

Brussels, 26 November 2021
(OR. en, fr)

14375/21
CRS CRP 40

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
5 November 2021

I. Adoption of the agenda

13372/1/21 REV 1 OJ CRP2 38

13298/1/21 REV 1 OJ CRP1 38

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)

Justice and Home Affairs

2. Annex I of 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

The Committee agreed on removing Singapore and Ukraine from Annex I and to submit to the Council for adoption.

General Affairs

3. Meeting of the Council (General Affairs/Cohesion) on 18 November 2021: Preparation
Other items in connection with the Council meeting

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

4. Meeting of the Council (General Affairs) on 23 November 2021:
Agenda

The Presidency presented the main items on the agenda.

5. 53rd session of the EEA Council 13061/21
State of play of preparations

The Committee examined the text of the conclusions and agreed to revert at a forthcoming meeting.

Foreign Affairs

6. Meeting of the Council (Foreign Affairs/Trade) on
11 November 2021: Preparation

- a) WTO reform and preparations for the 12th WTO
Ministerial Conference
State of play

The Committee prepared this item for the Council meeting.

- b) Trade relations with the US
State of play

The Committee prepared this item for the Council meeting.

- c) Other items in connection with the Council meeting

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

Economic and Financial Affairs

8. Meeting of the Council (Economic and Financial Affairs) on
9 November 2021: Preparation

- a) (poss.) Basel III implementation 13245/21
Policy debate + ADD 1-5
13246/21
+ ADD 1-5
13247/21

The Committee prepared this item for the Council meeting.

- b) The EU economy after COVID-19: Implications for economic governance 13009/21
Exchange of views

The Committee prepared this item for the Council meeting.

- c) Economic recovery in Europe
- i) Implementation of the Recovery and Resilience Facility 13292/21
State of play
Exchange of views
- ii) (poss.) Council Implementing Decisions under the Recovery and Resilience Facility
Adoption
- iii) Financing of the NGEU
State of play
Exchange of views

The Committee prepared this item for the Council meeting.

The Committee agreed to remove the poss. sub-item ii on ‘Council Implementing Decisions under the Recovery and Resilience Facility’ from the Council agenda.

- d) Energy prices, inflation and policy implications 12682/21
Exchange of views

The Committee prepared this item for the Council meeting.

- e) Conclusions on the future of the European Semester in the context of the Recovery and Resilience Facility 13171/21
Approval

The Committee prepared this item for the Council meeting.

- f) Follow-up to the G20 Finance Ministers and Central Bank Governors and the IMF annual meetings of 13-14 October 2021 13172/21
Information from the Presidency and the Commission

The Committee prepared this item for the Council meeting.

- g) Conclusions on EU statistics 13047/21
Approval 13049/21

The Committee prepared this item for the Council meeting.

- h) European Court of Auditors' annual report on the implementation of the budget of the European Union for the financial year 2020
Presentation

The Committee prepared this item for the Council meeting.

- i) Other items in connection with the Council meeting

The Committee took note of the information provided by the Presidency and approved the attendance of the EIB to the Council session, including the breakfast session, as well as the attendance of the Managing Director of the ESM at the breakfast session and the President of the Court of Auditors for the agenda item on their annual report.

COREPER (PART 1)

Agriculture and Fisheries

34. Meeting of the Council (Agriculture and Fisheries) on 15 November 2021: Preparation

Conclusions on the new EU Forest Strategy for 2030

13065/21 + COR 1

Approval

The Committee prepared the item for Council. The Commission recalled its statement from November 2020.

Statement by Portugal, France and Spain

"As stated in the Communication from the Commission to the European Parliament, the Committee of the Regions and the European Investment Bank "A stronger and renewed strategic partnership with the EU's outermost regions", the nine outermost regions constitute an extraordinary asset for the European Union (EU), as they enrich the EU economically, culturally and geographically, and provide both a strategic access to the sea and unique natural assets, hosting 80% of the Union's biodiversity.

Therefore, Portugal, France and Spain view the reference to the Outermost Regions in the Council Conclusions on the new EU Forest Strategy for 2030 (paragraph 12) as a way to further stress the need to respect, protect and maintain the diversity and specificity of the outermost regions' biodiversity and forest ecosystems."

Statement by Luxembourg

"Les forêts jouent un rôle clé concernant deux défis majeurs pour l'humanité, à savoir le changement climatique et la perte de la biodiversité.

La nouvelle Stratégie de l'UE pour les forêts pour 2030 définit le cadre d'action visant à garantir la croissance, la santé, la diversification et la résilience des forêts de l'UE afin que celles-ci contribuent de manière significative à notre ambition en matière de biodiversité et de lutte contre le changement climatique.

Des forêts non résilientes et en mauvais état de santé ne sont plus en mesure de remplir un rôle multifonctionnel et d'assurer les différents services écosystémiques qui y sont liés.

Pour remédier à cela, nous avons besoin d'une stratégie forestière ayant comme objectif prioritaire de rendre les forêts européennes résilientes, saines, diversifiées et présentant un état de conservation favorable en matière de biodiversité. Il s'agit là d'un prérequis pour que les forêts soient en mesure de remplir leurs fonctions socio-économiques, en particulier leur fonction productive, pour les décennies à venir. Dans ce contexte, les mesures proposées par la Commission Européenne, dans le plein respect du principe de subsidiarité, sont, de l'avis du Luxembourg, les bonnes pour atteindre ces objectifs.

Le Luxembourg considère que la stratégie susmentionnée reflète un juste équilibre entre les trois piliers du développement durable afin de libérer le potentiel des forêts européennes pour l'avenir et pour atteindre cette vision d'une forêt résiliente, saine, et riche en biodiversité qui fournira des bénéfices économiques, sociaux et environnementaux aux générations présentes et futures.

Pour ce qui précède, le Luxembourg n'est pas convaincu de la formulation « EMPHASISES that the Communication would need a balanced vision on the different dimensions of sustainability » au paragraphe 7 desdites conclusions du Conseil."

Competitiveness

35. Meeting of the Council (Competitiveness (Internal Market, Industry, Research and Space)) on 25 and 26 November 2021: Agenda

The Presidency presented the main items on the agenda.

Health

36. Regulation amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control (ECDC)
Presidency debriefing on the outcome of the trilogue

The Committee was debriefed about the results of the trilogue which took place on 27 October 2021.

37. Regulation on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices
Presidency debriefing on the outcome of the trilogue

The Committee was debriefed about the results of the trilogue which took place on 28 October 2021.

IV. Any other business

COREPER (PART 2)

Humanitarian situation on the Polish-Belarusian border

The Committee took note of the information provided by Poland.

COREPER (PART 1)

Decision establishing the 2030 Policy Programme "Path to the Digital Decade"

Information from the Commission

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

"I" items approved**COREPER (PART 2)****Judicial Affairs**

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| 9. | Case T-183/21 (QP and others v. Council and others)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 12686/21
JUR |
| 10. | Case T-190/21 (RI and others v. Council and others)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 12676/21
JUR |
| 11. | Case T-427/21 (Trasta Komerbanka v European Central Bank)
- Validity of Article 4(3) of Council Regulation No 1024/2013
Council intervention
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 13321/21
JUR |
| 12. | Case T-428/21 (Ivan Fursin and Others v European Central Bank) - Validity of Article 4(3) of Council Regulation No 1024/2013
Council intervention
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 13325/21
JUR |
| 13. | Case C-481/21 (TX v. Federal Republic of Germany)
(Referring court: Verwaltungsgericht Wiesbaden - Germany)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 13185/21
JUR
JAI |

Institutional Affairs**Other**

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| 14. | Attendance of a third party at the informal videoconference of the members of the ACP Working Party on 9 November 2021
<i>Approval</i> | 13271/21
ACP |
| 15. | Attendance of a third party at an informal working breakfast of the members of the Political and Security Committee on 9 November 2021
<i>Approval</i> | 13111/21
COPS |

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| 16. | Attendance of a third party at the Working Party on Humanitarian Aid and Food Aid on 10 November 2021
<i>Approval</i> | 13314/21
COHAFA |
| 17. | Attendance of third parties at the Working Party on Terrorism (International Aspects) on 11 November 2021
<i>Approval</i> | 13327/1/21 REV 1
COTER |

Transparency

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| 18. | Public access to documents
Confirmatory application No 36/c/04/21
<i>Adoption</i> | 11742/21 + ADD 1
11741/21
INF
API |
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Economic and Financial Affairs

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| 19. | Council Decision approving the external auditors of the Central Bank of Ireland
<i>Adoption</i> | 12465/21
12464/21
UEM |
| 20. | NPLs: Directive on credit services, credit purchasers
<i>Adoption of the legislative act</i> | 13237/1/21 REV 1
PE-CONS 54/21
+ COR 1
EF |
| 21. | Motor Insurance Directive
<i>Adoption of the legislative act</i> | 13234/21
+ ADD 1-2
PE-CONS 60/21
EF |

Statement by Malta

"Malta understands the importance of finalising procedures on the Motor Insurance Directive to better protect victims of motor vehicle accidents and improve the rights of insurance policyholders and welcomes the final adoption of the file.

However, Malta wishes to reiterate its concerns on the insolvency issue. The text entails the introduction of a home-based insolvency compensation body without appropriate provisions relating to the funding model, thus falling short of having a minimum ex-ante harmonisation of contributions.

In Malta's view, this is a fundamental issue which should have been addressed in order to avoid creating an unlevel playing field between Member States in the insurance sector. Moreover, text threatens the cross-border provision of insurance services and in that regard, Malta continues to believe that such funding arrangement should have been adequately designed to address the risk of regulatory arbitrage.

Finally, Malta welcomes the study published by the Commission on the funding of EU Insurance Guarantee Schemes and calls for further work going forward."

Statement by the Commission

"The Commission remains committed to defend a high degree of protection of victims in the context of the Motor Insurance Directive. Our objective is to ensure that victims, including in cross-border situations, are compensated as swiftly as possible and are not subject to disproportionate procedural requirements that might hamper their access to compensation. The effectiveness of compensation largely depends on whether it is done in timely manner. We note in this respect the concerns repeatedly expressed by the European Parliament as regards differences across Member States in relation to limitation periods, i.e. the relevant timespan during which an injured party may address a claim. The Commission will consider this issue carefully and examine possible remedies in order to further strengthen the protection of victims, should the evidence show that action at Union level is warranted."

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| 22. | Transfer No DEC 24/2021 (Section III - Commission)
<i>Approval</i> | 13106/21
12928/21
FIN |
| 23. | Transfer No DEC 25/2021 (Section III - Commission)
<i>Approval</i> | 13115/21
12929/21
FIN |
| 24. | Transfer No DEC 26/2021 (Section III - Commission)
<i>Approval</i> | 13124/21
12936/21
FIN |
| 25. | PRIIPS Quick Fix Regulation and UCITS Quick Fix Directive
<i>Confirmation of the final compromise text with a view to agreement</i> | 13018/21
+ ADD 1-2
EF |
| 26. | Council Implementing Decision authorising Latvia to introduce a special measure derogating from point (a) of Article 26(1) and Articles 168 and 168a of the VAT Directive
<i>Adoption</i> | 13126/21
12807/21
FISC |

General Affairs

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| 27. | EP Resolutions and Decisions (October II 2021) | 12985/21
PE-RE |
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Justice and Home Affairs

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| 28. | Council Decision on the partial suspension of the application of the Visa Facilitation Agreement with Belarus
<i>Adoption</i> | 13084/21
12825/21
VISA |
| 29. | Ministerial Statement on child sexual abuse
<i>Approval</i> | 13301/1/21 REV 1
JAIEX |

Foreign Affairs

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| 30. | Council Decision on EDF contributions: ceiling 2023, annual amount 2022, 1st instalment 2022 and forecast 2024-2025
<i>Adoption</i> | 13130/21
12878/21
ACP |
| 31. | Single Progress Report on the Development of EU Military Capabilities 2021 | 13028/21
12601/2/21 REV 2
CSDP/PSDC |
| 32. | Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in Venezuela - review
<i>Adoption</i> | 13101/21
13093/21
13097/21
CORLX |
| 33. | Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in the Eastern Mediterranean - review
<i>Adoption</i> | 13137/21
13133/21
13136/21
CORLX |
| 49. | Restrictive measures Ukraine misappropriation: pre-notifications
<i>Approval</i> | 13328/21
CORLX |
| 50. | Restrictive measures Tunisia: pre-notifications
<i>Approval</i> | 13107/21
CORLX |

COREPER (PART 1)

Institutional Affairs

Written questions

38. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure 13282/21
PE-QE
- a) Cornelia Ernst (The Left) 12706/21
"Verification of third-country information prior to inputting into the Schengen Information System (SIS)"
- b) Samira Rafaela (Renew) 12488/1/21 REV 1
"Women in Afghanistan"
- c) Laura Huhtasaari (ID) 12737/21
"Reinforcing physical border barriers and introducing refusal of entry at all of the EU's external borders as illegal immigration increases due to the crisis in Afghanistan"

Appointments

39. One member (PT) of the Management Board of the European Institute for Gender Equality 13085/21
Adoption SOC
40. One alternate member (PT) of the Management Board of the European Institute for Gender Equality 13087/21
Adoption SOC

Judicial Affairs

41. Case C-603/21 P (Union of Professional Transporters and Logistics Entrepreneurs v Council and European Parliament) 13278/21
Information note for the Permanent Representatives Committee (Part I) JUR

EU positions for international negotiations

42. International aviation climate ambition coalition 12965/21 + ADD 1
Approval AVIATION

Statement by Austria supported by Belgium

"Austria welcomes the initiative by the UK to prepare a declaration for an "International Aviation Climate Ambition Coalition" to be signed by States at an event in the margins of the COP26 in Glasgow.

Austria supports the EU coordinated approach when it comes to signing the declaration and appreciates the improvements of the draft text of the declaration, as outlined in Document ST 12965/21, but would like to emphasise that the text of the declaration could have been more ambitious concerning the required climate mitigation measures that put the global aviation industry in a position to achieve net zero emissions by 2050. Hence, this declaration should not hinder or limit the EU and its Member States to pursue ambitious policy measures to significantly reduce emissions in the aviation sector.

As for the ICAO long-term global aspirational goal for international aviation CO2 emissions reduction and the future of CORSIA, Austria would like to recall the importance of the Paris Agreement and to express commitment to working with all UNFCCC Parties and UN bodies to develop robust and comprehensive rules on voluntary cooperation under Article 6 of the Paris Agreement. The aim is to foster global ambition in mitigating climate change, ensure environmental integrity and avoid double counting through corresponding adjustment on all international transfers.

Consequently, any long-term global aspirational goal for international aviation needs to be truly ambitious; and CORSIA needs to be implemented at global scale in the most resilient and effective matter possible.

One of the principles of the ICAO Convention is that each Contracting State may apply on a non-discriminatory basis its laws and regulations to all aircraft operating within its jurisdiction. This principle also applies to environmental measures such as the ones we have in place in the EU and its Member States. Consequently, national or EU initiatives to mitigate emissions in aviation, which fulfil the requirements as outlined above, are in line with our legal obligations to pursue efforts to limit the temperature increase in line with the Paris Agreement on climate change.

Austria will continue to support climate mitigation measures in international aviation and will work with international partners to this end."

43. Council Decision on the EU position in the Energy Community 12959/21
on the appointment of the Director of the Energy Community 13181/21
Secretariat ENER
Adoption
44. Council Decision on the EU position on UNECE 13053/21
(November 2021) 13160/21
Adoption 13161/21
MI

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| 45. | Intergovernmental Organisation for International Carriage by Rail (OTIF) - EU position on certain activities of the ad hoc Committee on Legal Affairs and International Cooperation
<i>Approval</i> | 13165/21 + ADD 1
TRANS |
| 46. | United Nations Economic Commission for Europe (UNECE) – coordinated position of the Union and its Member States as regards the ‘Unified Railway Law’ initiative
<i>Approval</i> | 13284/21 + ADD 1
TRANS |

Transport

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| 47. | Directive amending Directive 1999/62/EC on Eurovignette (road charging Directive)
<i>Adoption of the Council's position at first reading and of the statement of the Council's reasons</i> | 13110/1/21 REV 1
+ ADD 1
10542/21 + COR 1
+ ADD 1
+ ADD 1 COR 1
+ ADD 1 COR 1
REV 1
TRANS |
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Statement by Austria

"As already stated in December 2020, Austria supports the objectives to decarbonize road transport and to strengthen the polluter pays principle. Austria acknowledges that the revised Eurovignette Directive will contribute to achieve the Union's climate targets. In this sense, Austria welcomes the introduction of a CO2 modulation in the charging of heavy goods transport and the obligation to levy external costs in areas with significant environmental damage. Austria also recognizes that certain improvements with regard to mark-ups have been achieved, notably the possibility to levy mark-ups outside mountainous regions and in addition to external costs.

However, the revised directive will also keep the fundamental principle of cost recovery in Art. 7b and 7e, which in general continues to set limits to transport policy measures in the area of road charging.

In this regard, the text on mark-ups in Article 7f (1)(b) falls short of adequately addressing the traffic situation on the Brenner Alpine crossing, which has been a heavy burden for the population as well as the environment for many years. It is of utmost importance to Austria to apply a mark-up of 50%. The new text requires the agreement of all Member States, which are part of that corridor and neighboring the Member States in whose territory falls the section of the corridor to which this 50% mark-up is applied. This represents an unnecessary hurdle that would result in the provision never being applied in practice. This is more than regrettable not least in view of the ambitious climate goals we have agreed upon at EU level. This provision is therefore not acceptable to Austria.

It must be our goal to adopt a Directive which in practice leads to a sustainable reduction of road freight traffic and contributes to the objectives of the Green Deal, especially in light of the EU target of a net domestic reduction of greenhouse gas emissions of at least -55% until 2030.

On top of that, Austria cannot support the obligation to introduce a daily user charge (vignette) for passenger cars, as this might result in restrictions for Member States or

administrative burden for already existing systems.

For the reasons outlined above, Austria does not consider the current text of the revision to be a valid contribution on the path towards a climate-neutral EU nor towards a sustainable reduction of road traffic. Therefore, Austria votes against."

Statement by Denmark

"Denmark commends consecutive presidencies for the handling of the Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures, and indeed the Portuguese presidency for concluding the trilogue-negotiations with the European Parliament on 16 June 2021.

Denmark greatly supports the intentions of the proposal, particularly the measures that can ensure the use of the polluter-pays and user-pays principles.

Denmark regrets, however, to see the introduction of obligatory earmarking of revenue from congestion charges. Denmark has made it known throughout the negotiations of the proposal that Denmark is against any earmarking of revenues, as decisions on the use of revenue should be an exclusive national prerogative.

While Denmark generally supports the purpose and green elements in the agreement, Denmark thus cannot support the ear-marking mentioned in Article 7da of the compromise text and is thus unfortunately unable to support the final compromise text."

Health

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| 48. | Regulation on Health Technology Assessment (HTA)
<i>Adoption of the Council's position at first reading and of the statement of the Council's reasons</i> | 13233/21 + ADD 1
10531/21 + ADD 1
+ ADD 1 COR 1
PHARM |
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Statement by Poland

"The Government of the Republic of Poland supports efforts and actions aiming to promote the unification of assessment tools, publication of clinical data assessed by EMA or other clinical trials and the standardisation of clinical analysis methodology in the HTA processes across the EU, aiming to reduce duplication of workload between HTA institutions and the industry and to ensure that the results of joint work across the EU Member States can be used to a greater extent than currently foreseen.

Nevertheless, according to the Government of the Republic of Poland, the draft regulation does not clarify the needs associated with conducting joint work on the methodology and unification of the tools used and making clinical data available. Additionally it interferes with the refund procedures of individual Member States, thus obstructing their ability to adapt the scope of report to their national needs and restricting the possibility of obtaining the necessary current data, as well as analyses based on such data, from the MAH applying for a refund.

Moreover, in many areas, the proposed regulation remains unclear allowing for too broad legal interpretation. It is highly important that the regulation should not interfere with competencies exclusively reserved for Member States. In our view the regulation impacts on national regulations of conducting HTA assessment and introduces ambiguity in the scope and range of data submitted in national processes, thus may lead to the law disputes with the reimbursement applicants.

In view of the above, Republic of Poland was unable to support the final compromise text and therefore abstains in voting. We request for the inclusion of this statement in the minutes of the Coreper meeting and the Council adopting the proposed regulation."

Statement by Bulgaria

"The Republic of Bulgaria supports the overall objective of the Regulation of the European Parliament and of the Council on health technology assessment amending Directive 2011/24/EU to contribute to a high level of human health protection. In this context Bulgaria also acknowledges the objective of establishing a framework to support Member States cooperation for the clinical assessment of health technologies. The Regulation should be an instrument contributing to access to safe, effective and affordable medical products for all.

However, the Republic of Bulgaria would like to stress upon the principles of subsidiarity and division of competencies in the context of the implementation of this Regulation. Pricing and reimbursement matters, as part of the organisation and delivery of health services and medical care remain exclusive national competence, as provided for in Art. 168 (7) of the Treaty on the Functioning of the European Union. The Union competences in this area remain limited to incentive measures for scientific cooperation and voluntary uptake of the joint clinical assessment in their clinical aspects, with no obligation for harmonisation of national health technology assessments.

The Republic of Bulgaria considers that certain provisions in the Regulation, in particular Art 3, Art. 6d and Art. 8, lack sufficient legal clarity and certainty and could, thus, jeopardise the ability of the proposed system to balance different interests and to deliver from public health perspective to the benefit of all patients. Some of the arrangements in these provisions would impact adversely the inclusiveness of the process, the quality and usefulness of the joint clinical assessments for all Member States and patients. Thus, an implementation of the Regulation insensitive to these aspects, may result in pressure on national budgets for particular products, and lead to inequalities among different patient groups. Finally, the level of ambiguity and the legal uncertainty also put at risk the smooth and uncontested implementation of the act.

In view of these considerations, the Republic of Bulgaria cannot support the Regulation of the European Parliament and of the Council on health technology assessment amending Directive 2011/24/EU, and states that it will implement the Regulation within the Union competences as laid down in the primary law of the European Union. The Republic of Bulgaria will give due consideration to the joint clinical assessments to the degree required by law, while prioritizing the interests of all patients in the country."