise and the European Parliament will be informed.

Statement by the Commission

"The Commission takes note of the agreement of the European Parliament and the Council on the co-financing by Member States. While the Commission can accept that Member States' contributions are not specified as part of the Regulation, the Commission regrets the inclusion in the political agreement of the notion of 'voluntary' contributions from Member States to the extent that this does not demonstrate the long-term commitment of all involved parties.

The success of the Centre lies in the effective contribution by Member States, without which its mission would not be accomplishable.

The Commission clarifies that that the Union will contribute with funding from the Horizon Europe programme only as much as Member States are ready to commit on an annual basis. Furthermore, the Commission wishes to stress that once one or more Member States commit, such a commitment will be binding."

Environment

13. Regulation on LIFE
Presidency briefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogues of 10 and 17 December 2020.

Internal Market and Industry

14. Regulation on Single Market Programme 13838/20 + ADD 1
Presidency briefing on the outcome of the trilogue
Analysis of the final compromise text with a view to agreement

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 8 December 2020. The Committee endorsed the text of the final compromise. The European Parliament will be informed.

Transport

15. Directive amending Directive 1999/62/EC on Eurovignette 13827/20
(road charging Directive)
Mandate for negotiations with the European Parliament

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

Statement by Austria

"Austria supports the objectives to decarbonize road transport and to strengthen the polluter pays principle, and acknowledges that a revised Eurovignette Directive can contribute to reaching the Union's climate targets. In this sense, Austria welcomes the introduction of a CO2 modulation in the charging of heavy goods transport and the obligation to levy external costs in areas with significant environmental damage. Austria also recognizes that certain improvements with regard to mark-ups have been achieved, notably the possibility to levy mark-ups outside mountainous regions and in addition to external costs.

However, the text on mark-ups in Article 7f (1)(b) falls short of adequately addressing the dramatic congestion on the Brenner Alpine crossing, which has been a heavy burden for the population as well as the environment for many years. The possibility of applying a mark-up of 50% on routes that are regularly congested is of utmost importance for Austria. The new additional requirement to obtain the consent of all Member States which are part of that corridor and neighboring the Member States in whose territory the section of the corridor to which this 50% mark-up is applied falls, represents an unnecessary hurdle that would result in the provision never being applied in practice. It will have a negative effect on the European climate goals. It is therefore not acceptable to Austria.

In addition, Austria is of the opinion that the option of exempting vehicles between 3.5 t and 7.5t used for own-account in Art. 7(5)(ii) is a false signal and a deviation from the polluter pays principle, since those vehicles also contribute to environmental pollution. It is expected that such a provision – even if it is optional – will generate considerable pressure on Member States to implement it.

It must be our goal to adopt a Directive which in practice leads to a sustainable reduction of road freight traffic and contributes to a shift to rail, especially in light of the recently-agreed EU target of a net domestic reduction of greenhouse gas emissions of at least -55% until 2030 and the objective of a climate-neutral EU by 2050.

For the reasons outlined above, Austria does not see its ambition adequately reflected in the mandate, and therefore votes against."

Statement by Belgium

"BE supports this negotiating mandate. However, BE would like to stress that regarding the optional exemption for own account transport in article 7(5)(ii) we expect the negotiations to lead to a clear definition on the possible beneficiaries. Such a measure is intended for small independents only, and abuse should be avoided. A clear and narrow definition must also prevent disproportionate and negative impact on the environment."

16. Regulation on the Connecting Europe Facility (CEF) *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 11 December 2020.

Research

17. 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 8 December 2020.

18. Regulation establishing Horizon Europe - Framework Programme 13826/20 + COR 1
Presidency debriefing on the outcome of the trilogue
Analysis of the final compromise text with a view to agreement

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 10 and 11 December 2020. The Committee endorsed the text of the final compromise. The European Parliament will be informed.

Statement by the Commission

"The Commission fully subscribes to the respect of human rights as laid down in Article 21 Treaty on the European Union and its 2nd sub-para 'The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph.' However, the Commission regrets the inclusion of the 'respect of human rights' in the set of criteria for third countries to fulfil in order to be eligible for association to the Programme under Article 12 (1) d. No other EU programme for the future Multiannual Financial Framework saw the need to include such an explicit reference, while there is no question that the EU is seeking to pursue a consistent approach in its external relations with third countries as far as Human Rights protection is concerned across all its instruments and policy areas, and which should guide the Commission in the implementation of this provision."

19. Council Regulation on Euratom programme complementing Horizon Europe 13742/20
Preparation for a political agreement

The Committee reached political agreement on the compromise text as modified during the meeting.

20. Council Decision on ITER 13741/20
Preparation for a political agreement

The Committee reached political agreement on the compromise text.

Space

21. Regulation establishing the space programme of the Union 12948/20 + ADD 1
+ ADD 1 COR 1
Presidency briefing on the outcome of the trilogue
Analysis of the final compromise text with a view to agreement

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 15 December 2020. The Committee endorsed the text of the final compromise. The European Parliament will be informed.

Statement by the Commission

"The Council and the European Parliament agreed on a compromise text of the European Space Programme Regulation, which requires the Commission to inform them of the framework financial partnership agreement (FFPA) and the contribution agreements to be concluded and their implementation and of the work programmes. The agreed text provides that the Commission approves those agreements and the work programmes by means of implementing acts. Therefore, the Commission will fulfil its obligation to inform the European Parliament and the Council about the upcoming conclusion of the FFPA or of a contribution agreement or adoption of a work programme in compliance with the provisions on information on committee proceedings in Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers."

Health

22. Regulation on EU4Health Programme 13844/20
14076/20
Presidency briefing on the outcome of the trilogue
Analysis of the final compromise text with a view to agreement

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 14 December 2020. The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

Statement by the Commission

"The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5(4), subparagraph 2, point b), in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle, which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5(4), recourse to subparagraph 2, point b), cannot be simply seen as a discretionary power of the Legislator, but must be interpreted in a restrictive manner and thus must be justified."

Statement by Hungary

"Equality between women and men is enshrined in the Treaties of the European Union as a fundamental right. Hungary ensures equality between women and men within the framework of the Hungarian national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, Hungary interprets the concept of "gender" in the text of the regulation as a reference to sex."

Statement by Poland

"Równość kobiet i mężczyzn została zapisana w traktatach Unii Europejskiej jako podstawowe prawo. Polska zapewnia równość kobiet i mężczyzn w ramach polskiego krajowego systemu prawnego zgodnie z międzynarodowymi traktatami praw człowieka oraz w ramach podstawowych wartości i zasad Unii Europejskiej. Z tych powodów w wyrażeniach zawierających termin płeć (gender), Polska będzie interpretowała ją jako równość kobiet i mężczyzn zgodnie z art. 8 TFUE."

Courtesy translation

"Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, in wordings referring to gender Poland will interpret it as an equality between women and men, according to Article 8 TFEU."

Statement by the Slovak Republic

"With reference to the established responsibility of the Member States of the European Union in the area of health policies and with regard to the Slovak legal order, the Slovak Republic applies the competence to take all decisions on health promotion, health care and medical care in the field of sexual and reproductive health care.

The Slovak Republic recognizes and promotes equality between men and women in accordance with the Constitution of the Slovak Republic and primary law of the European Union. In this context, the Slovak Republic interprets the concept of „gender“ in the text of the Regulation of the European Parliament and of the Council on the establishment of a Programme for the Union's action in the field of health – for the period 2021-2027 and repealing Regulation (EU) No282/2014 (“EU4Health Programme”) as reference to sex and concept of „gender equality“ as reference to the equality between men and women."

COREPER (PART 2)

WEDNESDAY 16 DECEMBER 2020

Justice and Home Affairs

38. Council Recommendation (EU) 2020/912 of 30 June 2020 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction

Approval

Decision to use the written procedure

The Committee agreed to remove Uruguay from Annex I of the Council Recommendation and agreed on the use of the written procedure for its adoption.

39. Informal videoconference of the Ministers of Home Affairs on 14 December 2020: Follow-up

The above-mentioned item was withdrawn.

40. Regulation on preventing the dissemination of terrorist content online

12906/20

Analysis of the final compromise text with a view to agreement

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

Statement by Denmark

"While reiterating the full support for the Regulation of the European Parliament and of the Council on addressing the dissemination of terrorist content online Denmark would like to inform that when the competent authority in Denmark in accordance with article 4a(1) of the Regulation is informed of a removal order issued by the competent authority of another Member State to a Danish hosting service provider, the Danish competent authority will inform the hosting service provider of its legal effect in Denmark."

41. Commission proposals in the context of the Multiannual Financial Framework
- a) Regulation establishing the Asylum and Migration Fund (AMF)
 - b) Regulation establishing the Internal Security Fund (ISF)
 - c) Regulation establishing the border management and visa instrument (BMVI) as part of the Integrated Border Management Fund

13861/20

13862/20

13863/20

Presidency debriefing on the outcome of the trilogue

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

General Affairs

43. European Council Follow-up
State of play

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

44. Cohesion policy legislative package 2021-2027

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| a) Common Provisions Regulation
<i>Progress report</i> | 13693/20 |
| b) European Regional Development Fund and Cohesion Fund (ERDF/CF) Regulation
<i>Progress report</i> | 13716/20 |
| c) European Social Fund Plus (ESF+) Regulation
<i>Progress report</i> | 13717/20 |
| d) Just Transition Fund (JTF) Regulation
<i>Progress report</i> | 13719/20 |
| e) Interreg Regulation
<i>Confirmation of the final compromise text with a view to agreement</i> | 13697/20 |

The Committee took note of the four progress reports. Furthermore, the Committee endorsed the text of the final compromise on the Interreg Regulation and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

Statement by Poland

"Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. Therefore, Poland understands wording "gender" as referring to "sex" in line with art. 10, art. 19 para 1 and art. 157 para 2 and 4 of the Treaty on the Functioning of the European Union."

45. Conclusions on Enlargement and Stabilisation and Association Process / Western Balkans
Approval
Decision to use the written procedure

12162/2/20 REV 2

The Committee agreed to the draft Council conclusions and on the use of the written procedure for their approval.

46. Targeted contingency measures in the absence of an agreement with the United Kingdom on a future partnership 13969/20
+ COR 1-2
- a) Regulation on certain aspects of aviation safety with regard to the end of the transition period 13898/20 + ADD 1
Mandate for negotiations with the European Parliament
Decision to use the written procedure for the adoption of the legislative act
Decision to derogate from the eight-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU
- b) Regulation on common rules ensuring basic air connectivity following the end of the transition period 13900/20
Mandate for negotiations with the European Parliament
Decision to use the written procedure for the adoption of the legislative act
Decision to derogate from the eight-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU

Statement by the Commission

"In respect of Article 1bis and recital 8, the Commission recalls that the division of competences as between the Union and the Member States is exhaustively dealt with in the Treaties, both for usual and exceptional circumstances. In accordance with the jurisprudence of the Court of justice, the legislator has no power to alter that division. Against this background, the Commission considers that this Regulation, as such, does not prejudge the nature of the future relationship with the United Kingdom in the area of aviation following its expiry. The exercise of competence through the Regulation is temporary and strictly limited to its period of validity.

This is without prejudice to the legal position following from the current or any future authorisations to negotiate, with any third country."

- c) Regulation on common rules ensuring basic road freight and road passenger connectivity following the end of the transition period

13903/20

*Mandate for negotiations with the European Parliament
Decision to use the written procedure for the adoption of
the legislative act*

*Decision to derogate from the eight-week period provided
for in Article 4 of Protocol 1 on the role of national
parliaments in the EU*

Joint statement by Austria, Denmark, Greece, Italy and Spain

"Austria, Denmark, Greece, Italy and Spain support the objective of ensuring basic connectivity in road transport in the event of the United Kingdom and the European Union failing to conclude a new partnership agreement before the end of the transition period on 31st December 2020. We welcome the proposed temporary measures enabling road haulage, coach, and bus service operators licensed in the UK to carry goods and passengers to and from the EU Member States. As in 2019, these measures are necessary to prevent serious disruptions in the context of such operations immediately after the end of the transition period.

However, the situation as of 1 January 2021 is not comparable with the situation in early spring of 2019. All parties concerned and involved in the process of the UK's withdrawal from the EU have had ample opportunity to prepare for the inevitable changes resulting from the UK's decision to withdraw from the EU. Therefore, Austria, Denmark, Greece, Italy and Spain are concerned, that the scope of the initial proposal has been extended to include a certain number of cabotage operations in road freight. We are of the opinion that this extension of the scope is not in line with the guidelines on contingency measures agreed by the European Council on EU 27 general conduct, as these operations are not strictly necessary to ensure basic connectivity between the UK and the EU 27.

However, mindful of overarching economic concerns, Austria, Denmark, Greece, Italy and Spain understand that the rights granted to UK hauliers under the condition of reciprocity are a way of responding to the unique situation of a Member State leaving the European Union. Austria, Denmark, Greece, Italy and Spain stress that the phasing-out-condition of the rights granted in this Regulation builds an essential part of this Regulation. It is a measure taken to minimize the negative effects of the end of the transition period. However, we would like to point out that the right to perform cabotage operations within the EU is an exclusive right to its Member States and does not seem necessary in this situation.

Austria, Denmark, Greece, Italy and Spain believe that the rights granted to UK hauliers for a limited timespan under the condition of reciprocity are due to the unique situation of a Member State leaving the Union. This Regulation will not preempt further negotiations with the UK or other third countries and will not be considered as a precedent."

The Committee agreed on the negotiating mandates for the three files. In addition the Committee agreed to use the written procedure for the adoption of the files if the EP approves the three files in a version identical to the Council's mandate. The Committee also agreed to derogate from the eight-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU.

Foreign Affairs

47. Meeting of the Council (Foreign Affairs) on 7 December 2020:
Follow-up

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

48. (poss.) Council Decision establishing a European Peace Facility 13980/20
Political agreement 13981/20

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

Economic and Financial Affairs

49. Meeting of the Council (Economic and Financial Affairs) on
19 January 2021: Agenda

The incoming Presidency presented the main items on the agenda.

50. (poss.) Regulation establishing a Recovery and Resilience
Facility
Debriefing

The Committee took note of the information provided by the Presidency and agreed to revert on this issue at the continuation of its meeting

FRIDAY 18 DECEMBER 2020

Foreign Affairs

113. (poss.) EU-China Comprehensive Agreement on Investment
State of play

The Committee took note of the state of play as regards the EU-China Comprehensive Agreement on Investment

General Affairs

114. EU-UK negotiations (trade aspects)
State of play

The Committee took note of the state of play as regards the trade aspects of the EU-UK negotiations.

Economic and Financial Affairs

50. Regulation establishing a Recovery and Resilience Facility
Debriefing

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

Foreign Affairs

115. Regulation establishing the Neighbourhood, Development and International Cooperation Instrument (NDICI) 13989/20
Endorsement of the general outcomes of the trilogue

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

48. Council Decision establishing a European Peace Facility 13980/1/20 REV 1
Political agreement 13981/1/20 REV 1

The Committee reached a political agreement on the Council Decision.

Intervention by the Council Legal Service

"As regards recital 18a of the draft EPF Decision, the Council Legal Service indicated that the addition of the words "on that basis" does not change the right of Member States to make a "constructive abstention" under Article 31(1), 2nd subparagraph, of the TEU. It noted also that the relevant provisions in the operative part of the draft Decision (notably Articles 5a(3) and 25(7)) remain unchanged. This recital, and these additional words, colour the context without changing the financial mechanism provided in the operative part in case of a constructive abstention."

IV. Any other business

COREPER (PART 1)

New Mobility Approach
Information from the Presidency

13345/20

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

COREPER (PART 2)

Infringement procedures during the COVID-19 pandemic

The Committee took note of the information provided by the Czech Republic and supported by all other Member States.

Appointment of the OECD Secretary General

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

Legal proceedings against Lithuanian judges by Russia

The Committee took note of the information provided by Lithuania.

"I" items approved**COREPER (PART 1)****TUESDAY 15 DECEMBER 2020****General Affairs**

23. Regulation amending Regulation (EU) 2017/2403 as regards fishing authorisations for Union fishing vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters
Mandate for negotiations with the European Parliament
- 13897/20
UK

Culture/Audiovisual Matters

24. Decision on European Capitals of Culture 2020 - 2033
Decision to use the written procedure for the adoption of the legislative act
- 13837/20
CULT

FRIDAY 18 DECEMBER 2020**Institutional Affairs****Written questions**

25. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure
- 13889/20
PE-QE
- a) Filip De Man (ID)
"EU confirms full solidarity with Greece and Cyprus"
- 13829/20
- b) João Ferreira (GUE/NGL)
"New forms of capital gains tax"
- 13830/20
- c) Monika Hohlmeier (PPE), Caterina Chinnici (S&D), Viola Von Cramon-Taubadel (Verts/ALE), Sophia in 't Veld (Renew)
"Appointment of the European Prosecutors of the European Public Prosecutor's Office (EPPO)"
- 13233/20
- d) Katalin Cseh (Renew), Ramona Strugariu (Renew), Petri Sarvamaa (PPE), Daniel Freund (Verts/ALE)
"The Council's nominations of European prosecutors for the EPPO"
- 13234/20
- e) Francisco José Millán Mon (PPE)
"Promoting a European dimension of teaching"
- 13220/20

Appointments

26. One member (LT) of the Management Board of the European Agency for Safety and Health at Work
Decision to use the written procedure for the adoption 13768/20
13765/20
SOC
27. One member (LV) of the Management Board of the European Foundation for the Improvement of Living and Working Conditions
Decision to use the written procedure for the adoption 13858/20
13857/20
SOC
28. One alternate member (LV) of the Management Board of the European Foundation for the Improvement of Living and Working Conditions
Decision to use the written procedure for the adoption 13860/20
13859/20
SOC
29. One alternate member (BE) of the Advisory Committee on Safety and Health at Work
Decision to use the written procedure for the adoption 13940/20
13938/20
SOC
30. One member (BE) of the Management Board of the European Agency for Safety and Health at Work
Decision to use the written procedure for the adoption 13943/20
13942/20
SOC

Judicial Affairs

32. Case T-633/20 (CNMSE a.o. / European Parliament and the Council)
Information note for the Permanent Representatives Committee (Part I) 13769/20
JUR

Employment and Social Policy

33. Regulation amending Regulation (EU) No 223/2014 readdressing the COVID-19 crisis (FEAD funding)
Confirmation of the final compromise text with a view to agreement 13603/1/20 REV 1
SOC

Telecommunications

34. Regulation on Data Governance Act
Decision to consult an institution or body 13815/20
TELECOM

Transport

35. Council Decision on the EU position as regards the adoption of the budget of the Transport Community for 2021
Decision to use the written procedure for the adoption 13843/20
11353/20
11356/20
TRANS

Energy

36. Energy System Integration: Setting the path towards a climate neutral Europe
Report by the Presidency 14001/20
ENER

General Affairs

37. Defence Fund Regulation 14003/20
Confirmation of the final compromise text with a view to agreement POLMIL

Agriculture

110. Regulation on CAP transitional rules 13818/20
Decision to use the written procedure for the adoption of the legislative act AGRI

Statement by Sweden

"Sweden supports the compromise on the CAP transitional regulation. The support is without prejudice to the future financing of POSEI. We do not agree, in principle, with the solution of maintaining the levels of funding for POSEI by using assigned revenue. However, a swift decision on the transitional regulation is important both for giving farmers legal certainty and for managing the economic effects of Covid-19."

COREPER (PART 2)

WEDNESDAY 16 DECEMBER 2020

Judicial Affairs

51. Case C-501/20 - Request for a preliminary ruling
*Information note for the Permanent Representatives Committee
(Part 2)* 13666/20
JUR

Institutional Affairs

Appointments

53. A member and two alternate members (IE) of the Committee of
the Regions 13926/20
Adoption by silence procedure 13925/20
CDR

Transparency

54. Public access to documents 13907/20
Confirmatory application No 25/c/01/20 13383/20
Adoption INF
API

Economic and Financial Affairs

55. Conclusions regarding taking the Customs Union to the next
level: a Plan for Action 13831/20
Approval 11231/20
Decision to use the written procedure UD
56. Regulation on Quotas for certain agricultural and industrial
products 13789/20
Decision to use the written procedure for the adoption 13202/20
UD
57. Regulation on Suspensions on certain agricultural and industrial
products 13792/20
Decision to use the written procedure for the adoption 13205/20
UD
58. Regulation establishing the Customs control equipment
instrument 13822/20
Mandate for negotiations with the European Parliament 10325/18
+ ADD1 - 3
UD

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| 59. | Decision of the European Parliament and of the Council authorising the Commission to vote in favour of the capital increase of the European Investment Fund
<i>Decision to use the written procedure for the adoption of the legislative act</i>
<i>Decision to derogate from the 8-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU</i> | 13799/20
ECOFIN |
| 60. | Council Decision appointing the chairperson of the European Statistical Governance Advisory Board (ESGAB)
<i>Decision to use the written procedure for the adoption</i> | 13324/20
10733/20
ECOFIN |
| 61. | Council Decision appointing two members of the European Statistical Governance Advisory Board (ESGAB)
<i>Decision to use the written procedure for the adoption</i> | 13327/20
10734/20
ECOFIN |
| 62. | Regulation of the European Parliament and of the Council establishing the InvestEU Programme
<i>Confirmation of the final compromise text with a view to agreement</i> | 13894/1/20 REV 1
13985/20
ECOFIN |

Joint statement by Austria, Belgium, Denmark, Finland, France, Ireland, Italy, Malta, Luxembourg, Spain, Sweden, and the Netherlands on gender

"Austria, Belgium, Denmark, Finland, France, Ireland, Italy, Malta, Luxembourg, Spain, Sweden, and the Netherlands strongly believe that the text on gender equality should reflect the agreed language to the achievement of the Union's policies on gender equality and the work towards a gender-equal Europe. Reference to 'equality between women and men' instead of 'gender equality' is inappropriate when reference is made to the overall Union's policy."

Joint statement by Austria, Denmark, Ireland, Sweden and the Netherlands on capital support

"Austria, Denmark, Ireland, Sweden and the Netherlands would have preferred that the Presidency had brought the compromise text regarding capital support back in line with the Council mandate, since:

- The possibility to provide capital support is not in line with the European Council conclusions in July (no solvency support instrument). Also, there is ambiguity on the adequate provisioning rate in case of solvency support and the consequences and risks for the InvestEU programme, the EIB, and subsequently Member States when this provisioning rate is not adjusted for solvency support;
- The possibility to transfer resources from the RRF in order to provide capital support in InvestEU is not in line with the objectives of the RRF as stated in the European Council conclusions. In addition, the conditions and implications of such a transfer remain unclear.

Furthermore, we have concerns regarding the combination of relevant portfolios of financial instruments established under the 2014-2020 Multiannual Financial Framework and the EU guarantee under the EFSI Regulation with the EU guarantee under the InvestEU. It is important that this does not create a precedent for the treatment of reflows from financial instruments and that any surplus of provisions for a budgetary guarantee like the EFSI and InvestEU are returned to the budget in line with the Financial Regulation, and budgetary decisions should, as a matter of principle, be part of budget/MFF negotiations."

Statement by Poland

"Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. Therefore, Poland understands wording "gender" as referring to "sex" in line with art. 10, art. 19 para 1 and art. 157 para 2 and 4 of the Treaty on the Functioning of the European Union."

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| 63. | <p>Recommendation for a Council Decision amending the Council Decision of 23 November 1998 concerning exchange rate matters relating to the CFA franc and the Comorian franc (98/683/EC)</p> <p><i>Decision to use the written procedure for the adoption</i></p> | <p>13706/20
12269/20
13739/20
ECOFIN</p> |
| 64. | <p>(poss.) Regulation establishing a Technical Support Instrument</p> <p><i>Confirmation of the final compromise text with a view to agreement</i></p> | <p>13996/20
ECOFIN</p> |
| 65. | <p>Council Implementing Decision authorising the Netherlands to introduce a special measure on the common system of value added tax</p> <p><i>Decision to use the written procedure for the adoption</i></p> | <p>13790/20
13508/20
FISC</p> |
| 66. | <p>ECA SR No 26/2020 on marine environment</p> <p><i>Designation of a Working Party</i></p> | <p>13784/20
FIN</p> |
| 67. | <p>Transfer No DEC 1/2020 (Section X - European External Action Service)</p> <p><i>Refusal</i></p> <p><i>Decision to use the written procedure</i></p> | <p>13936/20
FIN</p> |

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| 68. | Transfer No DEC 2/2020 (Section VI - European Economic and Social Committee)
<i>Approval</i>
<i>Decision to use the written procedure</i> | 13930/20
FIN |
| 69. | Transfer No DEC 3/2020 (Section VII - Committee of the Regions)
<i>Approval</i>
<i>Decision to use the written procedure</i> | 13530/20
FIN |
| 70. | Transfer No 1-DEC/2020 (Section IV - Court of Justice)
<i>Approval</i>
<i>Decision to use the written procedure</i> | 13935/20
FIN |
| 71. | (poss.) Capital Markets Recovery Package (CMRP)
a) Amendments to MiFID II (CMRP)
b) Amendments to the Prospectus Regulation (CMRP)
c) Amendments to the general securitisation framework (CMRP)
d) Amendments to the CRR securitisation framework (CMRP)
<i>Confirmation of the final compromise text with a view to agreement</i> | 13798/20
13798/20 ADD 1
13798/20 ADD 2
13798/20 ADD 3
13798/20 ADD 4
EF |

Commission statement on the Amendments to the Prospectus Regulation (CMRP)

"The Commission takes note of the fact that the political agreement on the Commission proposal to amend the Prospectus Regulation in order to introduce an EU recovery prospectus includes an amendment to the Transparency Directive postponing the requirement to prepare financial reports using the European Single Electronic Format (ESEF). This postponement was not included in the initial proposal of the Commission. In the Commission's view, the postponement of ESEF is not in line with the EU's better regulation principles and the Commission's right of initiative. It should not, therefore, constitute a precedent. As the postponement of ESEF is not a substantive change of policy and reflects the difficult circumstances that companies face due to the Covid pandemic, the Commission will not stand in the way of its adoption."

General Affairs

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| 72. | Council Decision on the position to be taken in the Joint Committee under the Withdrawal Agreement as regards provisions of Title III of Part Two of the Agreement
<i>Adoption</i> | 13537/20
13533/20
UK |
| 73. | IPCR Preparedness Programme
<i>Endorsement</i> | 13814/20
IPCR |
| 74. | Presidency Report on IPCR Lessons Identified from COVID-19 | 13954/1/20 REV 1
IPCR |

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| 75. | Presidency Progress Report on the FoP IPCR/SCI activities and extension of the group's mandate
<i>Report by the Presidency</i>
<i>Approval</i> | 13955/20 + COR 1
IPCR |
| 76. | Regulation on railway safety and connectivity through the Channel Fixed Link
<i>Decision to use the written procedure for the adoption of the legislative act</i>
<i>Decision to derogate from the 8-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU</i> | 13836/20
UK |
| 77. | Union position with regards to the extension to Gibraltar of the United Kingdom's accession to the Interbus Agreement
<i>Adoption</i> | 13970/20
UK |
| 78. | Implementation of the Interinstitutional Agreement on Better Law-Making
<i>State of play</i> | 13832/20
INST |
| 79. | Council Decisions on the position to be taken in the Joint Committee under the Withdrawal Agreement as regards the Protocol on Ireland/Northern Ireland | 13987/20
UK |
| a) | Council Decision on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards agricultural subsidies
<i>Adoption</i> | 13910/20
UK |
| b) | Council Decision on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards the determination of goods not at risk
<i>Adoption</i> | 13912/20
UK |

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| c) | Council Decision on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards the adoption of a decision to amend the Protocol on Ireland/Northern Ireland
<i>Adoption</i> | 13914/20
UK |
| d) | Council Decision on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards practical working arrangements relating to the exercise of the rights of Union representatives
<i>Adoption</i> | 13917/20
UK |

Justice and Home Affairs

- | | | |
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| 81. | Civil Protection Presidency report | 13782/20
PROCIV |
| 82. | Mutual evaluation reports 9th round (Denmark, Estonia, Czech Republic)
<i>Approval</i> | 13851/20
12770/1/20 REV 1
8638/1/20 REV 1
8499/2/20 REV 2
COPEN |
| 83. | EU Drugs Strategy 2021 - 2025
<i>Approval</i>
<i>Decision to use the written procedure</i> | 13933/20
13932/20
CORDROGUE |

Statement by Poland

"In relation to the Drugs Strategy of the European Union 2021 - 2025, Poland understands wording "gender equality" (point 2 of the Introduction and point. 9.6 of the Strategy) as referring to "equality between women and men", in line with art. 2 and art. 3 of the Treaty on European Union. Also Poland understands wording "gender" (point 4 of the Introduction and point 6.3) as referring to "sex" in line with art. 10, art. 19 para 1 and art. 157 para 2 and 4 of the Treaty on the Functioning of the European Union, and on the same basis Poland understands phrase "the gender perspective" (point 6.3) as referring to "the perspective of sex"."

Foreign Affairs

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| 84. | EXSPEC for the EUIX 2021
<i>Approval</i> | 13654/20
EUMC
CSDP/PSDC |
| 85. | EXSPEC for the MILEX 2021
<i>Approval</i> | 13683/20
EUMC
CSDP/PSDC |
| 86. | PSC Decision EUCAP Sahel Mali/2/2020 - appointment of the Head of Mission
<i>Decision to publish in the Official Journal</i> | 13253/20
12884/20
PSC DEC |
| 87. | PSC Decision EUTM Mali/2/2020 - Appointment of EU Mission Force Commander
<i>Decision to publish in the Official Journal</i> | 13478/20
13939/20
PSC DEC |
| 88. | PSC Decision EUCAP Somalia/1/2020 - extending the mandate of the Head of Mission of EUCAP Somalia
<i>Decision to publish in the Official Journal</i> | 13201/20
13950/20
PSC DEC |
| 89. | PSC Decision BiH/31/2020 - appointment of the EU Force Commander
<i>Decision to publish in the Official Journal</i> | 13248/20
13952/20
PSC DEC |
| 90. | Council Implementing Decision and Implementing Regulation concerning restrictive measures against the Democratic Republic of the Congo
<i>Adoption</i> | 13618/20
13615/20 + ADD 1
13617/20 + ADD 1
CORLX |
| 91. | Council Decision on the European Union CSDP Mission in Mali (EUCAP Sahel Mali)
<i>Decision to use the written procedure for the adoption</i> | 13761/20
13662/20
CORLX |
| 92. | Council Decision in support of combating the illicit trade in and proliferation of small arms and light weapons in the Member States of the League of Arab States
<i>Adoption</i> | 13762/20
13498/20
CORLX |
| 93. | Council Decision on a EU military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast
<i>Decision to use the written procedure for the adoption</i> | 12978/20
12916/20
CORLX |
| 94. | Council Decision concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine
<i>Adoption</i> | 13560/20
13559/20
CORLX |

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| 95. | Restrictive measures Libya 2020 December - draft reply to letter
<i>Approval</i> | 14054/20
CORLX |
| 96. | Council Declaration on the common funding of the deployment
of EU Battlegroups
<i>Adoption</i> | 14040/20
CORLX |
| 97. | Ukraine undermining sovereignty - amended statements of
reasons: pre-notifications
<i>Adoption</i> | 14057/20
CORLX |
| 108. | Council Implementing Decision and Implementing Regulation
concerning restrictive measures against Belarus
<i>Adoption</i> | 14016/20
13727/20
13729/20
CORLX |
| 99. | Presidency Conclusions on Gender Action Plan III
<i>Information from the Presidency</i> | 13946/20
DEVGEN |
| 100. | Commission intervention before the Singaporean High Court | 13948/20
WTO |
| 101. | Outreach to non-traditional donors
<i>Adoption</i> | 13966/20
13965/20
COHAFA |

Delegated or Implementing Acts

Economic and Financial Affairs

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| 102. | Commission Delegated Regulation (EU) .../... of 20.11.2020
amending Delegated Regulation (EU) 2015/2446 as regards the
time-limits for lodging entry summary declarations and pre-
departure declarations in case of transport by sea from and to the
United Kingdom of Great Britain and Northern Ireland, the
Channel Islands and the Isle of Man
<i>Delegated act - Intention not to raise objections</i>
<i>Decision to use the written procedure</i> | 13883/20
13263/20
UD |
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Foreign Affairs

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| 103. | Commission Delegated Regulation (EU) .../... amending
Annexes I and V to Regulation (EU) 2019/125 concerning trade
in certain goods which could be used for capital punishment,
torture or other cruel, inhuman or degrading treatment or
punishment to take into account the withdrawal of the United
Kingdom from the Union
<i>Delegated act - Intention not to raise objections</i>
<i>Decision to use the written procedure</i> | 13746/20
13744/20
COMER |
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Agriculture

104. Commission Regulation (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for fluxapyroxad, hymexazol, metamitron, penflufen and spirotetramat in or on certain products
Decision not to oppose adoption
- 13839/20 + ADD 1
13169/20
+ ADD 1- 2
AGRILEG

Statement by Austria

"Austria is against the Regulation for the following reason:

1. Threefold increase of maximum residue levels (MRLs) for fluxapyroxad in "other root and tuber vegetables except sugar beet" is in contradiction to the "Farm to Fork" strategy where the use and risk of pesticides should be reduced significantly by 2030.
2. GAP compliant residue data for fluxapyroxad in radishes would allow a lower MRL for radishes.
3. The application for import tolerance for fluxapyroxad in artichokes is not justified as MRL in country of origin is lower."

105. Commission Regulation (EU) .../... of XXX amending Annexes II and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for aclonifen, boscalid, cow milk, etofenprox, ferric pyrophosphate, L-cysteine, lambda-cyhalothrin, maleic hydrazide, mefentrifluconazole, sodium 5-nitroguaiacolate, sodium o-nitrophenolate, sodium p-nitrophenolate and triclopyr in or on certain products
Decision not to oppose adoption
- 13840/20
13170/20
+ ADD 1-2
AGRILEG

106. Commission Regulation (EU) .../... of XXX amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for carbon tetrachloride, chlorothalonil, chlorpropham, dimethoate, ethoprophos, fenamidone, methiocarb, omethoate, propiconazole and pymetrozine in or on certain products
Decision not to oppose adoption
- 13841/20
13241/20
+ ADD 1-2
AGRILEG

Fisheries

107. Council Regulation amending Regulation (EU) 2020/123 as regards fishing opportunities for Norway pout in 2020
Adoption
- 13800/20
13711/20
PECHE

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General Affairs

109. REACT-EU Regulation
Decision to use the written procedure for the adoption of the legislative act 13819/20
REGIO
116. Conclusions on ECA Report No 22/2020 on Future of EU agencies
Approval
Decision to use the written procedure 14125/20
STAT
117. Regulation establishing the Instrument for Pre-accession Assistance (IPA III)
Progress report 13570/20
ELARG
80. Council decision on the position to be taken in the Joint Committee under the Withdrawal Agreement as regards a list and a reserve list of persons who are willing and able to serve as members of an arbitration panel under the Agreement
Decision to use the written procedure for the adoption 13899/1/20 REV 1
13919/1/20 REV 1
UK

Economic and Financial Affairs

111. Regulation establishing the 'Customs' programme for cooperation in the field of customs
Confirmation of the final compromise text with a view to agreement 14089/20
UD
112. Conclusions on ECA's Special Report 21/2020 on Control of State aid to financial institutions in the EU
Approval
Decision to use the written procedure 14081/20
14080/20
EF

Foreign Affairs

118. European Peace Facility - General Guidelines and Safeguards
Approval
Decision to use the written procedure 14216/20
14214/20
14209/20
CFSP/PESC