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**DRAFT MINUTES**  
COUNCIL OF THE EUROPEAN UNION  
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## **Non-legislative activities**

### **3. Current Affairs**

The Council briefly discussed developments in Myanmar, Ethiopia, Belarus and Iran, and were debriefed on the outcome of the recent G5 Sahel Summit.

Ministers also took note of the recently published joint communications of the Commission and the High Representative on Southern Neighbourhood and Multilateralism.

### **4. Any other business**

Ministers were informed about the UN Security Council high-level meeting on Crimea on 12 March.

The Council took note of an upcoming joint meeting of Foreign and Home Affairs ministers on 15 March to discuss external aspects of migration.

**Gulf of Guinea:** one Member State raised the issue of attacks in the Gulf of Guinea and the need to closely monitor the situation.

**Venezuela:** one Member State informed about current work on the humanitarian track.

### **5. Russia**

*Exchange of views*

The Council held a comprehensive and strategic discussion on EU-Russia relations. Ministers agreed to proceed with work on future restrictive measures in response to serious violations of human rights.

**6. Hong Kong**

*Exchange of views*

Ministers discussed the current situation in Hong Kong, focusing on the political outlook and possible further threats to democracy, judicial independence, and media freedom in Hong Kong. Ministers also agreed that the July 2020 Council Conclusions should be implemented in full, support for civil society should be enhanced, and that work on further options should continue, including on Council Conclusions.

**7. Strategic Compass**

*Exchange of views*

This item was postponed.

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**Statements to the non-legislative "A" items set out in doc. 6275/21**

**Ad "A" item 18:**      **Public access to documents**  
                             **Confirmatory application No 02/c/01/21**  
                             *Adoption*

**STATEMENT BY SWEDEN**

“Sweden cannot concur with the reasoning in the draft reply. Considering settled case-law of the Court (i.e. the Turco and De Capitani cases), Sweden considers that it is unclear and not sufficiently motivated how disclosure of the document specifically and actually undermines the protection of legal advice, how this risk is reasonably foreseeable and not purely hypothetical and how the document is of particularly sensitive nature.”

**Ad "A" item 25:**      **Council Decision on the EU position in the EU-Switzerland Joint**  
                             **Committee as regards the amendment of Chapter III and Annexes I and**  
                             **II of the Agreement between the European Community and the Swiss**  
                             **Confederation of 25 June 2009**  
                             *Adoption*

**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.”

**Ad "A" item 35:**

**Council Decision amending Decision 2007/198/Euratom establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it**  
*Adoption*

**STATEMENT BY GERMANY**

“The Federal Republic of Germany endorses the draft ITER decision and makes the following statement for the minutes:

On the basis of the 2006 ITER Agreement, as reaffirmed by the Council of the European Union in its conclusions of 12 April 2018 (7881/18) on the reformed ITER project, Germany supports the successful completion of the ITER project.

Germany views ITER (and fusion research in general) as a project for long-term, application-oriented basic research. The purpose of research into fusion power generation is to develop an energy source that is fossil-free, reliable, sustainable and economically viable. Should research successfully translate into application, this energy source would only be available from 2050.

Germany’s motivation - in addition to the green energy transition - is to express its own global responsibility as well as that of the European Union to further advance our understanding of fusion processes and to make this outstanding scientific know-how available to the world. In the light of the increasing global demand for energy and international climate policy targets, Germany considers it imperative to explore a broad range of options that can potentially enable a sustainable, carbon-free energy supply in the future. Fusion energy might be one of those options, and is being pursued by ITER in a targeted manner.

Germany nevertheless considers it appropriate not to assign any climate relevance to ITER within the multiannual financial framework (MFF) 2021-2027. This is because ITER is likely only to begin operations upon achieving First Plasma at the end of 2025. Accordingly, the European Commission, in accordance with the amendment to recital 10 as now agreed, should not include EU expenditure on ITER as a contribution to the target of devoting at least 30 % of the total expenditure from the EU budget and the Next Generation EU instrument to climate-related action. After successful achievement of First Plasma, the issue of ITER’s climate relevance should be reassessed as the MFF for the period starting in 2028 approaches.”

**STATEMENT BY LUXEMBOURG**

“Luxembourg remains, in general, very critical of the financing of nuclear research activities by the European Union. Luxembourg would like EU funding to be channelled to a greater extent into renewable energies in the future. Since the proposal for a Council Decision amending Decision 2007/198/Euratom establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it does not advocate channelling funding in this way, Luxembourg’s position remains unchanged. Despite its misgivings as to the content of this Decision, Luxembourg is able to withdraw its general reservation and therefore abstains from the vote.”

**Ad "A" item 37:**

**Council Decision on the EU position at meetings of the Parties to the Port State Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing**  
*Adoption*

**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.

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.”

**Ad "A" item 41:**

**Commission Delegated Regulation (EU) .../... of 6.11.2020 amending Delegated Regulation (EU) 2019/1122 as regards the functioning of the Union Registry under Regulation (EU) 2018/841 of the European Parliament and of the Council**  
*Delegated act - Decision to raise objections*

**STATEMENT BY BELGIUM, DENMARK, GERMANY, SPAIN, FRANCE, ITALY, LUXEMBOURG AND THE NETHERLANDS**

“Taking into account the discussions within the Council, Belgium, Denmark, Germany, Spain, France, Italy, Luxembourg and the Netherlands stress the need to respect the limits of delegated powers.

Belgium, Denmark, Germany, Spain, France, Italy, Luxembourg and the Netherlands would like to point out that the general approach agreed on in the Council in October 2017 in relation to Regulation (EU) 2018/841 reflected a balance struck to give credibility to the European Union’s commitment in taking into account LULUCF sector emissions and removals by limiting the flexibilities allowed by the text.

Belgium, Denmark, Germany, Spain, France, Italy, Luxembourg and the Netherlands wish to reaffirm the importance which they attach to the environmental integrity of the Regulation on greenhouse gas emissions and removals from forestry and the land sector.

The forthcoming revision of that Regulation, in the context of the Green Deal and the implementation of the EU’s new climate target of reducing net greenhouse gas emissions by 55 % compared to 1990 levels by 2030, should present an opportunity to reaffirm the environmental integrity of the policy, in the context of a transparent governance system which makes it possible to foster sustainable forest management efforts.

This ambition is all the more important since the European Union has a duty to set an example for its international partners in order to fight deforestation at a global level.”