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Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Globalisation Adjustment Fund for Displaced Workers (EGF) and repealing Regulation (EU) No 1309/2013

- Adoption of the Council's position at first reading and of the statement of the Council's reasons
- Outcome of the written procedure initiated by CM 2687/21

Delegations are informed that the written procedure, opened by CM 2687/21 of 14 April 2021 was completed on 19 April 2021 and that all delegations voted in favour of, except for Bulgaria, Hungary and Sweden that voted against, the adoption of the Council's position at first reading on the draft Regulation of the European Parliament and of the Council on the European Globalisation Adjustment Fund for Displaced Workers (EGF) and repealing Regulation (EU) No 1309/2013 as set out in document 5532/21, and the statement of the Council's reasons as set out in the ADD 1 REV 1 to that document.

The required qualified majority has been reached. Therefore, the above position of the Council at first reading and the statement of the Council's reasons are adopted.

The statements by Bulgaria, Hungary, Poland and the European Commission are reproduced in the Annex to this CM.

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

Statement by Bulgaria

The Republic of Bulgaria supports the continuation of the functioning of the European Globalisation Adjustment Fund as a flexible forward looking instrument providing assistance to displaced workers. That is why Bulgaria supported the general approach on the file and was constructive towards finalisation of the negotiations.

However, it should be noted that in 2018, the Bulgarian Constitutional Court adopted a decision stating that the Council of Europe's Convention on Preventing and Combatting Violence against Women and Domestic Violence ("Istanbul Convention") promotes legal concepts related to the notion of gender that are incompatible with main principles of the Bulgarian Constitution.

In line with the above mentioned Decision of the Constitutional Court, the Republic of Bulgaria declares that the country cannot accept either the concept of gender or the gender-based approach of the Council of Europe's Convention or any other document that intends to differentiate between "sex" as a biological (women and men) category and "gender" as a social construct.

Therefore, the country cannot support the Regulation of the European Parliament and the Council on the European Globalisation Adjustment Fund that includes the notion of *gender identity*.

The Republic of Bulgaria also understands the reporting on common indicators in Annex II of the European Globalisation Adjustment Fund Regulation by using a category of "non-binary", as not obligatory. The Republic of Bulgaria does not intend to gather and report relevant data as such a category does not exist in its national legislation. According to its domestic legislative framework, the Republic of Bulgaria gathers disaggregated data by sex (male and female).

However, the position of the Republic of Bulgaria regarding the Regulation does not undermine in any way our support for the substance of the Fund and its objectives.

Statement by Hungary

Equality between women and men is enshrined in the Treaties of the European Union as a fundamental right. Hungary ensures equality between women and men within the framework of its national legal system, in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, Hungary will interpret expressions comprising the term “gender” within the Regulation as referring to or in the (narrow) context of the equality between women and men, in accordance with Article 8 of the TFEU. Furthermore, Hungary is convinced that concerning the application of the common output and result indicators, this legislative document is not the appropriate place to define the content of “gender”. Therefore, Hungary believes that footnote 34 in Annex II should be applicable and refer to the term “gender” and the parenthesis as a whole, and not only one of the subcategories listed there. Bearing in mind the fact, that determining the content of the term “gender” falls under the exclusive competence of the Member States, footnote 34 of the proposal should be understood as referring to the term “gender” and not to the term “non-binary”.

Statement by Poland

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

Statement by the Commission

In the Inter-institutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap for the introduction of new own resources, Points 30 to 33 require the Commission to make available an integrated and interoperable information and monitoring system including a single data-mining and risk-scoring tool to access and analyse the required data with a view to a generalised application by Member States. In addition, the three institutions agreed to sincerely cooperate, in the course of the legislative procedure relating to the relevant basic acts, to ensure the follow up to the **European Council** conclusions of July 2020 regarding this element.

The Commission considers that the agreement reached by the co-legislators under Article 23(1a) on the obligatory use of a single data-mining tool and the collection and analysis of data on the beneficial owners of the recipients of funding is not sufficient to enhance the protection of the Union budget and NextGenerationEU against fraud and irregularities and to ensure efficient checks on conflicts of interests, irregularities, issues of double funding, and criminal misuse of the funds. Therefore, the approach agreed by the co-legislators in the Regulation European Globalisation Adjustment Fund for displaced workers does not appropriately reflect the desired ambition and spirit of the Inter-institutional Agreement.