



Brussels, 10 February 2021
(OR. en)

5990/21
CRS CRP 3

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
20 and 22 January 2021

I. Adoption of the agenda

5295/21 OJ CRP1 3 + COR 1
5359/4/21 REV 4 OJ CRP2 3 COMIX 32

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)

Employment and Social Policy

2. Regulation on the European Globalisation Adjustment Fund (EGF) 5043/1/21 REV 1
+ ADD 1 REV 1
Analysis of the final compromise text with a view to agreement

The Committee endorsed the text of the final compromise, with the Commission supporting the agreement reached, and will inform the European Parliament.

Statement by Bulgaria

"The Republic of Bulgaria supports the continuation of the functioning of the European Globalisation Adjustment Fund as a flexible forward looking instrument providing assistance to displaced workers. That is why Bulgaria supported the general approach on the file and was constructive towards finalisation of the negotiations.

However, it should be noted that in 2018, the Bulgarian Constitutional Court adopted a decision stating that the Council of Europe's Convention on Preventing and Combatting Violence against Women and Domestic Violence ("Istanbul Convention") promotes legal concepts related to the notion of gender that are incompatible with main principles of the Bulgarian Constitution.

In line with the above mentioned Decision of the Constitutional Court, the Republic of Bulgaria declares that the country cannot accept either the concept of gender or the gender-based approach of the Council of Europe's Convention or any other document that intends to differentiate between "sex" as a biological (women and men) category and "gender" as a social construct.

Therefore, the country cannot support a *legally binding* act of the European Union that includes **gender identity** as used in Article 11 para 2 of the Regulation of the European Parliament and the Council on the European Globalisation Adjustment Fund. The Republic of Bulgaria also notes that the terminology used in Article 11 para 2 of the Regulation does not correspond to the content and the terminology of Article 10 of the TFEU and Article 21 of the Charter of Fundamental Rights of the European Union.

However, the position of the Republic of Bulgaria regarding the Regulation does not undermine in any way our support for the substance of the Fund and its objectives."

Statement by Hungary

"Equality between women and men is enshrined in the Treaties of the European Union as a fundamental right. Hungary ensures equality between women and men within the framework of its 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, Hungary will interpret expressions comprising the term "gender" within the Regulation as referring to or in the (narrow) context of the equality between women and men, in accordance with Article 8 of the TFEU. Furthermore, Hungary is convinced that concerning the application of the common output and result indicators, this legislative document is not the appropriate place to define the content of "gender". Therefore, Hungary believes that footnote 34 in Annex II should be applicable and refer to the term "gender" and the parenthesis as a whole, and not only one of the subcategories listed there. Bearing in mind the fact, that determining the content of the term "gender" falls under the exclusive competence of the Member States, footnote 34 of the proposal should be understood as referring to the term "gender" and not to the term "non-binary"."

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 go w świetle równości 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 the expressions comprising term "gender" Poland will interpret it as the equality between women and men in accordance with the Article 8 of the TFEU."

Statement by the Slovak Republic

"The Slovak Republic recognizes and promotes equality between men and women in accordance with the Constitution of the Slovak Republic and primary law of the European Union. In this context, the Slovak Republic interprets „gender“ in the text of the Regulation as reference to men and women."

Statement by the Commission

"In the Inter-institutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap for the introduction of new own resources, Points 30 to 33 require the Commission to make available an integrated and interoperable information and monitoring system including a single data-mining and risk-scoring tool to access and analyse the required data with a view to a generalised application by Member States. In addition, the three institutions agreed to sincerely cooperate, in the course of the legislative procedure relating to the relevant basic acts, to ensure the follow up to the European Council conclusions of July 2020 regarding this element.

The Commission considers that the agreement reached by the co-legislators under Article 23(1a) on the obligatory use of a single data-mining tool and the collection and analysis of data on the beneficial owners of the recipients of funding is not sufficient to enhance the protection of the Union budget and Next Generation EU against fraud and irregularities and to ensure efficient checks on conflicts of interests, irregularities, issues of double funding, and criminal misuse of the funds. Therefore, the approach agreed by the co-legislators in the Regulation European Globalisation Adjustment Fund for displaced workers does not appropriately reflect the desired ambition and spirit of the Inter-institutional Agreement."

Agriculture and Fisheries

3. Informal videoconference of the Ministers of Agriculture and Fisheries on 25 January 2021:
Preparation

Preparation of the bilateral EU-UK consultations on fishing opportunities for 2021 and, for deep-sea stocks, for 2021 and 2022

Guidance in view of the consultations with the United Kingdom

The Committee prepared this item for the informal videoconference of Ministers of Agriculture and Fisheries of 25 January 2021.

COREPER (PART 2)

WEDNESDAY 20 JANUARY 2021

General Affairs

18. COVID-19 - EU coordination

- a) Council Recommendation on a common framework for the use and validation of rapid antigen tests and the mutual recognition of COVID-19 test results in the EU 5301/2/21 REV 2
Approval
Decision to use the written procedure

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

- b) Other items linked to the Leaders' VTC on 21 January 2021
Exchange of views

The Committee held an exchange of views in light of the Leaders' VTC on 21 January 2021.

Foreign Affairs

19. Meeting of the Council (Foreign Affairs) on 25 January 2021: Preparation

- a) Current Affairs

The Committee prepared this item for the Council meeting.

- b) Climate and Energy Diplomacy - Promoting the external dimension of the European Green Deal
Exchange of views
Conclusions
Approval

5149/21

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

- c) Other items in connection with the Council meeting

The EEAS provided further information regarding the Council meeting.

FRIDAY 22 JANUARY 2021

Justice and Home Affairs

21. Visa Information System (VIS) 5087/21

- a) Regulation amending the Visa Information System (VIS)
Regulation
- b) Regulation for consequential amendments of VIS
Analysis of the final compromise text with a view to agreement

The Committee endorsed the text of the final compromise and will inform the European Parliament.

General Affairs

22. EU-UK relations 5384/1/21 REV 1

- Follow-up to the explanatory seminars on the EU-UK
Agreements, aspects of governance and next steps on the
conclusion of the Agreements
Information from the Presidency and the Commission
Exchange of views

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

Economic and Financial Affairs

23. Implementation of the Recovery and Resilience Facility
Information from the Commission

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

Foreign Affairs

19. Meeting of the Council (Foreign Affairs) on 25 January 2021:
Preparation

- b) Climate and Energy Diplomacy - Promoting the external
dimension of the European Green Deal
Exchange of views
Conclusions
Approval

5545/21

The Committee prepared this item for the Council and agreed on the text of the Conclusions to be forwarded to the Council for approval.

IV. Any other business

COREPER (PART 1)

Digital Services Package
Information from the Commission

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

COREPER (PART 2)

None.

"I" items approved

COREPER (PART 1)

Institutional Affairs

Written questions

- | | | |
|----|---|------------------|
| 4. | Replies to questions for written answer submitted to the Council by Members of the European Parliament
<i>Adoption by silence procedure</i> | 5270/21
PE-QE |
| a) | Leszek Miller (S&D)
"Role of the European Council under the proposed mechanism for the protection of the EU's financial interests and respect for the rule of law (conditionality regime)" | 5255/21 |
| b) | Aurore Lalucq (S&D)
"Energy Charter Treaty (ECT) and transparency" | 5256/21 |
| c) | Theodoros Zagorakis (PPE)
"Impact of COVID-19 pandemic on tourism sector" | 14007/20 |
| d) | Milan Uhrík (NI)
"Recommendation on the draft Council decision on the conclusion, on behalf of the European Union, of the Protocol to amend the International Convention for the Conservation of Atlantic Tunas" | 14006/20 |
| e) | Julie Lechanteux (ID), Virginie Joron (ID), André Rougé (ID), Jean-Lin Lacapelle (ID), Maximilian Krah (ID), Gilles Lebreton (ID), Gunnar Beck (ID), Herve Juvin (ID), France Jamet (ID)
"Navalny case: additional sanctions against Russia" | 5259/21 |
| f) | Heidi Hautala (Verts/ALE)
"Is there any progress on the legislation to end seasonal time changes?" | 5261/21 |
| g) | Łukasz Kohut (S&D)
"Veto by Poland's United Right government of EU documents containing the words 'gender equality'" | 14027/20 |
| h) | Anna Bonfrisco (ID)
"President Macron and the Islam crisis, also in connection with the beheading of a teacher – a symbol of identity and culture" | 13949/20 |

Judicial Affairs

5. Case C-336/19 (Centraal Israëlitisch Consistorie van België v Vlaams Gewest (the Flemish Region of Belgium)) 5337/21
Information note for the Permanent Representatives Committee JUR
(Part 1)

EU positions for international negotiations

6. Council Decision on the EU position within the Joint Committee 14026/20
established by the Euro-Mediterranean Aviation Agreement 14008/20
between the European Union and Morocco 14010/20
Adoption AVIATION

Transport

7. Regulation on rail passengers' rights and obligations 5206/21
Adoption of the Council's position at first reading and of the 12262/20 + ADD 1
statement of the Council's reasons TRANS

Fisheries

8. Council Decision authorising negotiations with the UK and 5237/21 + ADD 1
Norway for a fisheries agreement 13291/20 + ADD 1
Adoption PECHE

Statement by the Commission

"The Commission considers that the present authorisation should not, in light of the urgency to start the negotiations for the year 2021 and the fulfilment of the obligations under UNCLOS, constrain the Commission to start negotiations on the trilateral mandate at the moment it sees appropriate in light of the state of play of the negotiations with the United Kingdom on the overall economic partnership and the future fisheries relation with the UK.

The Commission considers that the introduction of the consultation and reporting requirement procedurally burdens the Commission's negotiations powers and risks to adversely impact the outcome of the negotiations. Such requirements are not procedural practice under the negotiating directives for other fisheries agreements with third countries in the North-east Atlantic.

In view of the addition of Article 43 TFEU in addition to Article 218 (3&4) TFEU as a legal basis, the Commission considers it legally incorrect that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.

The Decision authorising the opening of negotiations is premised solely on the existence of conferred powers of the Union and not on a determination of a specific competence. Its effect is limited to authorising the Commission or the High Representative, as the case may be, to use its prerogatives under the EU Treaties in order to start negotiations. The scope of these negotiations is therefore determined by the scope of the powers of the Union. Besides, the freedom of the envisaged treaty partner of the Union as regards the determination of the scope of the negotiations cannot be limited by the Council Decision authorising the opening of the negotiations. Thus, the precise legal basis for the future agreement can only be determined after the content of the agreement is known.

The Commission reserves all its rights in this regard."

Employment and Social Policy

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| 9. | Council Recommendation on the economic policy of the euro area 2021 (EAR)
<i>Approval</i> | 5280/21
SOC |
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Delegated or Implementing Acts

Energy

- | | | |
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| 10. | Commission Regulation (EU) .../... of XXX amending Regulations (EU) 2019/424, (EU) 2019/1781, (EU) 2019/2019, (EU) 2019/2020, (EU) 2019/2021, (EU) 2019/2022, (EU) 2019/2023 and (EU) 2019/2024 with regard to ecodesign requirements for servers and data storage products, electric motors and variable speed drives, refrigerating appliances, light sources and separate control gears, electronic displays, household dishwashers, household washing machines and household washer-dryers and refrigerating appliances with a direct sales function
<i>Decision not to oppose adoption</i> | 5057/21
13766/20 + ADD 1
ENER |
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Agriculture

- | | |
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| 11. Commission Regulation (EU) .../... of XXX amending Directive 2002/46/EC of the European Parliament and of the Council as regards nicotinamide riboside chloride and magnesium citrate malate used in the manufacture of food supplements and as regards the units of measurement used for copper
<i>Decision not to oppose adoption</i> | 5090/21
13029/20 + ADD 1
DENLEG |
| 12. Commission Regulation (EU) .../... of XXX amending the Annexes to Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs as regards food allergen management, redistribution of food and food safety culture
<i>Decision not to oppose adoption</i> | 5137/21
13069/20 + ADD 1
DENLEG |
| 13. Commission Regulation (EU) .../... of XXX amending Annex III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlordecone in or on certain products
<i>Decision not to oppose adoption</i> | 5229/21
14013/20
+ ADD 1-2
AGRILEG |
| 14. Commission Regulation (EU) .../... of XXX amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for benalaxyl, benalaxyl-M, dichlobenil, fluopicolide, proquinazid and pyridalyl in or on certain products
<i>Decision not to oppose adoption</i> | 5230/21
14075/20
+ ADD 1-2
AGRILEG |
| 15. Commission Regulation (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for diclofop, fluopyram, ipconazole and terbuthylazine in or on certain products
<i>Decision not to oppose adoption</i> | 5231/21
14077/20
+ ADD 1-2
AGRILEG |
| 16. Commission Regulation (EU) .../... of XXX amending Annex III to Regulation (EC) No 1925/2006 of the European Parliament and of the Council as regards botanical species containing hydroxyanthracene derivatives
<i>Decision not to oppose adoption</i> | 5221/21
13668/20
DENLEG |

COREPER (PART 2)

WEDNESDAY 20 JANUARY 2021

Institutional Affairs

Appointments

- | | | |
|-----|--|---------------------------|
| 24. | A member and an alternate member (EE) of the Committee of the Regions
<i>Adoption</i> | 5236/21
5235/21
CDR |
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Economic and Financial Affairs

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| 25. | New French Commemorative Coin | 5086/21
UEM |
| 26. | European Semester 2021 – Recommendation on the economic policy of the euro area
<i>Approval</i> | 5125/21
14356/20
UEM |
| 27. | Conclusions on the 2021 Alert Mechanism Report
<i>Approval</i> | 5126/21
UEM |
| 28. | Council Decision amending the Council Decision of 23 November 1998 concerning exchange rate matters relating to the CFA franc and the Comorian franc (98/683/EC)
<i>Adoption</i> | 5264/21
12269/1/20 REV 1
13739/20
ECOFIN |
| 29. | Council Implementing Decision authorising the Republic of Lithuania to apply a special measure on the common system of value added tax
<i>Decision to use the written procedure for the adoption</i> | 5185/21
14307/20
FISC |

General Affairs

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| 30. | HSC recommendations on COVID-19 isolation and quarantine | 5365/21 |
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Justice and Home Affairs

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| 31. | Appointments in Europol 2021: Selection of a Deputy Executive Director
<i>Approval</i> | 5197/21
ENFOPOL |
| 32. | EPPO - Process of the appointment of the European Prosecutors
<i>Authorisation to produce a copy of or an extract from a Council document for use in legal proceedings</i> | 5298/21
EPPO |

Foreign Affairs

- | | | |
|-----|---|--------------------------------|
| 33. | Conclusions on Venezuela
<i>Approval</i> | 5299/21
COLAC |
| 34. | Letter on Team Europe approach to COVID-19 | 5175/21
DEVGEN |
| 36. | Union for the Mediterranean (UfM) Ministerial Declaration on Sustainable Blue Economy
<i>Approval</i> | 5187/21
MAMA
MED |
| 37. | Conclusions on Coordinated Maritime Presences
<i>Approval</i> | 5322/21
POLMIL |
| 38. | PSC Decision EUCAP Sahel Mali/1/2021 - extension of the mandate of the Head of Mission
<i>Decision to publish in the Official Journal</i> | 5014/21
13821/20
PSC DEC |
| 39. | PSC Decision EUBAM Libya/1/2021 - appointment of the Head of Mission
<i>Decision to publish in the Official Journal</i> | 5225/21
11122/20
PSC DEC |
| 40. | Egypt Restrictive measure - pre-notifications
<i>Approval</i>
<i>Decision to use the written procedure</i> | 5323/21
CORLX |
| 45. | Belarus restrictive measures - pre-notifications of updated statements of reasons for entities
<i>Decision to use the written procedure for the adoption</i> | 5357/21 + COR 1
CORLX |

Energy

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| 41. | Regulation on funding for decommissioning and management of radioactive waste
<i>Adoption</i> | 5161/21
12566/20
ATO |
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Statement by Poland

"Poland is of the opinion that using conditionality mechanism for the protection of the Union budget 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."

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| 42. | Regulation on Ignalina power plant decommissioning
<i>Adoption</i> | 5162/21
12569/20
ATO |
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Statement by Poland

"Poland is of the opinion that using conditionality mechanism for the protection of the Union budget 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."

Delegated or Implementing Acts

Economic and Financial Affairs

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| 43. | Commission Delegated Regulation amending technical standards laid down in Delegated Regulation (EU) 2016/2251 as regards to the timing of when certain risk management procedures will start to apply for the purpose of the exchange of collateral
<i>Delegated act - Intention not to raise objections</i> | 5163/21
14319/20
EF |
| 44. | Commission Delegated Regulation amending regulatory technical standards laid down in Delegated Regulations (EU) 2015/2205, (EU) 2016/592 and (EU) 2016/1178 as regards the date at which the clearing obligation takes effect for certain types of contracts
<i>Delegated act - Intention not to raise objections</i> | 5163/21
14320/20
EF |

FRIDAY 22 JANUARY 2021

Foreign Affairs

46. Council Decision on the conclusion of the Comprehensive and
Enhanced Partnership Agreement between the EU and the
Republic of Armenia
Adoption

5439/21
12543/17
COEST