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European Union

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DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Foreign Affairs)
10 May 2021

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1. Adoption of the agenda

The Council adopted the agenda set out in 8424/21.

2. Approval of "A" items

a) Non-legislative list

8425/21

The Council adopted the "A" items listed in 8425/21 including COR and REV documents presented for adoption. Statements to these items are set out in the Addendum.

For the following items the documents should read as follows:

EU positions for international negotiations

10. Council Decision on the EU position within the EU-Ukraine Trade and Sustainable Development Sub-Committee, as regards the list of experts willing to serve as panellists under Chapter 13 of the Agreement
Adoption
approved by Coreper, Part 2, on 05.05.2021
- 8181/21
+ **REV 1**
+ ADD 1
+ **ADD 1 REV 1 (It)**
7649/21
+ **COR 1 (pl)**
7733/21
COEST

Institutional Affairs

Appointments

18. One member (PT) of the Management Board of the European Centre for the Development of Vocational Training
Adoption
approved by Coreper, Part 1, on 05.05.2021
- 8251/21
+ **COR 1 (fr)**
SOC

b) **Legislative list (Public deliberation in accordance with Article 16(8) of the Treaty on European Union)**

8426/21

Foreign Affairs

1. **Regulation setting up a Union regime for dual-use items**



8238/21 + ADD 1
PE-CONS 54/20
COMER

Adoption of the legislative act

approved by Coreper, Part 2, on 05.05.2021

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207(2) TFEU).

A statement to this item is set out in the Annex.

Economic and Financial Affairs

2. **Regulation establishing the 'Fiscalis' programme for cooperation in the field of taxation**



8239/2/21 REV 2
+ ADD 1 REV 1
6116/21 + ADD 1
FISC

Adoption of the Council's position at first reading and of the statement of the Council's reasons

approved by Coreper, Part 2, on 05.05.2021

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons (Legal basis: Article 114 and Article 197 TFEU).

A statement to this item is set out in the Annex.

3. **Amendments to Council Regulation on administrative cooperation in the field of excise duties as regards the content of electronic registers**



8186/21
7312/21
FISC

Adoption

approved by Coreper, Part 2, on 05.05.2021

The Council adopted the Council Regulation amending Council Regulation (EU)

No 389/2012 on administrative cooperation in the field of excise duties as regards the content of electronic registers, as finalised by the legal/linguistic experts and set out in document 7312/21 (Legal basis: Article 113 TFEU).

Justice and Home Affairs

4. **Union Civil Protection Mechanism Decision**

Adoption of the legislative act

approved by Coreper, Part 2, on 05.05.2021



8237/21 + ADD 1

PE-CONS 6/21

PROCIV

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles 196 and 322(1) TFEU).

A statement to this item is set out in the Annex.

Research

5. **Regulation on European Institute of Innovation and Technology (EIT)**

Adoption of the legislative act

approved by Coreper, Part 1, on 05.05.2021



8240/21 + COR 1

+ ADD 1

PE-CONS 8/21

RECH

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 173(3) TFEU).

Statements to this item are set out in the Annex.

6. **Decision on Strategic Innovation Agenda (SIA) of the European Institute of Innovation and Technology (EIT)**

Adoption of the legislative act

approved by Coreper, Part 1, on 05.05.2021



8240/21 + ADD 1

PE-CONS 9/21

RECH

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 173(3) TFEU).

A statement to this item is set out in the Annex.

7. **Council Decision establishing the specific programme implementing Horizon Europe**

Adoption

approved by Coreper, Part 1, on 05.05.2021

SC

8195/21

+ ADD 1 REV 1

8967/20

RECH

The Council adopted the Council Decision on establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation, and repealing Decision (EU) No 2013/743/EU, as set out in document 8967/20 (Legal basis: Article 182(4) TFEU).

Statements to this item are set out in the Annex.

Non-legislative activities

3. Current Affairs
4. Western Balkans
Exchange of views
5. Transatlantic relations
Exchange of views
6. Any other business

-
- I** First reading
 - S** Special legislative procedure
 - C** Item based on a Commission proposal
-

Statements to the legislative "A" items set out in doc. 8426/21

Ad "A" item 1: **Regulation setting up a Union regime for dual-use items**
Adoption of the legislative act

STATEMENT BY THE COMMISSION

“The Commission recognises the importance of a common licensing and enforcement capacity-building and training programme for an effective EU export control system. The Commission, in consultation with the Dual-Use Coordination Group, undertakes to explore the human and financial resource implications that such a programme may entail, with a view to identifying options for the design, modalities and deployment of a capacity-building and training programme.”

Ad "A" item 2: **Regulation establishing the 'Fiscalis' programme for cooperation in the field of taxation**
Adoption of the Council's position at first reading and of the statement of the Council's reasons

STATEMENT BY THE COUNCIL

“The Council notes the interest of the Parliament for more transparency concerning the implementation of EU legislation in the field of fighting against tax fraud, tax evasion and tax avoidance. Within the context of the Treaties legal framework ruling inter-institutional relations, the Council recognises the added value of holding annual exchanges of views with the European Parliament and the Commission on the lessons learnt from the Fiscalis Programme, based on the Commission's annual progress reports.”

Ad "A" item 4: **Union Civil Protection Mechanism Decision**
Adoption of the legislative act

JOINT STATEMENT BY HUNGARY AND POLAND

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

Ad "A" item 5:

Regulation on European Institute of Innovation and Technology (EIT)
Adoption of the legislative act

STATEMENT BY POLAND

“Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with international human rights treaties and within the framework of the fundamental values and principles of the European Union. For these reasons, in expressions containing the term ‘gender’ Poland will interpret it as equality between women and men in accordance with Article 8 TFEU.”

STATEMENT BY HUNGARY

“Hungary welcomes the outcome of the negotiations concerning the regulation on the European Institute for Innovation and Technology (EIT), which is an important step to ensure the effective functioning of the EIT.

The EIT’s governance model is based on a strong, independent and high- level Governing Board. We strongly support that the EIT and its Governing Board shall be accountable to the Commission, Member States and European Parliament as well.

The draft regulation provides for granting supervisory role and *de facto* veto right to the European Commission which, according to Hungary, undermines the EIT’s independence.

There is no reason for the proposed changes concerning the EIT’s governing structure, Hungary therefore disagrees with it, because such restrictions seriously harm the EIT’s independence.

Hungary underlines that all future measures should be in line with the principled-based provision on the EIT’s operational independence, and shall carry out its activities independently of national authorities and external pressures.”

Ad "A" item 6:

Decision on Strategic Innovation Agenda (SIA) of the European Institute of Innovation and Technology (EIT)
Adoption of the legislative act

STATEMENT BY POLAND

“Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with international human rights treaties and within the framework of the fundamental values and principles of the European Union. For these reasons, in expressions containing the term ‘gender’ Poland will interpret it as equality between women and men in accordance with Article 8 TFEU.”

STATEMENT BY POLAND

“Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with international human rights treaties and within the framework of the fundamental values and principles of the European Union. For these reasons, in expressions containing the term ‘gender’ Poland will interpret it in terms of equality between women and men in accordance with Article 8 TFEU.”

STATEMENT BY THE COMMISSION

On Article 12(6) No-opinion clause

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