



Council of the European Union
General Secretariat

Brussels, 7 September 2021

CM 4359/21

**Interinstitutional File:
2018/0247(COD)**

**CODEC
ELARG
COWEB
CFSP/PESC
RELEX
FIN
CADREFIN
POLGEN
MIGR
PROCED**

COMMUNICATION

WRITTEN PROCEDURE

Contact:	luca.salini@consilium.europa.eu codecision.adoption@consilium.europa.eu
Tel./Fax:	+32 2 281 89 20
Subject:	Draft Regulation of the European Parliament and of the Council establishing the Instrument for Pre-Accession assistance (IPA III) – Adoption of the Council's position at first reading and of the statement of the Council's reasons – Outcome of the written procedure initiated by CM 4270/21

Delegations are informed that the written procedure, opened by CM 4270/21 of 1 September 2021 was completed on 7 September 2021 and that all delegations voted in favour of, except for Hungary that abstained, the adoption of the Council's position at first reading on the draft Regulation of the European Parliament and of the Council establishing the Instrument for Pre-Accession assistance (IPA III), as set out in document 6604/21 and of the statement of the Council's reasons as set out in the ADD 1 to that document.

The required qualified majority has been reached. Therefore, the above position of the Council at first reading and the statement of the Council's reasons are adopted.

The statements by Hungary and the Commission are reproduced in the Annex to this CM and will be included in the summary of acts adopted by the 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. The statements by the Commission will be published in the *Official Journal*¹.

¹ C series.

Statement by Hungary

IPA funding contributes to the prosperity of the candidate and potential candidate countries and provides the means for the connection between the EU and the Western Balkans. Therefore, Hungary is in favour of the swift access to the IPA funding for the concerned countries.

The text of the Regulation has been improved by incorporating several of our amendments. However, concerning references to the EU Gender Action Plans and relevant Council Conclusions in the IPA regulation, it must be pointed out that the third Gender Action Plan (GAP III) adopted by the European Commission and the High Representative on 25 November 2020, has not been endorsed by all Member States. As the third Gender Action Plan is based on a definition of gender which is not compatible with the Hungarian constitutional framework and has not been endorsed by all Member States, Hungary shall not take part in the implementation of the GAP III. Reference to GAP III or the six key thematic policy areas of the GAP III in the IPA Regulation should be understood against this background and limitations posed by this situation must be taken into consideration.

Furthermore, the term “sexual and reproductive health and rights (SRHR)” is lacking consensual definition at international level, including within the European Union. This issue is interpreted by Hungary in the context of the 2030 Agenda, the ICPD Programme of Action and the Beijing Declaration and Platform for Action and in line with its national legislation..

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 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’. Thus, regarding indicators, in Hungary’s understanding, they are to be based on “sex disaggregated data”, where relevant and if such data is available.

Statement by the European Commission on a geopolitical dialogue with the European Parliament on the the Instrument for Pre-Accession Assistance (IPA III)

The European Commission, mindful of the European Parliament's functions of political control laid down in Article 14 of the Treaty on the European Union, commits to conduct a high-level geopolitical dialogue between the two institutions on the implementation of Regulation (EU) No. 2021/XXX of the European Parliament and of the Council establishing the Instrument for Pre-accession Assistance (IPA III). This dialogue should allow exchanges with the European Parliament, whose positions on the implementation of the IPA III will be fully taken into consideration, in full respect of the Commission's ability to implement the instrument, in line with its institutional responsibilities.

The geopolitical dialogue will discuss general orientations on the implementation of the IPA III, including on programming before the adoption of the IPA III programming framework and programming documents, and concerning specific subjects such as the suspension of assistance to a beneficiary when it persistently fails to observe the principles of democracy, the rule of law, good governance, respect for human rights and fundamental freedoms.

The geopolitical dialogue will be structured as follows:

- i) A high-level dialogue between the Commissioner in charge of Neighbourhood and Enlargement, on behalf of the Commission, and the European Parliament.
- ii) A permanent dialogue at senior officials' level with AFET working groups to ensure an adequate preparation and follow-up to the high-level dialogue.

The high-level dialogue will take place at least twice a year. One of the meetings may coincide with the presentation by the Commission of the draft annual budget.

Statement by the European Commission on the modulation/suspension of assistance in Article 8 , paragraph 5 of Regulation No. 2021/XXX/ of the European Parliament and of the Council of XX/XX/2021 establishing the Instrument for Pre-Accession Assistance (IPA III)

The European Commission considers that the provision in Article 8(5) respects the powers of the Commission in the implementation of Union programmes, and the Union budget in general, as long as it is without prejudice to the powers entrusted to the Commission by the Treaties and the Financial Regulation to suspend Union assistance provided to third countries.

Statement of the European Commission on the advisory nature of strategic boards as in in Article 12 of Regulation No. 2021/XXX/of the European Parliament and of the Council of XX/XX 2021 establishing the Instrument for Pre-Accession Assistance (IPA III)

The European Commission recalls that as laid down in Article 12 of the IPA III Regulation, the Western Balkans Investment Framework (WBIF) strategic board is *an advisory body* to the Commission. This is aligned with Article 33 of the NDICI –Global Europe Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021, which refers to the WBIF and EFSD+ strategic boards. These strategic boards do not have decision-making powers in the context of the implementation of the EU budget. The Rules of Procedures for the WBIF strategic board will be established on this basis.
