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CM 1809/24

Interinstitutional Files:

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CODEC
CADREFIN
POLGEN
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UA PLATFORM
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COMMUNICATION

WRITTEN PROCEDURE

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Subject: Draft COUNCIL REGULATION amending Regulation (EU, Euratom) 2020/2093 laying down the multiannual financial framework for the years 2021-2027

Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Ukraine Facility (**first reading**)

Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Strategic Technologies for Europe Platform ('STEP'), and amending Directive 2003/87/EC and Regulations (EU) 2021/1058, (EU) 2021/1056, (EU) 2021/1057, (EU) No 1303/2013, (EU) No 223/2014, (EU) 2021/1060, (EU) 2021/523, (EU) 2021/695, (EU) 2021/697 and (EU) 2021/241 (**first reading**)

Outcome of the written procedure initiated by CM 1808/24

– Adoption of the legislative acts

– Approval of statements

= END OF WRITTEN PROCEDURE

Delegations are informed that the written procedure, opened by CM 1808/24 of 28 February 2024 and prolonged by CM 1808/1/24 REV 1 was completed on 28 February 2024 at 17h42 and that:

1. All delegations voted in favour of the adoption of the draft Council Regulation amending Regulation (EU, Euratom) 2020/2093 laying down the multiannual financial framework for the years 2021-2027, as set out in ST 5818/24 + REV 1 (it) + COR 1 (it) + COR 2 (de).

The required unanimity has been reached. Therefore, the above act is adopted.

2. All delegations voted in favour of the approval of the accompanying draft joint statement by the European Parliament, the Council and the Commission and of the draft Council statements set out in ST 6712/24 ADD 1.

The required unanimity has been reached. Therefore, the above accompanying statements are approved.

3. All delegations voted in favour of, except for Hungary that abstained, the adoption of the draft Regulation of the European Parliament and of the Council establishing the Ukraine Facility, as set out in PE-CONS 10/24.

The required qualified majority has been reached. Therefore, the above act is adopted.

4. All delegations voted in favour of, except for Hungary that abstained, the approval of the accompanying draft joint statement by the European Parliament and the Council and of the draft joint statement by the European Parliament, the Council and the Commission set out in ST 6712/24 ADD 2.

The required qualified majority has been reached. Therefore, the above accompanying statements are approved.

5. All delegations voted in favour of, except for Germany that abstained, the adoption of the draft Regulation of the European Parliament and of the Council establishing the Strategic Technologies for Europe Platform (‘STEP’), and amending Directive 2003/87/EC and Regulations (EU) 2021/1058, (EU) 2021/1056, (EU) 2021/1057, (EU) No 1303/2013, (EU) No 223/2014, (EU) 2021/1060, (EU) 2021/523, (EU) 2021/695, (EU) 2021/697 and (EU) 2021/241, as set out in PE-CONS 11/24.

The required qualified majority has been reached. Therefore, the above act is adopted.

The statements by the European Commission and by the Member States are reproduced in the Annex to this CM.

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

Regulation of the European Parliament and of the Council establishing the Ukraine Facility

Declaration by the Commission on its institutional prerogatives in relation to budget implementation within the framework of the Ukraine Facility

The Commission recalls that, under Article 17 TEU and Article 317 TFEU, the implementation of the budget remains its own responsibility and is part of its institutional prerogatives under the Treaties. It considers that the decisions related to payments to Ukraine under the Ukraine Facility belong to such budget implementation.

The Commission regrets that the text agreed by the co-legislator provides for Council implementing decisions under Article 291 TFEU for the adoption of these measures. It considers that the solution agreed by the co-legislators could be exceptionally justified in light of the very specific circumstances of the Ukraine Facility – a medium-term single instrument of high geopolitical importance adapted to the uncertainty and unprecedented challenge of supporting a country at war with direct implications for the security of the Union.

This solution should not be considered as a precedent for any other Union spending programme.

Statement by the Republic of Bulgaria

The Republic of Bulgaria attaches great importance to the promotion and protection of human rights. The country is and will remain dedicated to its human rights commitments.

As per Decision № 13/2018 and Decision № 15/2021 of the Constitutional Court of the Republic of Bulgaria, the term “gender” in the national legal system refers to the two sexes – female and male – that are biologically defined.

Therefore, in line with the above-mentioned Decisions of the Constitutional Court, in all legal provisions referring to the term “gender equality”, Bulgaria considers the term as “equality between women and men”, as stipulated in the common values to the Member States (as per Article 2 of the TEU).

Regulation of the European Parliament and of the Council establishing the Strategic Technologies for Europe Platform ('STEP'), and amending Directive 2003/87/EC and Regulations (EU) 2021/1058, (EU) 2021/1056, (EU) 2021/1057, (EU) No 1303/2013, (EU) No 223/2014, (EU) 2021/1060, (EU) 2021/523, (EU) 2021/695, (EU) 2021/697 and (EU) 2021/241

Joint statement by Greece, Spain, Italy, Cyprus, Hungary, Malta, Romania, Slovakia

Cyprus, Greece, Hungary, Italy, Malta, Romania, Slovakia and Spain take note of the provision contained in art 14 paragraph (3) which amends art. 135 of Regulation (EU) No 1303/2013 [CPR] by establishing that resources reimbursed by the Commission as interim payments in 2025 shall not exceed 1% of programme appropriations per fund and amounts exceeding that percentage shall not be paid in subsequent years but only used for the clearance of pre-financing. In addition, we take note of recital 26 which states that payments in 2025 should be capped “in order to ensure a sound implementation of the EU budget and respect for the payment ceilings”.

We express concern that such a provision can lead to the failure to reimburse, on the basis of budgetary reasons, cohesion resources which have been regularly spent, putting in particular at risk reimbursements to the most fragile territories. We underline that such a capping should be exceptional, in light of the present extraordinary situation on the payment side, and should not be considered as a precedent for future management of cohesion resources.

Joint statement by Denmark, Germany, Ireland, Netherlands, Austria, Finland, Sweden

Austria, Denmark, Finland, Germany, Ireland, Netherlands and Sweden underline that the scope and changes made to the existing programs are extraordinary, limited to the period 2024 to 2027, and do not prejudge programs and budgetary rules in the post 2027 Multiannual Financial Framework. Furthermore, it is with concern that we note the broadened scope of STEP and its consequences for the effectiveness of the instrument.