



Council of the  
European Union

081691/EU XXVII. GP  
Eingelangt am 26/11/21

Brussels, 25 November 2021  
(OR. en)

13730/21  
PV CONS 35  
ECOFIN 1073

**DRAFT MINUTES**  
COUNCIL OF THE EUROPEAN UNION  
(Economic and Financial Affairs)  
9 November 2021

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## 1. Adoption of the agenda

The Council adopted the agenda set out in 13431/21.

## 2. Approval of "A" items

### a) Non-legislative list

13432/21

The Council adopted the "A" items listed in 13432/21, 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:

### Foreign Affairs

35. Council Decision on EDF contributions: ceiling 2023, annual amount 2022, 1st instalment 2022 and forecast 2024-2025  
*Adoption*  
approved by Coreper, Part 2, on 05.11.2021

**[C]** 13130/21  
12878/21  
+ **COR 1 (sk)**  
ACP

### EU positions for international negotiations

41. International aviation climate ambition coalition  
*Approval*  
approved by Coreper, Part 1, on 05.11.2021

12965/21  
+ **COR 1**  
**(de,nl,es,pt,sv,lv,pl,bg)**  
+ ADD 1-2  
+ **ADD 1 COR 1 (cs)**  
AVIATION

43. Council Decision on the EU position on UNECE (November 2021)  
*Adoption*  
approved by Coreper, Part 1, on 05.11.2021

**[C]** 13053/21  
13160/21  
+ **COR 1 (lt)**  
13161/21  
MI

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

13433/21

Economic and Financial Affairs

**1. NPLs: Directive on credit services, credit purchasers**



13237/1/21 REV 1

*Adoption of the legislative act*

PE-CONS 54/21

approved by Coreper, Part 2, on 05.11.2021

+ COR 1

EF

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 53 and 114 TFEU).

**2. Motor Insurance Directive**



13234/21

*Adoption of the legislative act*

+ ADD 1-2

approved by Coreper, Part 2, on 05.11.2021

PE-CONS 60/21

EF

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 114 TFEU). Statements to this item are set out in the Annex.

Transport

**3. Directive amending Directive 1999/62/EC on Eurovignette (road charging Directive)**



13110/2/21 REV 2

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

13110/21 ADD 1

approved by Coreper, Part 1, on 05.11.2021

10542/21 + COR 1

+ ADD 1


+ ADD 1 COR 1

REV 1

TRANS


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 Slovakia abstaining and Austria, Denmark, Hungary, Luxembourg and the Netherlands voting against. (Legal basis: Article 91(1) TFEU). Statements to this item are set out in the Annex.

## Health

4. **Regulation on Health Technology Assessment (HTA)**  13233/21 + ADD 1  
*Adoption of the Council's position at first reading and of the*  
*statement of the Council's reasons* 10531/21 + ADD 1  
approved by Coreper, Part 1, on 05.11.2021 + ADD 1 COR 1  
PHARM
- 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 Bulgaria and Poland abstaining. (Legal basis: Article 114 TFEU). Statements to this item are set out in the Annex.

### Legislative deliberations

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

3. **Basel III implementation**  13245/21  
*Policy debate* 13246/21  
13247/21
- The Commission informed Ministers on the main components of its legislative package, which amongst other proposals implements the outstanding elements of the Basel III international agreements in the area of banking supervision and risk management. The Ministers generally welcomed the Commission's legislative proposals and had a debate on the main elements of the legislative package.
4. **Any other business** 12848/21  
**Current financial services legislative proposals**  
*Information from the Presidency*
- The Presidency informed Ministers about the state of play of current financial services legislative proposals.

### Non-legislative activities

5. The EU economy after COVID-19: Implications for economic governance 13009/21  
*Exchange of views*

- |     |   |          |
|-----|---|----------|
| 6.  | Economic recovery in Europe   |          |
|     | a) Implementation of the Recovery and Resilience Facility   |          |
|     | b) Financing of the NGEU  | 13292/21 |
|     | <i>State of play</i>  |          |
|     | <i>Exchange of views</i>  |          |
| 7.  | Energy prices, inflation and policy implications  | 12682/21 |
|     | <i>Exchange of views</i>  |          |
| 8.  | Conclusions on the future of the European Semester in the context of the Recovery and Resilience Facility   | 13171/21 |
|     | <i>Approval</i>   |          |
| 9.  | Follow-up to the G20 Finance Ministers and Central Bank Governors and the IMF annual meetings of 13-14 October 2021   | 13172/21 |
|     | <i>Information from the Presidency and the Commission</i>   |          |
|     | The <u>Presidency</u> and the <u>Commission</u> informed Ministers about the main outcomes of the G20 Finance Ministers and Central Bank Governors and IMF Annual meetings of 13-14 October 2021. |          |
| 10. | Conclusions on EU statistics  | 13047/21 |
|     | <i>Approval</i>   | 13049/21 |
| 11. | European Court of Auditors' annual report on the implementation of the budget of the European Union for the financial year 2020   |          |
|     | <i>Presentation</i>   |          |
| 12. | Any other business  |          |



First reading



Item based on a Commission proposal

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**Statements to the legislative "A" items set out in doc. 13433/21**

**Ad "A" item 2:**                    **Motor Insurance Directive**  
   *Adoption of the legislative act*

**STATEMENT BY THE COMMISSION**

“The Commission remains committed to defend a high degree of protection of victims in the context of the Motor Insurance Directive. Our objective is to ensure that victims, including in cross-border situations, are compensated as swiftly as possible and are not subject to disproportionate procedural requirements that might hamper their access to compensation. The effectiveness of compensation largely depends on whether it is done in timely manner. We note in this respect the concerns repeatedly expressed by the European Parliament as regards differences across Member States in relation to limitation periods, i.e. the relevant timespan during which an injured party may address a claim. The Commission will consider this issue carefully and examine possible remedies in order to further strengthen the protection of victims, should the evidence show that action at Union level is warranted.”

**STATEMENT BY MALTA**

“Malta understands the importance of finalising procedures on the Motor Insurance Directive to better protect victims of motor vehicle accidents and improve the rights of insurance policyholders and welcomes the final adoption of the file.

However, Malta wishes to reiterate its concerns on the insolvency issue. The text entails the introduction of a home-based insolvency compensation body without appropriate provisions relating to the funding model, thus falling short of having a minimum ex-ante harmonisation of contributions.

In Malta's view, this is a fundamental issue which should have been addressed in order to avoid creating an unlevel playing field between Member States in the insurance sector. Moreover, text threatens the cross-border provision of insurance services and in that regard, Malta continues to believe that such funding arrangement should have been adequately designed to address the risk of regulatory arbitrage.

Finally, Malta welcomes the study published by the Commission on the funding of EU Insurance Guarantee Schemes and calls for further work going forward.”

**Directive amending Directive 1999/62/EC on Eurovignette  
(road charging Directive)**

**Ad "A" item 3:**

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

**STATEMENT BY AUSTRIA**

“As already stated in December 2020, Austria supports the objectives to decarbonize road transport and to strengthen the polluter pays principle. Austria acknowledges that the revised Eurovignette Directive will contribute to achieve the Union’s climate targets. In this sense, Austria welcomes the introduction of a CO<sub>2</sub> modulation in the charging of heavy goods transport and the obligation to levy external costs in areas with significant environmental damage. Austria also recognizes that certain improvements with regard to mark-ups have been achieved, notably the possibility to levy mark-ups outside mountainous regions and in addition to external costs.

However, the revised directive will also keep the fundamental principle of cost recovery in Art. 7b and 7e, which in general continues to set limits to transport policy measures in the area of road charging.

In this regard, the text on mark-ups in Article 7f (1)(b) falls short of adequately addressing the traffic situation on the Brenner Alpine crossing, which has been a heavy burden for the population as well as the environment for many years. It is of utmost importance to Austria to apply a mark-up of 50%. The new text requires the agreement of all Member States, which are part of that corridor and neighbouring the Member States in whose territory falls the section of the corridor to which this 50% mark-up is applied. This represents an unnecessary hurdle that would result in the provision never being applied in practice. This is more than regrettable not least in view of the ambitious climate goals we have agreed upon at EU level. This provision is therefore not acceptable to Austria.

It must be our goal to adopt a Directive which in practice leads to a sustainable reduction of road freight traffic and contributes to the objectives of the Green Deal, especially in light of the EU target of a net domestic reduction of greenhouse gas emissions of at least -55% until 2030.

On top of that, Austria cannot support the obligation to introduce a daily user charge (vignette) for passenger cars, as this might result in restrictions for Member States or administrative burden for already existing systems.

For the reasons outlined above, Austria does not consider the current text of the revision to be a valid contribution on the path towards a climate-neutral EU nor towards a sustainable reduction of road traffic. Therefore, Austria votes against.”



## STATEMENT BY DENMARK

“Denmark commends consecutive presidencies for the handling of the Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures, and indeed the Portuguese presidency for concluding the trilogue-negotiations with the European Parliament on 16 June 2021.

Denmark greatly supports the intentions of the proposal, particularly the measures that can ensure the use of the polluter-pays and user-pays principles.

Denmark regrets, however, to see the introduction of obligatory earmarking of revenue from congestion charges. Denmark has made it known throughout the negotiations of the proposal that Denmark is against any earmarking of revenues, as decisions on the use of revenue should be an exclusive national prerogative.

While Denmark generally supports the purpose and green elements in the agreement, Denmark thus cannot support the earmarking mentioned in Article 7da of the compromise text and is thus unfortunately unable to support the final compromise text.”

**Ad "A" item 4:**                      **Regulation on Health Technology Assessment (HTA)**  
*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 supports the overall objective of the Regulation of the European Parliament and of the Council on health technology assessment amending Directive 2011/24/EU to contribute to a high level of human health protection. In this context Bulgaria also acknowledges the objective of establishing a framework to support Member States cooperation for the clinical assessment of health technologies. The Regulation should be an instrument contributing to access to safe, effective and affordable medical products for all.

However, the Republic of Bulgaria would like to stress upon the principles of subsidiarity and division of competencies in the context of the implementation of this Regulation. Pricing and reimbursement matters, as part of the organisation and delivery of health services and medical care remain exclusive national competence, as provided for in Art. 168 (7) of the Treaty on the Functioning of the European Union. The Union competences in this area remain limited to incentive measures for scientific cooperation and voluntary uptake of the joint clinical assessment in their clinical aspects, with no obligation for harmonisation of national health technology assessments.

The Republic of Bulgaria considers that certain provisions in the Regulation, in particular Art. 3, Art. 6d and Art. 8, lack sufficient legal clarity and certainty and could, thus, jeopardise the ability of the proposed system to balance different interests and to deliver from public health perspective to the benefit of all patients. Some of the arrangements in these provisions would impact adversely the inclusiveness of the process, the quality and usefulness of the joint clinical assessments for all Member States and patients. Thus, an implementation of the Regulation insensitive to these aspects, may result in pressure on national budgets for particular products, and lead to inequalities among different patient groups. Finally, the level of ambiguity and the legal uncertainty also put at risk the smooth and uncontested implementation of the act.

In view of these considerations, the Republic of Bulgaria cannot support the Regulation of the European Parliament and of the Council on health technology assessment amending Directive 2011/24/EU, and states that it will implement the Regulation within the Union competences as laid down in the primary law of the European Union. The Republic of Bulgaria will give due consideration to the joint clinical assessments to the degree required by law, while prioritizing the interests of all patients in the country.”

## **STATEMENT BY POLAND**

“The Government of the Republic of Poland supports efforts and actions aiming to promote the unification of assessment tools, publication of clinical data assessed by EMA or other clinical trials and the standardisation of clinical analysis methodology in the HTA processes across the EU, aiming to reduce duplication of workload between HTA institutions and the industry and to ensure that the results of joint work across the EU Member States can be used to a greater extent than currently foreseen.

Nevertheless, according to the Government of the Republic of Poland, the draft regulation does not clarify the needs associated with conducting joint work on the methodology and unification of the tools used and making clinical data available. Additionally it interferes with the refund procedures of individual Member States, thus obstructing their ability to adapt the scope of report to their national needs and restricting the possibility of obtaining the necessary current data, as well as analyses based on such data, from the MAH applying for a refund.

Moreover, in many areas, the proposed regulation remains unclear allowing for too broad legal interpretation. It is highly important that the regulation should not interfere with competencies exclusively reserved for Member States. In our view the regulation impacts on national regulations of conducting HTA assesment and introduces ambiguity in the scope and range of data sumbmitted in national processes, thus may lead to the law disputes with the reimboursment applicants.

In view of the above, Republic of Poland was unable to support the final compromise text and therefore abstains in voting. We request for the inclusion of this statement in the minutes of the Coreper meeting and the Council adopting the proposed regulation.”