

Brussels, 7 December 2021
(OR. en)

14732/21
CRS CRP 42

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
17 and 19 November 2021

I. Adoption of the agenda

13856/1/21 REV 1 OJ CRP1 40
13910/1/21 REV 1 OJ CRP2 40 COMIX 566

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 NOVEMBER 2021

Transport

2. Single European Sky 2 + 13063/21 + COR 1
Regulation on the implementation of the Single European Sky
(recast)
Preparation for the trilogue

The Committee agreed on a revised mandate for the forthcoming trilogue.

Transport, Telecommunications and Energy

3. Meeting of the Council (Transport, Telecommunications and Energy) on 9 December 2021:
Agenda

The Presidency presented the main agenda items.

Telecommunications

4. Regulation on ePrivacy 13558/21
Preparation for the trilogue

The Committee agreed on a revised mandate for the forthcoming trilogue.

Competitiveness

5. Meeting of the Council (Competitiveness (Internal Market, Industry, Research and Space)) on 25 and 26 November 2021: Preparation

1. Regulation on a single market for digital services 13613/21
(Digital Services Act) and amending Directive
2000/31/EC
General approach

The Committee prepared the item for the Council.

Statement by Denmark

"Denmark supports the Presidency's compromise text in order to reach the General Approach at the COMPET Council on 25 November 2021.

In general, Denmark supports the overall aim of updating the horizontal rules that define the responsibilities and obligations of providers of digital services, and online platforms in particular.

However, Denmark strongly regrets that the regulation does not set obligations on an importer's responsibilities. It is a problem that there is no one in the Union to be held responsible in cases where online marketplaces make it possible for traders to sell their products and services from third countries directly to European consumers. There are several cases where European consumers end up with dangerous and illegal products and suffer from the system, that we have today. Thus, the liability exemption maintains a loophole of import of goods not complying with EU legislation and is detrimental for not only consumer protection, but also for competitiveness of European businesses. In this regard, Denmark had strived for a more ambitious regulation by ensuring that there is always a part in the EU to be held accountable for products entering the European Market - whether the products are sold offline or online.

We hope that our request on importers responsibilities will be taken in due and serious account in the course of the next phase of the negotiations.

Although, it does not change Denmark's position on this matter, Denmark welcomes the steps taken in Section 3A obliging online market places to live up to further requirements in order to ensure consumer protection and safe products being sold to European consumers."

Statement by Germany

"Deutschland unterstützt den zur Erreichung der allgemeinen Ausrichtung im Rat für Wettbewerbsfähigkeit am 25. November 2021 von der Präsidentschaft vorgelegten Text. Insbesondere begrüßen wir die Stärkung der Kompetenzen der Europäischen Kommission bei der Bestimmung, der Beaufsichtigung und der Kontrolle von sehr großen Online-Plattformen und sehr großen Online-Suchmaschinen. Dies wird die effektive Durchsetzung der Regelungen des Gesetzes über digitale Dienste (DSA) sicherstellen. Zugleich unterstreichen wir mit Blick auf die anstehenden Verhandlungen mit dem Europäischen Parlament aber, dass zur Gewährleistung einer noch höheren Wirksamkeit des DSA weitere Verbesserungen notwendig sind.

Es ist uns ein zentrales Anliegen, dass beim Kinder- und Jugendmedienschutz der auf internationalen Vorgaben (Übereinkommen über die Rechte des Kindes der Vereinten Nationen und Allgemeine Bemerkung Nr. 25 zu den Rechten der Kinder in Bezug auf das digitale Umfeld des VN-Kinderrechteausschusses) beruhende derzeitige hohe Schutzstandard in Deutschland erhalten bleibt. Dies müssen die Regelungen im DSA in jedem Fall, etwa durch entsprechende Abweichungsmöglichkeiten für höhere Standards, gewährleisten.

Deutschland begrüßt, dass mit dem DSA ein einheitliches Regelwerk geschaffen wird, um illegale Inhalte im Netz zu bekämpfen. Wir werben allerdings dafür, die Regelungen zu Löschverpflichtungen und die dazugehörigen Löschfristen für sehr große Online-Plattformen ambitionierter und rechtlich verbindlich auszugestalten. Auch die Meldepflichten der Hosting-Diensteanbieter an Strafverfolgungs- und Justizbehörden gemäß Artikel 15a sollten konkretisiert werden. Die Mitgliedstaaten sollten die Möglichkeit haben, die in ihrem Hoheitsgebiet im Einzelnen zu meldenden Straftaten zu benennen. In Bezug auf sehr große Online-Plattformen sollte den Mitgliedsstaaten ermöglicht werden, die Meldepflichten in ihrem nationalen Recht auch auf Straftaten zu erstrecken, die das demokratische Gemeinwesen gefährden oder anhaltende negative Auswirkungen auf die Ausübung der Meinungsfreiheit haben, soweit diese im Einklang mit den Grundwerten der Europäischen Union stehen. Außerdem unterstützen wir es nachdrücklich, Artikel 15 um eine Speicherpflicht für gelöschte illegale Inhalte zu erweitern.

Die anstehenden Verhandlungen mit dem Europäischen Parlament sollten dazu genutzt werden, die Durchsetzungsmöglichkeiten von nationalen Behörden und den Verbraucherschutz – auch durch das Einführen proaktiver Sorgfaltspflichten für die Anbieter von Online-Marktplätzen – zu stärken. Nur auf diesem Wege können Aufsichtsbehörden das immense Aufkommen an illegalem Waren- und Tierhandel effektiv eindämmen. Außerdem schlagen wir ein Verbot anonymer Angebote von Tieren auf Online-Marktplätzen vor – auch seitens privat auftretender Anbieter. Die anstehenden Verhandlungen mit dem Europäischen Parlament bieten für die Europäische Union die Chance, die Ziele des Europäischen Green Deal im DSA zu verankern. So sollten Umweltaspekte in der Risikobewertung von sehr großen Online-Plattformen Beachtung finden. Außerdem sollten Online-Marktplätze mehr Informationen für nachhaltigen Konsum bereitstellen.

Da sehr große Online-Plattformen ferner zunehmend Orte der öffentlichen Debatte und unverzichtbare Vertriebskanäle für Mediendiensteanbieter geworden sind, sollten die Medienfreiheit und die Medienpluralität, wie sie in der Charta niedergelegt sind, stärker berücksichtigt werden. Um dies zu erreichen sollten Verfahrensregelungen eingeführt werden, die großen Online-Plattformen verbieten, von einem Mediendiensteanbieter bereitgestellte Inhalte oder Dienste unter Berufung auf die Verletzung der Allgemeinen Geschäftsbedingungen der Plattform zu entfernen oder auf andere Weise zu beeinträchtigen, ohne den Mediendiensteanbieter vorher angehört zu haben. Ergänzend dazu ist notwendig, dass

in Artikel 12 – oder an anderer passender Stelle – herausgestellt wird, dass die Medienfreiheit und die Medienpluralität in Wortlaut und Anwendung von Allgemeinen Geschäftsbedingungen einer Plattform in angemessener Weise zu berücksichtigen sind. Die Plattformen sollten einen Verhaltenskodex beschließen, der diese Anforderungen konkretisiert. Wir sorgen uns außerdem um die Funktionalität der Kontrollstruktur des DSA, die für dessen Erfolg essentiell ist. Es sollten weitere Bemühungen unternommen werden, Synergie-Effekte mit bestehenden Institutionen (wie etwa der European Regulators Group for Audiovisual Media Services, ERGA) und Möglichkeiten einer Einbindung dieser Institutionen zu nutzen. In diesem Zusammenhang ist uns außerdem wichtig, dass bestehende und bewährte Kooperationsmechanismen fortgeführt werden, wie etwa die in der von den ERGA-Mitgliedern geschlossenen Absichtserklärung. In diesem Gesamtkomplex muss außerdem sichergestellt werden, dass die Kompetenzen der Mitgliedsstaaten auf diesem Feld erhalten bleiben.

Deutschland spricht sich schließlich dafür aus, dass nicht-gewinnorientierte Bildungs- und Forschungsrepositorien nicht unter die Definition einer "Online-Plattform" fallen, da von diesen Repositorien nicht die Risiken ausgehen, die mit dem DSA bekämpft werden sollen.

Wir vertrauen mit Blick auf die anstehenden Verhandlungen mit dem Europäischen Parlament darauf, dass diese Aspekte ernsthaft und sorgfältig erwogen und in die anzustellenden Überlegungen aufgenommen werden."

Courtesy translation

"Germany supports the Presidency's compromise text in order to reach the General Approach at the Council on 25 November 2021. In particular, we welcome the strengthening of the European Commission with regard to the designation, supervision and governance of very large online platforms and very large online search engines to ensure an effective oversight and enforcement of the Digital Services Act (DSA). However, we strongly underline the need for further improvements in the course of the upcoming negotiations with the European Parliament to ensure that the DSA becomes even more effective.

For Germany, it is crucial to safeguard the current high domestic standard based on international requirements (UN Convention on the Rights of the Child and General Comment No. 25 on children's rights in relation to the digital environment of the UN Committee on the Rights of the Child) concerning the protection of minors in the media. Under any circumstances, this must be guaranteed by the DSA, particularly through relevant derogation options.

Germany welcomes that the DSA creates a uniform European legal framework for combating illegal content online. We advocate for making the provisions on deletion obligations and corresponding deadlines even more ambitious and legally binding for very large online platforms. Further specifications under Article 15a are needed when it comes to the reporting obligations of providers of hosting services to law enforcement and judicial authorities. Member States should have the option to notify the individual criminal offences to be reported concerning their territory. With regard to very large online platforms, Member States should have the possibility to extend the reporting obligations by means of national legislation to criminal offences that endanger the democratic polity or have a persistent negative impact on the exercise of freedom of expression, insofar as these extensions are in line with the fundamental values of the European Union. Additionally, we strongly support enlarging the scope of Article 15 in order to introduce a storage obligation for deleted illegal content.

The upcoming negotiations with the European Parliament should be used to strengthen the enforcement possibilities of national authorities and consumer protection, including through proactive due diligence obligations for providers of online marketplaces. Only this way

surveillance authorities can contain the immense trade in illegal goods and animals on the internet. Germany suggests to prohibit the anonymous advertisement of animals on online-marketplaces, also by consumers. The upcoming negotiations with the European Parliament give the European Union the opportunity to anchor the aims of the Green Deal in the DSA. Very large online platforms should consider environmental concerns in their systemic risk assessments, and online-marketplaces should provide more information on sustainable consumption.

As very large online platforms increasingly have become spaces of public discussion online and indispensable distribution channels for media service providers, greater consideration must be given to the freedom and pluralism of the media as enshrined in the Charter. To achieve this, procedural rules have to be established that prohibit very large online platforms from interfering with a service or content made available by a media service provider on the basis of alleged violations of the terms and conditions without prior consultation with the media service provider. In addition, it is necessary to emphasize in Article 12 or another suitable article that the freedom and pluralism of the media must be sufficiently considered in the establishment and application of the platforms' general terms and conditions. The platforms should agree on a code of conduct to concretize these requirements. We are concerned about the functionality of the governance structure, which is essential for the success of the DSA. Efforts should be made to make optimum use of possible synergy effects with the existing institutions such as ERGA and appropriate opportunities for participation by these institutions should be created. It is also important to us in this regard that existing and proven cooperation mechanisms, such as those from the Memorandum of Understanding between the National Regulatory Authority Members of the ERGA, are maintained. In this entire complex, it must be ensured that the competencies of the Member States are preserved.

Finally, Germany advocates for not-for-profit educational and scientific repositories not to fall under the definition of "online platform" because they do not pose the risks addressed in the DSA.

We trust that these aspects will be taken into due and serious account in the course of the upcoming negotiations with the European Parliament."

Statement by Poland

"Polska popiera kompromisowy tekst prezydencji dotyczący rozporządzenia w sprawie jednolitego rynku usług cyfrowych (akt o usługach cyfrowych) i zmieniającego dyrektywę 2000/31/WE (DSA) w celu wypracowania podejścia ogólnego na posiedzeniu Rady COMPET w dniu 25.11.2021 r.

Zdecydowanie podkreślamy jednak potrzebę wprowadzenia ulepszeń, aby projekt rozporządzenia DSA w pełni wzmocnił pozycję konsumentów w UE i zapewnił skuteczne egzekwowanie przepisów DSA.

Powinno być jasne wskazanie, że DSA należy równoważyć potrzebę szybkiego usuwania nielegalnych treści z Internetu z ochroną wolności wypowiedzi i informacji. DSA powinno zawierać jasne przepisy dotyczące jurysdykcji nad tymi platformami, tak aby wszelkie stosowane przez nas środki egzekwowania prawa były skuteczne i wystarczające.

Mechanizm egzekwowania DSA oparty na zasadzie kraju pochodzenia, która jest podstawową zasadą rynku wewnętrznego przynoszącą niezaprzeczone korzyści pod względem możliwości rozwoju dla mniejszych dostawców usług pośrednictwa w UE, powinien uwzględniać odpowiednie zaangażowanie państwa członkowskiego, w którym znajdują się odbiorcy usługi. Koordynator ds. usług cyfrowych miejsca przeznaczenia może dostarczyć nieocenioną wiedzę na temat prawa krajowego i kontekstu lokalnego danego państwa członkowskiego.

Ponadto bardzo duże platformy internetowe i bardzo duże wyszukiwarki internetowe powinny być odpowiednio reprezentowane na terytorium UE i ustanowić odpowiednie kanały dwustronnej komunikacji, w szczególności z właściwymi organami ze wszystkich państw członkowskich. W DSA należy przewidzieć obowiązek potwierdzenia przez usługodawców odbioru korespondencji za pośrednictwem punktu kontaktowego.

Konieczne jest zachowanie w tekście DSA przepisów wyjaśniających, że DSA pozostaje bez uszczerbku dla prawa odbiorców, zainteresowanych osób fizycznych lub podmiotów do odwołania się od decyzji do sądu lub organu administracyjnego kraju, w którym mają siedzibę, miejsce zamieszkania lub stały pobyt, zgodnie z prawem właściwym dla tego państwa.

Jesteśmy przekonani, że wspomniane wyżej konstruktywne i racjonalne ulepszenia pomogą w osiągnięciu zadowalającego kompromisu w trakcie zbliżających się negocjacji międzyinstytucjonalnych."

Courtesy translation

"Poland supports the Presidency's compromise text on Regulation on a single market for digital services (Digital Services Act) and amending Directive 2000/31/EC (DSA) in order to reach the General Approach at the COMPET Council on 25 November 2021.

However, we strongly underline the need for improvements in order that the DSA proposal empowers fully EU consumers and provide effective enforcement of DSA provisions.

There should be a clear indication that the DSA duly balances the need for swift removal of illegal content from the Internet with the protection of the freedom of expression and information. The DSA should provide clear provisions as to jurisdiction over these platforms so that any enforcement measures that we use are effective and sufficient.

DSA enforcement mechanism based on the country of origin principle, which is a core principle of the internal market bringing undeniable profits in terms of growth opportunities for smaller providers of intermediary services within the EU, should take into account sufficient involvement of a Member State where the recipients of the service is located. Digital Service Coordinator of destination can provide invaluable knowledge of the national law and local context of the Member State concerned.

Furthermore, very large online platforms and very large online search engines should be properly represented in the EU territory and establish appropriate channels for two-way communications, especially with competent authorities from all Member States. DSA should foresee an obligation on the part of service providers to acknowledge the receipt of correspondence via the point of contact.

Finally, it is necessary to keep in the text of DSA provisions clarifying that DSA is without prejudice to the right of the recipients or the individual or entity concerned to appeal against the decision before a court or administrative authority of the country where they are established, domiciled or have permanent residence, in accordance with the applicable law of that country.

We are confident that the abovementioned constructive and rational improvements will help to reach a satisfactory compromise in the course of incoming interinstitutional negotiations."

Joint statement by Italy and Spain

"Italy and Spain support the Presidency's compromise text, in order to reach the General Approach at the COMPET Council on 25 November 2021.

However, we strongly underline the need for improvements, in order for the DSA not to be watered down in the course of negotiations during the further procedure.

For instance, we believe that traceability obligations, as provided for online marketplaces at Article 24a, shall be enlarged, in order to ensure that what is illegal offline should also be illegal online.

Indeed, these obligations are necessary to intercept fraudulent businesses and stop illegal content and products to be circulated through different digital services and a plurality of intermediary service providers, thus contributing to create a safe, transparent and trustworthy digital environment.

Therefore, we support the enlargement of the scope of Article 24a to hosting providers, web hosting, Content Delivery Networks, DNS registries and registrars, payment and advertising services.

We are confident that such request will be taken in due and serious account in the course of future negotiations."

Statement by Hungary

"Hungary attaches great importance to the protection of freedom of expression and freedom of speech of EU citizens. Therefore, we are committed to ensure an even more effective enforcement of the Digital Services Act Regulation.

The country of origin principle is an essential basic rule in the Single Market, which provides profits in terms of ensuring predictable regulatory environment for smaller European providers of intermediary services. However, it does not bring such benefits at the level of EU citizens. There are asymmetries in terms of rights between the providers of online platforms and their users as well as with regard to public authorities, which are missing the necessary tools to fully protect users from the abusive practices. This problem is aggravated by the fact, that there is an increasing number of services and platforms – without legal establishment in the EU – targeting the citizens of Member States.

While we keep the country of origin principle at EU level as a general rule, we must not forget to protect the legitimate interests of our consumers.

To empower EU consumers and provide effective enforcement of DSA provisions, it is worth considering the possibility to involve regulators of countries of destination more actively in the supervision of very large online platforms and very large online search engines. We consider that in many cases in order to properly understand and handle the cases of content moderation practices, deep understanding of specificities of national law and socio-cultural context is needed.

Hungary therefore calls for a more ambitious approach to guarantee the highest level of protection of consumers' rights. Meeting these objectives requires solutions adapted to this rapidly changing platform economy ecosystem and this implies a thorough evaluation of our core principles."

2. Implementation of the Recovery Plan for Europe 13667/21
Policy debate

The Committee prepared the item for the Council.

3. Conclusions on the future governance of the European 13625/21
Research Area (ERA) + ADD 1-2
Approval

The Committee prepared the item for the Council.

Statement by Hungary

"Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as commitments and principles stemming from the international law. Furthermore, equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. 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 women and men'."

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 jako równość kobiet i mężczyzn zgodnie z art. 8 TFUE."

Courtesy translation

"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 equality between women and men, according to Article 8 TFEU."

4. Council Recommendation on a Pact for Research and 13669/21
Innovation in Europe + ADD 1-2
Adoption

The Committee prepared the item for the Council.

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 jako równość kobiet i mężczyzn zgodnie z art. 8 TFUE."

Courtesy translation

"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 equality between women and men, according to Article 8 TFEU."

Statement by Hungary

"Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as commitments and principles stemming from the international law. Furthermore, equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. 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 women and men'.

Furthermore, Hungary remains dedicated to its commitments in the field of human rights. Hungary ensures these rights within the framework of the Hungarian national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. In this context, Hungary interprets the term of "diversity" in recommendation (1) of the text in line with the content and scope of Article 22 of the Charter of Fundamental Rights of the European Union."

5. Research and innovation in achieving cross-sectoral objectives
Policy debate

13540/21

The Committee prepared the item for the Council.

Education, Youth, Culture and Sport

6. Meeting of the Council (Education, Youth, Culture and Sport) on 29 and 30 November 2021: Preparation

1. Recommendation on blended learning for high quality and inclusive primary and secondary education
Adoption

13621/21

The Committee prepared the item for the Council.

Statement by Poland

"Rzeczpospolita Polska rozumie sformułowanie „równość płci” (ang. „gender equality”) jako odnoszące się do równości kobiet i mężczyzn, stosownie do art. 2 i art. 3 TUE.

Ponadto Rzeczpospolita Polska rozumie termin „płeć” (ang. „gender”) jako „płeć” (ang. „sex”) zgodnie z art. 10, art. 19 ust. 1 oraz art. 157 ust. 2 i 4 TFUE."

Courtesy translation

"The Republic of Poland understands wording “gender equality” as referring to “equality between women and men”, in line with art. 2 and art. 3 of the Treaty on European Union.

Also the Republic of Poland understands 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."

Statement by Hungary

"Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as the commitments and principles stemming from the international law. Equality between women and men is enshrined in the Treaties of the European Union, as a fundamental value. In line with these and its national legislation, Hungary interprets the concept of ‘gender’ as reference to ‘sex’ in the Council recommendation on blended learning for high quality and inclusive primary and secondary education.

Hungary maintains all its national statements made in relation of the aforementioned topic, including in the event of the adoption of the Council Recommendation on vocational education and training (VET) for sustainable competitiveness, social fairness and resilience."

2. Resolution on a new European agenda for adult learning
2021-2030
Approval

13616/21

The Committee prepared the item for the Council.

Statement by Poland

"Rzeczpospolita Polska rozumie sformułowanie „równość płci” (ang. „gender equality”) jako odnoszące się do równości kobiet i mężczyzn, stosownie do art. 2 i art. 3 TUE.

Ponadto Rzeczpospolita Polska rozumie termin „płeć” (ang. „gender”) jako „płeć” (ang. „sex”) zgodnie z art. 10, art. 19 ust. 1 oraz art. 157 ust. 2 i 4 TFUE."

Courtesy translation

"The Republic of Poland understands wording “gender equality” as referring to “equality between women and men”, in line with art. 2 and art. 3 of the Treaty on European Union.

Also the Republic of Poland understands 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."

Statement by Hungary

"Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as the commitments and principles stemming from the international law. Equality between women and men is enshrined in the Treaties of the European Union, as a fundamental value. 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 women and men' in the Council resolution on a new European agenda for adult learning 2021-2030 and Hungary maintains all its national statements in this regards."

3. Resolution on the governance structure of the strategic framework for European cooperation in education and training towards the European Education Area and beyond (2021-2030)
Approval

13624/21

The Committee prepared the item for the Council.

Statement by Hungary

"Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as the commitments and principles stemming from the international law. Equality between women and men is enshrined in the Treaties of the European Union, as a fundamental value.

Hungary maintains all its national statements made in the event of the adoption of the Council Resolution on a strategic framework for European cooperation in education and training towards the European Education Area and beyond (2021-2030) in relation to the instruments thereof."

4. Digital Education and Skills: Contribution to the structured dialogue
Policy debate

13612/21

The Committee prepared the item for the Council.

5. Resolution on the outcomes of the 8th Cycle of the EU Youth Dialogue
Approval

13681/21

The Committee prepared the item for the Council.

6. Conclusions on the implementation of the EU Youth Strategy 2019-2021
Approval

13692/21

The Committee prepared the item for the Council.

7. Resolution on the EU Youth Strategy Work Plan
2022-2024
Approval

13700/21

The Committee prepared the item for the Council.

Statement by Poland

"Rzeczpospolita Polska rozumie sformułowanie „równość płci” (ang. „gender equality”) jako odnoszące się do równości kobiet i mężczyzn, stosownie do art. 2 i art. 3 TUE.

Ponadto Rzeczpospolita Polska rozumie termin „płeć” (ang. „gender”) jako „płeć” (ang. „sex”) zgodnie z art. 10, art. 19 ust. 1 oraz art. 157 ust. 2 i 4 TFUE."

Courtesy translation

"The Republic of Poland understands wording “gender equality” as referring to “equality between women and men”, in line with art. 2 and art. 3 of the Treaty on European Union. Also the Republic of Poland understands 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."

8. Civic Spaces for Young People

- a) Conclusions on safeguarding and creating civic spaces for young people that facilitate meaningful youth participation
Approval

13707/21

The Committee prepared the item for the Council.

Statement by Poland

"Rzeczpospolita Polska rozumie sformułowanie „równość płci” (ang. „gender equality”) jako odnoszące się do równości kobiet i mężczyzn, stosownie do art. 2 i art. 3 TUE.

Ponadto Rzeczpospolita Polska rozumie termin „płeć” (ang. „gender”) jako „płeć” (ang. „sex”) zgodnie z art. 10, art. 19 ust. 1 oraz art. 157 ust. 2 i 4 TFUE."

Courtesy translation

"The Republic of Poland understands wording “gender equality” as referring to “equality between women and men”, in line with art. 2 and art. 3 of the Treaty on European Union. Also the Republic of Poland understands 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."

- b) Safeguarding and creating civic spaces for young people that facilitate meaningful youth participation
Policy debate

13742/21

The Committee prepared the item for the Council.

9. Resolution on the key features of a European Sport Model
Approval

13711/21

The Committee prepared the item for the Council.

Statement by Poland

"Rzeczpospolita Polska rozumie sformułowania „równość płci” (ang. „gender equality”) i „nierówność płci” (ang. „gender inequality”) jako odnoszące się do równości i nierówności kobiet i mężczyzn, stosownie do art. 2 i art. 3 TUE.

Ponadto Rzeczpospolita Polska rozumie termin „płeć” (ang. „gender”) jako „płeć” (ang. „sex”) zgodnie z art. 10, art. 19 ust. 1 oraz art. 157 ust. 2 i 4 TFUE."

Courtesy translation

"The Republic of Poland understands wording “gender equality” as referring to “equality between women and men” and „gender inequality” as „inequality between women and men”, in line with art. 2 and art. 3 of the Treaty on European Union.

Also the Republic of Poland understands 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."

Statement by Hungary

"Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as the commitments and principles stemming from the international law. Equality between women and men is enshrined in the Treaties of the European Union, as a fundamental value. In line with these and its national legislation, Hungary interprets the concept of ‘gender’ as reference to ‘sex’ in the Draft Resolution of the Council and of the representatives of the Governments of the Member States meeting within the Council on the key features of a European Sport Model.

As the Resolution of the Council and of the representatives of the Governments of the Member States meeting within the Council on the key features of a European Sport Model refers to the EU Work Plan for Sport (2021-2024), Hungary maintains all its national statements made in the event of the adoption of the aforementioned Work Plan."

10. Conclusions on lifelong physical activity
Approval

13713/21

The Committee prepared the item for the Council.

Statement by Hungary

"Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as the commitments and principles stemming from the international law. Equality between women and men is enshrined in the Treaties of the European Union, as a fundamental value. In line with these and its national legislation, Hungary interprets the concept of ‘gender’ as reference to ‘sex’.

As the conclusions of the Council and of the representatives of the Governments of the Member States meeting within the Council on lifelong physical activity refer to the EU Work Plan for Sport (2021-2024), Hungary maintains all its national statements made in the event of the adoption of the aforementioned Work Plan."

11. Athletes' dual careers 13743/21
Policy debate

The Committee prepared the item for Council.

12. Conclusions on culture, high-quality architecture and built environment as key elements of the New European Bauhaus initiative 13575/21
Approval

The Committee prepared the item for the Council.

Statement by Hungary

"Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as the commitments and principles stemming from the international law. Equality between women and men is enshrined in the Treaties of the European Union, as a fundamental value. In line with these and its national legislation, Hungary interprets the concept of 'gender' as reference to 'sex' in all relevant documents.

As the Council Conclusions on "Culture, high-quality architecture and built environment as key elements of the new Bauhaus initiative" refer to the Commission communication on "A long-term Vision for the EU's Rural Areas - Towards stronger, connected, resilient and prosperous rural areas by 2040," Hungary declares that this document should be interpreted with due regard to national competences and the specific circumstances in each Member State."

13. Conclusions on increasing the availability and competitiveness of European audiovisual and media content 13592/21
Approval

The Committee prepared the item for the Council.

Statement by Poland

"Z uwagi na to, że zarówno Europejska konwencja praw człowieka i podstawowych wolności (w art. 1 i 14), jak i prawo pierwotne Unii Europejskiej, tj. Traktat o Unii Europejskiej (art. 2 i 3) oraz Traktat o Funkcjonowaniu Unii Europejskiej (art. 8, 10, 19 i 157), a także Karta Praw Podstawowych UE (art. 21 i 23) nie posługują się pojęciem „gender”, tylko „sex” lub przyznają równe prawa kobietom („women”) i mężczyznom („men”), wyrażenia zawierające termin "gender" Polska będzie interpretowała jako płeć ("sex"), zgodnie z art. 10, art. 19 para 1 oraz art. 157 para 2 i 4 Traktatu o Funkcjonowaniu Unii Europejskiej."

Courtesy translation

"Due to the fact that both the European Convention on Human Rights and Fundamental Freedoms (in Articles 1 and 14) and the primary law of the European Union, i.e. the Treaty on European Union (Articles 2 and 3) and the Treaty on the Functioning of the European Union (Articles 8, 10, 19 and 157) as well as the EU Charter of Fundamental Rights (Articles 21 and 23) do not use the term "gender" but only "sex" or grant equal rights to women ("women") and men ("men"), expressions containing the term "gender" Poland will interpret as "sex" in accordance with art. 10, art. 19 para. 1 and art. 157 para. 2 and 4 of the Treaty on the Functioning of the European Union."

Statement by Hungary

"Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as commitments and principles stemming from the international law. Furthermore, equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. In line with these and its national legislation, Hungary interprets the concept of 'gender' as reference to 'sex' in the Council Conclusions on increasing the availability and competitiveness of European audiovisual and media content.

Furthermore, Hungary remains dedicated to its commitments in the field of human rights. Hungary ensures these rights within the framework of the Hungarian national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. In this context, Hungary interprets the term of "diversity" in paragraph 24 of the text in line with the content and scope of Article 22 of the Charter of Fundamental Rights of the European Union."

14. Cultural heritage and heritage rights in the context of sustainable development and the future of Europe
Policy debate

13677/21

The Committee prepared the item for the Council.

Employment, Social Policy, Health and Consumer Affairs

7. Meeting of the Council (Employment, Social Policy, Health and Consumer Affairs) on 6 and 7 December 2021: Agenda

The Presidency presented the main agenda items.

FRIDAY 19 NOVEMBER 2021

Health

8. Regulation on serious cross-border threats to health and repealing Decision No 1082/2013/EU
Presidency debriefing on the outcome of the trilogue

The Committee was debriefed on the trilogue which took place on 18 November 2021.

Fisheries

9. Regulation amending various Regulations as regards fisheries control
Presidency debriefing on the outcome of the trilogue

The Committee was debriefed on the trilogue which took place on 18 November 2021.

Employment and Social Policy

10. Revision of Directive on carcinogens and mutagens at work (fourth batch)
Presidency debriefing on the outcome of the trilogue

The Committee was debriefed on the trilogue which took place on 17 November 2021.

Telecommunications

4. (continuation) Regulation on ePrivacy
Presidency debriefing on the outcome of the trilogue

The Committee was debriefed on the trilogue which took place on 18 November 2021.

Energy

11. Revision of the TEN-E Regulation
Preparation for the trilogue

12300/1/21 REV 1

The Committee agreed on a revised mandate for the forthcoming trilogue.

Transport, Telecommunications and Energy

3. (continuation) Meeting of the Council (Transport, Telecommunications and Energy) on 9 December 2021: Agenda

The Presidency proposed to add an agenda item.

60. Meeting of the Council (Transport, Telecommunication and Energy) on 2 and 3 December 2021: Agenda

The Presidency proposed to add an agenda item. There were no objections.

COREPER (PART 2)

Justice and Home Affairs

25. (poss.) Annex I of Council Recommendation (EU) 2020/912 of 30 June 2020 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction
Approval

The Committee agreed on the addition of Indonesia to Annex I and the adoption of the updated Recommendation by the Council.

26. Meeting of the Council (Justice and Home Affairs) on 9-10 December 2021: Agenda

The Presidency presented the main items on the agenda and the Committee approved the attendance of external guests for specific points of the agenda (eu-LISA, Europol, Eurojust, Fundamental Rights Agency and EPPO), as well as the presence of the Fundamental Rights Agency at an informal lunch with justice ministers.

General Affairs

27. Migration - EUCO follow-up
State of play and guidance for further work

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

28. Meeting of the Council (General Affairs) on 23 November 2021: Preparation

- a) Preparation of the European Council on 16-17 December 2021: Annotated Draft Agenda 13646/21 + COR 1
Exchange of views

The Committee prepared this item for the Council meeting.

- b) Conclusions on enhancing preparedness, response capability and resilience to future crises 13780/21
Approval

As no agreement has been reached, a revised text will be prepared by the Presidency.

- c) Enlargement and Stabilisation and Association process
Exchange of views

The Committee prepared this item for the Council meeting.

- d) EU - UK relations
State of play

The Committee prepared this item for the Council meeting.

- e) Annual rule of law dialogue: country-specific discussion
Exchange of views

12467/21

The Committee prepared this item for the Council meeting.

- f) Legislative Programming: Commission's work programme
for 2022
Presentation by the Commission

13003/21 + ADD 1

The Committee prepared this item for the Council meeting.

- g) Other items in connection with the Council meeting

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

Foreign Affairs

29. Meeting of the Council (Foreign Affairs/Trade) on
29 November - 3 December 2021: Preparation
Other items in connection with the Council meeting

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

30. Meeting of the Council (Foreign Affairs/Trade) on
11 November 2021: Follow-up

The above-mentioned item was withdrawn.

31. Meeting of the Council (Foreign Affairs) on 15-16 November
2021: Follow-up

The above-mentioned item was withdrawn.

Economic and Financial Affairs

32. Meeting of the Council (Economic and Financial Affairs) on 7 December 2021: Agenda

The Presidency presented the main items on the agenda.

33. Meeting of the Council (Economic and Financial Affairs) on 9 November 2021: Follow-up

The above-mentioned item was withdrawn.

34. Meeting of the Council (Economic and Financial Affairs/Budget) on 12 November 2021: Follow-up

The Committee took note of the information provided by the Presidency and the intended next steps as well as the inclusion of the unilateral Council statement to the December ECOFIN minutes.

IV. Any other business

COREPER (PART 1)

None.

COREPER (PART 2)

None.

"I" items approved

COREPER (PART 1)

WEDNESDAY 17 NOVEMBER 2021

Institutional Affairs

Written questions

12. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure
- 13744/21
PE-QE
- a) Lukas Mandl (PPE)
"The Council's position on the Durban IV conference"
- 12773/21
- b) Leszek Miller (S&D)
"The appropriateness of introducing a state of emergency at the Polish-Belarusian border in the context of a possible joint operation or rapid intervention as part of Frontex"
- 13051/21
- c) Bronis Ropé (Verts/ALE)
"Financing of the CAP"
- 12926/21
- d) Antonius Manders (PPE)
"Paper COVID certificate: preventing a 'digital lockdown' for the elderly and disabled people"
- 13146/21

Appointments

13. Appointment of one member of the Management Board of the European Food Safety Authority (EFSA)
Adoption
- 13351/1/21 REV 1
13102/21
AGRILEG

Other

14. Attendance of third parties at the Working Party on International Environment Issues (Biodiversity) on 26 November and 10 December 2021
Approval
- 13658/21
ENV

Judicial Affairs

15. Case T-492/21 (Aquind Ltd. and others v Agency for the Cooperation of Energy Regulators (ACER))
Information note for the Permanent Representatives Committee (Part I)
- 13654/21
JUR

16. Case T-645/21 (Association Bloom v European Parliament and Council of the European Union)
Information note for the Permanent Representatives Committee (Part 1)

13748/21
JUR

Research

17. Council Regulation establishing the Joint Undertakings under Horizon Europe
Adoption

13242/21 + COR 1
+ ADD 1
12156/21 + COR 1
RECH

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 jako równość kobiet i mężczyzn zgodnie z art. 8 TFUE. "

Courtesy translation

"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 equality between women and men, according to Article 8 TFEU."

Statement by Hungary

"Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as commitments and principles stemming from the international law. Furthermore, equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. 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 women and men'."

18. Decision on the participation of the Union in the European Partnership on Metrology jointly undertaken by several Member States
Adoption of the legislative act

13668/21 + ADD 1
PE-CONS 69/21
RECH

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 jako równość kobiet i mężczyzn zgodnie z art. 8 TFUE."

Courtesy translation

"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

"In order to help Member States in strengthening synergies between Horizon Europe and Cohesion Policy, the Commission will develop guidelines focused on the opportunities that the alternative, combined and cumulative funding and transfer of resources provide."

Sport

19. Designation of a representative of the EU Member States in the Foundation Board of WADA
Approval

13456/21 + COR 1
SPORT

Fisheries

20. Council Decision on accession to the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean (NPFC)
Agreement in principle
Request for the consent of the European Parliament

13555/21 + ADD 1
12617/21 + ADD 1
PECHE

Statement by the Commission

"By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU. The same applies for the accession to multilateral Conventions in the fisheries field.

In relation to the Decision on the accession of the European Union to the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, the Commission regrets the Council's amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph).

While not opposing the adoption of the amendment by the Council by a qualified majority vote, the Commission reserves all its rights in this regard."

Statement by the Commission

"The Commission considers that the Decision on depositing on behalf of the Union, the instrument of accession to the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, should refer to the person designated by the negotiator. Therefore, the changes to Article 2 that provide for the Council to deposit the instrument on behalf of the Union are not in accordance with the Treaties.

The Decision on the accession to the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean should indicate that the Commission shall deposit on behalf of the Union the instrument of accession.

The act of the depositing of the accession instrument to an international agreement is an act of external representation of the Union, which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

The Court of Justice has emphasized that consistent practice by Union institutions that is not in accordance with the EU Treaties 'cannot alter the rules of the Treaties that the institutions are obliged to respect' (Case C-687/15 Commission v Council, EU:C:2017:803, para. 42).

While not opposing the adoption of the amendment by the Council by a qualified majority vote, the Commission reserves all its rights in this regard."

21. Council Decision on the conclusion of a Sustainable Fisheries Partnership Agreement (SFPA) with Greenland and Denmark and of the Implementation Protocol thereto
Adoption
- 13554/21 + COR 2
+ ADD 1
6566/21
PECHE

Statement by the Commission

"By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the Decision on the conclusion of a Sustainable Fisheries Partnership Agreement between the European Union on the one hand, and the Government of Greenland and the Government of Denmark, on the other hand and the Implementation Protocol thereto, the Commission regrets the Council's amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph).

While not opposing the adoption of the amendment by the Council by a qualified majority vote, the Commission reserves all its rights in this regard."

FRIDAY 19 NOVEMBER 2021

Institutional Affairs

Other

22. Attendance of a third party at the Working Party on Transport - Intermodal Questions and Networks on 22 November 2021
Approval
- 13949/21
TRANS

Environment

23. European Union's intention to request to join the Latin American and Caribbean Regional Coalition on Circular Economy
Authorisation to negotiate an NBI
- 13777/21
ENV
24. European Union's intention to request to join the African Circular Economy Alliance
Authorisation to negotiate an NBI
- 13776/21
ENV

COREPER (PART 2)

Judicial Affairs

35. Case C-576/21P (Mendes de Almeida/Council) 13676/21
Information note for the Permanent Representatives Committee JUR
(Part 2) JAI
36. Opinion of the Court of Justice of 6 October 2021 in Case A- 13800/21
1/19 - Istanbul Convention JUR
Information note for the Permanent Representatives Committee
(Part 2)

Institutional Affairs

Other

37. Attendance of a third party at the meeting of the Conventional 12857/21
Arms Exports Subgroup (COARM) on 19 November 2021 COARM
Approval
38. Attendance of a third party at the informal videoconference of 13572/21
the members of the Working Party on the Staff Regulations STAT
(WPSR) on 2 December 2021
Approval
39. Attendance of a third party at the meeting of the Political and 13465/21
Security Committee on 23 November 2021 COPS
Approval
58. Attendance of a third party at the informal meeting of the 13986/21
members of the Political and Security Committee on 17 COPS
November 2021
Approval
40. Attendance of a third party at the ACP Working Party on 13823/21
23 November 2021 ACP
Approval
41. Attendance of a third party at the meeting of the Working Party 13899/21
on Eastern Europe and Central Asia on 22 November 2021 COEST
Approval

Economic and Financial Affairs

- | | | |
|-----|--|---|
| 42. | Latvian national side of collectively issued commemorative coin | 13159/21
UEM |
| 43. | Council Implementing Decision authorising Italy to apply a reduced tax rate to electricity for vessels, other than private pleasure craft, at berth in a port
<i>Adoption</i> | 13644/21
13280/21
FISC |
| 44. | Transfer No DEC 29/2021 (Section III - Commission)
<i>Approval</i> | 13750/21
13598/21
FIN |
| 45. | Proposal for a Council Regulation on a framework of measures for ensuring the supply of crisis-relevant medical countermeasures in the event of a public health emergency at Union level - budgetary scrutiny procedure
<i>Approval of a letter</i> | 13830/21
FIN |
| 59. | Council position on DAB No 6/2021: Additional vaccines doses to low and lower-middle income countries, UCPM reinforcement and other adjustments to expenditure and revenue
<i>Adoption</i> | 13958/21
13959/21
12597/21
FIN |

General Affairs

- | | | |
|-----|---|-----------------------------|
| 46. | Council Regulation on imports of certain industrial products into the Canary Islands
<i>Adoption</i> | 13634/21
13162/21
COH |
| 47. | EP Resolutions and Decisions (November 2021) | 13635/21
PE-RE |

48. 53rd session of the EEA Council - Agenda
Approval

13900/21
EEE

Statement by Hungary

"Hungary has constructively engaged in the drafting of the EEA Council Conclusions with the objective to provide a comprehensive assessment on the overall functioning of the EEA Agreement and on the relations between the European Union and its Member States on the one hand, and the EEA EFTA States on the other hand. However, Hungary is not in a position to agree with the proposed text of the EEA Council Conclusions for the following reasons.

According to the provisions (Articles 115-117) and general principles of the EEA Agreement, EEA EFTA States that benefit from the EU's internal market are under legal obligation to provide their cohesion contribution without any arbitrary condition and delay. This obligation under the EEA Agreement cannot be called into question without undermining the overall functioning of the EEA Agreement and the EEA cooperation. We find it particularly regrettable that the EEA EFTA States refuse to fulfill their obligations under the EEA Agreement to provide the cohesion contribution of the EEA and Norwegian Financial Mechanisms in the period of 2014-2021 to all Beneficiary Member States. There is no legal basis in the EEA Agreement nor in the Agreements of the EEA and Norwegian Financial Mechanisms 2014-2021, based upon which the EEA EFTA States may refuse, or impose additional conditions to the provision of the cohesion contributions for the Beneficiary Member States. We find especially regrettable, that despite all the good faith efforts of one Beneficiary Member State, which also complied with all the conditions of the Financial Mechanisms and the rules and procedures established by the Donor States, the 2014-2021 EEA and Norway Funds have not yet been made available to it.

We express our disappointment as regards the current situation when the implementation of an international agreement between the European Union, and its Member States, on the one hand and third countries, on the other hand, is not fulfilled, and Member States are reluctant to show solidarity with the Member State concerned. The unity of the Member States of the European Union is indispensable for the protection of EU interests both in negotiations and in dispute settlement with third countries. The credibility of the EU is seriously undermined if some Member States actively support a third country's interests against a Member State when compliance with international commitments is lacking.

Justice and Home Affairs

49. Frontex Programming Document 2022-2024: Consultation of the Council in line with Regulation (EU) 2019/1896
Approval of a letter

13565/21 + COR 1
FRONT

50. Directive amending Council Framework Decision 2002/465/JHA as regards its alignment with EU rules on the protection of personal data
Confirmation of the final compromise text with a view to agreement

13815/1/21 REV 1
COPEN

51. Directive amending Directive 2014/41/EU as regards its alignment with EU rules on the protection of personal data
Confirmation of the final compromise text with a view to agreement
- 13817/1/21 REV 1
COPEN

Foreign Affairs

52. 17th EU-Central Asia Ministerial meeting (Dushanbe, 22 November 2021) - Joint Communiqué
Approval
- 13608/21
COEST
53. EU- Kosovo* Stabilisation and Association Council (Brussels, 7 December 2021)
Establishment of the EU position
- 13807/21
COWEB
54. ASEM13 Summit - Phnom Penh Statement on the Post-COVID-19 Socio-Economic Recovery
Approval of an NBI
- 13719/21
COASI
55. ASEM13 Summit - The way forward on ASEM connectivity Statement
Approval of an NBI
- 13720/21
COASI
56. Partnership Agreement between the European Union and the members of the Organisation of African, Caribbean and Pacific States (OACPS)
Approval of a letter
- 13769/21
ACP
57. Council Implementing Decision and Implementing Regulation concerning restrictive measures in view of the situation in Yemen - transposition of UN listing
Adoption
- 13914/21
13829/21 +ADD 1
13832/21 +ADD 1
CORLX
-

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.