

Brussels, 29 January 2021  
(OR. en)

14159/1/20  
REV 1  
CRS CRP 49

**SUMMARY RECORD**  
PERMANENT REPRESENTATIVES COMMITTEE  
30 November, 2 and 4 December 2020

**I. Adoption of the agenda**

13430/3/20 REV 3 OJ CRP2 45  
13435/1/20 REV 1 OJ CRP1 45

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 2)**

**MONDAY 30 NOVEMBER 2020**

**Foreign Affairs**

2. European Union – United States relations  
*Exchange of views*

The Committee held and exchange of views.

## **Justice and Home Affairs**

### 3. Meeting of the Council (Justice and Home Affairs) on 14 December 2020: Preparation

- a) Implementation of interoperability 12779/1/20 REV 1  
*Exchange of views*

The Committee prepared this item for the Council.

- b) Engagement with partners for effective readmission and stronger migration management  
*Exchange of views*

The Committee prepared this item for the Council.

- c) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council.

## **Economic and Financial Affairs**

### 4. Conciliation on the budget 2021: state of play and next steps *Information from the Presidency*

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

## **General Affairs**

### 7. Conclusions on Enlargement and Stabilisation and Association Process 12162/20 + COR 1 *Approval* *Decision to use the written procedure*

The Committee held an exchange of views and agreed to revert on this issue at one of its forthcoming meetings.

### 6. Informal videoconference of the Ministers of European Affairs on 8 December 2020: Preparation

- a) Legislative programming 13360/20 + COR 1  
i) Joint declaration on the EU legislative priorities for 2021 13361/20 + COR 1  
ii) Joint conclusions on the policy objectives and priorities for 2020-2024  
*Information from the Presidency*

The Committee prepared this item for the informal videoconference.

- b) (poss.) European Democracy Action Plan  
*Information from the Commission*

The Committee prepared this item for the informal videoconference.

- c) Other items in connection with the informal videoconference

The Committee prepared this item for the informal videoconference.

### **Foreign Affairs**

- 5. Post-Cotonou negotiations  
*State of play and guidance for further work*

The Committee held an exchange of views and provided guidance to the negotiator that the agreement should take the form of a mixed agreement.

## **WEDNESDAY 2 DECEMBER 2020**

### **General Affairs**

- 6. Informal videoconference of the Ministers of European Affairs on 8 December 2020: Preparation
  - d) Preparation of the European Council on 10-11 December 2020: Conclusions  
*Exchange of views* 11980/20

The Committee prepared this item for the videoconference.

### **Foreign Affairs**

- 13. EU-Africa Leaders meeting

The Committee took note of the information provided.

- 12. Meeting of the Council (Foreign Affairs) on 7 December 2020: Preparation

- a) Current Affairs

The Committee prepared this item for the Council.

- b) Transatlantic relations  
*Exchange of views*

The Committee prepared this item for the Council.

86. Conclusions on European Union – United States relations 13333/20  
*Preparation for the approval*

The Committee took note that there was no agreement on the draft Conclusions at this stage.

12. Meeting of the Council (Foreign Affairs) on 7 December 2020:  
Preparation

- c) Strategic autonomy  
*Exchange of views*

The Committee prepared this item for the Council.

- d) Other items in connection with the Council meeting

The EEAS provided more information regarding the Council.

### **Economic and Financial Affairs**

10. (poss.) Regulation establishing a Recovery and Resilience Facility  
*Debriefing*

The Committee took note of the information provided by the Presidency on the outcome of the latest trilogues.

11. Informal meeting of the Ministers of the Economy and Finance on 1 December 2020: Follow-up

The Presidency presented the main outcomes of the informal videoconference.

4. Conciliation on the budget 2021: state of play and next steps  
*Information from the Presidency*

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

## **COREPER (PART 1)**

### **FRIDAY 4 DECEMBER 2020**

#### **Environment**

68. Regulation on European Climate Law  
*Presidency debriefing on the outcome of the trilogue*

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 30 November 2020.

#### **Transport, Telecommunications and Energy**

69. Informal videoconference of the Ministers of Energy on 14 December 2020: Preparation  
Energy System Integration - Setting the path towards a climate neutral Europe  
*Exchange of views*

The Committee prepared this item for the informal videoconference of the Ministers of Energy.

#### **Energy**

70. Conclusions on fostering European cooperation in offshore and other renewable energies 13623/20  
*Preparation for the approval*

The Committee agreed on the draft text of the Council Conclusions, as amended.

71. Conclusions "Towards a hydrogen market for Europe" 13622/20  
*Preparation for the approval*

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

#### **Research**

72. Council Decision on ITER 13293/20  
*State of play and guidance for further work*

The Committee held an exchange of views and provided guidance for further work.

73. Council Regulation on Euratom programme complementing Horizon Europe 13285/1/20 REV 1  
*State of play and guidance for further work*

The Committee held an exchange of views and provided guidance for further work.

74. Regulation on European Institute of Innovation and Technology (EIT) 13310/20  
13309/20  
Decision on Strategic Innovation Agenda (SIA) of the European Institute of Innovation and Technology (EIT)  
*Preparation for the trilogue*

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

### **Internal Market and Industry**

75. Regulation amending Regulation (EC) No 715/2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6)  
*Presidency debriefing on the outcome of the trilogue*

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 2 December 2020.

### **Transport, Telecommunications and Energy**

76. Informal videoconference of the Ministers of Transport on 8 December 2020: Preparation

1. Eurovignette 13449/20  
*Policy debate*

The Committee prepared this item for the informal videoconference of the Ministers of Transport.

2. Single European Sky proposals 12611/20  
*Policy debate*

The Committee prepared this item for the informal videoconference of the Ministers of Transport.

### **Education**

77. Regulation on Erasmus 12466/20  
*Preparation for the trilogue*

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

#### **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."

### **Agriculture and Fisheries**

78. Meeting of the Council (Agriculture and Fisheries) on 15 and 16 December 2020: Preparation

1. Conclusions on an EU-wide animal welfare label 13347/20  
*Approval*

The Committee prepared this item for the Council.

#### Statement by Italy

"Italy would like to thank the German Presidency for the Council Conclusions on an EU-wide animal welfare label.

Italy acknowledges the high level of well-being already provided to farmed animals by the legislation in force in the European Union and regards the EU-wide label as an opportunity to further improve it and, at the same time, ensure a clearer information to consumers and promote a fairer compensation for producers.

Considering that the AW labelling must necessarily be based on requirements exceeding the mandatory ones set by the EU legislation, joining the labelling scheme must inevitably remain a voluntary choice for food business operators.

The AW labelling system should provide for the gradual inclusion of all farmed species and should ideally be referred to the entire lifetime of animals. Nonetheless, under specific circumstances, it could be more appropriate and proportionate to assess the conditions under which the animals have been kept for a significant part of their life.

Italy believes that animal welfare is deeply interconnected with other dimensions of animal husbandry that are mutually influenced, such as the health status of animals, the consumption of veterinary medicines and the biosecurity of farms. As a consequence of this relation, the comprehensive and simultaneous assessment of all these dimensions is deemed to be the most adequate basis to build a solid system to measure and improve the sustainability of livestock productions."

2. Conclusions on front-of-pack nutrition labelling, nutrient profiles and origin labelling 13348/20  
*Approval*

The Committee prepared this item for the Council.

**IV. Any other business**

**COREPER (PART 2)**

None.

**COREPER (PART 1)**

None.

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**"I" items approved****COREPER (PART 2)****MONDAY 30 NOVEMBER 2020****Economic and Financial Affairs**

- |     |  |                                     |
|-----|--|-------------------------------------|
| 14. | New Slovenian Commemorative Coin   | 12833/20<br>UEM                     |
| 15. | Amended Estonian Commemorative Coin  | 12834/20<br>UEM                     |
| 16. | New Belgian Commemorative Coin   | 12835/20<br>UEM                     |
| 17. | Amending Regulation concerning investigations conducted by OLAF<br><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> | 13364/20<br>10008/20 + ADD 1<br>GAF |
| 18. | Regulation on the application of Union tariff rate quotas and other import quotas<br><i>Decision to use the written procedure for the adoption of the legislative act</i>  | 13365/20<br>PE-CONS 43/20<br>UD     |

**General Affairs**

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| 19. | EP Resolutions and decisions (November II 2020) | 13314/20<br>PE-RE |
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**Justice and Home Affairs**

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| 20. | Union Civil Protection Mechanism Decision<br><i>Mandate for negotiations with the European Parliament</i> | 13334/20<br>PROCIV |
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**Foreign Affairs**

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| 21. | ASEM: Connectivity and Socio-economic recovery statements<br><i>Approval</i><br><i>Decision to use the written procedure</i>   | 13349/20<br>COASI             |
| 22. | Joint Declaration for a Dialogue on Environment, Climate Action and Sustainable Development with Colombia<br><i>Approval</i><br><i>Decision to use the written procedure</i> | 13298/20<br>13340/20<br>COLAC |

## **WEDNESDAY 2 DECEMBER 2020**

### **Institutional Affairs**

#### **Appointments**

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|-----|---|---|
| 24. | Two alternate members (IT) of the Committee of the Regions<br><i>Adoption</i>                                     | 13192/20<br>13191/20<br>CDR             |
| 25. | Two members (PT) of the Committee of the Regions<br><i>Decision to use the written procedure for the adoption</i> | 13398/20<br>13397/20<br>CDR             |
| 26. | Member of the Executive Board of the ECB  | 13394/20<br>26/20<br>CO EUR-PREP<br>UEM |

### **Transparency**

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| 27. | Public access to documents<br>Confirmatory application No 22/c/01/20<br><i>Decision to use the written procedure for the adoption</i> | 12324/20<br>12323/20<br>INF<br>API |
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### **Economic and Financial Affairs**

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| 28. | Council Implementing Decision granting temporary support under Regulation (EU) 2020/672 to Ireland to mitigate unemployment risks in the emergency following the COVID-19 outbreak<br><i>Decision to use the written procedure for the adoption</i> | 13268/20<br>13007/20<br>ECOFIN |
| 29. | Regulation establishing the InvestEU Programme<br><i>Mandate for negotiations with the European Parliament</i>  | 13375/20<br>ECOFIN             |
| 30. | ECA SR No 24/2020 on Commission's EU merger control and antitrust proceedings<br><i>Designation of a Working Party</i>  | 13222/20<br>FIN                |
| 31. | Conclusions on CMU Action Plan<br><i>Approval</i><br><i>Decision to use the written procedure</i>   | 12898/20<br>13308/20<br>EF     |

32. Council Directive regarding the exemption of the supply of COVID-19 vaccines and testing kits from value added tax (VAT) 13249/20  
12946/20  
FISC

*Decision to use the written procedure for the adoption*

*Decision to derogate from the 8-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU*

Statement by Hungary

"As a matter of principle Hungary is concerned about the rationale for setting a 0% VAT rate. However given the extraordinary circumstances and very serious public health situation in Europe, Hungary supports the quick adoption of the Directive, provided that its limited scope and time of application is maintained."

33. Regulation of the EP and of the Council on the elimination of customs duties for certain products 13370/20  
PE-CONS 44/20  
WTO  
*Decision to use the written procedure for the adoption of the legislative act*

**General Affairs**

34. Legislative Programming 13377/20  
a) Joint declaration on the EU legislative priorities for 2021 13546/20  
b) Joint conclusions on the policy objectives and priorities for 2020-2024 13547/20  
INST

*Approval*

*Decision to use the written procedure*

Statement by Malta, joined by Cyprus

on Joint declaration on the EU legislative priorities for 2021

"Malta regrets that the legislative proposals mentioned in the Pharmaceutical Strategy do not feature in the Joint Declaration on Legislative Priorities for 2021. It is a matter of priority that pharmaceutical products are placed on the markets of all Member States. The current model under which decisions to place products on markets is based on commercial reasons is not workable. The consequences of the withdrawal of the United Kingdom as well as of the COVID-19 pandemic have only served to amplify this problem. Malta therefore looks forward to seeing these proposals included in the Joint Declaration on Legislative Priorities for 2022.

Malta also regrets that the Joint Declaration also includes no reference to principle of solidarity and fair sharing of responsibility in the context of the reference to work on migration."

Joint statement by Malta and Austria

on Joint conclusions on the policy objectives and priorities for 2020-2024

"Malta and Austria take note of the reference in paragraph 7 of the Joint Conclusions and the use of the word "alliance" in the context of improving the EU's defence capabilities for a stronger Europe. The use of this word may give rise to misinterpretation, especially considering that it is used in the context of both defence capabilities and Transatlantic relations. In this respect, Malta and Austria recall that the improvement of the EU's defence capabilities should be done in full respect of the principles set out in the Treaties and by the European Council, including the principles of inclusiveness, reciprocity and decision-making autonomy of the EU and in full respect of the specific character of security and defence policies of Member States."

Statement by Denmark, joined by Sweden

on Joint conclusions on the policy objectives and priorities for 2020-2024

"Denmark can approve the decision to use the written procedure for the Joint conclusions on the policy objectives and priorities for 2020-2024, however, the approval does not prejudice Denmark's final position on the joint conclusions. Denmark regrets that COREPER was not involved more actively in the negotiations of the joint conclusions and the short notice. If Denmark can approve the text in the written procedure, Denmark will issue a declaration at the time of adoption, which we will ask to be made public."

Joint statement by Hungary and Poland

on Joint conclusions on the policy objectives and priorities for 2020-2024

"Hungary and Poland reiterate their position expressed in the statement made during the endorsement of the European Pillar of Social Rights in 2017, namely that the Pillar's purpose is to give political guidance. Therefore the Pillar (and by extension its future Action Plan) does not create new rights and obligations, and must respect the division of competences laid down in the Treaties.

Hungary and Poland find it important that the European Commission's legislative proposal on adequate minimum wages in the EU duly takes into account the Treaty provisions and the competences of the Member States. It is also crucial for us that in the event of a possible adoption the correct legal base is applied."

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| 35. | REACT-EU Regulation   | 13289/20 |
|     | <i>Confirmation of the final compromise text with a view to agreement</i> | REGIO    |

Statement by the Commission

"The Commission regrets that the European Parliament and the Council agreed that the climate-spending target is set out in a recital instead of establishing a legally binding target in an Article. The Commission considers that this does not give appropriate legal means for the Commission to effectively ensure that the contribution of REACT-EU resources reach the agreed level for the purposes of the overall climate contribution target set for the Multiannual Financial Framework and Next Generation EU jointly, in accordance with point 15 of the Inter-institutional Agreement."

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| 60. | Regulation on railway safety and connectivity through the Channel Fixed Link<br><i>Mandate for negotiations with the European Parliament</i> | 13500/20<br>UK |
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**Justice and Home Affairs**

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| 36. | Regulation establishing the Rights and Values Programme for the period 2021-2027<br><i>Mandate for negotiations with the European Parliament</i> | 13412/20<br>JAI<br>CADREFIN |
| 61. | Regulation establishing the Justice programme<br><i>Mandate for negotiations with the European Parliament</i>                                    | 13420/20<br>JAI<br>CADREFIN |

**Statement by Poland**

"The Republic of Poland opposes the adoption of the *proposal for a regulation of the European Parliament and of the Council establishing the Justice programme for the period 2021-2027* in the shape presented in document WK 13480/20.

The Republic of Poland consistently requests adding a further part to the last sentence of the recital 24, after the word "budget". That recital should read: "Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU include a general regime of conditionality for the protection of the Union budget, and it cannot lead to bypassing the Treaties, in particular the procedure established in Article 7 of the TEU, and it cannot interfere with the European Council's competence to unanimously declare that the Rule of Law has been breached". In the opinion of the Republic of Poland, only such a reservation guarantees that the provisions of EU primary law and crucial compromise achieved by the European Council will be respected.

Poland does not accept the prepared recital 8 of the proposal, and requests the removal of the part following its 7th sentence and to end that sentence and the whole recital after the word "prosecutors" - without further enumeration. Polish Government opposes the inclusion of enumeration of specified groups in vulnerable situation in that part of the text. It could lead to unjustified limitation of the issues covered by the training organized under the established Programme. For the Republic of Poland it is unacceptable that this part does not refer to other vulnerable groups, in particular Christians, which are increasingly exposed to the risk of discrimination and violence based on religious biases.

The Republic of Poland opposes to the proposed wording of recital 15. That recital refers to TFEU, where the term “gender” does not exist, and the articles of Treaty, as mentioned there, refer to equality between women and men and to the prohibition of discrimination based on sex. The regulation establishing the Justice Programme - as secondary law - should refer to the wording from primary law, and the term “gender” is unknown to the Treaties. Article 2 and 3 of the Treaty on European Union refer directly to equality between women and men - "equality between women and men". Also the EU Charter of Fundamental Rights which has the same legal value as the Treaties , in its Article 23 refers to "equality between women and men ". It is not acceptable for the Republic of Poland to use the term "gender", which is unknown to the EU primary law, and which does not have a definition in the entire EU law. Finally, the Republic of Poland intends to delete point 6a, which is imprecise, from Annex I. Too general provisions referring to the financing of NGOs may lead to the misallocation of EU funds. In consequence, the indicator "Number of civil society organizations supported under the programme" should be removed from Annex II."

### **Foreign Affairs**

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| 37. | Conclusions on Lebanon<br><i>Approval</i>  | 13414/20<br>MAMA         |
| 38. | Informal videoconference of the members of the EU-Algeria Association Council (7 December 2020)<br><i>Establishment of the EU position</i> | 13411/1/20 REV 1<br>MAMA |

### **Statement by Hungary**

"Already since the beginning of the migration crisis, Hungary has consistently emphasized that migration is an extremely threatening and harmful process that we must fight by all means. This is particularly important in the current pandemic situation, as migration poses an extremely serious health and thus security risk, which endangers the health of the people of Europe, the functioning of national economies and thus the stability of Europe. In light of all this, Hungary does not support any form of migration."

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| 62. | Informal videoconference of the members of the EU-Uzbekistan Cooperation Council (17 December 2020)<br><i>Establishment of the EU position</i>  | 13492/1/20 REV 1<br>COEST          |
| 23. | Regulation on dual-use items: Union General Export Authorisation for the UK<br><i>Decision to use the written procedure for the adoption of the legislative act</i><br><i>Decision to derogate from the 8-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU</i> | 13371/20<br>PE-CONS 45/20<br>COMER |
| 40. | WTO package on Micro, Small and Medium-sized Enterprises<br><i>Approval</i><br><i>Decision to use the written procedure</i>   | 13299/20<br>10647/20<br>WTO        |

41.	PACE Plan 2022-2023 <i>Endorsement</i>	13403/20 13382/20 CFSP/PESC
63.	Conclusions on Civilian CSDP Compact <i>Approval</i>	13438/20 CIVCOM CSDP/PSDC
64.	Conclusions on EU Peace Mediation <i>Approval</i>	13440/20 CIVCOM CSDP/PSDC
42.	Council Decision on the signature and conclusion, on behalf of the Union, of the Agreement between the EU and the Government of the Federal Republic of Somalia on the status of EUTM Somalia <i>Decision to use the written procedure for the adoption</i>	13174/20 13021/20 13022/20 CORLX
43.	Council Decision on a European Union military mission to contribute to the training of Somali security forces <i>Decision to use the written procedure for the adoption</i>	13173/20 12600/20 CORLX
44.	Council Decision on the European Union Capacity Building Mission in Somalia (EUCAP Somalia) <i>Decision to use the written procedure for the adoption</i>	12977/20 12504/20 CORLX
45.	Syria - authorisation to produce Council documents before French court <i>Authorisation to produce a copy of or an extract from a Council document for use in legal proceedings</i>	13446/20 CORLX
65.	Council Decision and Regulation concerning restrictive measures against serious human rights violations and abuses <i>Adoption</i>	12329/20 12104/20 + COR 1 12106/20 + COR 1 CORLX

#### Statements by the Commission

"The Commission regrets that the proposal to include the travel ban in the Council Regulation has not been retained.

The Treaty and the case-law clearly allow for the travel ban to be included in the Regulation. Doing so would not constitute a transfer of competences. Member States would remain in charge of implementing, applying, verifying, and enforcing the travel ban in their own territories.

In line with its renewed focus on implementation and enforcement, the Commission would add value to national action and ensure the consistent application of the travel ban provisions. Such consistency would be useful in light of some cases of possible misapplication that undermine the credibility of the EU visa bans.

The Commission welcomes, however, the Member States' commitment to discuss the topic more in-depth. We look forward to that discussion, which should take place at the appropriate level, given its sensitivity and political relevance."

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"EU sanctions regimes are established by Council Decisions established by unanimity (Articles 29 and 31(1) of the Treaty on the EU). According to the Treaty, Article 31(2) TEU (third indent), the Council shall act by qualified majority when adopting "any decision implementing a decision defining a Union action or position". This is the case for Council implementing decisions amending the annexes of designated persons under the Council Decision establishing the sanctions regime.

In line with the Commission's position expressed in its Communication of September 2018, the Commission calls on the Council to use qualified majority voting for amending the annexes of EU sanctions regimes in accordance with the procedures under Article 31(2) TEU (third indent)."

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"The Commission notes that the Council has reserved implementing powers for itself on the restrictive measures against serious human rights violations and abuses in order to ensure consistency with the process for amending and reviewing the Annex to Decision (CFSP) 2020/XXX. With reference to Article 291(2) of the Treaty, the Commission maintains its view that it would have been more appropriate to confer implementing powers upon the Commission. In Case C-440/14 P, National Iranian Oil Company ('NIOC') v Council and Commission, the Court of Justice confirmed that implementing powers may be attributed to the Council in "duly justified specific cases." The Commission considers, therefore, that the 'NIOC' case cannot be considered a precedent for all arrangements on implementing powers in respect of Council regulations imposing restrictive measures. Further, given that the concept of 'implementation' comprises the application of rules to specific cases by means of acts of individual application, it is imperative that the implementing authority is able to guarantee compliance with all the procedural safeguards such individuals are entitled to."

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| 66. | Update of the mandate of the Working Party on Human Rights (COHOM)<br><i>Approval</i>   | 13526/20 + COR 1<br>CORLX                 |
| 67. | Council Decision and Implementing Regulation concerning restrictive measures against the Democratic Republic of the Congo - review<br><i>Decision to use the written procedure for the adoption</i> | 13507/20<br>13265/20<br>13267/20<br>CORLX |

## EU positions for international negotiations

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| 46. | Council Decision on the EU position on EU-Central America Association Council regarding modifications to Appendix 2 and Explanatory Notes to Articles 15, 16, 19, 20 and 30 of Annex II of the Agreement | 12271/20 + ADD 1<br>11696/20<br>11697/20<br>11699/20 |
|     | <i>Decision to use the written procedure for the adoption</i>  | UD   |

### Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 4 to be inappropriate."

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| 48. | Council Decision on the EU position to be taken within the WTO General Council as regards the World Food Programme | 12961/20<br>12962/20 |
|     | <i>Decision to use the written procedure for the adoption</i>  | WTO                  |

### Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate.

The expression of the Union position in a body set up by an 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 Commission reserves all its rights in this regard."

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| 49. | Council Decision on the EU position within the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement [32015R1222 - Guideline on congestion management "CM"]                               | 12930/20<br>12928/20<br>12929/20 |
|     | <i>Decision to use the written procedure for the adoption</i>   | AELE                             |
| 50. | Council Decision on the EU position within the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement [32017R1485 - Guideline on electricity transmission system operation "ETS" - "SOGL"] | 12934/20<br>12932/20<br>12933/20 |
|     | <i>Decision to use the written procedure for the adoption</i>   | AELE                             |
| 51. | Council Decision on the EU position within the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement [32016R1719 - Guideline on forward capacity allocation "FCA"]                        | 12939/20<br>12937/20<br>12938/20 |
|     | <i>Decision to use the written procedure for the adoption</i>   | AELE                             |

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| 52. | Council Decision on the EU position within the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement [32017R2195 - Guideline on electricity balancing "EB"]<br><i>Decision to use the written procedure for the adoption</i>                          | 12943/20<br>12941/20<br>12942/20<br>AELE |
| 53. | Council Decisions on the EU position within the Association Councils of the bilateral agreements as regards the amendments of the Protocols concerning the implementation of the revised rules of the PEM Convention<br><i>Decision to use the written procedure for the adoption</i> | 13300/20 + ADD 1<br>UD                   |
| a)  | Council Decision on the EU position within the Stabilisation and Association Council with Albania as regards the definition of the concept of 'originating products' and methods of administrative cooperation  | 11990/20<br>11141/20                     |

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

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| b) | Council Decision on the EU position within the Stabilisation and Association Council with Bosnia and Herzegovina as regards the amendment of Protocol 2 to that Agreement concerning the definition of the concept of 'originating products' and methods of administrative cooperation | 11996/20<br>11065/20 |
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Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

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| c) | Council Decision on the EU position within the Joint Committee established by the EEA Agreement, as regards the definition of the concept of 'originating products' and methods of administrative cooperation | 10296/20<br>10297/20 |
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Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

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| d) | Council Decision on the EU position within the Association Council with the Arab Republic of Egypt as regards the definition of the concept of 'originating products' and methods of administrative cooperation | 11999/20<br>11075/20 |
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Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

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| e) | Council Decision on the EU position within the Joint Committee with Denmark and the Faroe Islands as regards the definition of the concept of 'originating products' and methods of administrative cooperation | 10256/20<br>10257/20 |
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Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

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| f) | Council Decision on the EU position within the Customs Sub-Committee with Georgia as regards the definition of the concept of 'originating products' and methods of administrative cooperation | 12004/20<br>11080/20 |
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Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

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| g) | Council Decision on the EU position within the Joint Committee established with the Republic of Iceland as regards the definition of the concept of 'originating products' and methods of administrative cooperation | 10291/20<br>10292/20 |
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Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

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| h) | Council Decision on the EU position within the Association Council with Israel, as regards the definition of the concept of 'originating products' and methods of administrative cooperation | 12006/20<br>11081/20 |
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Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

- i) Council Decision on the EU position within the Association Council with the Hashemite Kingdom of Jordan as regards the definition of the concept of 'originating products' and methods of administrative cooperation 12009/20  
11085/20

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

- j) Council Decision on the EU position within the Stabilisation and Association Council with Kosovo\* as regards the definition of the concept of 'originating products' and methods of administrative cooperation 12010/20  
11096/20

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

- k) Council Decision on the EU position within the Association Council with the Republic of Lebanon as regards the definition of the concept of 'originating products' and methods of administrative cooperation 12011/20  
11104/20

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

- l) Council Decision on the EU position within the Stabilisation and Association Council with the former Yugoslav Republic of Macedonia as regards the definition of the concept of 'originating products' and methods of administrative cooperation 12012/20  
11113/20

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

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\* 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.

- m) Council Decision on the EU position within the Customs Sub-Committee with the Republic of Moldova as regards the definition of the concept of 'originating products' and methods of administrative cooperation 12017/20  
11115/20

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

- n) Council Decision on the EU position within the Stabilisation and Association Council with the Republic of Montenegro as regards the definition of the concept of 'originating products' and methods of administrative cooperation 12018/20  
11124/20

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

- o) Council Decision on the EU position within the Joint Committee with the Kingdom of Norway as regards the definition of the concept of 'originating products' and methods of administrative cooperation 10280/20  
10281/20

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

- p) Council Decision on the EU position within the Joint Committee with the Palestinian Liberation Organisation (PLO) as regards the definition of the concept of 'originating products' and methods of administrative cooperation 12019/20  
11125/20

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

- q) Council Decision on the EU position within the Stabilisation and Association Council with the Republic of Serbia as regards the definition of the concept of 'originating products' and methods of administrative cooperation 12037/20  
11126/20

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

- r) Council Decision on the EU position within the Joint Committee with the Swiss Confederation as regards the definition of the concept of 'originating products' and methods of administrative cooperation 10244/20  
10245/20

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

- s) Council Decision on the EU position within the EU-Turkey Association Council on the trade regime for agricultural products, concerning the definition of the concept of 'originating products' and methods of administrative cooperation 12051/20  
11128/20

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

- t) Council Decision on the EU position within the Joint Committee with the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community concerning the definition of the concept of 'originating products' and methods of administrative cooperation 12052/20  
11130/20

Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

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| u) | Council Decision on the EU position within the Customs Sub-Committee with Ukraine as regards the definition of the concept of 'originating products' and methods of administrative cooperation | 12053/20<br>11131/20 |
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Statement by the Commission

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."

**Delegated or Implementing Acts**

**Economic and Financial Affairs**

- |     |  |                                   |
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| 54. | Commission Delegated Regulation amending Delegated Regulation (EU) 2019/815 as regards the 2020 update of the taxonomy laid down in the regulatory technical standards for the single electronic reporting format<br><i>Delegated act - Intention not to raise objections</i><br><i>Decision to use the written procedure for the adoption</i> | 13408/20<br>12736/20 +ADD 1<br>EF |
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**Energy**

- |     |   |                             |
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| 55. | Regulation on funding for decommissioning and management of radioactive waste<br><i>Endorsement</i> | 13362/20<br>13363/20<br>ATO |
| 56. | Regulation on European Instrument for Nuclear Safety<br><i>Endorsement</i>                          | 13387/20<br>13390/20<br>ATO |
| 57. | Regulation on Ignalina power plant decommissioning<br><i>Endorsement</i>                            | 13388/20<br>13389/20<br>ATO |

**Other items**

- |     |  |   |
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| 58. | Interim approval of a cryptographic product<br><i>Approval</i><br><i>Decision to use the written procedure</i> | 12724/20 <b>R-UE</b><br>13279/20 <b>R-UE</b><br>CSC<br>CSCI |
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## **COREPER (PART 1)**

### **Institutional Affairs**

#### **Written questions**

79. Replies to questions for written answer submitted to the Council by Members of the European Parliament  
*Adoption by silence procedure* 13372/20  
PE-QE
- Abir Al-Sahlani (Renew) 12573/20  
"Use of qualified-majority voting on migration policy"

#### **Appointments**

80. Renewal of the Advisory Committee on Freedom of Movement for Workers 2020-2022 (members and alternate members CY)  
*Decision to use the written procedure for the adoption* 12987/20  
12986/20  
SOC
81. Renewal of the Advisory Committee on Freedom of Movement for Workers 2020-2022 (member and alternate member IE and MT)  
*Decision to use the written procedure for the adoption* 13119/20  
13118/20  
SOC

#### **Other**

82. Chairing of certain Working Parties by other delegations, at the request of the Portuguese Presidency  
*Approval* 13217/20  
POLGEN

### **Agriculture**

83. Reply to the World Organisation for Animal Health (OIE) regarding notification of SARS CoV2 in animals  
*Approval* 13093/20  
VETER

### **Transport**

84. Council Decision on the conclusion of the Wet Lease Agreement between the United States of America, the European Union, Iceland, and the Kingdom of Norway  
*Agreement in principle* 11758/1/20 REV 1  
10584/19  
11100/19  
11645/1/20 REV 1  
*Request for the consent of the European Parliament* AVIA

## **Economic and Financial Affairs**

- |     |   |  |
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| 87. | Council position on DAB No 10/2020: Increase of payment appropriations in line with updated forecasts of expenditure and other adjustments to expenditure and revenue | 13640/20<br>13642/20<br>11673/20 + REV 1 |
|     | <i>Decision to use the written procedure for the adoption</i>   | FIN                                      |

## **Delegated or Implementing Acts**

### **Environment**

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| 85. | Commission Delegated Regulation (EU) .../... of 19.10.2020 amending Annexes IC, III, IIIA, IV, V, VII and VIII to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste | 13190/20<br>ENV |
|     | <i>Intention not to raise objection to a delegated act</i>   |                 |

### **Statement by Austria**

"The Austrian Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology agrees on the proposal of the Commission Delegated Regulation amending Annexes III, IIIA, IV, V and VIII to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste implementing the amendments of the Basel Convention with regard to transboundary shipments of plastic waste.

However, we would like to stress again that we support a stringent interpretation of the wording "almost free from contamination and other types of waste" and "almost exclusively consisting of" in order to tackle the global problem of plastic pollution and micro-plastics. As the quoted terminology originating from the Basel Convention is vague and leaves room for a broad interpretation, we take the view that a harmonized and transparent threshold value for admissible non-hazardous impurities should be implemented directly in the EU-WSR as soon as possible. However, by no way should this delay the adoption of the currently proposed delegated act.

From the Austrian point of view a threshold of max. 2% for impurities (this may also include non-target plastics) seems to be appropriate for the interpretation of waste as „almost free from contamination and other types of waste“ and “almost exclusively consisting of” listed under the Basel code B3011. Anyway Art. 28 of the WSR will apply if the country of destination has laid down stricter limits (predominance of the more stringent regime). We are convinced that a harmonized threshold value for non-hazardous impurities is necessary for an efficient practical implementation of this Amendment of the WSR. This approach would not only help enforcement officers and environment authorities but also persons arranging waste shipments in their daily business and prevent illegal shipments of plastic waste at least to some extent.

Therefore, the related EU-Correspondents Guidelines shall be elaborated in due time containing such a threshold for impurities and providing more detailed interpretation of the codes for plastic wastes, taking into account the ongoing work on a guidance for plastic waste within the scope of the Basel Convention. Furthermore, it is also of great importance to lay down in these EU-Guidelines a validation method for determination of the threshold value. Since a different code from Annex IX of the Basel Convention will apply for intra-EU shipments of plastic waste on the Green List (EU3011), the Annex VII form accompanying waste subject to Art 18 of the WSR should be amended accordingly at the earliest convenience."

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