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OUTCOME OF THE COUNCIL MEETING

3784th Council meeting

Foreign Affairs

Items approved by written procedure between 18 December 2020 and 22 January 2021

Brussels, 25 January 2021

President **Josep Borrell Fontelles**
High Representative of the Union for Foreign Affairs and
Security Policy

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

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ITEMS APPROVED***Temporary derogation from the Council's rules of procedure***

Owing to exceptional circumstances related to the COVID-19 pandemic, on 23 March 2020 the Council agreed on a temporary derogation from its rules of procedure to make it easier to take decisions by written procedure ([6891/20](#)). The temporary derogation is currently in force until 19 March 2021 (2021/26). It may be renewed if justified by a continuation of the current exceptional circumstances.

The derogation allows member states' EU ambassadors sitting in the Committee of Permanent Representatives (Coreper) to decide to use the written procedure in accordance with the voting rules applicable to the adoption of the act itself. It means that the requirement for unanimity for all decisions adopted using the written procedure no longer applies. The aim is to facilitate the use of the written procedure to help ensure the continuity of Council business.

For more information on the temporary derogation, see the [press release](#).

Results of written procedures concluded between 18 December 2020 and 22 January 2021, which would otherwise have been communicated in outcomes of Council meetings, are presented below. Results which have been communicated by means of a Council press release may not have been included.

FOREIGN AFFAIRS

EU-Colombia Memorandum of Understanding on an agenda of enhanced political and sectoral dialogue and cooperation for the next decade

The Council approved by written procedure the adoption of an MoU for an agenda that establishes enhanced political dialogue between the EU and Colombia. The Memorandum of Understanding is due to be signed during the official visit of President Duque to Brussels in January 2021.

Council decision defining a common approach on the elements of end-user certificates in the context of the export of small arms and light weapons and their ammunition

The Council approved by written procedure the endorsement of the principle of a Council decision defining a common approach on the elements of end-user certificates in the context of the export of small arms and light weapons and their ammunition.

Council decision and implementing regulation concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia

The Council approved by written procedure the decision to add new individuals to the list of persons subject to EU restrictive measures as provided by the Tunisian authorities concerning the judicial proceedings in Tunisia.

Council decision and regulation concerning restrictive measures against Somalia - UN transposition

The Council approved by written procedure the decision to implement the transposition of a UN resolution on Somalia re-affirming the arms embargo, with the exception of military-related technology and equipment destined for military advice/training of the SNAF.

Restrictive measures to combat terrorism - Common Position 2001/931/CFSP - pre-notifications of updated statement of reasons

The Council adopted the decision to use the written procedure to update the notification of statements related to individuals subject to EU sanctions to combat terrorism.

Belarus restrictive measures - pre-notifications of updated statements of reasons

The Council approved by written procedure the decision to update the notification of statements related to individuals subject to EU sanctions for actions concerning Belarus.

Zimbabwe restrictive measures - pre-notifications

The Council approved by written procedure the decision to update the notification of statements related to individuals subject to EU sanctions for actions concerning Zimbabwe.

Egypt restrictive measures - pre-notifications

The Council approved by written procedure the notice for the attention of a person to whom restrictive measures apply in view of the situation in Egypt.

Informal meeting of the members of the EU-Cuba Joint Council (VTC 20 January 2021)

The Council approved the position to be taken by the EU at the informal meeting of the members of the EU-Cuba Joint Council that took place via video conference on 20 January 2021.

ACP Investment Facility: commitment of the funds stemming from reflows

The Council adopted a 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 ([13990/20](#)).

Operation ATALANTA: mandate prolonged and extended

The Council adopted a 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.

For more details, see the [press release](#).

Extension of the existing ENP Partnership Priorities

The Council approved the letters to be sent by the High Representative/Vice-President of the Commission and the Commissioner for Neighbourhood and Enlargement to the EU's southern neighbours, namely Lebanon, Jordan, Egypt, Tunisia, Algeria, and Morocco, regarding the extension of the existing ENP Partnership Priorities.

TRADE

Brexit: trade in certain goods which could be used for capital punishment

The Council confirmed, by written procedure ([5419/20](#)), its intention not to object to Commission delegated regulation (EU) .../... of 4 December 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.

Brexit: Trade and Cooperation Agreement and the Agreement

The Council has adopted a decision on the signing and provisional application of the Trade and Cooperation Agreement with the United Kingdom and of the Agreement with the United Kingdom concerning security procedures for exchanging and protecting classified information, as set out in document [13904/20](#).

The Council has also agreed to approval of the following:

- the Trade and Cooperation Agreement, as set out in document [14335/20 ADD 1 REV 2](#), subject to final legal-linguistic revision
- the Agreement concerning security procedures for exchanging and protecting classified information, as set out in document [14335/20 ADD 2 REV 1](#), subject to final legal-linguistic revision
- the declarations in relation to the Trade and Cooperation Agreement and the Agreement concerning security procedures for exchanging and protecting classified information, as set out in document [14368/20](#)
- the notification by the European Union under the Trade and Cooperation Agreement, as set out in document [14367/20](#)
- the statement by the Council, to be recorded in its minutes, as set out in document [14339/20](#)

For more information, see the [press release](#) published on 29 December 2020.

ECONOMIC AND MONETARY AFFAIRS

VAT derogation - Lithuania

On 22 January 2021, the Council adopted a decision allowing Lithuania to exempt from value added tax taxable persons whose annual turnover is no higher than €55 000 ([14307/20](#)).

The decision will apply from 1 January 2021 until 31 December 2024.

State aid to financial institutions

On 22 December, the Council approved conclusions on special report no 21/2020 of the European Court of Auditors entitled ‘Control of state aid to financial institutions in the EU: in need of a fitness check’ ([14080/20](#)).

VAT derogation - Netherlands

On 18 December 2020, the Council adopted a decision allowing the Netherlands to exclude VAT due on goods and services from the right to deduct VAT where the goods and services in question are used for more than 90 % for the private purposes of a taxable person or of that person’s employees or, in general, for non-business purposes or non-economic activities ([13508/20](#)).

The objective of this measure is to simplify the procedure for collecting VAT and to prevent certain forms of tax evasion or avoidance.

The Council’s decision will apply from 1 January 2021 until 31 December 2023.

Customs action plan – Council conclusions

On 18 December 2020, the Council approved conclusions on the Commission’s communication ‘Taking the customs union to the next level: a plan for action’ ([14292/20](#)). The action plan sets out a number of initiatives to make EU customs smarter, more innovative and more efficient against the background of a range of challenges, including the rise of digitalisation and e-commerce and the UK’s exit from the EU’s single market and customs union.

In its conclusions, the Council welcomes the Commission's action plan and stresses that complex challenges in the customs area are best tackled by cooperating while fully respecting the competences and the responsibilities of the EU institutions and the member states. The EU customs union is, in general, functioning well. Measures to improve its functioning should therefore build on existing resources, structures and procedures, while taking into account innovation and the changing circumstances in which customs operates. The Council High-Level Working Party of the Directors-General of Customs will examine the implementation of customs actions of strategic relevance and their coherence with the conclusions.

As regards specific initiatives put forward by the Commission, the Council:

- invites the Commission, in close cooperation with the member states, to elaborate on the detailed tasks and role of the EU Joint Analytics Capabilities, a new analytics hub for collecting, analysing and sharing key customs data;
- regarding e-commerce, encourages the Commission to further examine the use of VAT data collected for customs purposes and looks forward to its assessment as regards the feasibility of the establishment of customs reporting obligations for e-commerce actors, in particular online sales platforms, to facilitate more effective controls and tackle customs duty and tax fraud;
- looks forward to the envisaged establishment of an EU 'single window' for customs allowing businesses to complete customs formalities in one single portal and underlines that a sufficient harmonisation of declaration requirements in non-customs policy areas is a precondition for its successful implementation;
- stresses the importance of modern and reliable customs equipment;
- takes the view that cooperation between customs authorities, police and other law enforcement services needs to be enhanced;
- welcomes the launch of a reflection group of member states and stakeholders to consider how to further modernise the customs union and calls for a clear mandate for the group to be agreed together with the member states.

For more details, see the [press release](#).

European Investment Fund – capital increase

On 22 December 2020, the Council adopted a decision of the European Parliament and of the Council authorising the Commission to vote in favour of an increase in the authorised capital of the European Investment Fund ([59/20](#)).

The Commission will be authorised to vote, on behalf of the Union, at the general meeting of the European Investment Fund in favour of the proposed increase of €2.87 billion in the authorised capital of the Fund.

HOME AFFAIRS**Schengen evaluations**

The Council adopted an implementing decision setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Hungary on the application of the Schengen acquis in the field of data protection ([5533/21](#)).

The Council adopted an implementing decision setting out a recommendation on addressing the deficiencies identified in the 2020 evaluation of Belgium on the application of the Schengen acquis in the field of return ([5536/21](#)).

The Council adopted an implementing decision setting out a recommendation on addressing the deficiencies identified in the 2019 evaluation of Slovakia on the application of the Schengen acquis in the field of data protection ([5534/21](#)).

The Council adopted an implementing decision setting out a recommendation on addressing the deficiencies identified in the evaluation of Cyprus in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of data protection ([5535/21](#)).

GENERAL AFFAIRS**Extending the temporary derogation from the Council's rules of procedure**

The Council adopted a decision further extending the temporary derogation from the Council's rules of procedure introduced by decision (EU) 2020/430, and extended by decisions (EU) 2020/556, (EU) 2020/702, (EU) 2020/970, (EU) 2020/1253 and (EU) 2020/1659, in view of the travel difficulties caused by the COVID-19 pandemic in the Union, as set out in [14256/20](#).

Informal meeting of the members of the EU-Serbia Stabilisation and Association Council

The Council approved the Common Position of the European Union for the informal meeting of the members of the EU-Serbia Stabilisation and Association Council, as set out in [13079/20](#).

Brexit: establishing a list of 25 persons who are willing and able to serve as members of an arbitration panel under the Agreement

The Council adopted a decision ([5476/20](#)) 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.

Council conclusions on the European Court of Auditors' special report no 22/2020

The Council approved conclusions on the European Court of Auditors' special report no 22/2020, entitled 'Future of EU agencies – potential for more flexibility and co-operation', as set out in [14270/20](#).

COVID-19**REACT-EU regulation**

On 22 December 2020, the Council adopted by written procedure with all member states voting in favour the REACT-EU regulation designed to make available additional financial resources to the member states and regions most affected by the coronavirus pandemic ([5506/20](#)).

The regulation is part of the emergency legislative measures taken in line with cohesion policy rules to help tackle the effects of COVID-19. It will make available €47.5 billion from the Next Generation EU instrument through the structural funds to support, primarily, health services, employment and small and medium-sized enterprises in a green and digital recovery. REACT-EU can finance programmes in place since 1 February 2020. It entered into force on 29 December 2020, a day after its publication in the [Official Journal of the European Union](#).

FISHERIES

Measures applicable in the Inter-American Tropical Tuna Convention

The Council adopted a regulation laying down management, conservation and control measures applicable in the Inter-American Tropical Tuna Convention area and amending Council regulation (EU) no [520/2007](#), as set out in [PE-CONS 50/20](#).

Fishing authorisations for EU vessels in UK waters

The Council adopted a regulation on fishing authorisations for Union fishing vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters, as set out in [PE-CONS 68/20](#).

AGRICULTURE

Autonomous tariff quotas of the Union for certain agricultural and industrial products

The Council adopted a regulation ([13202/20](#)) 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.

Autonomous Common Customs Tariff duties on certain agricultural and industrial products

The Council adopted a regulation ([13205/20](#)) amending regulation (EU) no [1387/2013](#) suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products.

Voluntary partnership agreement with Honduras

The Council adopted a decision on the signing of the voluntary partnership agreement between the EU and the Republic of Honduras on forest law enforcement, governance and trade, as finalised by the legal linguistic experts and set out in [12513/20](#). All delegations, except Belgium, agreed on the adoption.

Transitional regulation

The Council adopted a 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, as set out in PE-CONS 29/20. All delegations voted in favour, except Latvia and Lithuania, who abstained.

For more details, see the [press release](#).

RESEARCH

Joint statement on collaborative science efforts in the Arctic

On 22 January 2021, the Council authorised the Commission to open, on behalf of the EU, negotiations with the participants of the Arctic Science Ministerial on a joint statement on collaborative science efforts in the Arctic. The joint statement is expected to stress concern over warming in the Arctic region and its regional and planetary impacts. At the end of the negotiations the Commission will seek approval from the Council to sign up to the non-binding joint statement ([14134/20](#)).

Joint declaration on Western Balkans agenda

On 22 January 2021, the Council authorised the Commission to open, on behalf of the EU, negotiations with the Western Balkans on a non-binding joint declaration on a Western Balkans agenda on innovation, research, education, culture, youth and sport. The joint declaration is expected to stress the shared commitment of the Western Balkans and European partners to jointly progress on a European path in the above-mentioned areas. At the end of the negotiations the Commission will seek approval from the Council to sign up to the non-binding joint declaration ([14132/20](#)).

CULTURE

European capitals of culture for the years 2020 to 2033

The Council adopted a decision amending decision no 445/2014/EU establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 as set out in PE-CONS 55/20.

TRANSPORT

Channel Tunnel connectivity

On 22 December 2020 the Council approved, by written procedure, the European Parliament's position at first reading on a draft 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.

The regulation is therefore adopted in the wording which corresponds to the position of the European Parliament (PE-CONS 60/20).

Basic road connectivity

On 22 December 2020 the Council approved, by written procedure, the European Parliament's position at first reading on a draft regulation 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.

The proposed regulation covers basic connectivity with regard to both road freight and road passenger transport for six months, provided the UK assures the same to EU hauliers.

The regulation is therefore adopted in the wording which corresponds to the position of the European Parliament (PE-CONS 65/20).

Air connectivity*

On 22 December 2020 the Council approved, by written procedure, the European Parliament's position at first reading on a draft regulation 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.

The regulation will ensure the provision of certain air services between the UK and the EU for six months, provided the UK ensures the same.

The regulation is therefore adopted in the wording which corresponds to the position of the European Parliament (PE 66/20).

Aviation safety

On 22 December 2020 the Council approved, by written procedure, the European Parliament's position at first reading on a draft regulation 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.

The regulation will ensure that various safety certificates for products can continue to be used in EU aircraft without disruption, thereby avoiding the grounding of EU aircraft.

The regulation is therefore adopted in the wording which corresponds to the position of the European Parliament (PE-CONS 67/20).

Transport Community budget

On 22 December 2020 the Council adopted, by written procedure, a decision on the position to be taken on behalf of the EU within the Regional Steering Committee of the Transport Community as regards the adoption of the budget of the Transport Community for 2021 ([11353/20](#), [11356/20](#)).

TRANSPARENCY

Public access to documents

On 14 January 2021, the Council adopted by written procedure the reply to:

- confirmatory application no 23/c/01/20 (see [CM 4557/20](#))
- ref. document: [12676/20](#).

and

- confirmatory application no 26/c/01/20 (see [CM 1066/21 REV2](#))
 - ref. document: [13399/20](#).
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