



Brussels, 21 January 2021
(OR. en)

14315/20
CRS CRP 54

SUMMARY RECORD

PERMANENT REPRESENTATIVES COMMITTEE (Part 2)

22, 25 and 28 December 2020

I. Adoption of the agenda

14313/1/20 REV 1 OJ CRP2 49 + CM 5520/1/20 REV 1 + CM 5524/4/20 REV 4

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

TUESDAY 22 DECEMBER 2020

General Affairs

2. EU-UK negotiations *State of play*

The Committee took note of the information provided, held an exchange of views, and agreed to revert on this issue as appropriate.

3. Covid-19 - EU coordination¹ *Exchange of views*

The Committee held an exchange of views.

¹ Exceptionally, in the presence of the Schengen Associated States

Economic and Financial Affairs

5. Regulation establishing a Recovery and Resilience Facility 14310/20
Confirmation of the final compromise text with a view to + ADD 1 + ADD 2
agreement

The Committee endorsed the text of the final compromise and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its position at first reading in accordance with this compromise (subject to revision by the legal linguists), the Council would approve the European Parliament's position and the act shall be adopted.

FRIDAY 25 DECEMBER 2020

General Affairs

2. EU-UK negotiations
Presentation by the Commission

The Committee took note of the presentation provided by the Commission and held an exchange of views.

8. (poss.) Letter to the European Parliament on provisional 13906/20
application
Approval

The Committee approved the letter to be sent to the European Parliament.

MONDAY 28 DECEMBER 2020

General Affairs

9. EU-UK Agreements 14359/20
- a) Council Decision on the signing on behalf of the Union, 14365/20
and on a provisional application of the Trade and 14335/20 ADD 1
Cooperation Agreement and of the Agreement concerning + ADD1 REV2 (en)
security procedures for exchanging and protecting 14335/20 ADD 2
classified information + ADD2 REV1 (en)
Approval
Decision to use the written procedure for the adoption

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|----|---|--|
| b) | Declarations and Notification referred to in the Council Decision on the signing on behalf of the Union, and on a provisional application of the Trade and Cooperation Agreement and of the Agreement concerning security procedures for exchanging and protecting classified information
<i>Approval</i>
<i>Decision to use the written procedure for the approval</i>
<i>Decision to publish in the Official Journal</i> | 14367/20
14368/20 |
| c) | Council Decision approving the conclusion, by the European Commission, of the Agreement for Cooperation on the Safe and Peaceful Uses of Nuclear Energy
<i>Approval</i>
<i>Decision to use the written procedure for the adoption</i> | 14366/20
14337/20 ADD 2
+ ADD2 REV1 (en) |
| d) | Exchange of letters regarding the provisional application of the Agreement for Cooperation on the Safe and Peaceful Uses of Nuclear Energy
<i>Approval</i>
<i>Decision to use the written procedure for the approval</i> | 14358/20 |

The Committee agreed on: i) the Council Decision on the signing, on behalf of the Union, and on provisional application of the Trade and Cooperation Agreement and of the Agreement concerning security procedures for exchanging and protecting classified information, subject to its revision by lawyers linguists; ii) the declarations in relation to the TCA and the Security of Information Agreement; iii) the notification by the European Union under the TCA; iv) the Trade and Cooperation Agreement, subject to final legal-linguistic revision; v) the Agreement concerning security procedures for exchanging and protecting classified information, subject to final legal-linguistic revision; vi) the Council Decision approving the conclusion, by the European Commission, of the Agreement for Cooperation on the Safe and Peaceful Uses of Nuclear Energy and the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Trade and Cooperation Agreement, subject to its revision by lawyers linguists; vii) the Agreement for Cooperation on the Safe and Peaceful Uses of Nuclear Energy, subject to final legal-linguistic revision; viii) the statement by the Council; ix) the exchange of letters regarding the provisional application of the Agreement for Cooperation on the Safe and Peaceful Uses of Nuclear Energy.

The Committee decided to publish the declarations and notification referred to in points ii) and iii) above in the Official Journal of the European Union.

The Committee decided to use the written procedure for the adoption of the text of: i) the Council Decision on the signing, on behalf of the Union, and on provisional application of the Trade and Cooperation Agreement and of the Agreement concerning security procedures for exchanging and protecting classified information; ii) the Council Decision approving the conclusion, by the European Commission, of the Agreement for Cooperation on the Safe and Peaceful Uses of Nuclear Energy and the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Trade and Cooperation Agreement.

The Committee decided to use the written procedure for the approval of the text of: i) the Trade and Cooperation Agreement, subject to final legal-linguistic revision; ii) the Agreement concerning security procedures for exchanging and protecting classified information, subject to final legal-linguistic revision; iii) the declarations in relation to the Trade and Cooperation Agreement and the Agreement concerning security procedures for exchanging and protecting classified information; iv) the notification by the European Union under the Trade and Cooperation Agreement; v) the Agreement for Cooperation on the Safe and Peaceful Uses of Nuclear Energy, subject to final legal-linguistic revision; vi) the statement by the Council, to be recorded in its minutes, as set out at Annex A; vii) the exchange of letters regarding the provisional application of the Agreement for Cooperation on the Safe and Peaceful Uses of Nuclear Energy.

Statement by Austria

"Concluding social security agreements with third countries lies within Member States' competence, which have to respect the obligations under the TFEU when doing so (e.g. case C-55/00, Gottardo). Nevertheless, the Trade and Cooperation Agreement contains also provisions concerning the coordination of the respective social security systems, taking into account the unique situation of the relation between the EU and the UK.

These provisions cannot put in question the competence of Member States to conclude bilateral agreements with other third countries in the future and cannot have an impact on the content of such agreements. Also in relation to the UK the competence exercised by the EU in the Trade and Cooperation Agreement must remain limited to the absolutely necessary issues. Therefore, the term "subject matters covered by the Protocol on Social Security" must be interpreted as exemption from the principle of autonomy of Member States in this field and must be interpreted restrictively. Member States must be free to agree with the UK on principles or provisions not contained in the Protocol on Social Security Coordination as long as they correspond e.g. to the provisions of Regulations (EC) No. 883/2004 and 987/2009. The procedures provided in Article 7 of the Council Decision [on the signing, on behalf of the Union, and on provisional application of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information] cannot hinder the exercise of these rights of the Member States.]"

Foreign Affairs

4. EU-China Comprehensive Agreement on Investment
State of play

The Committee took note of the information provided.

IV. Any other business

None.

"I" items approved**TUESDAY 22 DECEMBER 2020****Foreign Affairs**

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| 6. | Southern Neighbourhood / Partnership Priorities: Draft letters to Southern neighbours
<i>Approval</i>
<i>Decision to use the written procedure</i> | 14234/20
MAMA
MED |
| 7. | Council Decision on the commitment of funds from reflows under the ACP Investment Facility from operations under the 9th, 10th and 11th EDFs
<i>Decision to use the written procedure for the adoption</i> | 14280/20
13990/20
ACP |

Statement by Austria

"Austria agrees with the present Council decision in the understanding, that this decision is in full compliance with the MFF 2021-2027 package adopted by the Council on 17 December 2020, in particular the joint declaration by the European Parliament, Council and Commission on the use of reflows from the ACP Investment Facility to the benefit of the Neighbourhood, Development and International Cooperation Instrument [Council document ST 12793/20]. According to this joint declaration, an amount of up to EUR 1 billion (in 2018 prices) stemming from the reflows under the ACP Investment Facility for operations under the 9th, 10th and 11th European Development Funds will be used for the benefit of the Neighbourhood, Development and International Cooperation Instrument in the period 2021-2027.

Austria calls on the Commission to monitor the implementation and use of reflows in a transparent manner and report, as part of the annual budgetary procedure, on the state of play of implementation of the reflows, accompanied by an estimate for the subsequent financial year, and take this information into account when drawing up the budget for the instrument for funding Neighbourhood, Development and International Cooperation or its successor instruments.

Furthermore, Austria agrees with the present Council decision in the understanding that reflows after 31 December 2027 will not be assigned to external financing instruments that could support nuclear power, unless the decision to do so is taken by the Member States by common accord."
