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NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS - DECEMBER 2020

This document lists the acts¹ adopted by the Council in December 2020.²³

It provides information on the adoption of legislative and non-legislative acts, including:

- the date of adoption,
- the relevant Council session,
- the number of the document adopted,
- the Official Journal reference,
- reference to the minutes of the Council session when the act was adopted.

¹ For easy reference, the "short titles" as mentioned in the Council's agendas are also indicated (see in italics).

² With the exception of certain acts of limited scope such as procedural decisions, appointments, specific budgetary decisions, etc.

³ In the case of legislative acts adopted in the ordinary legislative procedure, there may be a difference between the date of the Council's meeting where the legislative act is adopted and the actual date of the act in question, since legislative acts adopted in the ordinary legislative procedure are only considered to have been adopted after signature by both the President of the Council and the President of the European Parliament and the Secretaries-General of the two institutions.

This document is also available on the Council's website at:

[Monthly summaries of Council acts \(acts\) - Consilium](#)

Documents listed in the summary may be obtained from the public register of Council documents at: [Documents and publications - Consilium](#).

If not directly available, a request for access to documents can be submitted at:

<https://www.consilium.europa.eu/en/documents-publications/public-register/request-document/>

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INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN DECEMBER 2020

Written procedure completed on 1 December 2020	CM 5063/20
Council Conclusions on Human Rights and Decent Work in Global Supply Chains	12945/20
Written procedure completed on 1 December 2020	CM 5109/20
Council conclusions on the The European arrest warrant and extradition procedures - current challenges and the way forward	13214/20 + COR1
Written procedure completed on 1 December 2020	CM 5100/20
Council Conclusions on the New European Research Area	12853/20 REV1
Written procedure completed on 1 December 2020	CM 4955/20
<i>Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process</i>	42/20
Regulation (EU) 2020/2172 of the European Parliament and of the Council of 16 December 2020 amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process	
OJ L 432, 21.12.2020, p. 7–11	
Written procedure completed on 1 December 2020	CM 5127/20
Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Slovenia on the application of the Schengen acquis in the field of data protection	12856/20
Written procedure completed on 1 December 2020	CM 5128/20
Council Implementing Decision setting out a recommendation on addressing the serious deficiency identified in the 2019 evaluation of the Netherlands and the deficiencies identified in the 2019 evaluation of Spain, France, the Netherlands and Switzerland on the application of the Schengen acquis in the field of the common visa policy	12858/20
Written procedure completed on 2 December 2020	CM 5155/20
Progress Catalogue 2020 (PC20)	11813/1/20 REV1 + ADD 1 REV 1, ADD 2 REV 1, ADD 3 REV 1 and ADD 4 REV 1

	R-UE/EU-R
Written procedure completed on 2 December 2020	CM 5145/20
Council Declaration on mainstreaming the fight against antisemitism across policy areas	12893/20
Written procedure completed on 2 December 2020	CM 5149/20 + COR1
Decision not to oppose the adoption of Commission Regulation (EU) .../... of XXX amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards lead in gunshot in or around wetlands	10557/20 + ADD1
Written procedure completed on 2 December 2020	CM 5123/20
Council Conclusions on Tackling the Gender Pay Gap: Valuation and Distribution of Paid Work and Unpaid Care Work	13367/20
Written procedure completed on 2 December 2020	CM 5150/1/20 REV1
Council Conclusions on the cybersecurity of connected devices	13152/20
Written procedure completed on 3 December 2020	CM 5042/20
Joint Declaration for a Dialogue on Environment, Climate Action and Sustainable Development between the European Union and the Republic of Colombia	13340/20
Written procedure completed on 3 December 2020	CM 5167/20
Council conclusions on Special Report No 13/2020 from the European Court of Auditors entitled: "Biodiversity on farmland: CAP contribution has not halted the decline"	12907/20
Written procedure completed on 3 December 2020	CM 5074/20
Council conclusions on the implementation of EU macroregional strategies	13075/20
Written procedure completed on 3 December 2020	CM 4989/20
Council Decision on the European Union Monitoring Mission in Georgia, EUMM Georgia <i>Council Decision (CFSP) 2020/1990 of 3 December 2020 amending Decision 2010/452/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia</i> OJL 411, 7.12.2020, p. 1–2	12074/20
Council Decision on the signature and conclusion, on behalf of the Union, of the Agreement between the EU and the Government of the Federal Republic of Somalia on the status of EUTM Somalia	13021/20 + 13022/20
Written procedure completed on 3 December 2020	CM 5102/20
Approval of entering into negotiations on the ASEM Connectivity statement and on the ASEM Socio-economic recovery statement	13349/20
Written procedure completed on 3 December 2020	CM 5166/20
Council Conclusions on the Commission's Capital Markets Union	12898/1/20

	REV1
Written procedure completed on 4 December 2020	CM 5206/20
Intention not to raise objections to Commission Delegated Regulation (EU) .../... of 6.11.2020 amending Delegated Regulation (EU) 2019/815 as regards the 2020 update of the taxonomy laid down in the regulatory technical standards for the single electronic reporting format	12736/20
Written procedure completed on 4 December 2020	CM 5194/20
Position of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013, as regards cooperation with the European Public Prosecutor's Office and the effectiveness of the European Anti-Fraud Office investigations	10008/20
Position of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013, as regards cooperation with the European Public Prosecutor's Office and the effectiveness of the European Anti-Fraud Office investigations - Statement of the Council's reasons	10008/20
Statement by Italy Italy confirms the importance of acquiring and using data from banking registries and transactions from the initial stages of the administrative investigation, inter alia in order to protect the financial interests of the European Union. With this in view, Italy considers it necessary for access to banking data within the framework of administrative investigations conducted by OLAF to be effected through the assistance and cooperation of national authorities competent in the same administrative capacity and for the protection of the financial interests of the European Union pursuant to Article 325 TFEU. To ensure greater and uniform effectiveness of administrative anti-fraud investigations, Italy hopes that the acquisition of banking data by administrative means will be made possible in practice throughout the territory of the European Union, as is already the case in Italy.	
Written procedure completed on 4 December 2020	CM 5193/20
Regulation of the European Parliament and of the Council on the application of Union tariff rate quotas and other import quotas Regulation (EU) 2020/2170 of the European Parliament and of the Council of 16 December 2020 on the application of Union tariff rate quotas and other import quotas OJL 432, 21.12.2020, p. 1–3	43/20

Written procedure completed on 4 December 2020	CM 5179/20
<i>Legislative Programming</i> Joint Declaration on the EU legislative priorities for 2021	13546/20
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.	CM 5179/20
Joint Conclusions on the policy objectives and priorities for 2020-2024	13547/20
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.	CM 5179/20
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	

<p>a possible adoption the correct legal base is applied.</p>	<p>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.</p> <p>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.</p>	<p>CM 5178/20</p>
<p>Written procedure completed on 4 December 2020 <i>Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 428/2009 by granting a Union General Export Authorisation for the export of certain dual-use items from the Union to the United Kingdom of Great Britain and Northern Ireland</i> Regulation (EU) 2020/2171 of the European Parliament and of the Council of 16 December 2020 amending Annex Ila to Council Regulation (EC) No 428/2009 as regards granting a Union General Export Authorisation for the export of certain dual-use items from the Union to the United Kingdom of Great Britain and Northern Ireland OJ L 432, 21.12.2020, p. 4–6</p>	<p>CM 5208/20</p>	<p>45/20</p>
<p>Written procedure completed on 4 December 2020 <i>Council Decision appointing two members, proposed by the Portuguese Republic, of the Committee of the Regions</i> Council Decision (EU) 2020/2001 of 4 December 2020 appointing two members, proposed by the Portuguese Republic, of the Committee of the Regions OJ L 413, 8.12.2020, p. 4–5</p>	<p>CM 5200/20</p>	<p>13397/20</p>
<p>Written procedure completed on 4 December 2020 <i>Council Decision on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement [32017R2195 - Guideline on electricity balancing "EB"]</i> Council Decision (EU) 2020/2025 of 4 December 2020 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement (Text with EEA relevance) OJ L 419, 11.12.2020, p. 15–15</p>	<p>CM 5200/20</p>	<p>12941/20 12942/20</p>

Written procedure completed on 4 December 2020	CM 5199/20
<i>Council Decision on the position to be adopted, on behalf of the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement [32016R1719 - Guideline on forward capacity allocation "FCA"]</i>	12937/20 12938/20
Council Decision (EU) 2020/2024 of 4 December 2020 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement (Text with EEA relevance)	
OJ L 419, 11.12.2020, p. 14–14	
Written procedure completed on 4 December 2020	CM 5198/20
<i>Council Decision on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement [32017R1485 - Guideline on electricity transmission system operation "ETS" - "SOGL"]</i>	12932/20 12933/20
Council Decision (EU) 2020/2023 of 4 December 2020 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement (Text with EEA relevance)	
OJ L 419, 11.12.2020, p. 13–13	
Written procedure completed on 4 December 2020	CM 5197/20
<i>Council Decision on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement [32015R1222 - Guideline on congestion management "CM"]</i>	12928/20 12929/20
Council Decision (EU) 2020/2022 of 4 December 2020 on the position to be adopted on behalf of the European Union within the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement (Text with EEA relevance)	
OJ L 419, 11.12.2020, p. 12–12	
Written procedure completed on 4 December 2020	CM 5168/20
<i>Council Implementing Decision granting temporary support under Regulation (EU) 2020/672 to Ireland to mitigate unemployment risks in the emergency following the COVID-19 outbreak</i>	13007/20
Council Implementing Decision (EU) 2020/2005 of 4 December 2020 granting temporary support under Regulation (EU) 2020/672 to Ireland to mitigate unemployment risks in the emergency following the COVID-19 outbreak	
OJ L 412, 8.12.2020, p. 33–35	
Danish Declaration at the time of adoption in written procedure	
Denmark can approve the adoption of the Council Implementing Decision granting temporary support to Ireland under the SURE Regulation, based on the understanding of the Commission's answers to questions raised during the technical discussions, that the implementing act and bilateral loan agreement will comply with the EU's fundamental rights, including non-discrimination, which is a priority for Denmark.	

Written procedure completed on 4 December 2020	CM 5130/20
<i>Council Decision on the position to be taken on behalf of the European Union within the General Council of the World Trade Organisation as regards the adoption of a decision exempting certain purchases of foodstuffs from application of export prohibitions or restrictions</i>	12962/20
Council Decision (EU) 2020/2026 of 4 December 2020 on the position to be taken on behalf of the European Union within the General Council of the World Trade Organization as regards the adoption of a decision exempting certain purchases of foodstuffs from application of export prohibitions or restrictions OJL 419, 11.12.2020, p. 16–17	
Written procedure completed on 4 December 2020	CM 5022/20
Council Decision replacing a member of the Management Board of the European Foundation for the Improvement of Living and Working Conditions, for Spain	13111/20
Written procedure completed on 7 December 2020	CM 5045/20
<i>Council Directive amending Council Directive 2006/112/EC as regards temporary measures in relation to value added tax for COVID-19 vaccines and in vitro diagnostic medical devices in response to the COVID-19 pandemic</i>	12946/20
Council Directive (EU) 2020/2020 of 7 December 2020 amending Directive 2006/112/EC as regards temporary measures in relation to value added tax applicable to COVID-19 vaccines and in vitro diagnostic medical devices in response to the COVID-19 pandemic OJL 419, 11.12.2020, p. 1–4	
Statement by Hungary	
As a matter of principle Hungary is concerned about the rationale for setting a 0% VAT rate. However given the extraordinary circumstances and very serious public health situation in Europe, Hungary supports the quick adoption of the Directive, provided that its limited scope and time of application is maintained.	
Written procedure completed on 7 December 2020	CM 5121/20
WTO package on Micro, Small and Medium-sized Enterprises	10647/20

Written procedure completed on 7 December 2020	CM 5215/20
<p><i>Council Decision on the position to be taken on behalf of the European Union within the EU-Central America Association Council as regards modifications to Appendix 2 to Annex II and the introduction of Explanatory Notes to Articles 15, 16, 19, 20 and 30 of Annex II to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other</i></p> <p>Council Decision (EU) 2020/2027 of 7 December 2020 on the position to be taken on behalf of the European Union within the EU-Central America Association Council as regards modifications to Appendix 2 to Annex II and the introduction of Explanatory Notes to Articles 15, 16, 19, 20 and 30 of Annex II to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, and repealing Decisions (EU) 2016/1001 and (EU) 2016/1336</p> <p>OJ L 419, 11.12.2020, p. 18–19</p>	<p>11696/20 11697/20 11699/20</p>
<p>Statement by the Commission</p> <p>The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 4 to be inappropriate.</p>	
Written procedure completed on 7 December 2020	CM 5217/20
<p>Council Decision on the position to be taken on behalf of the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, as regards the amendment of that Agreement by replacing Protocol 4 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation</p>	<p>11990/20 11141/20</p>
<p>Council Decision on the position to be taken on behalf of the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, as regards the amendment of that Agreement by replacing Protocol 2 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation</p>	<p>11996/20 11065/20</p>
<p>Council Decision on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement on the European Economic Area, as regards the amendment of Protocol 4 (on rules of origin) to that Agreement</p>	<p>10296/20 10297/20</p>
<p>Council Decision on the position to be taken on behalf of the European Union within the Association Council established by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, as regards the amendment of that Agreement by replacing Protocol 4 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation</p>	<p>11999/20 11075/20</p>
<p>Council Decision on the position to be taken on behalf of the European Union within the Joint Committee established by the</p>	<p>10256/20</p>

Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part, as regards the amendment of that Agreement by replacing Protocol 3 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation	10257/20
Council Decision on the position to be taken on behalf of the European Union within the Customs Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, as regards the amendment of that Agreement by replacing Protocol I thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation	12004/20 11080/20
Council Decision on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement between the European Economic Community and the Republic of Iceland as regards the amendment of that Agreement by replacing Protocol No 3 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation	10291/20 10292/20
Council Decision on the position to be taken on behalf of the European Union within the Association Council established by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, as regards the amendment of that Agreement by replacing Protocol 4 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation	12006/20 11081/20
Council Decision on the position to be taken on behalf of the European Union within the Association Council established by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, as regards the amendment of that Agreement by replacing Protocol 3 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation	12009/20 11085/20
Council Decision on the position to be taken on behalf of the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo*, of the other part, as regards the amendment of that Agreement by replacing Protocol III thereto concerning the concept of 'originating products'	12010/20 11096/20
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.	
Council Decision on the position to be taken on behalf of the European Union within the Association Council established by the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, as regards the amendment of that Agreement by replacing Protocol 4 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation	12011/20 11104/20
Council Decision on the position to be taken on behalf of the European Union within the Stabilisation and Association Council	12012/20

established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, as regards the amendment of that Agreement by replacing Protocol 4 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation	11113/20
Council Decision on the position to be taken on behalf of the European Union within the Customs Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, as regards the amendment of that Agreement by replacing Protocol II thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation	12017/20 and 11115/20
Council Decision on the position to be taken on behalf of the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, as regards the amendment of that Agreement by replacing Protocol 3 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation	12018/20 11124/20
Council Decision on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement between the European Economic Community and the Kingdom of Norway as regards the amendment of that Agreement by replacing Protocol No 3 thereto concerning the definition of the concept of "originating products" and methods of administrative cooperation	10280/20 10281/20
Council Decision on the position to be taken on behalf of the European Union within the Joint Committee established by the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestinian Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and Gaza Strip, of the other part, as regards the amendment of that Agreement by replacing Protocol 3 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation	12019/20 11125/20
Council Decision on the position to be taken on behalf of the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, as regards the amendment of that Agreement by replacing Protocol 3 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation	12037/20 11126/20
Council Decision on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement between the European Economic Community and the Swiss Confederation as regards the amendment of that Agreement by replacing Protocol 3 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation	10244/20 10245/20
Council Decision on the position to be taken on behalf of the European Union within the Customs Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the amendment of that Agreement by replacing Protocol I thereto	12053/20 11131/20

concerning the definition of the concept of 'originating products' and methods of administrative cooperation	
Council Decision on the position to be taken on behalf of the European Union within the EU-Turkey Association Council as regards the amendment of Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products by replacing Protocol 3 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation	12051/20 11128/20
Council Decision on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement between the European Coal and Steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community as regards the amendment of that Agreement by replacing Protocol 1 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation	12052/20 11130/20
Statement by the Commission The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate.	
Written procedure completed on 8 December 2020	CM 4950/20
Public Access to Documents – Confirmatory application No 22/c/01/20	12323/20
Written procedure completed on 8 December 2020	CM 5267/20 REV1
<i>Council Decision adopting the Council's position on draft amending budget No 10 of the European Union for the financial year 2020</i>	13642/20
Council Decision (EU) 2020/2077 of 8 December 2020 adopting the Council's position on draft amending budget No 10 of the European Union for the financial year 2020 OJ L 424, 15.12.2020, p. 57–57	
Statement by Cyprus Turkey's continuous illegal and provocative behavior against the sovereignty and sovereign rights of EU Member States, and its significant backsliding in all areas of the EU acquis, is completely incompatible with its candidate status. Cyprus therefore objects to any payments to Turkey, including relevant provisions of payment appropriations contained in DAB 10/2020.	

<p>Statement by Greece</p> <p>Greece supports all fundings deriving from the EU budget aiming at the relief of refugees, given their humanitarian nature, including the funding of the Facility for Refugees in Turkey (FRIT), as agreed in the EU- Turkey (Joint) Statement of March 2016. Turkey's continuous illegal and provocative behavior against the sovereignty and sovereign rights of EU MS, as well as its significant backsliding in all areas of the EU <i>acquis</i>, are completely incompatible with the status of a candidate country.</p> <p>Thus, Greece cannot consent to any payments to Turkey other than those of a humanitarian nature, even if the said payments are related to previously undertaken commitments, in particular to the relevant provision of payment appropriations included in DAB10/2020.</p>	
<p>Written procedure completed on 9 December 2020</p> <p><i>Regulation of the European Parliament and of the Council on the elimination of customs duties on certain products</i></p> <p>Regulation (EU) 2020/2131 of the European Parliament and of the Council of 16 December 2020 on the elimination of customs duties on certain goods</p> <p>OJ L 430, 18.12.2020, p. 1–4</p>	<p>CM 5271/20</p> <p>44/20 REV1</p>
<p>Written procedure completed on 10 December 2020</p> <p><i>Council Decision on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee, concerning the amendment to Annex VI (Social Security) to the EEA Agreement</i></p> <p>Council Decision (EU) 2020/2135 of 10 December 2020 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee, concerning the amendment to Annex VI (Social Security) to the EEA Agreement (Text with EEA relevance)</p> <p>OJ L 430, 18.12.2020, p. 12–13</p>	<p>CM 5317/20</p> <p>12968/20</p> <p>12969/20</p>

Written procedure completed on 10 December 2020	CM 5318/20
<i>Council Decision on the position to be taken by the European Union within the Joint Committee established under the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons as regards the amendment of Annex II to that Agreement on the coordination of social security schemes</i>	12964/20 12965/20
Council Decision (EU) 2020/2134 of 10 December 2020 on the position to be adopted, on behalf of the European Union, within the Joint Committee established under the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons as regards the amendment to Annex II to that Agreement on the coordination of social security schemes (Text with EEA relevance)	
Written procedure completed on 10 December 2020	CM 5302/20
<i>Council Decision (EU, Euratom) amending the Council's Rules of Procedure</i>	13277/20
Council Decision (EU, Euratom) 2020/2030 of 10 December 2020 amending the Council's Rules of Procedure	
OJ L 419, 11.12.2020, p. 24–25	
Written procedure completed on 10 December 2020	CM 5321/20
Council interim approval of a cryptographic product	13279/20 R- UE/EU-R
Written procedure completed on 10 December 2020	CM 5212/20
<i>Council Decision and Implementing Regulation concerning restrictive measures against the Democratic Republic of the Congo</i>	13265/20
Council Decision (CFSP) 2020/2033 of 10 December 2020 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo	
OJ L 419, 11.12.2020, p. 30–35	
<i>Council Implementing Regulation implementing Article 9 of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo</i>	13267/20
Council Implementing Regulation (EU) 2020/2021 of 10 December 2020 implementing Article 9 of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo	
OJ L 419, 11.12.2020, p. 5–11	
Council Decision and Implementing Regulation concerning restrictive measures against the Democratic Republic of the Congo - review - approval of the draft reply letters as set out in Annex I	13507/20

<p><i>Council Decision and Implementing Regulation concerning restrictive measures against the Democratic Republic of the Congo - review</i></p> <p>Notice for the attention of the persons subject to the restrictive measures provided for in Council Decision 2010/788/CFSP, as amended by Council Decision (CFSP) 2020/2033 and Council Regulation (EC) No 1183/2005, as implemented by Regulation (EU) 2020/2021 concerning restrictive measures against the Democratic Republic of the Congo</p> <p>OJ C 428, 11.12.2020, p. 7–8</p>	13507/20
<p>Council Decision and Implementing Regulation concerning restrictive measures against the Democratic Republic of the Congo - review - approval of the notice for the attention of data subjects as set out in Annex III</p>	13507/20
<p><i>Council Decision on a European Union military mission to contribute to the training of Somali security forces</i></p> <p>Council Decision (CFSP) 2020/2032 of 10 December 2020 amending Decision 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces</p> <p>OJ L 419, 11.12.2020, p. 28–29</p>	12600/20
<p><i>Council Decision amending Decision 2012/389/CFSP on the European Union Capacity Building Mission in Somalia (EUCAP Somalia)</i></p> <p>Council Decision (CFSP) 2020/2031 of 10 December 2020 amending Decision 2012/389/CFSP on the European Union Capacity Building Mission in Somalia (EUCAP Somalia)</p> <p>OJ L 419, 11.12.2020, p. 26–27</p>	12504/20
<p>Written procedure completed on 10 December 2020</p>	CM 5326/20
<p><i>Council Decision on the position to be taken on behalf of the European Union in the EU-Canada Joint Customs Cooperation Committee as regards the adoption of the decision concerning the mutual recognition of the Partners in Protection Programme of Canada and the Authorised Economic Operators Programme of the European Union</i></p> <p>Council Decision (EU) 2020/2078 of 10 December 2020 on the position to be taken on behalf of the European Union within the EU-Canada Joint Customs Cooperation Committee as regards the adoption of the decision concerning the mutual recognition of the Partners in Protection Programme of Canada and the Authorised Economic Operators Programme of the European Union</p> <p>OJ L 424, 15.12.2020, p. 58–59</p>	13012/20 13014/20
<p>Statement by the Commission</p> <p>The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate.</p> <p>The expression of the Union position in a body set up by an agreement is an act of external representation of the Union which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.</p> <p>The Commission reserves all its rights in this regard.</p>	

Written procedure completed on 11 December 2020	CM 5363/20
Council conclusions "Towards a hydrogen market for Europe"	13714/20 + COR 1
Written procedure completed on 11 December 2020	CM 5137/20
<i>Council Decision appointing one member and one alternate member of the Advisory Committee on Freedom of Movement for Workers for Ireland and Malta</i>	13118/20
Council Decision of 11 December 2020 appointing one member and one alternate member of the Advisory Committee on Freedom of Movement for Workers for Ireland and Malta OJ C 432L, 14.12.2020, p. 3–3	
Written procedure completed on 11 December 2020	CM 5134/20
<i>Council Decision appointing members and alternate members of the Advisory Committee on Freedom of Movement for Workers for Cyprus</i>	12986/20
Council Decision of 11 December 2020 appointing members and alternate members of the Advisory Committee on Freedom of Movement for Workers for Cyprus OJ C 432L, 14.12.2020, p. 1–2	
Written procedure completed on 11 December 2020	CM 5309/20
Council conclusions on Fostering European Cooperation in Offshore and Other Renewable Energies	13699/20
Written procedure completed on 14 December 2020	CM 5286/20
Council Resolution on Encryption	13084/1/20 REV1
Written procedure completed on 14 December 2020	CM 5289/1/20
Council Conclusions on Internal Security and European Police Partnership	REV1 13083/1/20 REV1

	<p>Declaration by the Czech Republic</p> <p>The Czech Republic generally supports the Council Conclusions on enhancing cross-border law enforcement cooperation, Annex 1 to the Council Conclusions on Internal Security and European Police Partnership (hereinafter as “Council Conclusions”). However, it would like to share its view on cross-border surveillance mentioned in point 36 of the Council Conclusions.</p> <p>Under point 36, the Council calls on the Commission to consider consolidating the EU legal framework to further strengthen cross-border law enforcement cooperation while, <i>inter alia</i>, cross-border surveillance is specifically mentioned in the text.</p> <p>The Czech Republic would like to point out that cross-border surveillance is considered an investigative measure implying the gathering of evidence in real time, continuously and over a certain period of time and as such an instrument of judicial cooperation in some Member States (see also the analysis of legal framework of cross-border surveillance in EU Member States elaborated by the European Judicial Network in 2009) and, therefore, the relevant legal framework should be taken into account in this respect, i.e. Article 28 of the Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters.</p> <p>In the Czech Republic, surveillance of persons and items, including cross-border surveillance, is a procedural act of evidence in criminal proceedings that, as such, falls within the field of judicial cooperation and the public prosecutor of the Czech Republic has to issue the European Investigation Order according to national law implementing the mentioned Directive on European Investigation Order. No police authority of the Czech Republic is entitled to independently request this act to be carried out in another Member State. For the purposes of criminal proceedings conducted in another Member State, cross-border surveillance in the Czech Republic is granted by a single authority, the Regional Public Prosecutor's Office in Prague.</p>	
	<p>Declaration by Italy</p> <p>The Italian delegation welcomes the text of the Council Conclusions on Internal Security and the European Police Partnership set out in document 13083/1/20 REV 1 of 24 November 2020. However, the Italian delegation believes that the text does not adequately highlight the poly-criminal nature of the most dangerous organizations. For an effective fight against these organizations, which threaten the fundamental rights of our citizens and undermine the legal economy, it is not enough to act on the individual criminal areas in which they are engaged from time to time, but it is necessary to provide action plans that can at the same time affect the organization as a whole, in its structural characteristics and in its connections. From an operational perspective, the Italian delegation considers it necessary to promote all useful activities so that the fight against mafia-style criminal organizations is a priority within the European Union platforms dedicated to criminal threats.</p>	

<p>Written procedure completed on 14 December 2020</p> <p>Intention not to raise objections to 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</p>	<p>CM 5492/20 13975/20</p>
<p>Written procedure completed on 14 December 2020</p> <p>Intention not to oppose the adoption of Commission Regulation (EU) .../... of XXX amending Annex XIV to Regulation (EU) No 1907/2006 of the European Parliament and of the Council as regards the substance group 4-(1,1,3,3- Tetramethylbutyl)phenol, ethoxylated (covering well-defined substances and substances of unknown or variable composition, complex reaction products or biological materials, polymers and homologues)</p>	<p>CM 5392/20 ST 13278/20 + ADD 1.</p>
<p>Written procedure completed on 14 December 2020</p> <p><i>Council Decision adopting the Council's position on the second draft general budget of the European Union for the financial year 2021</i></p> <p>Council Decision (EU) 2020/2136 of 14 December 2020 adopting the Council's position on the second draft general budget of the European Union for the financial year 2021 OJ L 430, 18.12.2020, p. 14–14</p>	<p>CM 5378/20 13890/20</p>
<p>Joint statement by the European Parliament and the Council on payment appropriations</p> <p>The Council and the Parliament call on the Commission to continue closely and actively monitoring during the year 2021 the implementation of the 2014-2020 programmes (particularly in sub-heading 2a and Rural Development). To that end, the Council and the Parliament invite the Commission to present, in a timely manner, updated figures concerning the state of affairs and estimates regarding 2021 payment appropriations. If the figures show that the appropriations entered in the 2021 budget are insufficient to cover the needs, the Council and the Parliament invite the Commission to present as soon as possible an appropriate solution, inter alia a draft amending budget, with a view to allowing the European Parliament and the Council to take any necessary decisions in due time for justified needs. Where applicable, the Council and the Parliament will take into account the urgency of the matter, shortening the eight-week period for a decision if deemed necessary. The same applies mutatis mutandis if the figures show that the appropriations entered in the 2021 budget are higher than needed.</p>	<p>13891/20 ADD1</p>
<p>Joint statement by the European Parliament, the Council and the Commission on tackling the impact of the COVID-19 crisis</p>	

In order to tackle the impact of the unprecedented COVID-19 crisis in the best interest of the EU, the European Parliament, the Council and the Commission are committed to taking the necessary measures to rapidly deploy the full potential of the new generation of EU programmes giving a particular attention to the sectors of the economy that are most hit by the crisis such as tourism and SMEs and to the people that are the most affected by the crisis such as children and young people.	
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<p>Joint statement by the European Parliament and the Council on Brexit Adjustment Reserve (BAR)</p> <p>The European Parliament and the Council invite the Commission to submit a proposal for the relevant instrument necessary to operationalise the Brexit Adjustment Reserve without delay, in view of ensuring that a sufficient amount of appropriations can be made available for mobilisation in the financial year 2021. The European Parliament and the Council will take into account the urgency of the matter during their deliberations. The European Parliament and the Council invite the Commission to present a draft amending budget, as soon as it is appropriate, to make available the necessary appropriations in the financial year 2021. The European Parliament and the Council will consider such a draft amending budget with due urgency.</p>	
<p>Unilateral statement by the European Commission on tackling child poverty under the European Social Fund+</p> <p>Tackling child poverty will become even more important especially in the context of the current COVID-19 crisis and sufficient resources need to be devoted to it. The revised proposal for the European Social Fund+ (COM(2020) 447) includes a specific thematic concentration for addressing child poverty. It requires that each Member State shall allocate at least 5 % of their ESF+ resources under shared management to support targeted actions and structural reforms to tackling child poverty (Article 7(3)a). Given the currently foreseen national allocations, this represents almost EUR 5 billion in current prices for the 2021-27 programming period.</p>	
<p>Unilateral statement by the Commission on governance of the decentralised agencies</p> <p>The Commission has a keen interest in making sure that the decentralised agencies of the EU deliver on their mandate, including strengthening and streamlining their governance, as well as supporting harmonised planning and reporting by all decentralised agencies. The Commission considers that the Special Report of the European Court of Auditors no 22/2020, and the replies thereto, could form the basis for collaborative follow-up which will require the support of Council and Parliament.</p>	
<p>Written procedure completed on 14 December 2020</p>	<p>CM 5374/20</p>
<p>Common Position of the European Union for the informal meeting of the members of the EU-Serbia Stabilisation and Association Council</p>	<p>13079/20</p>
<p>Written procedure completed on 14 December 2020</p>	<p>CM 5362/20</p>
<p>Declaration for the Energy Community Treaty negotiations</p>	<p>13301/1/20 REV1</p>

Written procedure completed on 14 December 2020	CM 5360/20
Adoption of certain non-binding instruments by the Ministerial Council of the Energy Community (Tivat, Montenegro, 17 December 2020)	13607/20
Written procedure completed on 14 December 2020	CM 5359/20
Council Decision on the position to be adopted on behalf of the European Union within the Ministerial Council and the Permanent High Level Group of the Energy Community	13502/20 + ADD 1
Written procedure completed on 14 December 2020	CM 5358/20
<i>Multinational Financial Framework (MFF) 2021-2027 and Recovery package</i>	9970/20
Council Regulation laying down the multiannual financial framework for the years 2021-2027 - Request for the consent of the European Parliament	
Statement by Austria The Commission's declaration regarding climate contributions per programme indicates the following for the „International Thermonuclear Experimental Reactor“ (ITER): an expected contribution of 100% in view of achieving an overall target of at least 30% of the total amount of the Union budget and NGEU expenditures. In this context, Austria recalls that the targets in sectoral legislation/programmes shall comply with the objective of EU climate neutrality by 2050 and contribute to achieving the Union's new 2030 climate targets. However, ITER will not contribute to achieving the Union's new 2030 climate targets and the objective of EU climate neutrality by 2050 as the research and experimental reactor will not produce any electric energy within the next years. Likewise, even the follow-up project DEMO (DEMONstration power plant) will not yet be in a position to contribute to the goals of the Paris Agreement. It will rather lead to a net negative effect in CO ₂ emissions during its construction. Given, - that the European Court of Auditors has highlighted that the EU climate coefficients applied in certain areas failed to respect the conservativeness principle developed by the World Bank and - that these coefficients also diverge from the OECD classification framework and - don't account for the negative impacts of investments, - EU expenditure for ITER should not be counted as a contribution to the overall climate target of 30%.	CM 5358/20

<p><i>Interinstitutional Agreement on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources</i></p> <p>Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources</p> <p>OJ L 433 I, 22.12.2020, p. 28–46</p>	12723/20
<p>Statement by Austria</p> <p>The Commission's declaration regarding climate contributions per programme indicates the following for the „International Thermonuclear Experimental Reactor“ (ITER): an expected contribution of 100% in view of achieving an overall target of at least 30% of the total amount of the Union budget and NGEU expenditures. In this context, Austria recalls that the targets in sectoral legislation/programmes shall comply with the objective of EU climate neutrality by 2050 and contribute to achieving the Union's new 2030 climate targets. However, ITER will not contribute to achieving the Union's new 2030 climate targets and the objective of EU climate neutrality by 2050 as the research and experimental reactor will not produce any electric energy within the next years. Likewise, even the follow-up project DEMO (DEMONstration power plant) will not yet be in a position to contribute to the goals of the Paris Agreement. It will rather lead to a net negative effect in CO² emissions during its construction.</p> <p>Given,</p> <ul style="list-style-type: none"> - that the European Court of Auditors has highlighted that the EU climate coefficients applied in certain areas failed to respect the conservativeness principle developed by the World Bank and - that these coefficients also diverge from the OECD classification framework and - don't account for the negative impacts of investments, - EU expenditure for ITER should not be counted as a contribution to the overall climate target of 30%. 	CM 5358/20

<p>Joint declaration by the European Parliament, Council and Commission on the reinforcement of specific programmes and adaptation of basic acts</p> <p>Without prejudice to the powers of the legislative and budgetary authority, the European Parliament, the Council and the Commission agree to increase by 2,5 billion Euros in 2018 prices the financial envelopes in the basic acts or the financial programming, as appropriate, of those programmes that are identified by the European Parliament. This will be achieved through a corresponding reduction of the margins available under the MFF ceilings, without prejudice to the possible use of the Flexibility instrument in 2021.</p> <p>Without prejudice to the legislative powers of the institutions, the European Parliament, the Council and the Commission agree to insert in the basic acts of programmes listed in Annex II of the MFF Regulation a provision on the increase of the financial envelopes by the amounts specified therein. For programmes establishing budgetary guarantees, the additional amount will be reflected in the additional level of the guarantees provided.</p> <p>OJ C 444I, 22.12.2020, p. 1–1</p>	12793/20
<p>Declaration by the European Parliament on the reinforcement of specific programmes from unallocated margins</p> <p>The amount of 2,5 billion Euros in 2018 prices referred to in the joint declaration by the European Parliament, Council and Commission on the reinforcement of specific programmes and adaptation of basic acts will be allocated as follows:</p> <ul style="list-style-type: none"> – Horizon Europe: +0,5 billion Euros – Erasmus+: +0,5 billion Euros, of which 165 million Euros in 2021 – EU4Health: +0,5 billion Euros, of which 70 million Euros in 2021 – European Border and Coast Guard Agency: +0,5 billion Euros – Humanitarian Aid: +0,5 billion Euros 	12793/20
<p>Joint declaration by the European Parliament, Council and Commission on the use of reflows from the ACP Investment Facility to the benefit of the Neighbourhood, Development and International Cooperation Instrument</p> <p>The Council agrees that an amount of up to EUR 1 billion (in 2018 prices) stemming from the reflows under the ACP Investment Facility for operations under the 9th, 10th, and 11th European Development Funds will be used for the benefit of the Neighbourhood, Development and International Cooperation Instrument in the period of 2021-2027. The three Institutions agree that the Neighbourhood, Development and International Cooperation Instrument should allow for the reception of those funds.</p>	12793/20

<p>OJ C 444I, 22.12.2020, p. 2–2</p>	<p>Joint declaration by the European Parliament, the Council and the Commission on the re-use of decommitted funds in relation to the research programme</p> <p>Without prejudice to their institutional prerogatives, the European Parliament, the Council and the Commission agree to make available again to the benefit of the research programme commitments appropriations, corresponding to the amount up to EUR 0.5 billion (in 2018 prices) in the period 2021-2027 of decommitments, which results from total or partial non-implementation of projects belonging to that programme or its predecessor as provided for in Article 15(3) of the Financial Regulation.</p> <p>OJ C 444I, 22.12.2020, p. 3–3</p>	<p>12793/20</p>
<p>Joint declaration by the European Parliament, Council and Commission on the treatment of NGEU interest costs and repayments in the 2021-2027 MFF</p>		<p>12793/20</p>

<p>The three Institutions agree that expenditures covering the financing costs of Next Generation EU shall aim at not reducing EU programmes and funds.</p> <p>The three Institutions agree that the treatment of NGEU interest costs and repayments in the 2021-2027 MFF, currently forecast at EUR 12.9 billion for the seven years, is without prejudice to how this matter will be addressed in future MFFs from 2028 onwards.</p> <p>The three Institutions agree to work towards introducing sufficient new own resources with a view to covering an amount corresponding to the expected expenditure related to repayment and interest costs.</p> <p>OJ C 444I, 22.12.2020, p. 4–4</p>	12793/20
<p>Commission Declaration on establishing an Own Resource based on a digital levy</p> <p>Taking into account the developments at international level, the Commission will speed up its work on the submission of the necessary proposals for the establishment of a digital levy within the Union and will make a proposal for a basic act as soon as possible and at latest by June 2021. It will on this basis propose that revenues stemming from the digital levy will become an own resource by January 2023.</p>	12793/20
<p>Commission Declaration on establishing a Financial Transaction Tax based Own Resource</p> <p>Discussions on the Financial Transaction Tax under enhanced cooperation are ongoing with a view of their finalisation by the end of 2022. Should there be an agreement on this Financial Transaction Tax, the Commission will make a proposal in order to transfer revenues from this Financial Transaction Tax to the EU budget as an own resource.</p> <p>If there is no agreement by end of 2022, the Commission will, based on impact assessments, propose a new own resource, based on a new Financial Transaction Tax. The Commission shall endeavour to make these proposals by June 2024 in view of its introduction by 1 January 2026.</p>	12793/20

Joint declaration of the European Parliament, the Council and the Commission on budgetary scrutiny of new proposals based on Article 122 TFEU with potential appreciable implications for the Union budget

Whereas:

(1) The European Parliament, the Council and the Commission (“the three Institutions”) acknowledge that Article 122 TFEU constitutes a legal basis for adopting measures to address specific crisis situations that may entail potential budgetary implications, which are capable of impacting the development of Union expenditure within the limits of its own resources.

(2) In the light of their budgetary powers under the Treaties, it is appropriate that the two branches of the budgetary authority deliberate on the budgetary implications of such envisaged acts where those implications are likely to be appreciable. To this effect, the Commission should provide all relevant information necessary to assist the European Parliament and the Council in their deliberations.

HAVE AGREED AS FOLLOWS:

1. This declaration sets out arrangements for a procedure of budgetary scrutiny (hereafter “the procedure”) between the European Parliament and the Council with the active assistance of the Commission.
2. This procedure may be followed in respect of a Commission proposal for a Council act based on Article 122 TFEU with potential appreciable implications for the Union budget.
3. The Commission will accompany any such proposal by an assessment of the budgetary implications of the proposed legal act and will indicate whether the act in question may, in its view, have appreciable implications for the Union budget. On that basis, the European Parliament and the Council may request that the procedure be initiated.
4. The procedure will take place in a Joint Committee consisting of representatives of the European Parliament and of the Council at the appropriate level. The Commission will participate in the work of the Joint Committee.
5. Without prejudice to the powers of the Council under Article 122 TFEU, the European Parliament and the Council will engage in a constructive dialogue with a view to seeking a joint understanding of the budgetary implications of the envisaged legal act having due regard to the urgency of the matter.
6. The procedure should take place during a period not exceeding two months, unless the act in question has to be adopted before a specific date or, if the urgency of the matter so requires, within a shorter time limit fixed by the Council.

[OJ C 444I, 22.12.2020, p. 5–5](#)

<p>Joint declaration of the European Parliament, the Council and the Commission on reassessing the external assigned revenue and borrowing and lending provisions in the Financial Regulation</p> <p>Against the background of the NGEU, the European Parliament, the Council and the Commission agree that in the framework of the next revision of the Financial Regulation, the following issues will be assessed and as appropriate revised:</p> <ul style="list-style-type: none"> – the provisions on the external assigned revenue , in particular as referred to in Article 21(5) of the Financial Regulation; – the provisions on reporting on borrowing and lending operations. <p>The three institutions acknowledge that the existing rules on audits and discharge procedure apply to assigned revenue.</p> <p>OJ C 444I, 22.12.2020, p. 6–6</p>	12793/20								
<p>Commission declaration on the climate tracking methodology and the involvement of the European Parliament and Council</p> <p>The Commission will ensure that the climate tracking methodology is accessible, transparent, and publicly available. The Commission will exchange views on the climate tracking methodology with the European Parliament and Council. Transparency and exchange of information with Parliament and Council on the progress towards reaching the climate objectives will be a key principle of the climate tracking.</p>	12793/20								
<p>Commission declaration regarding climate contributions per programme</p> <p>Without prejudice to the legislative powers of the European Parliament and the Council in relation to the relevant sectoral basic acts, the climate contributions for 2021-2027 in view of achieving an overall target of at least 30% of the total amount of Union budget and NGEU expenditures, are indicated for relevant programmes and Funds as follows:</p> <table border="1" data-bbox="976 795 1311 1780"> <thead> <tr> <th><u>Programmes</u></th> <th><u>Expected minimum contribution</u></th> </tr> </thead> <tbody> <tr> <td><u>Horizon Europe</u></td> <td><u>35%</u></td> </tr> <tr> <td><u>ITER</u></td> <td><u>100%</u></td> </tr> <tr> <td><u>InvestEU Fund</u></td> <td><u>30%</u></td> </tr> </tbody> </table>	<u>Programmes</u>	<u>Expected minimum contribution</u>	<u>Horizon Europe</u>	<u>35%</u>	<u>ITER</u>	<u>100%</u>	<u>InvestEU Fund</u>	<u>30%</u>	12793/20
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<u>InvestEU Fund</u>	<u>30%</u>								

<p>Commission declaration on the biodiversity tracking methodology and the involvement of the European Parliament and Council</p> <p>The Commission will ensure that the biodiversity tracking methodology is accessible, transparent, and publicly available. After the completion of a study on the methodology recently launched by the Commission, the Commission will exchange views on the methodology with the European Parliament and Council. Transparency and exchange of information with Parliament and Council on the progress towards reaching the biodiversity related objectives will be key for tracking.</p>	12793/20
<p>Commission declaration on a mid-term review / revision</p> <p>By 1 January 2024, the Commission will present a review of the functioning of the MFF.</p> <p>The review may, as appropriate, be accompanied by relevant proposals for the revision of the MFF Regulation in accordance with the procedures set out in the TFEU.</p>	12793/20
<p>Position of the Council at first reading with a view to the adoption of a Regulation on a general regime of conditionality for the protection of the Union budget</p>	9980/20
<p>Position of the Council at first reading with a view to the adoption of a Regulation on a general regime of conditionality for the protection of the Union budget - Statement of Reasons</p>	9980/20 ADD1
<p>Explanation by Hungary of its vote</p> <p>The European Council conclusions of 10-11 December 2020 and the related statements by the Commission and the Council addressed the political and some of the legal concerns of Hungary as regards the interpretation and application of the draft Regulation on a general regime of conditionality for the protection of the Union budget. Nevertheless, serious legal concerns remain as to the conformity of the draft Regulation with EU law that compel Hungary to vote against the Council's position in first reading on the draft Regulation. Hungary reserves its right under Article 263 TFEU.</p>	CM 5358/20
<p>Statement by Hungary</p> <p>The full implementation in good faith of the European Council conclusions and the related statements by the Commission on the interpretation and application of the regulation on a general regime of conditionality for the protection of the Union budget pertains to Hungary's vital national interests and is a precondition of Hungary's consent to any legislative act related to the multiannual financial framework for the years 2021 to 2027, including Next Generation EU.</p>	CM 5358/20
<p>Statement by the Commission</p> <p>The Commission takes note of the European Council's conclusions of 10-11 December 2020 with regard to the draft Regulation on</p>	CM 5358/20

<p>a general regime of conditionality for the protection of the Union budget. It confirms the European Council's understanding that the Commission, in the application of the Regulation, is committed to the elements referred to in paragraph 2 of the conclusions of 10-11 December 2020 to the extent that they fall within the remit of its responsibilities, in accordance with the Treaties.</p>	<p>CM 5358/20</p>
<p>Statement by the Commission The Commission agrees to consider accompanying the report to the European Parliament and the Council on the application of this Regulation by appropriate proposals where necessary.</p>	

<p>Draft Joint Statement by the Council, the European Parliament and the Commission</p> <p>Without prejudice to the Commission's right of initiative, the European Parliament, the Council and Commission agree to consider including the content of this Regulation into Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 (the "Financial Regulation") upon its next revision.</p>	13051/20
<p>Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of Own Resources of the European Union and repealing Decision 2014/335/EU, Euratom</p> <p>OJ L 424, 15.12.2020, p. 1–10</p>	10046/20
<p>Statement by the Netherlands</p> <p>The Netherlands considers the negotiations on the Multiannual Financial Framework, the Own Resources Decision, the Regulation on a general regime of conditionality for the protection of the Union budget and the Regulation establishing a Recovery and Resilience Facility (RRF) as a package. It is of utmost importance to respect the delicate balance of the European Council conclusions of 17-21 July 2020 and to ensure that the legislative texts are in conformity with these conclusions. At the moment, the RRF regulation is still in the trilogue phase so the final outcome is not known.</p> <p>The Netherlands welcomes the agreement on the new Council Decision (EU, Euratom) on the system of own resources of the European Union (ORD). In the spirit of the principle of sincere cooperation and to allow for a swift introduction of the funds aimed at addressing the consequences of the Covid-19 pandemic, the Netherlands will vote in favour of the Council Decision, so that Member States may start their national procedures, in accordance with their respective constitutional requirements, required for the entry into force of the Council Decision.</p> <p>Given the need to assess the complete package indicated above, including as a requirement to be able to receive parliamentary approval for the ORD, the Dutch government will only send the ORD to parliament after the trilogues on the proposed RRF regulation have led to a satisfactory outcome in full conformity with the European Council conclusions of 17-21 July. In the meantime, the Dutch government is finalising the necessary preparatory work that will allow for the start of the national parliamentary approval procedure, required by the Dutch Constitution.</p> <p>Statement by Estonia, Latvia, Lithuania</p> <p>Estonia, Latvia and Lithuania note that the trilogues on the Connecting Europe Facility (CEF) Regulation¹ are still ongoing. The co-legislators have not been able to agree on several political issues, which were explicitly addressed in the Conclusions of the European Council special meeting in July 2020 and remain a top priority for the Baltic States. These include, inter alia, the earmarking of EUR 1 384 million from the general envelope of the CEF transport part for the completion of missing major cross-border railway links between cohesion countries to support the functioning of the Single Market. According to the agreement, the co-financing rules of the transfer from the Cohesion Fund to CEF shall apply.</p> <p>Estonia, Latvia and Lithuania emphasise that the compromise on Connecting Europe Facility forms an integral part of the MFF</p>	CM 5358/20

<p>package. The full respect of the European Council conclusions on the MFF 2021-2027 from July 2020 in relation to the Connecting Europe Facility is instrumental for the success of the ratification and approval processes of the Own Resources Decision in the national parliaments of the Baltic States.</p> <p>Rail Baltica is a greenfield EU flagship project, which creates a new rail corridor across the three Member States, connecting them to the European-gauge network and bridging the infrastructure gap. As the Baltic States currently lack any high-speed railway connections with other EU Member States or between themselves, Rail Baltica would provide a remarkable economic boost for the whole region and improve transport connectivity between cohesion countries. The project is essential for achieving the EU's increased climate ambition by encouraging modal shift from roads to an electrified railway, thus helping to significantly reduce transport emissions. The earmarked budget is fundamental for the timely completion of Rail Baltica, currently in active development with the aim to start operations by 2026.</p> <p>The European Council has acknowledged the importance of completing major, missing cross-border railway connections, such as Rail Baltica, as they foster economic, social and territorial cohesion and combat climate change. Estonia, Latvia and Lithuania invite the European Parliament to share this position and support the earmarking provision as agreed by the European Council.</p>	
<p>¹ Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014; 2018/0228 (COD).</p> <p><i>Council Regulation establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis</i></p> <p>Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis</p> <p>OJ L 433L, 22.12.2020, p. 23–27</p>	9971/20
<p>Draft letters to the European Parliament and the Commission - Approval</p>	13027/20
<p>Written procedure completed on 14 December 2020</p>	CM 5416/20
<p>European Union's position for the 17th EU-Azerbaijan Cooperation Council</p>	13992/20
<p>Written procedure completed on 14 December 2020</p>	CM 5414/20
<p>European Union's position for the 3rd EU-Republic of Armenia Partnership Council</p>	13991/20
<p>Written procedure completed on 15 December 2020</p>	CM 5327/20
<p>Council conclusions on urban and territorial development</p>	13597/20
<p>Written procedure completed on 15 December 2020</p>	CM 5402/20
<p>Draft Council conclusions on the European Court of Auditors' Special Report No 19/2020: "Digitising European Industry: an ambitious initiative whose success depends on the continued commitment of the EU, governments and businesses"</p>	13568/20

Written procedure completed on 15 December 2020	CM 5397/20
Council conclusions on strengthening resilience and countering hybrid threats, including disinformation in the context of the COVID-19 pandemic	13626/20
Written procedure completed on 17 December 2020	CM 5464/20
<i>Council Recommendation amending Council Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction</i>	14135/20
Council Recommendation (EU) 2020/2169 of 17 December 2020 amending Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction	
<u>OJL 431, 21.12.2020, p. 75–77</u>	
Written procedure completed on 18 December 2020	CM 5419/20
Intention not to raise objections to Commission's Delegated Regulation (EU) .../... of 4.12.2020 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	13744/20 COR1
Written procedure completed on 18 December 2020	CM 5442/20
Council Conclusions on ECA's Special Report 21/2020	14080/20
Written procedure completed on 18 December 2020	CM 5447/20
EU Drugs Strategy 2021-2025	13932/20
Written procedure completed on 18 December 2020	CM 5451/20
Council conclusions on COVID-19 lessons learned in health	13552/20 + COR1
Written procedure completed on 18 December 2020	CM 5463/20
Approval of the amendment of the amount of transfer of appropriations No DEC 3/2020 within Section VII - Committee of the Regions - of the general budget for 2020	13530/20
Approval of the amendment of the amount of transfer of appropriations No DEC 2/2020 within Section VI - European Economic and Social Committee - of the general budget for 2020	13930/20
Approval of the amendment of the amount of transfer of appropriations No DEC 1/2020 within Section IV - European Economic and Social Committee - of the general budget for 2020	13935/20
Refusal of transfer of appropriations No DEC 1/2020 within Section X - European External Action Service - of the general budget for 2020	13936/20

Written procedure completed on 18 December 2020	CM 5467/20
<i>Council Decision appointing the Chairperson of the European Statistical Governance Advisory Board</i>	10733/20
Council Decision of 18 December 2017 appointing the Chairperson of the European Statistical Governance Advisory Board OJ C 439, 20.12.2017, p. 7–7	
Written procedure completed on 18 December 2020	CM 5487/20
<i>Council Implementing Decision authorising the Netherlands to introduce a special measure derogating from Articles 168 and 168a of Directive 2006/112/EC on the common system of value added tax</i>	13508/20
Council Implementing Decision (EU) 2020/2189 of 18 December 2020 authorising the Netherlands to introduce a special measure derogating from Articles 168 and 168a of Directive 2006/112/EC on the common system of value added tax OJ L 434, 23.12.2020, p. 1–2	
Written procedure completed on 18 December 2020	CM 5492/20
Intention not to raise objections to 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	13975/20
Written procedure completed on 18 December 2020	CM 5485/20
<i>Council Decision on the signing, on behalf of the Union, of the Voluntary Partnership Agreement between the European Union and the Republic of Honduras on forest law enforcement, governance and trade</i>	12513/20
Council Decision (EU) 2020/2185 of 18 December 2020 on the signing, on behalf of the Union, of the Voluntary Partnership Agreement between the European Union and the Republic of Honduras on forest law enforcement, governance and trade in timber products to the European Union OJ L 435, 23.12.2020, p. 63–64	
Council Decision on the conclusion of the Voluntary Partnership Agreement between the European Union and the Republic of Honduras on forest law enforcement, governance and trade - Agreement in principle - Request by the Council for the consent of the European Parliament	10365/20 12543/20

Written procedure completed on 18 December 2020	CM 5468/20
<i>Council decision appointing two members of the European Statistical Governance Advisory Board</i>	10734/20
Council Decision of 18 December 2020 appointing two members of the European Statistical Governance Advisory Board	
2020/C 445/02	
OJ C 445, 22.12.2020, p. 3–4	
Written procedure completed on 18 December 2020	CM 5477/20
<i>Council Regulation amending Regulation (EU) No 1388/2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products</i>	13202/20
Council Regulation (EU) 2020/2230 of 18 December 2020 amending Regulation (EU) No 1388/2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products	
OJ L 437, 28.12.2020, p. 120–134	
Written procedure completed on 18 December 2020	CM 5478/20
<i>Council Regulation amending Regulation (EU) No 1387/2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products</i>	13205/20
Council Regulation (EU) 2020/2231 of 18 December 2020 amending Regulation (EU) No 1387/2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products	
OJ L 437, 28.12.2020, p. 135–181	
Written procedure completed on 18 December 2020	CM 5495/20
Council Conclusions regarding Taking the Customs Union to the Next Level: a Plan for Action	13831/20
Written procedure completed on 22 December 2020	CM 5448/20
<i>Regulation on certain aspects of railway safety and connectivity with regard to the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link</i>	60/20 REV1
Regulation (EU) 2020/2222 of the European Parliament and of the Council of 23 December 2020 on certain aspects of railway safety and connectivity with regard to the cross-border infrastructure linking the Union and the United Kingdom through the Channel Fixed Link (Text with EEA relevance)	
OJ L 437, 28.12.2020, p. 43–48	

<p>Written procedure completed on 22 December 2020</p> <p><i>Decision establishing a Union action for the European Capitals of Culture for the years 2020 to 2033</i></p> <p>Decision (EU) 2020/2229 of the European Parliament and of the Council of 23 December 2020 amending Decision No 445/2014/EU establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 (Text with EEA relevance)</p> <p>OJL 437, 28.12.2020, p. 116–119</p>	<p>CM 5494/20</p> <p>55/20 REV 1</p>
<p>Written procedure completed on 22 December 2020</p> <p><i>Regulation of the European Parliament and of the Council amending Regulation (EU) No 1303/2013 as regards additional resources and implementing arrangements for fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and for preparing a green, digital and resilient recovery of the economy (REACT-EU)</i></p> <p>Regulation (EU) 2020/2221 of the European Parliament and of the Council of 23 December 2020 amending Regulation (EU) No 1303/2013 as regards additional resources and implementing arrangements to provide assistance for fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and for preparing a green, digital and resilient recovery of the economy (REACT-EU)</p> <p>OJL 437, 28.12.2020, p. 30–42</p>	<p>CM 5506/20</p> <p>58/20 REV 1</p>
<p>Statement by Poland</p> <p>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 the expressions comprising term "gender" Poland will interpret it as the equality between women and men in accordance with the Article 8 of the TFEU.</p> <p>Moreover, with regard to the recital 7, Poland is of the opinion that using conditionality mechanism for the protection of the Union budget cannot lead to bypassing the Treaties, in particular the procedure established in Article 7 of the TEU, and it cannot interfere with the European Council's competence to unanimously declare that the Rule of Law has been breached.</p>	

<p>Statement by the Commission</p> <p>Statement in relation to Recital 6</p> <p>The Commission regrets that the European Parliament and the Council agreed that the climate-spending target is set out in a recital instead of establishing a legally binding target in an Article. The Commission considers that this does not give appropriate legal means for the Commission to effectively ensure that the contribution of REACT-EU resources reach the agreed level for the purposes of the overall climate contribution target set for the Multiannual Financial Framework and Next Generation EU jointly, in accordance with point 15 of the Inter-institutional Agreement.</p>		<p>CM 5507/20</p>
<p>Written procedure completed on 22 December 2020</p> <p>Council decision on the position to be taken on behalf of the European Union within the Regional Steering Committee of the Transport Community as regards the adoption of the budget of the Transport Community for 2021</p> <p>Council Decision (EU) 2020/2187 of 22 December 2020 on the position to be taken on behalf of the European Union within the Regional Steering Committee of the Transport Community as regards the adoption of the budget of the Transport Community for 2021</p> <p>OJ L 435, 23.12.2020, p. 73–73</p>	<p>CM 5508/20</p> <p>29/20</p>	
<p>Written procedure completed on 22 December 2020</p> <p><i>Regulation laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022</i></p> <p>Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022</p> <p>OJ L 437, 28.12.2020, p. 1–29</p>		

<p>Joint statement by the European Parliament and the Council on the outermost regions and smaller Aegean islands</p>	<p>The European Parliament and the Council recall:</p> <ul style="list-style-type: none"> - the importance of specific measures for the outermost regions, in accordance with Article 349 of the Treaty on the Functioning of the European Union and Regulation (EU) No 228/2013 of the European Parliament and of the Council, to take account of the special characteristics of those regions; - the importance of specific measures for agriculture in favour of the smaller Aegean islands established under Regulation (EU) No 229/2013 of the European Parliament and of the Council; and - that the above issues justify special support for those regions and islands, in order to implement appropriate measures. 	
<p>Joint statement by the European Parliament and the Council on EU funding arrangements for POSEI and the smaller Aegean islands</p>	<p>The European Parliament and the Council underline that the EU funding arrangements for POSEI and the smaller Aegean islands included in this Transitional Regulation for 2021 and 2022 are exceptional, reflecting the particularity of the circumstances, and do not constitute a precedent for future CAP financing, neither for the outermost regions and the smaller Aegean islands, nor for direct payments.</p>	
<p>Statement by Latvia</p>	<p>Latvia supports the urgent need to agree on CAP transitional rules in order to allow for the continuation of CAP policy in 2021 and avoid any interruption in support between the two MFF periods. It is the responsibility of the EU co-legislators to ensure that EU farmers continue food and agricultural production under CAP provisions without disruption.</p> <p>The substance of the compromise on the draft Regulation is acceptable for Latvia, as conditions for implementation are well elaborated and balanced. However, the last minute introduced proposal to <i>maintain the current CAP budgets for the outermost regions and the smaller Aegean islands under Regulations 228/2013 and 229/2013</i> - raises a number of concerns.</p> <p>While being open to finding solutions to ensure current level of funding for the regions in question, any such solution must under no circumstances undermine the agreement reached in European Council in July. All the EU Member States have their own national interests and political sensitivities. These had been widely discussed and taken into account in lengthy negotiations that lead to a very delicate compromise back in July. It is clear that compromise achieved by DE PRES does not fully respect this MFF deal.</p>	

<p>We were ready to support a solution which would be budgetary neutral to the non-POSEI Member States. However, the proposed use of assigned revenues, even though only for 2021, is not budgetary neutral vis-à-vis the direct payment envelopes of the other MS and is creating the precedent for the future.</p> <p>For the reasons expressed above Latvia abstains from voting on the Transitional Regulation.</p>	
<p>Statement by Lithuania</p> <p>Lithuania considers that the compromise solution for the additional financing for Union's outermost regions and the smaller Aegean islands included in the Transitional Regulation for 2021 does not respect the MFF agreement and believes that the use of assigned revenues for this purpose goes against the principle of budget neutrality <i>vis-à-vis</i> other Member States.</p> <p>Lithuania notes that the abovementioned solution shall not constitute a precedent for the future.</p>	
<p>Joint Statement by Belgium, Denmark, The Netherlands, Slovakia and Sweden</p> <p>Belgium, Denmark, The Netherlands, Slovakia and Sweden support 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.</p>	
<p>Written procedure completed on 22 December 2020</p>	<p>CM 5509/20</p>
<p><i>Decision authorising the Commission to vote in favour of an increase in the authorised capital of the European Investment Fund</i></p> <p>Decision (EU) 2021/8 of the European Parliament and of the Council of 23 December 2020 authorising the Commission to vote in favour of an increase in the authorised capital of the European Investment Fund</p>	<p>59/20 REV 1</p>
<p>OJ L 3. 7.1.2021, p. 1–2</p>	
<p>Written procedure completed on 22 December 2020</p>	<p>CM 5510/20</p>
<p><i>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</i></p> <p>Regulation (EU) 2020/2227 of the European Parliament and of the Council of 23 December 2020 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</p> <p>OJ L 437, 28.12.2020, p. 102–107</p>	<p>68/20 REV 1</p>

<p>Written procedure completed on 22 December 2020</p> <p><i>Council Decision amending Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast</i></p> <p>Council Decision (CFSP) 2020/2188 of 22 December 2020 amending Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast</p> <p>OJ L 435, 23.12.2020, p. 74–78</p>	<p>CM 5486/20</p> <p>12916/20</p>
<p>Written procedure completed on 22 December 2020</p> <p><i>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 establishing a list of 25 persons who are willing and able to serve as members of an arbitration panel under the Agreement and on a reserve list of persons who are willing and able to serve as Union members of an arbitration panel under the Agreement</i></p> <p>Council Decision (EU) 2020/2232 of 22 December 2020 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 establishing a list of 25 persons who are willing and able to serve as members of an arbitration panel under the Agreement and on a reserve list of persons who are willing and able to serve as Union members of an arbitration panel under the Agreement</p> <p>OJ L 437, 28.12.2020, p. 182–187</p>	<p>CM 5476/20</p> <p>13919/20</p> <p>REV1</p>

<p>Written procedure completed on 22 December 2020</p> <p><i>Regulation of the European Parliament and of the Council on certain aspects of aviation safety with regard to the end of the transition period provided for in 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</i></p> <p>Regulation (EU) 2020/2226 of the European Parliament and of the Council of 23 December 2020 on certain aspects of aviation safety with regard to the end of the transition period provided for in 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 (Text with EEA relevance)</p> <p>OJ L 437, 28.12.2020, p. 97–101</p>	<p>CM 5455/20</p> <p>67/20 REV 1</p>
<p>Written procedure completed on 22 December 2020</p> <p><i>Regulation of the European Parliament and of the Council on common rules ensuring basic air connectivity following the end of the transition period provided for in 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</i></p> <p>Regulation (EU) 2020/2225 of the European Parliament and of the Council of 23 December 2020 on common rules ensuring basic air connectivity following the end of the transition period provided for in 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 (Text with EEA relevance)</p> <p>OJ L 437, 28.12.2020, p. 86–96</p>	<p>CM 5453/20</p> <p>66/20 REV 1</p>
<p>Statement by Luxembourg</p> <p>Luxembourg considers that the freedoms of the air that make it possible for a Member State to be connected to a third country are not covered by the scope of the Regulation on common rules ensuring basic air connectivity.</p> <p>In particular, the fifth freedom of the air, regarding extra-EU air traffic (the freedom to take up and discharge traffic at intermediate points outside the EU) falls under the competence of the Member States and cannot therefore be suspended or abolished by the Regulation in question.</p> <p>Luxembourg regrets that its suggestion for clarification of the text of the Regulation on common rules ensuring basic air connectivity has not been taken into account, but considers that the interpretation of the Regulation has nevertheless not been altered.</p>	<p>CM 5453/20</p>

<p>Statement by the Commission</p> <p>In respect of Article 2 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 prejudice 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.</p> <p>This is without prejudice to the legal position following from the current or any future authorisations to negotiate, with any third country.</p>	
<p>Written procedure completed on 22 December 2020</p> <p><i>Regulation of the European Parliament and of the Council on common rules ensuring basic road freight and road passenger connectivity following the end of the transition period provided for in 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</i></p> <p>Regulation (EU) 2020/2224 of the European Parliament and of the Council of 23 December 2020 on common rules ensuring basic road freight and road passenger connectivity following the end of the transition period provided for in 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 (Text with EEA relevance)</p> <p>OJ L 437, 28.12.2020, p. 74–85</p>	<p>CM 5450/20</p> <p>65/20 REV 1</p>

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.

Written procedure completed on 22 December 2020	CM 5337/20
Council Decision replacing a member of the Management Board of the European Agency for Safety and Health at Work (EU-OSHA), for Belgium	13942/20
Written procedure completed on 22 December 2020	CM 5333/20
Council Decision replacing an alternate member of the Advisory Committee on Safety and Health at Work, for Belgium	13938/20
Written procedure completed on 22 December 2020	CM 5306/20
Council Decision replacing a member of the Management Board of the European Foundation for the Improvement of Living and Working Conditions, for Latvia	13857/20
Written procedure completed on 22 December 2020	CM 5306/20
Council Decision replacing an alternate member of the Management Board of the European Foundation for the Improvement of Living and Working Conditions, for Latvia	13859/20
Written procedure completed on 22 December 2020	CM 5247/20
Council Decision replacing a member of the Management Board of the European Agency for Safety and Health at Work (EU-OSHA), for Lithuania	13765/20
Written procedure completed on 23 December 2020	CM 5462/20
<i>Council Decision concerning the commitment of the funds stemming from reflows under the ACP Investment Facility for operations under the 9th, 10th and 11th European Development Funds</i>	13990/20
Council Decision (EU) 2020/2233 of 23 December 2020 concerning the commitment of the funds stemming from reflows under the ACP Investment Facility from operations under the 9th, 10th and 11th European Development Funds OJ L 437, 28.12.2020, p. 188–191	
Written procedure completed on 23 December 2020	CM 5517/20
Southern Neighbourhood / Partnership Priorities: Draft letters to Southern neighbours	14234/20

<p>Written procedure completed on 29 December 2020</p>		<p>CM 5527/20</p>
<p><i>Council Decision approving the conclusion, by the European Commission, of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the European Atomic Energy Community for Cooperation on the Safe and Peaceful Uses of Nuclear Energy and the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part</i></p> <p>Council Decision (Euratom) 2020/2253 of 29 December 2020 approving the conclusion, by the European Commission, of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the European Atomic Energy Community for Cooperation on the Safe and Peaceful Uses of Nuclear Energy and the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part</p> <p>OJ L 444, 31.12.2020, p. 11–13</p>		<p>14357/20</p>
<p><i>Agreement for Cooperation on the Safe and Peaceful Uses of Nuclear Energy</i></p> <p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the European Atomic Energy Community for Cooperation on the Safe and Peaceful Uses of Nuclear Energy</p> <p>OJ L 445, 31.12.2020, p. 5–22</p>		<p>14337/20 ADD 2 REV 1</p>
<p><i>Exchange of letters for provisional application to be made at the signature</i></p> <p>Exchange of letters on the provisional application of the Agreement between the European Atomic Energy Community and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Safe and Peaceful Uses of Nuclear Energy</p> <p>OJ L 445, 31.12.2020, p. 23–24</p>		<p>14357/20 ADD 1</p>

Written procedure completed on 29 December 2020	CM 5525/20
<p><i>Council Decision on the signing, on behalf of the Union, and on provisional application of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information</i></p> <p>Council Decision (EU) 2020/2252 of 29 December 2020 on the signing, on behalf of the Union, and on provisional application of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information</p> <p>OJ L 444, 31.12.2020, p. 2–10</p>	<p>13904/20</p>
<p><i>Trade and Cooperation Agreement</i></p> <p>Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part</p> <p>OJ L 444, 31.12.2020, p. 14–1462</p>	<p>14335/20 ADD 1 REV 2</p>
<p><i>Agreement concerning security procedures for exchanging and protecting classified information</i></p> <p>Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information</p> <p>OJ L 444, 31.12.2020, p. 1463–1474</p>	<p>ST 14335/20 ADD 2 REV 1</p>
<p><i>Declarations in relation to the Trade and Cooperation Agreement and the Agreement concerning security procedures for exchanging and protecting classified information</i></p> <p>Declarations referred to in the Council Decision on the signing on behalf of the Union, and on a provisional application of the Trade and Cooperation Agreement and of the Agreement concerning security procedures for exchanging and protecting classified information</p> <p>OJ L 444, 31.12.2020, p. 1475–1485</p>	<p>ST 14368/20</p>
<p>EU-UK Trade and Cooperation Agreement - Notification by the Union</p> <p>OJ L 444, 31.12.2020, p. 1486–1487</p>	<p>ST 14367/20</p>

<p><i>Trade and Cooperation Agreement and the Agreement concerning security procedures for exchanging and protecting classified information</i></p> <p><u>Statement by the Council for the minutes</u></p> <p>It is noted that the Council has decided that the Trade and Cooperation Agreement and the Security of Information Agreement (the 'Agreements') shall be applied on a provisional basis as from 1 January 2021.</p> <p>The Council will therefore exercise its powers under Article 218 TFEU to conduct the scrutiny and complete the conclusion process of those Agreements as diligently and smoothly as possible. During this process, the Commission is requested, in accordance with Article 241 TFEU, to submit appropriate proposals to ensure that the Partnership Council allows for the Agreements to be provisionally applied until the completion by the Union of the procedures necessary for their entry into force, including the final legal-linguistic revision of all their language versions and the establishment of such finally revised language versions as authentic and definitive by the Parties.</p>	<p>ST 14339/20</p>
<p><i>Trade and Cooperation Agreement and the Agreement concerning security procedures for exchanging and protecting classified information</i></p> <p><u>Statement by Austria</u></p> <p>Concluding social security agreements with third countries lies within Member States' competence, which have to respect the obligations under the TFEU when doing so (e.g. case C-55/00, Gottardo). Nevertheless, the Trade and Cooperation Agreement contains also provisions concerning the coordination of the respective social security systems, taking into account the unique situation of the relation between the EU and the UK.</p> <p>These provisions cannot put in question the competence of Member States to conclude bilateral agreements with other third countries in the future and cannot have an impact on the content of such agreements. Also in relation to the UK the competence exercised by the EU in the Trade and Cooperation Agreement must remain limited to the absolutely necessary issues. Therefore, the term "subject matters covered by the Protocol on Social Security" must be interpreted as exemption from the principle of autonomy of Member States in this field and must be interpreted restrictively. Member States must be free to agree with the UK on principles or provisions not contained in the Protocol on Social Security Coordination as long as they correspond e.g. to the provisions of Regulations (EC) No. 883/2004 and 987/2009. The procedures provided in Article 7 of the Council Decision [on the signing, on behalf of the Union, and on provisional application of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern</p>	<p>CM 5525/20</p>

<p>Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information] cannot hinder the exercise of these rights of the Member States.</p>	
<p><u>Statement by the Kingdom of the Netherlands</u></p> <p>The Netherlands notes that, by agreeing as a member of the Council to the Council Decision on the signing on behalf of the Union, and on the provisional application of the Trade and Cooperation Agreement and of the Agreement concerning security procedures for exchanging and protecting classified information, it agrees to the provisional application of both agreements in their entirety. This will include the provisional application of both exclusive competences of the Union and, in this particular case, non-exclusive competences of the Union exercised by the Union.</p> <p>The Netherlands notes that this provisional application is without prejudice to the allocation of competences between the Union and its Member States in accordance with the Treaties. The application of the agreements on a provisional basis, pending the completion of the procedures necessary for their entry into force, allows the European Parliament and the Council to appropriately scrutinize the envisaged decision on the conclusion of the Agreements, which is to be taken by unanimity in the Council, and the text of the Agreements. It will also allow the Dutch parliament to further scrutinise the agreements and exercise its role prior to the adoption of the Council decision on the conclusion of the Agreements.</p>	<p>CM 5525/20</p>
<p><u>Statement by Cyprus on the Decision on signing</u></p> <p>The division of competences between the EU and its Member states, in relation to air transport, is explicitly governed by the Treaties and the Court's jurisprudence. The exercise of the Union's competence through the Trade and Cooperation Agreement, in the area of air services, shall be without prejudice to the competence of member states concerning air traffic rights, in any ongoing or future negotiations, signature or conclusion of international agreements with any third country, in the area of air services and shall not constitute a precedent to this effect.</p>	<p>CM 5525/20</p>

<p><u>Statement by the Commission on art. 4 of the Decision on signing</u></p> <p>In relation to Article 4 of the Council Decision for the signature and provisional application of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information, which empowers the Commission to approve on the Union's behalf some suspension and implementation of the agreement. The Commission recalls that Provisional Application is a temporary anticipation of the application of an international agreement pending its conclusion and as such is subject to the strict requirements under the Treaty, the Commission recalls that Provisional Application is a temporary anticipation of the application of an international agreement pending its conclusion and as such is subject to the strict requirements under the Treaty. The Commission also notes that Article 218(7) TFEU is a derogation to the ordinary procedures under paragraphs 5, 6 and 9 of the same Article and for that reason it shall be of strict interpretation as the ECJ has consistently held and that can be provided for only "when concluding an agreement". The Commission considers that the concrete use of such empowerment will be limited to situations that requires urgent actions that cannot be delayed, and it plans in any event to associate the European Parliament in the appropriate form.</p>	<p>CM 5525/20</p>
<p><u>Statement by the Commission on the amendments to the Euratom recommendation</u></p> <p>The Commission takes note that the Council approves the conclusion by the Commission, on behalf of the European Atomic Energy Community, of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the European Atomic Energy Community for Cooperation on the Safe and Peaceful Uses of Nuclear Energy and of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, only subject to the condition that those agreements be signed and be applied on a provisional basis as from 1 January 2021. The Commission recalls that the power to conclude international agreements is vested in the Commission under Article 101 of the Treaty. It follows that pursuant to the Euratom Treaty, it is for the Commission to decide on the signature and to ensure the provisional application of such agreements in accordance with the approval given by Council.</p>	<p>CM 5525/20</p>

<p><u>Statement by the Commission on competences</u></p> <p>The Commission recalls that the division of competences as between the Union and the Member States is exhaustively dealt with in the Treaties. 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 the exercise of Union competence through the Trade and Cooperation Agreement is in accordance with the respective competences of the Union and of the Member States. This is without prejudice to any ongoing or future negotiations for, or signature or conclusion of, international agreements with any other third country.</p>	<p>CM 5525/20</p>
<p><u>Statement by the Commission on Gibraltar</u></p> <p>Following the Joint Declaration of the European Council and of the European Commission on the territorial scope of agreements to be concluded between the Union and the United Kingdom of 25 November 2018, the agreement to be signed between the Union and the United Kingdom on 30 December 2020 does not include Gibraltar. This does not preclude the possibility to have separate agreements between the Union and the United Kingdom in respect of Gibraltar. The Commission stands ready to examine any request from Spain, in agreement with the United Kingdom, to initiate the procedure for the negotiation of such separate agreements should they be compatible with Union law and the Union interests.</p>	<p>CM 5525/20</p>