



Brussels, 16 November 2020
(OR. en, fr)

13024/20
CRS CRP 43

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
21 and 26 October 2020

I. Adoption of the agenda

12027/20 OJ CRP1 39

12054/1/20 REV 1 OJ CRP2 39 COMIX 484 + CM 4219/20

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)

Environment

62. Meeting of the Council (Environment) on 23 October 2020: Preparation

The Committee prepared the items on the agenda of the Council.

Internal Market and industry

63. Regulation on Single Market Programme
Preparation for the trilogue

11698/20

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

Health

64. Regulation on EU4Health Programme 11056/20
Mandate for negotiations with the European Parliament

The Committee agreed on a mandate for negotiations with the European Parliament.

65. Conclusions of the Council and the Representatives of the Governments of the Member States on the role of the EU in strengthening the World Health Organization 11526/20
Preparation for the approval

The Committee held an exchange of views and agreed to return to this file at a future meeting.

Employment, Social Policy, Health and Consumer Affairs

66. Informal videoconference of the Ministers of Health on 30 October 2020: Preparation

Conclusions of the Council and the Representatives of the Governments of the Member States on the role of the EU in strengthening the World Health Organization
Exchange of views

The Committee prepared this item for the informal videoconference.

Employment and Social Policy

67. Revision of Regulations on coordination of social security systems (883/04 and 987/09) 11785/20
Preparation for the trilogue

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

68. Regulation on the European Globalisation Adjustment Fund (EGF)
Presidency debriefing on the outcome of the trilogue

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

Transport

69. Regulation on rail passengers' rights and obligations 11795/20 + ADD 1
Analysis of the final compromise text with a view to agreement + ADD 1 COR 1

The Committee endorsed the text of the final compromise.

70. Conclusions on policy considerations for a pandemic and crisis contingency plan for the European freight transport sector 10762/20
Preparation for the approval

The Committee agreed on the draft text of the Council conclusions, and agreed to forward the draft text to the Council for approval.

COREPER (PART 2)

WEDNESDAY 21 OCTOBER 2020

Foreign Affairs

2. Informal videoconference of the Ministers of Foreign Affairs/Trade on 9 November 2020: Agenda

The Presidency presented the main items on the agenda.

General Affairs

3. European Council on 15-16 October 2020: Follow-up
State of play

The Committee took note of the main outcomes of the European Council and of the intended next steps.

5. Meeting of the Council (General Affairs) on 10 November 2020:
Agenda

The Presidency presented the main items on the agenda.

6. Enlargement - Accession Negotiations with the Republic of Albania 11954/20
General EU Position 11955/20
Procedure for accession negotiations (internal arrangements)
Preparation for the approval

The Committee held an exchange of views and agreed to revert on this issue at its next session.

7. Enlargement - Accession Negotiations with the Republic of North Macedonia 11956/20
General EU Position 11957/20
Procedure for accession negotiations (internal arrangements)
Preparation for the approval

The Committee held an exchange of views and agreed to revert on this issue at its next session.

Justice and Home Affairs

9. Conclusions on the Charter of Fundamental Rights in the context of Artificial Intelligence and Digital Change 11373/20
Preparation for the approval

The Committee held an exchange of views. The Presidency announced that it would issue the text in the form of Presidency conclusions.

Economic and Financial Affairs

10. Informal videoconference of the Ministers of Economy and Finance on 4 November 2020: Preparation
Other items in connection with the informal videoconference

The Presidency provided further information regarding the informal videoconference.

Justice and Home Affairs

11. 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
Decision to use the written procedure

The Committee agreed on the text of the Council Recommendation and agreed on the use of the written procedure for its adoption.

12. Informal videoconference of the Ministers of Home Affairs on 8 October 2020: Follow-up

The Committee took note of the main outcomes of the informal videoconference.

13. Meeting of the Council (Justice and Home Affairs) on 13 November 2020: Agenda

The Presidency presented the main items on the agenda.

Foreign Affairs

15. EU Action Plan on Human Rights and Democracy 2020-2024: 11986/20
Joint Commission/High Representative Proposal
Guidance for further work

The Committee held an exchange of views and agreed that the Action Plan should be approved through Council conclusions.

MONDAY 26 OCTOBER 2020

Foreign Affairs

83. EU-Canada Leaders videoconference
State of play

The Committee took note of the information provided.

16. Selection of WTO Director-General 12066/20
Endorsement

The Committee endorsed the compromise proposal for putting forward a preferred candidate for the position of WTO Director General. Latvia, Hungary, Slovakia, Czechia and Greece indicated that the Korean candidate had been their preference and asked that this is reflected in the minutes. Latvia and Hungary also expressed their dissatisfaction with the process used to achieve consensus and asked that this is reflected in the minutes.

Statement by Hungary

"We have supported to nominate the candidate from Korea (Ms Yoo Myung-hee) as a first preference and we are of the opinion that Korea's candidate is the most suitable. In our opinion, Ms YOO has deep knowledge and experience in trade and especially WTO matters, and Korea is a like-minded and close partner of the EU.

We express our dissatisfaction of the handling of the selection process and the lack of transparency throughout. Particularly, we are deeply concerned by the way of consensus building in the process. This procedure cannot be a precedent for the future."

IV. Any other business

COREPER (PART 1)

Commission work programme 2021
Information from the Commission

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

COREPER (PART 2)

Commission Work Programme

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

Security and resilience of EU institutions, bodies and agencies

The Committee took note of the non-paper presented by France, Lithuania, Latvia and Estonia.

Working methods - physical meetings of working parties

The Presidency informed the Committee on its intention to reduce the number of working party meetings and announced that Coreper would in future meet in a 1+1 (+1) format.

"I" items approved**COREPER (PART 1)****Institutional Affairs****Written questions**

- | | | |
|-----|--|-------------------|
| 71. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 11910/20
PE-QE |
| a) | Sandra Pereira (GUE/NGL)
"EU decision to impose more sanctions, adopted in the margins of the UN, on the Bolivarian Republic of Venezuela" | 11860/20 |
| b) | Łukasz Kohut (S&D)
"Poland's denunciation of the Istanbul Convention and EU law" | 11013/20 |
| c) | Silvia Sardone (ID)
"Cuts to health-related spending" | 11089/20 |
| d) | Pascal Arimont (PPE)
"COVID-19 crisis and uniform criteria for travel advice and quarantine rules" | 11862/20 |
| e) | Michèle Rivasi (Verts/ALE)
"The future of the Instrument for Nuclear Safety Cooperation" | 11109/20 |
| f) | Christine Anderson (ID)
"Rioting after the Champions League final and other events" | 10981/20 |

Appointments

- | | | |
|-----|--|-----------------|
| 72. | One member (IT) of the Management Board of the European Centre for the Development of Vocational Training
<i>Adoption</i> | 11876/20
SOC |
| 73. | One member (EE) of the Management Board of the European Foundation for the Improvement of Living and Working Conditions
<i>Adoption</i> | 11868/20
SOC |

EU positions for international negotiations

- | | |
|---|------------------------------------|
| 74. Council Decision amending Council Decision on the EU position at the IMO/MEPC 75/MSC 102 as regards adoption of amendments
<i>Adoption</i> | 11351/20
11340/20
MAR
OMI |
|---|------------------------------------|

Statement by the Commission

"Adoption by the IMO of the proposed amendments to Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL), to Chapter II-1 to the International Convention for the Safety of Life at Sea and to the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels affects existing Union legislation. As such, these amendments fall within the exclusive external competence of the Union. Furthermore, in accordance with established case-law, in particular case C-600/14, the EU external competence is not limited to exclusive competence. The Union position established in respect of those amendments cannot be limited in scope and must be understood as covering them in their entirety."

- | | |
|--|----------------------------------|
| 75. ICAO - EU Coordination for the 221st session of the ICAO Council (Montreal, 26 October - 13 November 2020)
<i>Approval</i>
<i>Decision to use the written procedure</i> | 11317/20
AVIATION |
| 76. Council Decision on the EU position in the reply to ICAO as regards the notification of differences to Annexes 1, 3, 4, 6, 10, 11, 14, 15 and 16 to the Convention on International Civil Aviation and in the Council of the ICAO in respect of the adoption of Amendments 46 and 39 to Annex 6 to that Convention (COVID-19 contingency)
<i>Decision to use the written procedure for the adoption</i> | 11704/20
11757/20
AVIATION |

Statement by Malta and Italy

"Malta and Italy agree with the urgency to adopt an EU position in view of the ICAO Council in respect of the adoption of Amendments 46 and 39 to Annex 6 to that Convention and supports the conclusion to split the Council decision. In this context, Malta and Italy reiterate that a Council Decision is not considered to be appropriate in order to establish a Union position on the filing of differences, and highlights that Article 1(2), and the reference to "notify compliance" therein, in particular, should be without prejudice to the ongoing discussions on the procedure for EU Member States to notify ICAO of differences to the Chicago Convention and its Annexes, and should not constitute a precedent in this regard."

- | | |
|---|---|
| 77. Council Decision on the EU position at meetings of the parties to the Agreement on Fisheries in the Central Arctic Ocean
<i>Adoption</i> | 11459/20
11391/20
11439/20
PECHE |
|---|---|

Employment and Social Policy

- | | | |
|-----|---|-----------------|
| 78. | Exchange of letters on behalf of the EU with the International Labour Organisation
<i>Approval</i> | 12015/20
SOC |
|-----|---|-----------------|

Fisheries

- | | | |
|-----|---|---------------------------------------|
| 79. | Council Decision on the conclusion of the Fisheries Agreement in the form of an exchange of letters between the European Union and the Mauritania
<i>Agreement in principle</i>
<i>Request for the consent of the European Parliament</i> | 11555/20 + ADD 1
11260/20
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 decisions on the signing and provisional application as well as on the conclusion of the Agreement in the form of an exchange of letters between the European Union and the Islamic Republic of Mauritania concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania, expiring on 15 November 2019, the Commission regrets the Council's amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph), and therefore maintains its initial proposal."

- | | | |
|-----|---|---|
| 80. | Council Decision on the signing and provisional application of the Fisheries Agreement in the form of an exchange of letters between the European Union and the Mauritania
<i>Adoption</i> | 11555/20 + ADD 1
11263/20
11315/20
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 decisions on the signing and provisional application as well as on the conclusion of the Agreement in the form of an exchange of letters between the European Union and the Islamic Republic of Mauritania concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania, expiring on 15 November 2019, the Commission regrets the Council's amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph), and therefore maintains its initial proposal."

Transport

- | | | |
|-----|--|----------|
| 81. | Council Decision on the conclusion of the Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) | 11815/20 |
| | <i>Agreement in principle</i> | 11441/20 |
| | <i>Request for the consent of the European Parliament</i> | 11442/20 |
| | | TRANS |
| 82. | Council Decision on the signing of a Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) | 11815/20 |
| | <i>Adoption</i> | 11438/20 |
| | | 9687/20 |
| | | TRANS |

COREPER (PART 2)

WEDNESDAY 21 OCTOBER 2020

Judicial Affairs

- | | | |
|-----|---|------------------------|
| 17. | Case C-741/19 (Republic of Moldova)
<i>Information note for the Permanent Representatives Committee
(Part 2)</i> | 10457/2/20 REV2
JUR |
| 18. | Case C-283/20 (EULEX KOSOVO)
<i>Information note for the Permanent Representatives Committee
(Part 2)</i> | 11427/20
JUR |
| 19. | Cases C-119/19 P and C-126/19 P
(Council and Commission v. Carreras Sequeros and others)
<i>Information note for the Permanent Representatives Committee
(Part 2)</i> | 11627/20
JUR |
| 20. | Cases T-180/20 and T-550/20 (Sharpston v. Council and
Conference of the representatives of the governments of the
Member States)
Case T-184/20 (Sharpston v. Court of Justice)
<i>Information note for the Permanent Representatives Committee
(Part 2)</i> | 12002/20
JUR |

Institutional Affairs

Appointments

- | | | |
|-----|--|-----------------------------|
| 21. | An alternate member (EE) of the Committee of the Regions
<i>Adoption by silence procedure</i> | 11929/20
11928/20
CDR |
| 22. | A member (AT) of the Committee of the Regions
<i>Adoption by silence procedure</i> | 11931/20
11930/20
CDR |
| 23. | A member (DE) of the Committee of the Regions
<i>Adoption by silence procedure</i> | 11934/20
11933/20
CDR |

Economic and Financial Affairs

- | | | |
|-----|---|-----------------|
| 24. | ECA SR No 21/2020 on the control of State aid to financial
institutions in the EU
<i>Designation of a Working Party</i> | 11728/20
FIN |
|-----|---|-----------------|

- | | | |
|-----|--|----------|
| 25. | Transfer No DEC 17/2020 (Section III - Commission) | 11904/20 |
| | <i>Approval</i> | 11470/20 |
| | <i>Decision to use the written procedure</i> | FIN |

Joint statement by Austria, Denmark, the Netherlands and Sweden

"The recovery of unused funds from a programme where the legal base has expired violates the budgetary principles of annuality and accuracy as set out in the financial regulation and thus cannot be considered a good budgeting practice. The possibility to reactivate unused funds set out in article 32(1) of the financial regulation should in our opinion be used only in exceptional cases where there is an urgent need for funds and the programme cannot be financed otherwise. The Commission has been unsuccessful in showing the urgency and necessity of the transfer, which is why we, AT, DK, NL and SE, will abstain from voting."

- | | | |
|-----|--|----------|
| 26. | Transfer No DEC 18/2020 (Section III - Commission) | 11905/20 |
| | <i>Approval</i> | 11680/20 |
| | <i>Decision to use the written procedure</i> | FIN |
| 27. | Transfer No DEC 19/2020 (Section III - Commission) | 11906/20 |
| | <i>Approval</i> | 11681/20 |
| | <i>Decision to use the written procedure</i> | FIN |
| 28. | Transfer No DEC 20/2020 (Section III - Commission) | 11907/20 |
| | <i>Approval</i> | 11883/20 |
| | <i>Decision to use the written procedure</i> | FIN |

Joint statement by Austria, Denmark, the Netherlands and Sweden

"The recovery of unused funds from a programme where the legal base has expired violates the budgetary principles of annuality and accuracy as set out in the financial regulation and thus cannot be considered a good budgeting practice. The possibility to reactivate unused funds set out in article 32(1) of the financial regulation should in our opinion be used only in exceptional cases where there is an urgent need for funds and the programme cannot be financed otherwise. The Commission has in this case demonstrated the urgency and necessity of the transfer, which is why we can support it."

- | | | |
|-----|---|----------|
| 29. | Decision on the mobilisation of the EU Solidarity Fund to provide assistance to Croatia and Poland (natural disaster), and to provide for the payment of advances to Croatia, Germany, Greece, Hungary, Ireland, Portugal and Spain (public health emergency) | 11808/20 |
| | <i>Approval</i> | 11809/20 |
| | <i>Decision to use the written procedure</i> | FIN |

- | | | |
|-----|--|---|
| 30. | Council position on DAB No 9/2020 (Mobilisation EU Solidarity Fund)
<i>Decision to use the written procedure for the adoption</i> | 11806/20
11807/20
11672/20
+ REV 1 (en)
FIN |
| 31. | Capital Markets Recovery Package (CMRP) | 11861/20
EF |
| a) | Amendments to MiFID II (CMRP) | 11861/20 ADD 1 |
| b) | Amendments to the Prospectus Regulation (CMRP) | 11861/20 ADD 2 |
| c) | Amendments to the general securitisation framework (CMRP) | 11861/20 ADD 3 |
| d) | Amendments to the CRR securitisation framework (CMRP) | 11861/20 ADD 4 |

Mandate for negotiations with the European Parliament

Joint statement by Italy and the Netherlands

"Italy and the Netherlands reaffirm the importance of the Capital Market Recovery Package (CMRP) aimed to swiftly address the severe economic impact of the COVID-19 pandemic. Against this backdrop, notwithstanding the efforts carried out by the Commission and the Presidency, Italy and the Netherlands note that some measures are not in line with the overarching objectives to foster fund raising through capital markets and to ensure investor protection.

In detail:

- Italy and the Netherlands believe exemptions from product governance requirements (POG), other than those for eligible counterparties and professional investors, might expose retail savers to risks (for instance, mis-selling). Exemptions for retail clients should therefore not be included in this package;
- with regard to the "European Recovery Prospectus", Italy also notes that it would miss the objective to allow for a rapid recapitalisation of companies by reducing administrative costs related too. In our view a CAP would make ineffective the EU Recovery Prospectus also taking into account that the alleviation measures are already solely of temporary nature and limited to the shares only."

Joint statement by Belgium, Spain, France, Hungary and Poland

"La Belgique, l'Espagne, la France, la Hongrie et la Pologne soutiennent l'accord trouvé par le Conseil sur le prospectus de relance. Pour que les entreprises européennes puissent rétablir leur équilibre financier dans le contexte actuel de crise, il est essentiel de faciliter leur accès au financement en fonds propres. Le prospectus de relance sera fondamental pour atteindre cet objectif en permettant de lever plus facilement jusqu'à 90% de l'encours du capital.

Elles soulignent que les émissions secondaires peuvent avoir un impact significatif sur la structure du capital de l'entreprise, sa gouvernance, sa stratégie et sa situation financière et que les éléments contenus dans le prospectus sont essentiels pour retirer les asymétries d'information et protéger ainsi les investisseurs. Les recapitalisations fortement dilutives devraient donc être accompagnées d'un prospectus complet ou du prospectus pour les émissions secondaires prévu par l'article 14 du règlement 2017/1129 plutôt que par le prospectus allégé de relance afin qu'un niveau approprié d'informations soit apporté aux investisseurs. Par conséquent, la Belgique, l'Espagne, la France, la Hongrie et la Pologne soutiennent fortement la proposition de plafonner les émissions éligibles au prospectus de relance à 90% de l'encours du capital.

L'objectif prioritaire de faciliter le financement des entreprises tout en préservant la protection des investisseurs devrait être poursuivi dans le cadre des discussions avec le Parlement européen. Par conséquent, il est essentiel que le niveau du plafond des émissions secondaires réalisées en utilisant un prospectus de relance reste proche de celui proposé par le Conseil dans son orientation générale."

Courtesy translation

"Belgium, Spain, France, Hungary and Poland welcome the agreement found on the EU Recovery Prospectus regime. In order for European companies to successfully recover from the current crisis, it is of essence to facilitate access to equity financing. The EU Recovery Prospectus will be key to achieve this objective by making it easier for issuers to raise equity up to 90% of their outstanding capital.

They underline that secondary issuances can have a significant impact on the issuer's capital structure, governance, strategy and financial situation and that disclosure of information in the Prospectus is essential to remove asymmetries of information and protect investors.

Recapitalization leading to a high level of dilution of existing shareholders should be subject to a full-scope prospectus or to the secondary issuance prospectus of Article 14 of Regulation 2017/1129 rather than to the EU Recovery Prospectus to ensure that investors are provided with an appropriate level of information. Thus, Belgium, Spain, France, Hungary and Poland strongly support the proposal to cap issuances eligible to the EU Recovery prospectus to up to 90% of the outstanding capital.

The key objective of facilitating the refinancing of European companies while safeguarding the level of investor protection should be pursued during the discussions with the European Parliament. Hence, it is important to keep the cap on the secondary issuances eligible to the EU Recovery Prospectus at a level close to the one enshrined in the Council's general approach."

Statement by Poland

Capital Markets Recovery Package (CMRP): a) Amendments to MiFID II

"Poland would like to thank the German Presidency for its efforts to finalize work on directive amending MiFID II.

Poland fully supports the objectives of this directive. In particular, we understand the need to undertake certain measures aimed at alleviating procedural burdens imposed on financial market participants and introducing certain alleviations for investing in real economy. In our view measures proposed in this directive are inevitable especially in such tough times and would certainly help in the recovery after COVID-19 pandemic.

However, at the same time, we are of the opinion that any changes should not be introduced at a cost of retail investor protection and their trust in the capital market.

Unfortunately, the present compromise proposal does not fully meet our expectations in this field and we hope that the robust framework of investor protection, especially the retail investors, will be of key importance for the Presidency during the negotiation with the European Parliament."

Statement by Poland

Capital Markets Recovery Package (CMRP): b) Amendments to the Prospectus Regulation

"Poland would like to thank the Presidency for their hard work on the compromise text. Considering the significant discrepancies in the positions of individual Member States, we believe that the Presidency managed to achieve a well-balanced compromise, which deserves full support. However, we would like to point out that for Poland it is of key importance to maintain the deadline of 7 working days for approval of the EU Recovery Prospectus by national competent authorities. We hope that the Presidency will make every effort to ensure that, during the negotiations with the European Parliament, these provisions are maintained in the Regulation.

The EU Recovery Prospectus will be an essential document on the basis of which investors will make investment decisions. It will contain information that is crucial for the safety of investors, especially retail investors. Despite its limited size to a maximum of 30 pages, it is therefore important that national competent authorities have sufficient time for its approval. In our view the period of 7 working days allows for full and reliable verification of all information contained in the Prospectus."

Statement by Finland

Capital Markets Recovery Package (CMRP): c) Amendments to the general securitisation framework and d) Amendments to the CRR securitisation framework

"In general, Finland appreciates the efforts to support the recovery of EU capital markets from the COVID-19 pandemic. However, Finland is of the opinion that only temporary amendments and amendments directly targeted at the impacts of the pandemic should be made to the prudential framework in an accelerated procedure without an impact assessment. Safeguards aimed at mitigating the possible negative impacts of the amendments should become applicable immediately. Finland finds it crucial that the Commission acts instantly to propose an amendment to the preferred prudential treatment, if the possible risks to financial stability due to lower capital requirements and higher leverage were to materialise. Finally, Finland notes that private risk sharing in line with the Capital Markets Union and Banking Union objectives will happen only if the investor base in synthetic securitisation is diversified and private."

- | | | |
|-----|---|--------------------|
| 32. | Regulation on public sector loan facility under the Just Transition Mechanism
<i>Mandate for negotiations with the European Parliament</i> | 11789/20
ECOFIN |
|-----|---|--------------------|

Joint statement by Austria and Luxembourg

"We regret that the negotiation mandate of the Council for the Regulation on the public sector loan facility under the Just Transition Mechanism does not fully implement the "do no harm principle" of the European Green Deal included in the conclusions of the European Council of 21 July 2020. We deem the omission of certain parts of the European Council's conclusions as problematic. The "do no harm principle" should be included as an eligibility criterion under Article 8, which should also include an explicit reference to the EU Taxonomy. Moreover, we would have preferred more specific language, e.g. replacing "sustainable energy" with "renewable energy" and adding "safe and sustainable" before "low carbon". In general, we emphasize that this approach should not create a precedent for other dossiers."

Statement by Poland

"Poland cannot agree on the proposed mandate for negotiations with the European Parliament. We believe the proposal as it stands does not meet the needs of the regions to which it is addressed.

The most important issues we oppose are:

- recital 5, Poland does not support the reference to the EIB's Energy Lending Policy.

Poland is of the opinion that the internal EIB policy cannot be a reason to reject certain categories of investments. The directions of support should result only from EU legislation. Projects should be objectively assessed on the basis of fair criteria, especially in the poorest regions.

- art. 8 point 3 - The Facility shall not support activities excluded under Article [5] of Regulation [JTF Regulation].

From the first presentation of the Just Transition Mechanism, it was indicated that the material scope of the second and third pillar would be wider than in the case of the first pillar, ie the Just Transition Fund. Such a provision contradicts this assumption and will delay the transformation.

Depending on the final decisions in the field of JTF, this could mean, for example, the lack of eligibility of projects in the gas sector, which are crucial for the Polish transition and could be implemented by other entities under Pillar III of the JTM.

Member States should be able to finance investments in transmission and distribution infrastructure and the generation of electricity and heat based on a low-emission fuels, i.e. natural gas.

In Poland, this possibility is of particular importance due to the very large scale of necessary investments in the replacement of sources in the heating sector. Additionally, without investments in the gas sector, Poland will not be able to make the progress expected by the EU institutions in the development of the use of renewable energy sources such as wind and solar energy."

- | | | |
|-----|---|--------------------------------|
| 33. | Council Implementing Decision granting temporary support under Regulation (EU) 2020/672 to Hungary to mitigate unemployment risks in the emergency following the COVID-19 outbreak
<i>Decision to use the written procedure for the adoption</i> | 11966/20
11592/20
ECOFIN |
| 34. | Council Implementing Decision authorising France to apply a reduced rate of taxation to electricity provided to vessels
<i>Decision to use the written procedure for the adoption</i> | 11192/20
11794/20
FISC |
| 35. | Council Implementing Decision authorising Sweden to apply a reduced rate of taxation to electricity provided to vessels
<i>Decision to use the written procedure for the adoption</i> | 11119/20
11793/20
FISC |
| 36. | Regulation on the application of Union tariff rate quotas and other import quotas
<i>Mandate for negotiations with the European Parliament</i> | 11925/20
10186/20
UD |

General Affairs

- | | | |
|-----|--|---------------------------|
| 37. | EP Resolutions and decisions (October I 2020) | 11691/20 + COR 1
PE-RE |
| 39. | Implementation of EU macro-regional strategies - organisation of work in the Council
<i>Information from the Presidency</i> | 11765/20
REGIO |

- | | | |
|-----|--|--|
| 40. | Cybercrime: messages for further discussions in the framework of the ad hoc Committee established by the UNGA
<i>Approval</i> | 11950/20
11659/1/20 REV 1
CYBER |
| 41. | Council Decision on the EU position in the Joint Consultative Working Group as regards the adoption of its rules of procedure
<i>Adoption</i> | 11816/20
11647/20
11649/20
UK |

Justice and Home Affairs

- | | | |
|-----|---|----------------------------------|
| 42. | Standing Committee on operational cooperation on internal security (COSI) Report to the European Parliament
<i>Approval of a letter</i> | 11415/20
11413/20
COSI |
| 43. | EU preparations for the Special Session of the United Nations General Assembly against corruption
<i>Endorsement</i>
<i>Decision to use the written procedure</i> | 11920/20
COPEN |
| 44. | Schengen evaluation Recommendation - Germany police cooperation
<i>Decision to use the written procedure for the adoption</i> | 11668/20
11634/20
SCH-EVAL |
| 45. | Schengen evaluation Recommendation - Germany Schengen Information System
<i>Decision to use the written procedure for the adoption</i> | 11841/20
11839/20
SCH-EVAL |
| 46. | Schengen evaluation Recommendation - Poland external border
<i>Decision to use the written procedure for the adoption</i> | 11838/20
11837/20
SCH-EVAL |
| 47. | Schengen evaluation Recommendation - Estonia data protection
<i>Decision to use the written procedure for the adoption</i> | 11845/20
11844/20
SCH-EVAL |

Foreign Affairs

- | | | |
|-----|---|--|
| 48. | 22nd EU Annual Report on Arms Exports
<i>Approval</i> | 11171/20
11168/20
+ ADD 1-3
COARM |
| 49. | Regulation setting up a Union regime for dual-use items
<i>Mandate for negotiations with the European Parliament</i> | 11747/20
COMER |

50.	(poss.) Cooperation Arrangement Saudi Arabia <i>Approval</i>	11873/20 MOG
51.	(poss.) Affirmation of the continuing commitment to fulfil the objectives as set out in the Joint Action Plan on Counter-terrorism for the Western Balkans <i>Approval</i> <i>Decision to use the written procedure</i>	11919/20 COTER
52.	Relations with Central America - Accession of Croatia and provisional application of the Protocol to the EU-Central America Association Agreement	6046/1/20 REV 1 COLAC
a)	Council Decision on the signing <i>Adoption</i>	6047/20 6049/1/20 REV 1
b)	Council Decision on the conclusion <i>Request for the consent of the European Parliament</i>	6048/20 6049/1/20 REV 1
53.	PSC Decision EU BAM RAFAH/2/2020 - appointment of the Head of Mission <i>Decision to publish in the Official Journal</i>	11790/20 11154/20 PSC DEC
54.	PSC Decision EUPOL COPPS/1/2020 - appointment of the Head of Mission <i>Decision to publish in the Official Journal</i>	11791/20 11155/20 PSC DEC
55.	Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in Burundi <i>Decision to use the written procedure for the adoption</i>	11597/20 11594/20 11596/20 CORLX
56.	Council Decision concerning restrictive measures against the Republic of Guinea - review <i>Adoption</i>	11559/20 11405/20 CORLX
57.	Council Decision concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova - review <i>Decision to use the written procedure for the adoption</i>	11865/20 11754/20 CORLX
58.	Egypt Restrictive measures: Draft reply <i>Approval</i>	12043/20 CORLX

EU positions for international negotiations

- | | | |
|-----|--|---|
| 59. | Council Decision on the EU position within the EU-Armenia Partnership Committee as regards the amendment of the list of arbitrators
<i>Adoption</i> | 11823/20
11411/20
11524/20
COEST |
| 60. | Council Decision on the EU Position on EU Georgia Association Committee concerning the update of Annex XIII (Approximation of customs legislation) to the Agreement
<i>Adoption</i> | 11561/20
11387/20
11388/20
UD |

Energy

- | | | |
|-----|--|-----------------------------|
| 61. | Report on the implementation of the obligations under the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management - Seventh Review Meeting of Contracting Parties, Vienna, 24 May to 4 June 2021 | 12023/20
12025/20
ATO |
|-----|--|-----------------------------|
-