

Brussels, 22 September 2021
(OR. en)

12075/21
CRS CRP 31

SUMMARY RECORD

PERMANENT REPRESENTATIVES COMMITTEE (Part 2)

1 September 2021

I. Adoption of the agenda

11401/21 OJ CRP2 29

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

Foreign Affairs

2. Developments in Afghanistan and their wider implications

State of play

Exchange of views

The Committee took note of the information provided by the Secretary General of the Council, the Commission and the EEAS and held an exchange of views on the state of play.

Justice and Home Affairs

3. Meeting of the Council (Justice and Home Affairs) on 31 August 2021: Follow-up

The above-mentioned item was withdrawn.

Economic and Financial Affairs

4. Informal videoconference of the Ministers of the Economy and Finance on 6 September 2021

- a) Implementation of the Recovery and Resilience Facility:
Council Implementing Decisions
State of play
Exchange of views

The Committee prepared this item and took note of the information provided by the Presidency regarding the written procedure that will follow the informal videoconference.

- b) Other items in connection with the informal videoconference

The Presidency provided further information regarding the informal videoconference

General Affairs

5. Meeting of the Council (General Affairs) on 21 September 2021: Agenda

The incoming Presidency presented the main items on the agenda.

IV. Any other business

Coreper away-day

The Committee took note of the intervention by Denmark.

"I" items approved**Judicial Affairs**

6. Case C-234/21 (Défense Active des Amateurs d'Armes, NG, WL)
Information note for the Permanent Representatives Committee (Part 2) 10919/21
JUR
JAI
7. Case C-317/21 (G. Finance SARL) - Validity of article 30, paragraph 5, of the Directive (EU) 2015/849 (money laundering)
Information note for the Permanent Representatives Committee (Part 2) 11079/21
JUR
8. Case C-479/21 (PPU), Governor of Cloverhill Prison e.a. (Referring court: Supreme Court - Ireland)
Information note for the Permanent Representatives Committee (Part 2) 11308/21
JUR
JAI

Economic and Financial Affairs

9. Council Implementing Decision on the approval of the assessment of the recovery and resilience plans for Ireland and Czechia 11338/21
ECOFIN
- a) Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Ireland
Decision to use the written procedure for the adoption 11046/21 + ADD 1
- b) Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Czechia
Decision to use the written procedure for the adoption 11047/21 + ADD 1
10. UCITS Quick Fix Directive
Decision to consult an institution or body 11403/21
EF

General Affairs

11. Regulation on extension of validity period for operations in the Channel Fixed Link
Mandate for negotiations with the European Parliament 11071/21
UK

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| 12. Regulation establishing the Instrument for Pre-accession Assistance (IPA III)
<i>Decision to use the written procedure for the adoption of the Council's position at first reading and of the statement of the Council's reason</i> | 11362/21 + ADD 1
+ ADD 2
6604/21 + ADD 1
ELARG |
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Statement by Bulgaria

"We welcome the efforts to reach a provisional agreement with the European Parliament on the IPA III Regulation. However, Bulgaria recalls the concerns raised in respect to the application of the indicator on good neighbourly relations in Annex IV, line 458. Bulgaria remains of the opinion that good neighbourliness as an essential element of the Enlargement process is a political criterion which cannot be measured only by the listed in line 458 quantitative indicators. The assessment based on these indicators does not substitute the overall evaluation of the implementation of the principle of good neighbourly relations, including among others commitment to bilateral relations with other enlargement countries and neighbouring EU Member States, achievement of tangible results and implementation in good faith of bilateral agreements, intensive political dialogue, bilateral exchanges and practical sectoral cooperation, participation in regional initiatives, level of transport connectivity among IPA beneficiaries and IPA/EU MS. We encourage the Commission to take this duly into account by the assessment of the progress towards the achievement of the specific objectives and thematic priorities of IPA III Regulation and by the assessment of the implementation of the IPA III Programming Framework."

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 Poland

"Poland regrets changes to the EU SRHR agreed language, which were introduced in the last-minute manner and as such negatively impacted the transparency of the negotiation process. For these reasons Poland is forced to resubmit its position on the SRHR and state that Poland remains committed to the promotion, protection and fulfilment of all human rights and to the full and effective implementation of the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development (ICPD) and as such remains committed to sexual and reproductive health and rights (SRHR) in this context only. Poland will continue to oppose any changes to the agreed EU position as captured in the Council conclusions on EU priorities in UN human rights fora in 2021.

At the same time, Poland understands the formulation "gender equality" as referring to "equality between women and men", in line with art. 2 and art. 3 of the Treaty on European Union, and the formulation "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."

Statements by the Commission

1) 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."

2) 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."

3) 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."

Foreign Affairs

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| 13. | PSC Decision EUTM RCA/1/2021 – Appointment of the EU Mission Force Commander | 11294/21 |
| | <i>Decision to publish in the Official Journal</i> | 11138/21
PSC DEC |

Internal Market and Industry

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| 14. | Attendance of third party at the informal videoconference of the members of the Working Party on Competitiveness and Growth (Industry) on 7 September 2021 | 11383/21 |
| | <i>Approval</i> | COMPET |

Employment and Social Policy

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| 15. | Attendance of third party at the Social Questions Working Party on 8 September 2021 | 11388/21 |
| | <i>Approval</i> | SOC |

Environment

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| 16. | Attendance of third party at the informal videoconference of the Working Party on Environment on 3 September 2021 | 11393/21 |
| | <i>Approval</i> | ENV |