



Brussels, 12 April 2021
(OR. en)

7604/21
CRS CRP 11

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
17 and 19 March 2021

I. Adoption of the agenda

6971/21 OJ CRP1 11 + ADD 1
7060/2/21 REV 2 OJ CRP2 11

The Committee adopted the agenda.

II. Approval of the "I" items

The Committee approved the "I" items as set out in the Annex.

III. Discussion items

COREPER (PART 1)

WEDNESDAY 17 MARCH 2021

Environment

2. Regulation on European Climate Law
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 12 March 2021.

3. Decision on the 8th Environment Action Programme (EAP)
Mandate for negotiations with the European Parliament

6909/21

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

Transport

4. Directive amending Directive 1999/62/EC on Eurovignette (road charging Directive) 6906/21 + COR 1
Preparation for the trilogue

The Committee prepared for the forthcoming trilogue.

5. Regulation on the Connecting Europe Facility (CEF)
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 11 March 2021.

Agriculture and Fisheries

6. Meeting of the Council (Agriculture and Fisheries) on 22 and 23 March 2021: Preparation

Council Regulation amending Regulation (EU) 2021/92 as regards certain fishing opportunities for 2021 in Union and non-Union waters 6847/21
6765/21 + ADD 1
Political agreement

The Committee had a first round of preparations for this item for the Council meeting.

FRIDAY 19 MARCH 2021

Agriculture and Fisheries

6. (continuation) Meeting of the Council (Agriculture and Fisheries) on 22 and 23 March 2021: Preparation

Council Regulation amending Regulation (EU) 2021/92 as regards certain fishing opportunities for 2021 in Union and non-Union waters 6847/1/21 REV 1
+ COR 1
6765/21 + ADD 1
Political agreement

The Committee finalised the preparation of this item for the Council meeting.

COREPER (PART 2)

WEDNESDAY 17 MARCH 2021

Foreign Affairs

16. Regulation establishing the Neighbourhood, Development and International Cooperation Instrument (NDICI) 6899/21 + ADD 1-2
Analysis of the final compromise text with a view to agreement

The Committee endorsed the text of the final compromise and the European Parliament will be informed.

Statement by the Commission

"The Commission's understanding of the line in Annex III "supporting agreements for the return of cultural property to their countries of origin" is that it only aims at supporting existing or future agreements voluntarily agreed between the parties, and not at supporting claims for future agreements."

General Affairs

17. Informal videoconference of the Ministers of European Affairs
on 23 March 2021: Preparation

- a) Preparation of the European Council meeting on 25-26 5476/21
March 2021: Conclusions
Exchange of views

The Committee prepared this item for the informal videoconference.

- b) European Semester

- i) Synthesis report on Council contributions on the 6844/21
2021 European semester
Exchange of views
- ii) Updated roadmap on the 2021 European semester 9291/3/20 REV 3
Presentation by the Presidency
- iii) Draft Recommendation on the economic policy of 14356/20
the euro area
Information from the Presidency

The Committee prepared this item for the informal videoconference.

- c) Conference on the Future of Europe
Information from the Presidency

The Committee prepared this item for the informal videoconference.

- d) Other items in connection with the informal videoconference

The Presidency provided further information regarding the informal videoconference.

Economic and Financial Affairs

- 19. Informal videoconference of the Ministers of the Economy and Finance on 16 March 2021: Follow-up

The above-mentioned item was withdrawn.

- 20. Informal videoconference of the Ministers of the Economy and Finance on 16 April 2021: Agenda

The Presidency presented the main items on the agenda.

General Affairs

- 21. COVID-19 EU coordination
Information from the Commission

The Committee took note of the information provided by the Commission and held an exchange of views.

Foreign Affairs/Home Affairs

- 23. Informal videoconference of the Ministers of Foreign Affairs and Home Affairs on 15 March 2021: Follow-up

The above-mentioned item was withdrawn.

FRIDAY 19 MARCH 2021

General Affairs

26. Digital Green Certificate
- a) Regulation on certificates on vaccination, testing and recovery 7128/21
 - b) Regulation on certificates on vaccination, testing and recovery (third country nationals) 7129/21
- Exchange of views*

The Committee held an exchange of views.

Foreign Affairs

22. Meeting of the Council (Foreign Affairs) on 22 March 2021:
Preparation

- a) Current Affairs
Exchange of views

The Committee prepared this item for the Council.

- b) Southern Neighbourhood
Exchange of views

The Committee prepared this item for the Council.

- c) Turkey
Exchange of views

The Committee prepared this item for the Council.

- d) Other items in connection with the Council meeting

The EEAS provided further information regarding the Council meeting.

General Affairs

21. COVID-19 EU coordination: vaccines
Debriefing by the Commission

The Committee took note of the information provided by the Commission and held an exchange of views.

IV. Any other business

COREPER (PART 1)

Updated roadmap for the European Semester 2021
Presentation by the Presidency

9291/3/20 REV 3

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

COREPER (PART 2)

None.

"I" items approved

COREPER (PART 1)

Institutional Affairs

Written questions

- | | | |
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| 7. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 6948/21
PE-QE |
| a) | Jérôme Rivière (ID)
"Terrorism and immigration: Schengen area not fit for purpose" | 5956/21 |
| b) | Filip De Man (ID)
"EU global human rights sanctions regime" | 6379/21 |

Appointments

- | | | |
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| 8. | One member (HR) of the Management Board of the European Agency for Safety and Health at Work
<i>Adoption</i> | 6930/21
6886/21
SOC |
| 9. | One alternate member (HR) of the Advisory Committee on Safety and Health at Work
<i>Adoption</i> | 6928/21
6882/21
SOC |
| 10. | One member (SE) of the Management Board of the European Foundation for the Improvement of Living and Working Conditions
<i>Adoption</i> | 6931/1/21 REV 1
6888/1/21 REV 1
SOC |

Environment

- | | | |
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| 11. | Conclusions on marine environment (CoA SR No 26/2020)
<i>Approval</i> | 6758/21
ENV |
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Transport

- | | | |
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| 12. | Council Decision on the conclusion of the agreement on certain aspects of air services between the EU and the Republic of Korea
<i>Agreement in principle</i>
<i>Request for the consent of the European Parliament</i> | 5205/21
5210/21
15082/19
AVIATION |
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Telecommunications

13. Roaming on mobile networks within the EU
Decision to consult an institution or body

6832/21
TELECOM

Delegated or Implementing Acts

Agriculture

14. Commission Delegated Regulation (EU) .../... of 29.1.2021
supplementing Regulation (EU) 2019/6 of the European
Parliament and of the Council with regard to requirements for
the collection of data on the volume of sales and on the use of
antimicrobial medicinal products in animals
Delegated act - Intention not to raise objections

6878/21 + ADD 1
5850/21 + ADD 1
VETER

Statement by the Czech Republic

"The Czech Republic is fully aware of the seriousness of the risks associated with the resistance of microorganisms to antimicrobial medicaments in veterinary and human medicine. We have long been actively involved in international activities aimed at eliminating this phenomenon. In this context, we fully appreciate the importance of data collection on sales and use of antimicrobials for the use rationalization and the use reduction at this category of medicines. Therefore, reducing the risk of microbe resistance to available medicines. In conformity with this approach, the Czech Republic welcomes any progress reached in the system of the data collection on sales and use of antimicrobials in the veterinary medicine both at the national and international level. We appreciate the contribution of Regulation (EU) 2019/6 and its delegated and implementing acts to harmonization of collection practices in different Member States. This includes the **COMMISSION DELEGATED REGULATION (EU) .../... of 29.1.2021 supplementing Regulation (EU) 2019/6 of the European Parliament and of the Council with regard to requirements for the collection of data on the volume of sales and on the use of antimicrobial medicinal products in animals**, which the Czech Republic can finally support.

However, at the same time, we are aware that the process of unifying data collection systems is not without its pitfalls, it affects a wide range of stakeholders with different backgrounds in terms of time-tested practice and strategic interests. Our long-term aim is to shape a data collection system geared towards effective achievement of the goal to enable in particular the direct or indirect evaluation of the use of such products in food-producing animals at farm level (as envisaged in the Regulation 2019/6, Article 57) with really necessary administrative burden and financial costs only. In this context, it has caused concerns on provision of Article 11, Par. 2, where sufficient space for discussion was not given to the experts during preparation of delegated act. We expressed our reservations in a note WK 2860/2021 REV 1.

We would like to thank hereby to the Presidency for providing opportunity to discuss on the delegated regulation in question during the CVO WP meeting held on 10 March 2021. The Commission explanation of the wording of the mentioned Article, as well as its application in practice, given at this meeting allayed our concerns and the Czech Republic can support the above-mentioned delegated act. We consider the declared flexibility in method of data collection retained to the MS to be essential element of the provision. The Czech Republic will certainly make use of declared flexibility at data retrieval and collection and will also make use in the future of the current functional system of the retrieval and collection of data on the consumption of veterinary antimicrobials, in particular via distributors. This will enable us to retain the continuity of the system and the retrieval and collection of data in the required quality without any extra burdens, which we find essential."

Internal Market and Industry

15. Commission Delegated Regulation (EU) .../... of 3.2.2021 amending, for the purposes of its adaptation to technical and scientific progress, Part 1 of Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures
Delegated act - Intention not to raise objections
- 6865/21
5977/21 + ADD 1
MI

COREPER (PART 2)

WEDNESDAY 17 MARCH 2021

Transparency

27. Public access to documents 6254/21
Confirmatory application No 05/c/01/21 6255/21
Adoption INF
API

Economic and Financial Affairs

28. Council Implementing Decision authorising the United 6848/21
Kingdom in respect of Northern Ireland to continue applying a 6323/21
VAT derogation relating to expenditure on fuel used in business FISC
cars
Adoption
29. (poss.) Council implementing Decision granting temporary 6605/21
support under Regulation (EU) 2020/672 to Estonia to mitigate 6603/21
unemployment risks in the emergency following the COVID-19 ECOFIN
outbreak
Adoption
30. Feasibility study on options for strengthening the future EFAD - 6960/21
final report 6961/21
ECOFIN
DEVGEN
31. Council Directive amending Directive 2011/16/EU on 7005/21
administrative cooperation in the field of taxation 12908/20
Adoption of the legislative act FISC
32. Conclusions on a Retail Payments Strategy for the European 7014/21
Union 6694/1/21 REV 1
Approval EF

33. (poss.) Capital Markets Recovery Package (Securitisation)
Confirmation of the final compromise text with a view to agreement

7019/21
13798/20 ADD 3
REV 1
EF

Statement by Ireland

"Ireland cannot support this proposal. We have concerns about the new text in the recital and article and the process utilised to achieve agreement of the text. It has been a long established arrangement that tax matters are only discussed and agreed in by tax experts in relevant tax working parties in Council. This respects the provisions of the special legislative procedure and unanimity for tax matters as is enshrined in the Treaties. Under the Treaties, the European Parliament has merely as consultative role in tax matters yet in this agreement the European Parliament has had a drafting role in the final text. We do not believe that tax is sufficiently connected to the successful realisation of the CMRP Securitisation proposal and we oppose tax being used as a makeweight in a Financial Services file to get agreement with the European Parliament. We are concerned that a dangerous precedent is being set and that the sovereign right of Member States to set tax policy is being encroached upon, without any reference to, or consultation with, the relevant Council formations for taxation. We would have preferred more time for the Member States' tax experts to have been properly consulted and to have provided a considered opinion. Such a consultation would have allowed Council and Parliament to reach a timely solution that assists Capital Markets to recover from the Covid-19 pandemic without unnecessarily impinging on Member States sovereignty with regard to matters of taxation."

Statement by Germany, supported by Finland, Austria, Estonia, Hungary, Lithuania, Czechia, Poland and Malta

"Deutschland unterstützt die gezielten Anpassungen am Verbriefungsrahmenwerk im Rahmen des „Capital Markets Recovery Packages“, die zum Ziel haben, die wirtschaftliche Erholung von der Covid-19 Krise zu unterstützen.

Wir teilen das Ziel, dass Verbriefungszweckgesellschaften nicht in Ländern oder Hoheitsgebieten gegründet werden dürfen, die auf der Liste nicht kooperativer Länder und Gebiete für Steuerzwecke geführt werden (Annex I).

Wir möchten jedoch darauf verweisen, dass Steuerangelegenheiten in den ausschließlichen Kompetenzbereich der EU-Mitgliedsländer fallen. Aus diesem Grunde haben wir erhebliche Bedenken, in einem Finanzdienstleistungsdossier, welches unter den Anwendungsbereich von Artikel 114 des Vertrags über die Arbeitsweise der Europäischen Union fällt, einen Verweis auf nationale Steuerbehörden aufzunehmen. Wir möchten betonen, dass mit einer Meldepflicht für einen Investor, der in eine von einer Verbriefungszweckgesellschaft emittierte Verbriefung investiert, die ihren Sitz in einer Jurisdiktion, die auf der Liste zum aktuellen Stand der Zusammenarbeit kooperativer Länder steht (Annex II), keine neuen Pflichten für die zuständigen Steuerbehörden verbunden sind."

Courtesy translation

"Germany supports the targeted amendments to the Securitisation framework that aim to support the economic recovery from the Covid-19 crisis as part of the Capital Markets Recovery Package.

We also share the objective that securitisation special purpose entities (SSPEs) shall not be established in a third country that is listed by the Union on the EU List of non-cooperative jurisdictions for tax purposes, and updates thereto (Annex I).

However, we emphasise that tax matters are under the sole competence of Member States. We therefore have strong concerns to refer to national competent tax authorities in a financial services file for which Article 114 of the Treaty on the Functioning of the European Union serves as legal basis. We stress that the notification requirement for an investor in a securitisation issued by a SSPE in a jurisdiction mentioned in the state of play list of the cooperation with the EU with respect to commitments taken by cooperative jurisdictions to implement tax good governance principles (Annex II) will not prescribe any new obligations to the competent tax authorities of the Member State in which the investor is resident for tax purposes."

General Affairs

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| 34. | Information on EU-UK TCA – letter to the Commission
<i>Approval</i> | 6954/21
UK |
| 35. | EP Resolutions and decisions (March I 2021) | 6876/21
PE-RE |

Justice and Home Affairs

- | | | |
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| 36. | Mutual evaluation reports 9th round (Germany and Belgium)
<i>Approval</i> | 6831/21
12996/2/20 REV 2
7960/1/20 REV 1
COPEN |
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Foreign Affairs

- | | | |
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| 37. | Agreement with Indonesia regarding the modifications in the EU's TRQs in the WTO schedule following Brexit | 6503/21
WTO |
| a) | Council Decision on the signing
<i>Adoption</i> | 6504/21
6506/21 |
| b) | Council Decision on the conclusion
<i>Request for the consent of the European Parliament</i> | 6505/21
6506/21 |

38.	Agreement with Pakistan regarding the modifications in the EU's TRQs in the WTO schedule following Brexit	6516/21 WTO
a)	Council Decision on the signing <i>Adoption</i>	6517/21 6519/21
b)	Council Decision on the conclusion <i>Request for the consent of the European Parliament</i>	6518/21 6519/21
39.	Council Decision on opening of GATT Article XXVIII negotiations with Panama regarding the withdrawal of its WTO concessions on liquid and evaporated milk <i>Adoption</i>	6409/21 6410/21 + ADD 1 WTO
40.	Protocol on the general principles for Palestinian Authority's participation in Union programmes	6850/21 MAMA
a)	Council Decision on the signing and provisional application <i>Adoption of the Irish language version</i>	12667/19
b)	Council Decision on the conclusion <i>Request for the consent of the European Parliament in the Irish language version</i>	12669/19
41.	EU Kuwait Terms of Reference Human Rights Dialogue <i>Approval</i>	6992/21 6969/21 MOG
42.	Council Decision establishing a European Peace Facility <i>Adoption</i>	6618/21 5212/21 CORLX

Statement by Austria

"As regards the Council Decision establishing a European Peace Facility, Austria underlines that this Council Decision does in no way affect the consequences of constructive abstentions as set out in Article 31(2) TEU.

This Treaty provision was introduced to enable the Union to act even if not all Member States can go along with a proposed action in the area of CFSP/CSDP. Its integrity is indispensable for the EU's ability to act far beyond the European Peace Facility.

The Council Decision establishing a European Peace Facility ensures that Austria is under no obligation to finance any assistance measure she deems sensitive for constitutional or political reasons in line with the specific character of her security and defence policy. In this context, Austria underlines that her commitment – as set out in this Council Decision – to contribute an additional amount to assistance measures other than those concerning military equipment, or platforms, designed to deliver lethal force, is of a voluntary nature and with no prejudice to future follow-on regimes.

The General Guidelines and Proposed Priorities for Assistance Measures during the Inception Period (2021-2023) are an integral part of the EPF package. These set out the ambition of the EPF: "A Union that lives up to its full potential to prevent conflicts, respond effectively to crisis and contribute to peace as a global security provider." Therefore, as set out in the General Guidelines, strengthening the ability of partner countries to prevent and respond to crises, and contribute to their resilience, in order to enable them to better protect their populations, constitutes a key overall objective, which proposed assistance measures for partner countries have to meet.

Finally, Austria underlines the need for an effective implementation of the risk and safeguards methodology in order to ensure that no equipment provided by the EU is used by a beneficiary for violations of international law, in particular human rights law and international humanitarian law."

Statement by Ireland

"Ireland is committed to the EU's CSDP, which provides the EU with the capacity to undertake peacekeeping and conflict prevention missions and to strengthen international security in accordance with the principles of the UN Charter. The establishment of the European Peace Facility (EPF) ensures continuity of funding for military CSDP activity and for the African Peace and Security Architecture.

Ireland recalls that decisions establishing operations and assistance measures funded from the Facility will be adopted on the basis of proposals or initiatives submitted in accordance with Article 42(4) or Article 30(1) TEU respectively. It is also noted that in certain circumstances - and with strong safeguards - funding from the EPF may be utilised for military equipment, including equipment or platforms designed to deliver lethal force. In such circumstances, Ireland intends to utilise the mechanism for constructive abstention and will not thus contribute to the funding of lethal equipment, which is provided for in the Decision. Through our voluntary elective commitment, Ireland will instead provide a corresponding contribution to the budget for assistance measures which do not involve supply of such lethal equipment or platforms.

Ireland reiterates its position that, as a matter of law, a Member State availing of the constructive abstention mechanism in the second paragraph of Article 31(1) TEU is not obliged to apply the decision in question, including in respect of financing. In this regard, we note that the draft Council Decision establishing the EPF provides for corresponding financial contributions to be made by Member States availing of constructive abstention but recognises that this is premised on a voluntary elective commitment. Ireland considers this to be compatible with its legal position on Article 31(1). While we will be legally bound by the Council Decision's provisions on corresponding contributions on foot of constructive abstention, we wish to reiterate that we are entering into this framework because we are voluntarily choosing to do so, not because we consider ourselves obliged to do so under the Treaties. We would further emphasise in this regard that this Council Decision to establish the EPF is exceptional, sui generis and without prejudice to the generality of the second paragraph of Article 31(1)."

Statement by Malta

"Malta affirms that its participation in decisions on operations and assistance measures and contributions to the financing of such operations and assistance measures under the EPF shall not prejudice its constitutional obligations. Malta reserves the right to abstain from assistance measures that allow for the supply of military equipment, or platforms, designed to deliver lethal force in accordance with Article 31(1), second paragraph, TEU."

Déclaration de la France

"La France salue l'adoption de la décision établissant une Facilité européenne de paix (ci-après, la « Décision ») et souhaite apporter les précisions suivantes s'agissant de l'interprétation de la Décision.

1. Périmètre du mécanisme budgétaire ad hoc en cas d'abstention

Les travaux menés au sein du Conseil ont abouti à la définition d'une méthodologie sérieuse d'encadrement des mesures d'assistance, qui fournira toutes les garanties nécessaires à la fourniture de matériels sensibles.

Au cours des discussions menées depuis 2018, certains Etats membres ont toutefois indiqué que la livraison des équipements les plus sensibles (*« conçus pour libérer une force létale »*) pouvait soulever des difficultés au regard de leur situation spécifique. Compte tenu de la situation de ces Etats membres, le Conseil a décidé, sur le fondement de l'article 41, paragraphe 2, deuxième alinéa, TUE, de créer, à titre exceptionnel, un mécanisme dérogatoire permettant à ces Etats membres, sous certaines conditions, de ne pas contribuer financièrement aux mesures relatives à la livraison d'équipements spécifiquement conçus pour libérer une force létale tout en préservant le principe de solidarité financière pour la Facilité dans son ensemble. Ce mécanisme offre donc une flexibilité spécifiquement à l'usage de ces Etats membres compte tenu des contraintes qu'ils ont fait valoir lors des travaux préparatoires lorsqu'ils s'abstiennent sur ce fondement. Il n'a pas vocation à remettre en cause par ailleurs la cohésion des Etats membres dans leur soutien aux mesures d'assistance de la FEP.

La définition des équipements auxquels s'applique ce mécanisme doit être interprétée comme les équipements des catégories ML1 à ML4 de la liste commune des équipements militaires de l'Union européenne et les plateformes mentionnées dans les catégories ML6, ML9 et ML10 dotées d'armes, d'équipement, fixés ou intégrés ou de munitions mentionnées dans les catégories ML1 à ML4.

2. Article 31, paragraphe 1, TUE

La France rappelle les dispositions de l'article 31, paragraphe 1, deuxième alinéa, TUE au titre duquel « tout membre du Conseil qui s'abstient lors d'un vote peut (...) assortir son abstention d'une déclaration formelle. Dans ce cas, il n'est pas tenu d'appliquer la décision, mais il accepte que la décision engage l'Union. Dans un esprit de solidarité mutuelle, l'Etat membre concerné s'abstient de toute action susceptible d'entrer en conflit avec l'action de l'Union fondée sur cette décision ou d'y faire obstacle et les autres Etats membres respectent sa position ». La France rappelle également que ce mécanisme ne remet pas en cause l'obligation pour les Etats membres d'appuyer activement et sans réserve la politique extérieure et de sécurité de l'Union dans un esprit de loyauté et de solidarité mutuelle, en vertu de l'article 24, paragraphe 3, TUE.

L'abstention d'un Etat membre en vertu de l'article 31, paragraphe 1, deuxième alinéa, TUE n'entraîne pas de conséquences sur la contribution financière qui reste due par l'Etat qui s'abstient, à l'exception, prévue par l'article 41, paragraphe 2, deuxième alinéa, TUE, des « dépenses afférentes à des opérations ayant des implications militaires ou dans le domaine de la défense » pour lesquelles « les Etats membres dont les représentants au Conseil ont fait une déclaration formelle au titre de l'article 31, paragraphe 1, deuxième alinéa, ne sont pas tenus de contribuer à leur financement ».

Le mécanisme ad hoc établi à l'article 5, paragraphe 3, de la Décision est sans incidence sur l'interprétation de ces dispositions du traité.

Ce mécanisme est défini par le Conseil de manière discrétionnaire et dérogatoire sur le fondement de l'article 41, paragraphe 2, deuxième alinéa, TUE qui dispose que « quand une dépense n'est pas mise à la charge du budget de l'Union, elle est à la charge des États membres selon la clé du produit national brut, à moins que le Conseil, statuant à l'unanimité, n'en décide autrement ».

3. Mise en œuvre d'une mesure d'assistance par une mission ou une opération PSDC

La mise en œuvre d'une mesure d'assistance par une mission ou opération au titre de la PSDC, prévue à l'article 33, paragraphe 6, de la Décision, contribue directement à atteindre les objectifs de l'Union en matière de sécurité et de défense auprès de ses partenaires, en permettant notamment à l'Union de maîtriser l'ensemble de la chaîne de formation, qui inclut la fourniture par les formateurs d'équipements aux troupes formées. L'Union ne peut être dépendante de puissances tierces de ce point de vue. Ce rôle des missions et des opérations renforce également les capacités de suivi de l'Union dans le cadre des mesures d'encadrement strictes prévues par la Facilité. Les mandats de ces missions et opérations au titre de la PSDC étant adoptés à l'unanimité des membres du Conseil, il est nécessaire que tous les États membres contribuent aux mesures d'assistance qu'elles mettent en œuvre.

Dans ce cadre, la France considère qu'il ne peut pas être recouru au mécanisme prévu à l'article 5, paragraphe 3, de la Décision s'agissant de mesures d'assistance mises en œuvre par une mission ou opération au titre de la PSDC conformément à l'article 33, paragraphe 6, de la Décision.

4. Contributions suite à une abstention

L'article 27 de la Décision relatif aux contributions suite à une abstention ne porte pas préjudice à la possibilité, pour tout État membre, de soumettre à tout moment des propositions de mesures d'assistance auxquelles la contribution de l'État qui s'abstient pourra être attribuée. Les mesures d'assistance devront par ailleurs répondre à des besoins précisément identifiés par le Haut Représentant et être adoptées par le Conseil à l'unanimité selon la procédure prévue à l'article 59 de la Décision.

5. Gestion financière saine et préservation de l'effet utile de la Facilité

La mise en œuvre du mécanisme prévu à l'article 5, paragraphe 3, doit s'inscrire dans le respect des principes de gestion financière saine et d'efficacité de la Facilité, rappelés aux considérants 23 et aux articles 11, paragraphe 6, 27, paragraphe 5 et 32 de la Décision. Elle devra préserver l'effet utile de la Facilité, et ne devra pas conduire à entraver la capacité de l'Union à fournir des équipements couverts par l'article 5, paragraphe 3, aux bénéficiaires des mesures d'assistance décidées par le Conseil. Elle ne devra pas entraîner une complexité budgétaire et financière excessive.

6. Continuité avec la Facilité africaine de paix

Comme cela a été confirmé par le Conseil européen dans ses conclusions des 17-21 juillet 2020 et conformément aux considérants 16, 18 et 19 de la Décision, la Facilité européenne de paix doit assurer la continuité avec la Facilité africaine de paix. Elle a vocation à renforcer les capacités militaires et de défense de nos partenaires en répondant à un besoin identifié de longue date sur le terrain et renforcera la crédibilité des missions et opérations de l'Union européenne en permettant d'équiper militairement les forces de nos partenaires que nous contribuons à former. "

Statement by Sweden

"basis for constructive abstention

Sweden will join the decision to establish a European Peace Facility that will contribute to strengthening the EU as an actor for global peace and security. However, Sweden reiterates its concern that the EPF could allow for the supply of military equipment or platforms, designed to deliver lethal force, in very demanding circumstances and politically sensitive environments.

In order to support the Council Decision, Sweden reserves its right to constructively abstain from such assistance measures, as confirmed in a statement by the Council Legal Service. Sweden's right to constructively abstain is not in any way contingent on the character of its security and defence policy. Any such decision will be based on national considerations, including a context-based and case by case risk assessment of the proposed assistance measure."

Statement by the Commission

"Concerning Article 41(2) TEU:

The Commission considers that Article 1(2) of the Council Decision cannot alter the obligations of the Member States and the Institutions as laid down in the Treaties. When implementing the EU budget in accordance with Article 317 TFEU and – if necessary – when acting as an administrator for assistance measures under the European Peace Facility, the Commission will continue to apply Article 41(2) TEU as precluding the funding of actions having military or defence implications by the EU budget. Such actions shall be funded by the Member States.

Concerning the implementing rules for assistance measures:

The Commission notes that the rules for the implementation of expenditure financed through the Facility are still to be adopted.

Article 11(6)(b) of the Council Decision stipulates that these future implementing rules as regards assistance measures will be consistent with and guarantee the same level of sound financial management, transparency and non-discrimination as Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union (hereafter, Financial Regulation), shall explicitly justify the cases that require difference from the rules of the Financial Regulation to allow for targeted flexibility, and ensure that the accounting rules adopted by the accounting officer comply with internationally accepted accounting standards for the public sector. Furthermore, pursuant to that provision, the Committee shall examine the proposed implementing rules in close cooperation with the administrator, in particular with a view to ensuring that they will comply with the principles of sound financial management, non-discrimination and respect for fundamental rights.

These safeguards are essential to allow the Commission to accept and perform the role of administrator and accounting officer for assistance measures, through its services. The Commission confirms that it will always apply the Implementing rules as regards assistance measures in line with the key principles of sound financial management, transparency and non-discrimination as enshrined in the Financial Regulation and the institutional prerogatives of the Commission, and that in its activity it will always ensure the respect of fundamental rights.

Should it consider that in a given case it is not possible to ensure the implementation in accordance with those principles and modalities, the administrator and/or the accounting officer will inform the Committee of the way forward after having raised the matter at the appropriate level in the Commission."

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| 43. | Council Decision concerning restrictive measures in view of the situation in Bosnia and Herzegovina - renewal
<i>Decision to use the written procedure for the adoption</i> | 6638/21
6637/21
CORLX |
| 44. | Council Decision extending the mandate of the European Union Special Representative for the Belgrade-Pristina Dialogue and other Western Balkan regional issues
<i>Decision to use the written procedure for the adoption</i> | 6362/21
5819/21
CORLX |
| 45. | Council Decision and Implementing Regulation concerning restrictive measures against serious human rights violations and abuses
<i>Adoption</i> | 6944/21
6933/21
6935/21
CORLX |
| 46. | Council Decision and Implementing Regulation concerning restrictive measures against Myanmar/Burma
<i>Adoption</i> | 6955/21
6938/21
6940/21
CORLX |
| 49. | Council Decision and Regulation concerning restrictive measures against Myanmar/Burma - amending designation criteria
<i>Adoption</i> | 7067/21
6789/21
6791/21
CORLX |
| 50. | Council Implementing Regulation concerning restrictive measures in view of the situation in Libya
<i>Decision to use the written procedure for the adoption</i> | 6946/21
6812/21
CORLX |

Delegated or Implementing Acts

Economic and Financial Affairs

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| 47. | Commission Delegated Regulation (EU) .../... of 11.2.2021 amending Delegated Regulation (EU) 2017/2361 as regards the arrangements for the payment of contributions to the administrative expenditures of the Single Resolution Board
<i>Delegated act - Intention not to raise objections</i> | 6148/21
6858/21
EF |
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General Affairs

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| 51. Organisation of work in the Council - Establishment and mandate of an Ad hoc Working Party on the proposals for a Digital Green Certificate
<i>Approval</i> | 6802/21
COVID-19 |
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Foreign Affairs

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| 52. Restrictive measures against Myanmar/Burma - pre-notifications
<i>Approval</i> | 7117/21
CORLX |
| 53. Council Decision on the European Union military operation in the Mediterranean (EUNAVFOR MED IRINI)
<i>Decision to use the written procedure for the adoption</i> | 6962/21
6524/21
CORLX |
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