



Council of the
European Union

Brussels, 6 July 2021
(OR. en)

9333/21
PV CONS 11
COMPET 443
IND 157
MI 419
RECH 281
ESPACE 63

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Competitiveness (Internal Market, Industry, Research and Space))
27 and 28 May 2021

CONTENTS

Page

1. Adoption of the agenda 4

INTERNAL MARKET AND INDUSTRY

Legislative deliberations

2. Regulation on a single market for digital services (Digital Services Act) and amending Directive 2000/31/EC 4
3. Regulation on contestable and fair markets in the digital sector (Digital Markets Act) 4

Non-legislative activities

4. Leveraging European Union's competitiveness and global influence through an ambitious Digital Services Package..... 4
5. Conclusions on Tourism in Europe for the next decade: Sustainable, resilient, digital, global and social..... 5
6. Conclusions on data technologies to improve "Better Regulation"..... 5
7. Approval of "A" items..... 5
- a) Non-legislative list..... 5
- b) Legislative list..... 6
8. Updating the new industrial strategy for Europe – the critical importance of securing access to critical raw materials..... 8

Any other business

9. a) Current legislative proposals..... 9
- b) Essential building blocks for a competition law and State aid framework enabling European competitiveness..... 9
- c) Communication from the Commission on Trade Policy Review – An Open, Sustainable and Assertive Trade Policy..... 9
- d) EU industry competitiveness and effective harmonised standardisation..... 9
- e) Work programme of the incoming Presidency..... 9

Non-legislative activities

RESEARCH

- 10. Regulation on establishing the European High Performance Computing Joint Undertaking (HPC) 10
- 11. Conclusions on "Deepening the European Research Area: Providing researchers with attractive and sustainable careers and working conditions and making brain circulation a reality"..... 10
- 12. Renewing the European Research Area - how to prepare the roll out of an ambitious ERA fit for the next decade 10

SPACE

- 13. Conclusions on "New Space for People" 10
- 14. Conclusions on "Space for People in European coastal areas" 10
- 15. Towards a better positioning of the EU in Space Traffic Management 10

Any other business

Research

- 16. a) Current legislative proposal 10
- b) Council Regulation establishing the Joint Undertakings under Horizon Europe 11
- c) Mission Innovation: Membership 11
- d) Communication from the Commission on the Global Approach to Research and Innovation..... 11
- e) Work programme of the incoming Presidency 11

Space

- f) Work programme of the incoming Presidency 11

- ANNEX - Statements for the Council minutes 12

MEETING ON THURSDAY 27 MAY 2021

1. Adoption of the agenda

The Council adopted the agenda set out in 8846/1/21 REV 1.

INTERNAL MARKET AND INDUSTRY

Legislative deliberations

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

2. **Regulation on a single market for digital services (Digital Services Act) and amending Directive 2000/31/EC**  8570/21
14124/20 + COR 1
Progress report

The Council took note of the progress report as set out in document 8570/21.

3. **Regulation on contestable and fair markets in the digital sector (Digital Markets Act)**  8807/21
14172/20
+ ADD 1 REV 1
Progress report

The Council took note of the progress report as set out in document 8807/21.

Non-legislative activities

4. **Leveraging European Union's competitiveness and global influence through an ambitious Digital Services Package**  8470/1/21 REV 1
Policy debate

The Council held a policy debate on *Leveraging European Union's competitiveness and global influence through an ambitious Digital Services Package*. The Presidency had prepared a policy debate document with a question to structure the ministers' discussion (8470/1/21 REV 1).

Ministers welcomed the Digital Services Package and expressed support for its main goals. Many of them also pointed out that the package has an important geo-political dimension. The incoming Presidency announced that they will work towards reaching general approach at the November Council (Competitiveness).

5. Conclusions on Tourism in Europe for the next decade: Sustainable, resilient, digital, global and social
Approval 8475/21

6. Conclusions on data technologies to improve "Better Regulation"
Approval 8177/21

7. Approval of "A" items

a) **Non-legislative list** 8864/21

The Council adopted the "A" items listed in 8964/21 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:

Energy

6. Regulation establishing European Instrument for Nuclear Safety Cooperation and repealing Regulation (Euratom) No 237/2014
Adoption [C] 8569/21
12568/20
+ **COR 1 (pt)**
ATO
approved by Coreper, Part 1, on 26.05.2021

Foreign Affairs

9. Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in Syria
Adoption 8575/21
8572/21
+ **REV 1 (de)**
8574/21
+ **REV 1 (de)**
CORLX
approved by Coreper, Part 2, on 21.05.2021

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

8865/21

Research

1. **Council Decision establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty establishing the European Community, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel** **SC** 8871/21 + ADD 1 RECH
General approach
approved by Coreper, Part 1, on 26.05.2021

The Council agreed on a general approach on the Council Decision above-mentioned, as set out in doc. 8871/21.

Economic and Financial Affairs


2. **Regulation establishing the Customs control equipment instrument** **IC** 8861/21 + ADD 1
7234/21 + ADD 1
UD
Adoption of the Council's position at first reading and of the statement of the Council's reasons
approved by Coreper, Part 1, on 26.05.2021

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, with the Danish delegation voting against. (Legal basis: Articles 33, 114, and 207 TFEU).
Statements to this item are set out in the Annex.


General Affairs

3. **Cohesion policy legislative package 2021-2027: Common Provisions Regulation** **IC** 8851/21
+ ADD 1 REV 1
6674/21 + ADD 1-3
+ ADD 2 COR 1
FSTR
Adoption of the Council's position at first reading and of the statement of the Council's reasons
approved by Coreper, Part 1, on 26.05.2021


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, with the Hungarian delegation abstaining. (Legal basis: Articles 177, 322(1)(a) and 349 TFEU). Statements to this item are set out in the Annex.

4. **Cohesion policy legislative package 2021-2027:
European Regional Development Fund and Cohesion Fund
(ERDF/CF) Regulation**  8853/21 + ADD 1
6168/21 + ADD 1
FSTR
*Adoption of the Council's position at first reading and of the
statement of the Council's reasons*
approved by Coreper, Part 1, on 26.05.2021


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: Articles 177(2), 178 and 349 TFEU). Statements to this item are set out in the Annex.

5. **Cohesion policy legislative package 2021-2027:
European Social Fund Plus (ESF+) Regulation**  8859/21 + ADD 1
6980/21 + ADD 1
FSTR
*Adoption of the Council's position at first reading and of the
statement of the Council's reasons*
approved by Coreper, Part 1, on 26.05.2021


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, with the Hungarian delegation abstaining. (Legal basis: Articles 46, 149, 153(2)(3), 164, 168(5), 175(3), and 349 TFEU). Statements to this item are set out in the Annex.

6. **Cohesion policy legislative package 2021-2027:
Interreg Regulation**  8857/21 + ADD 1
5488/21 + ADD 1
FSTR
*Adoption of the Council's position at first reading and of the
statement of the Council's reasons*
approved by Coreper, Part 1, on 26.05.2021

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: Articles 178, 209(1), 212(2) and 349 TFEU). Statements to this item are set out in the Annex.


7. **Regulation amending the Visa Information System (VIS) Regulation**  8868/21
5950/21 + ADD 1
VISA
Adoption of the Council's position at first reading and of the statement of the Council's reasons
approved by Coreper, Part 1, on 26.05.2021

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. In accordance with the relevant Protocols annexed to the Treaties, the Danish and the Irish delegations did not participate in the vote. (Legal basis: Articles 16(2), 77(2), 78(2), 79(2), 87(2) and 88(2) TFEU).

8. **Regulation for consequential amendments of VIS**  8870/21
5951/21 + ADD 1
VISA
Adoption of the Council's position at first reading and of the statement of the Council's reasons
approved by Coreper, Part 1, on 26.05.2021

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. In accordance with the relevant Protocols annexed to the Treaties, the Danish and the Irish delegations did not participate in the vote. (Legal basis: Articles 16(2), 77(2), 78(2), 79(2), 87(2) and 88(2) TFEU).

Non-legislative activities

8. Updating the new industrial strategy for Europe – the critical importance of securing access to critical raw materials 
Policy debate

Any other business

9. a) **Current legislative proposals** IC
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)
- i) **Regulation laying down harmonised rules on artificial intelligence** 8115/21 + ADD 1
Information from the Commission
- ii) **Regulation on foreign subsidies distorting the internal market** 8835/21
8576/21
Information from the Commission
- The Council took note of the information provided by the Commission.
- b) Essential building blocks for a competition law and State aid framework enabling European competitiveness 8785/21 + ADD 1
Information from the Austrian delegation
- c) Communication from the Commission on Trade Policy Review – An Open, Sustainable and Assertive Trade Policy 6308/21 + ADD 1
Information from the Commission
- d) EU industry competitiveness and effective harmonised standardisation 8600/21 + ADD 1-2
Information from the Spanish delegation, on behalf of Cyprus, Czech, Danish, Estonian, Finnish, German, Greek, Hungarian, Irish, Luxembourg, Maltese, the Netherlands, Polish, Romanian, Slovak, Spanish and Swedish delegations
- e) Work programme of the incoming Presidency
Information from the Slovenian delegation

MEETING ON FRIDAY 28 MAY 2021

Non-legislative activities

RESEARCH

10. Regulation on establishing the European High Performance Computing Joint Undertaking (HPC) ☐ C 8941/21
10928/20
+ ADD 1-3
General approach
11. Conclusions on "Deepening the European Research Area: Providing researchers with attractive and sustainable careers and working conditions and making brain circulation a reality" 9009/21 + ADD 1
Approval
12. Renewing the European Research Area - how to prepare the roll out of an ambitious ERA fit for the next decade 8592/21
Policy debate

SPACE

13. Conclusions on "New Space for People" 8956/21
Approval
14. Conclusions on "Space for People in European coastal areas" 8959/21
Approval
15. Towards a better positioning of the EU in Space Traffic Management 8616/21 + ADD 1
Policy debate

Any other business

Research

16. a) **Current legislative proposal**
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

Decision on the participation of the Union in the European Partnership on Metrology jointly undertaken by several Member States ☐ C 6439/21
Information from the Presidency on the state of play

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

- b) Council Regulation establishing the Joint Undertakings under Horizon Europe
Information from the Presidency on the state of play 8122/21
- c) Mission Innovation: Membership
Information from the Commission 8816/2/21 REV 2
- d) Communication from the Commission on the Global Approach to Research and Innovation
Information from the Commission 8929/1/21 REV 1
- e) Work programme of the incoming Presidency
Information from the Slovenian delegation

Space

- f) Work programme of the incoming Presidency
Information from the Slovenian delegation



First reading



Public debate proposed by the Presidency (Article 8(2) of the Council's Rules of Procedure)



Item based on a Commission proposal

Statements to the legislative "A" items set out in doc. 8865/21

Ad "A" item 1:

Council Decision establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty establishing the European Community, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel
General approach

STATEMENT BY THE EUROPEAN COMMISSION

“Given the objective pursued by the legislator, the Commission understands that the term ‘revenue generated by selling part of the assets’ (or variations of the same expression) in recital 12 and article 4(1) of the amended Council Decision 2003/76, and in recital 3 and article 1, of the amended Council Decision 2003/77, and points 1 and 5 of the Annex to amended Council Decision 2003/77, is to be intended as the cash amount generated by selling part of the assets.”

Ad "A" item 2:

Regulation establishing the Customs control equipment instrument
Adoption of the Council's position at first reading and of the statement of the Council's reasons

STATEMENT BY DENMARK

“Denmark cannot support the adoption of the Council's position at first reading on the proposal to establish the instrument for financial support for customs control equipment.

Denmark is still deeply concerned that the instrument described in the Council's position at first reading does not constitute an instrument that clearly respects the division of competences and responsibility laid down in the Treaty. It is crucial for Denmark, that a new funding instrument respects that the organization of customs controls is for Member States alone to decide, including assessing the needs they have and, in view of these needs, apply for (co)funding from the EU-instrument based on criteria, which is clear and pre-defined in the regulation itself.

Denmark is thus still of the opinion that (co)funding of customs equipment would be more appropriately achieved with a customs instrument in line with already known instruments in other areas, which has proven to respect the division of competences and responsibilities of the Treaty.

In addition, the repeatedly asked-for overview of funds already available and used for customs purposes from existing programs, has regrettably not been received. This overview has been deemed crucial to assess the funds that should be included in a new customs instrument, and to what extend funds should be moved from other instruments/programs etc. to a new instrument.”

STATEMENT BY THE COMMISSION

“The Commission regrets that the legislator departed in recital 22 from the standard recital agreed in the Interinstitutional Agreement on Better Law-Making. The Commission underlines that the principles agreed in the Common Understanding annexed to this Interinstitutional Agreement already ensure full transparency. The Commission will prepare any delegated acts under this Regulation in line with these agreed principles. The addition to the standard recital should not create a precedent for other cases.”

Cohesion policy legislative package 2021-2027:

Common Provisions Regulation

Ad "A" item 3:

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

STATEMENT BY HUNGARY

“The procedure towards the adoption of the Cohesion Policy regulations has reached another important step. Hungary sees it necessary to reiterate its earlier statement regarding the representation and interpretation of gender in these regulations.

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 interprets the concept of “gender“ as reference to sex, in line with Article 8, 10, 19 and 157 of the Treaty on the Functioning of the European Union and Article 21 and 23 of the Charter of Fundamental Rights of the European Union.

Furthermore Hungary is convinced that the content of gender is not appropriate to be defined in these legislative documents.

In line with these and its national legislation, Hungary interprets the concept of ‘gender’ as reference to ‘sex’ and the concept of ‘gender equality’ as reference to the ‘equality between men and women’ in the Regulations. As regards the breakdown of data, Hungary believes that the first line of Annex I and Annex II of the ESF+ Regulation (and also footnote 27 in Annex III of JTF Regulation) should be applied 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, the relevant recitals, articles, annexes and footnotes should be understood as referring to the term gender interpreted in accordance with national legislation.”

STATEMENT BY MALTA

‘Malta welcomes the formal adoption of the Common Provisions Regulation (CPR). Malta nevertheless regrets that investments in road related infrastructure are assigned a zero climate contribution coefficient and are not given similar weighting to rail transport. This situation will inevitably place Member States without a possible rail transport system at a disadvantage.

Being a small island Member State with no possibility of railways and where mass transport systems are not feasible, the upgrading of roads is necessary for Malta in the same way that investments in railways are required for those Member States that will enhance their share of rail transport. Malta recalls that its unique national circumstances and its limited emissions reduction potential make investments in more efficient road infrastructure, in conjunction with the electrification of vehicles, one of the few key opportunities for Malta to continue building on a holistic approach towards decarbonisation and progress towards climate neutrality. These same national circumstances are also the main contributing factor to the absence of railways.

This also has implications for the planning of projects and the flexibility in programming. As Annex I does not capture Malta’s specific realities and limitations, Malta will have to cumulate from all projects in order to reach the targets set. This constrains the possibility to tailor projects to Malta’s specific needs, leaving little possibility for other projects. Malta therefore calls on the Commission to show the necessary flexibility during the planning and programming of the Funds given the uniqueness of this case.’

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 internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, in wordings referring to gender Poland will interpret it as a equality between women and men, according to Article 8 TFEU.’

STATEMENT BY IRELAND

‘Ireland supports the Council position at first reading on all of the regulations that form part of the post 2020 cohesion legislative package. Ireland notes Article 80, Common Provisions Regulation (ST 6674/21 + ADD 1 + ADD 2), on single audit arrangements, and regrets the link agreed between participation in EPPO and access to a simplified audit. Given its common law system, Ireland is not participating in EPPO and therefore cannot avail of these simplified audit arrangements. Ireland believes this is contrary to the principle of equal treatment of Member States and the principle enshrined in Article 327 TFEU according to which enhanced cooperation shall respect the competences, rights and obligations of those Member States which do not participate in it.’

STATEMENT BY THE COMMISSION

On clearance of pre-financing:

“The payment ceilings in the MFF regulation took into account the assumption that all pre-financing would be cleared annually. The Commission considers that the agreement reached by the co-legislators on the CPR might result in going beyond the applicable MFF ceilings for payment appropriations, taking into account the expected payment profiles. This might result in a payment backlog in the second half of the next period.”

On structured dialogue under Temporary measures for the use of the Funds in response to exceptional and unusual circumstances:

“The provisions adopted by the co-legislators require the Commission to immediately inform the Parliament and the Council about the assessment of the situation regarding the exceptional and unusual circumstances. The co-legislators also require the Commission to inform them immediately about the envisaged follow-up through temporary measures for the use of the funds and to take due consideration of the positions taken and views expressed through the structured dialogue to which the Commission may be invited by the Parliament or the Council.

Those requirements are not in accordance with Article 291(2) and (3) TFEU and with the Comitology Regulation No 182/2011, which do not provide for any involvement of the Parliament and the Council in the control of the exercise of the implementing powers conferred on the Commission. They may result in situations where the Commission’s implementing powers would be constrained. Therefore the Commission can only satisfy these requirements in so far as these do not impinge on its implementing powers as they are regulated under Article 291 TFEU and the Comitology Regulation No 182/2011.

These provisions cannot in any event be replicated in a different legal framework where no exceptional and unusual circumstances are provided for.”

On further measures to protect the EU budget and the Next Generation EU against fraud and irregularities by requiring an obligatory use of a single data mining tool provided 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 69(2) (responsibilities of Member States) 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 Next Generation EU 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 Common Provisions Regulation does not appropriately reflect the desired ambition and spirit of the Inter-institutional Agreement.”

On the protection of the EU budget through the use of a percentage retention of payments to shared management programmes:

The Commission considers that the agreement by the co-legislators to reduce the retention rate on shared management payments from 10% to 5% creates an increased risk of the EU budget paying amounts that are affected by irregularities.

To minimise this risk, the Commission will make an appropriate use of interruptions and suspensions of payments to programmes whenever it considers that the 5% retention rate is insufficient to cover the amount of any potential irregularities.”

Cohesion policy legislative package 2021-2027:

**European Regional Development Fund and Cohesion Fund (ERDF/CF)
Regulation**

Ad "A" item 4:

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

STATEMENT BY HUNGARY

“The procedure towards the adoption of the Cohesion Policy regulations has reached another important step. Hungary sees it necessary to reiterate its earlier statement regarding the representation and interpretation of gender in these regulations.

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 interprets the concept of “gender“ as reference to sex, in line with Article 8, 10, 19 and 157 of the Treaty on the Functioning of the European Union and Article 21 and 23 of the Charter of Fundamental Rights of the European Union.

Furthermore Hungary is convinced that the content of gender is not appropriate to be defined in these legislative documents.

In line with these and its national legislation, Hungary interprets the concept of ‘gender’ as reference to ‘sex’ and the concept of ‘gender equality’ as reference to the ‘equality between men and women’ in the Regulations. As regards the breakdown of data, Hungary believes that the first line of Annex I and Annex II of the ESF+ Regulation (and also footnote 27 in Annex III of JTF Regulation) should be applied 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, the relevant recitals, articles, annexes and footnotes should be understood as referring to the term gender interpreted in accordance with national legislation.”

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 internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, in wordings referring to gender Poland will interpret it as a equality between women and men, according to Article 8 TFEU.”

Cohesion policy legislative package 2021-2027: European Social Fund Plus (ESF+) Regulation

Ad "A" item 5:

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

STATEMENT BY BULGARIA

The Republic of Bulgaria understands the reporting on common indicators in Annexes I and II of the European Social Fund Plus Regulation and in Annex III of the Just Transition 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.

STATEMENT BY HUNGARY

“The procedure towards the adoption of the Cohesion Policy regulations has reached another important step. Hungary sees it necessary to reiterate its earlier statement regarding the representation and interpretation of gender in these regulations.

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 interprets the concept of “gender“ as reference to sex, in line with Article 8, 10, 19 and 157 of the Treaty on the Functioning of the European Union and Article 21 and 23 of the Charter of Fundamental Rights of the European Union.

Furthermore Hungary is convinced that the content of gender is not appropriate to be defined in these legislative documents.

In line with these and its national legislation, Hungary interprets the concept of ‘gender’ as reference to ‘sex’ and the concept of ‘gender equality’ as reference to the ‘equality between men and women’ in the Regulations. As regards the breakdown of data, Hungary believes that the first line of Annex I and Annex II of the ESF+ Regulation (and also footnote 27 in Annex III of JTF Regulation) should be applied 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, the relevant recitals, articles, annexes and footnotes should be understood as referring to the term gender interpreted in accordance with national legislation.”

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 internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, in wordings referring to gender Poland will interpret it as a equality between women and men, according to Article 8 TFEU.”

STATEMENT BY THE COMMISSION on ESF+ investments to combat child poverty:

“In 2019 there were 18 million children at risk of poverty and social exclusion in the EU with very high numbers in some Member States. The COVID-19 outbreak and its socio-economic consequences have exacerbated inequalities and poverty with a more pronounced effect on them. Child poverty is consistently present in all Member States and continues to be higher than for working-age adults.

The Commission therefore welcomes the balanced agreement making the ESF+ a decisive tool to address the challenge of child poverty. The agreement recognises the urgency to invest in children in all Member States.

The Commission will soon present a proposal for a Child Guarantee with the aim to tackle the challenge structurally. When programming the ESF+, the Commission will do its utmost to ensure that Member States dedicate appropriate ESF+ funding to contribute to implementing the Child Guarantee. Moreover, it will encourage Member States to also use other EU funding instruments and national resources available to support adequate investments in this area.

On ESF+ investments in youth employment:

The Commission underlines that young people have been disproportionately hit by the socio-economic crisis following the COVID-19 outbreak. From December 2019 to December 2020 youth unemployment has increased by 3 percentage points in the EU, bringing the number of unemployed young persons to over 3.1 million. The Commission also recalls that youth unemployment has been consistently and significantly higher than that of the adult population with the latest figures showing a difference of over 10 percentage points (17.8% compared to 6.6% in December 2020).

The Commission welcomes the agreement reached by the co-legislators which recognises the challenge across all Member States. The ESF+ is the most important EU funding instrument to implement the recently adopted reinforced Youth Guarantee as well as other relevant measures under the Youth Employment Support initiative.

When programming the ESF+, the Commission will do its utmost to ensure that Member States dedicate appropriate ESF+ funding to implement the reinforced Youth Guarantee. Moreover, it will encourage Member States to use also other EU funding instruments and national resources available to support adequate investments in this area.”

Cohesion policy legislative package 2021-2027: Interreg Regulation

Ad "A" item 6:

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

STATEMENT BY THE CZECH REPUBLIC

“The Czech Republic welcomes the introduction of the Small Project Funds (SPF) in the Interreg Regulation.

The Czech Republic understands that the SPF may be governed in partnership, similarly to other operations under the Interreg Regulation. That includes equal and equivalent approach to managing the SPF by the partners on both sides of the border. Continuation of the current practice was behind the intention of the Council and the European Parliament during the negotiation when they extended the list of potential beneficiaries of the SPF in the course of the negotiation of the Regulation, respecting the call from the beneficiaries on the local and regional level. It was finally included in the compromise text.

Implementation of the SPF in the partnership will allow for continuation of the long-standing approach to managing the SPF and the current practice, it will ensure the same level of service for applicants and final beneficiaries of small projects on both sides of the border and it will not lead to establishing additional new cross-border entities only for the purpose of SPF management causing additional administrative burden and costs. Different interpretation might dismantle already existing and well-established relations and trust on both sides of the border. It could decrease the quality of services provided to the European citizens and go against the good practice already applied in the regions.”

STATEMENT BY HUNGARY

“The procedure towards the adoption of the Cohesion Policy regulations has reached another important step. Hungary sees it necessary to reiterate its earlier statement regarding the representation and interpretation of gender in these regulations.

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 interprets the concept of “gender“ as reference to sex, in line with Article 8, 10, 19 and 157 of the Treaty on the Functioning of the European Union and Article 21 and 23 of the Charter of Fundamental Rights of the European Union.

Furthermore Hungary is convinced that the content of gender is not appropriate to be defined in these legislative documents.

In line with these and its national legislation, Hungary interprets the concept of ‘gender’ as reference to ‘sex’ and the concept of ‘gender equality’ as reference to the ‘equality between men and women’ in the Regulations. As regards the breakdown of data, Hungary believes that the first line of Annex I and Annex II of the ESF+ Regulation (and also footnote 27 in Annex III of JTF Regulation) should be applied 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, the relevant recitals, articles, annexes and footnotes should be understood as referring to the term gender interpreted in accordance with national legislation.”

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 internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, in wordings referring to gender Poland will interpret it as a equality between women and men, according to Article 8 TFEU.”

