

Brussels, 2 March 2021
(OR. en)

6578/21
CRS CRP 6

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
10 February 2021

I. Adoption of the agenda

5978/21 OJ CRP1 6
5995/1/21 REV 1 OJ CRP2 6

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)

Education, Youth, Culture and Sport

2. Informal videoconference of the Ministers of Education on 19 February 2021: Preparation

Equity in access, inclusion and success for all in education and
training
Policy debate

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

Competitiveness

3. Informal videoconference of the Ministers of Internal Market and Industry on 25 February 2021: Preparation

The New Consumer Agenda – The key role of consumers in the economic recovery and the need to strengthen consumer resilience

Policy debate

The Committee prepared this item for the informal videoconference of the Ministers of Internal Market and Industry.

Internal Market and Industry

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| 4. Conclusions on a New Consumer Agenda | 5839/21 |
| <i>Preparation for the approval</i> | 5947/21 |

The Committee agreed on the draft text of the Council Conclusions and decided on the use of the written procedure for its approval in case no Council meetings take place before 25 February 2021.

Telecommunications

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| 5. Regulation on ePrivacy | 5840/21 |
| <i>Mandate for negotiations with the European Parliament</i> | |

The Committee agreed on a mandate for negotiations with the European Parliament. The French delegation reserved its right to make a unilateral interpretative statement at a future moment in time.

COREPER (PART 2)

General Affairs

11. EU-UK Relations 5731/21 + ADD 1
5022/21
- Council Decision on the conclusion, on behalf of the Union, 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
- Preparation for the request for the consent of the European Parliament*
- Decision to use the written procedure*

The Committee agreed to use the written procedure in order to request the consent of the European Parliament.

Statement by Cyprus

"1. Reference to the "British Indian Ocean Territory" in paragraph (4) of Article FINPROV.1 of the Agreement:

In light of the latest international judicial developments, the Republic of Cyprus holds the view that it is of utmost importance for the European Union to issue a statement on the reference to the "British Indian Ocean Territory" in paragraph (4) of Article FINPROV.1 of the Agreement. It has to be clear that any reference to "BIOT" is to be understood in full accordance with international law, both conventional and customary, as construed and implemented by international judicial bodies.

We also take note of the assurances provided that we will revert and address this issue.

2. Division of competences between the EU and its member states, in relation to air transport:

The division of competences between the EU and its member states, in relation to air transport, is explicitly governed by the Treaties and the Court's jurisprudence. The exercise of the Union's competence through the Trade and Cooperation Agreement, in the area of air services, shall be without prejudice to the competence of member states concerning air traffic rights, in any ongoing or future negotiations, signature or conclusion of international agreements with any third country, in the area of air services and shall not constitute a precedent to this effect."

General Affairs

13. Informal videoconference of the Ministers of European Affairs
on 23 February 2021: Preparation

- a) Videoconference of the Members of the European Council
on 25-26 February 2021: Preparation
Exchange of views

The Committee held an exchange of views in preparation of the informal videoconference of the Members of the European Council on 25-26 February 2021.

- b) Other items in connection with the informal
videoconference

The Presidency provided further information regarding the informal videoconference.

14. COVID-19 EU coordination: Vaccines
Information from the Commission

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

Foreign Affairs

15. EU-India Leaders' Meeting (Porto, 8 May 2021) 5668/21
Orientation debate

The Committee held an orientation debate on the upcoming EU-India Leaders' meeting.

16. High Representative's visit to Moscow
Debriefing

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

17. Meeting of the Council (Foreign Affairs/Trade) on 2 March
2021: Agenda

The Presidency presented the main items on the agenda.

Economic and Financial Affairs

18. Informal videoconference of the Ministers of Economy and Finance on 16 February 2021: Preparation

- a) Economic Recovery in the European Union
 - i) Economic situation and outlook
Exchange of views
 - ii) Implementation of the Recovery and Resilience Facility
State of play / Exchange of views
 - iii) SURE
Information from the Commission
 - iv) Financing of the NGEU
Information from the Presidency and the Commission

The Committee prepared this item for the informal videoconference.

- b) Recommendation on the discharge to be given to the Commission in respect of the implementation of the budget for 2019
Information from the Presidency

The Committee prepared this item for the informal videoconference.

- c) Conclusions on the budget guidelines for 2022
Information from the Presidency

The Committee prepared this item for the informal videoconference.

- d) International issues
 - i) EU Global Recovery Initiative
Exchange of views
 - ii) Preparation of the G20 Finance Ministers and Central Bank Governors meeting on 26 February 2021 - EU Terms of Reference
Information from the Presidency

The Committee prepared this item for the informal videoconference.

- e) (poss.) Conclusions on the EU list of non-cooperative jurisdictions for tax purposes
Exchange of views

The Committee prepared this item for the informal videoconference.

- f) Other items in connection with the informal videoconference

The Presidency provided further information regarding the informal videoconference.

IV. Any other business

COREPER (PART 1)

COVID-19 Vaccines update
Information from the Commission

The Committee took note of the information provided by the Commission

Delegated act to amend the Registry Regulation as regards the functioning of the Union
Registry under the LULUCF Regulation
Information from the Finnish delegation

The Committee took note of the information provided by the Finnish delegation.

COREPER (PART 2)

None.

"I" items approved**COREPER (PART 1)****Transport**

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| 6. | Regulation for the temporary waiver from slot requirements #2
<i>Decision to use the written procedure for the adoption of the legislative act</i>
<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> | 5861/21
AVIATION |
| 7. | Regulation on COVID-19 measures concerning the validity of certificates, licences, authorisations and postponement of checks and trainings
<i>Decision to use the written procedure for the adoption of the legislative act</i>
<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> | 5862/21
MAR |
| 8. | IMO - Union submission - NCSR 8 on Galileo two-way communication service
<i>Endorsement</i> | 5873/21
MAR
OMI |

Statement by the Commission

"The Commission considers that the above mentioned 'Union submission' to be submitted to the IMO is covered by EU exclusive competence. Submission of proposals to the IMO on issues of EU competence is an act of external representation and should be made by the Commission on behalf of the EU to the IMO. It should therefore be sent to the IMO by the Commission.

In the Commission's view, the procedural arguments against presenting submissions to the IMO by the Commission on behalf of the EU are not convincing. This is because there is no evidence to suggest that the IMO, as a specialised agency of the United Nations, would be in a position to reject such a submission.

The Commission thus maintains its position that the Treaty provisions on external representation of the Union should be applied. Consequently, the only legally correct way forward is to present the submission in question to the IMO by the European Commission on behalf of the European Union. The Commission reserves all its rights in this regard."

Telecommunications

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| 9. | Global Partnership on Artificial Intelligence (GPAI)
<i>Endorsement</i>
<i>Decision to use the written procedure</i> | 5939/21
5952/21
TELECOM |
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Agriculture

10. CFS Voluntary Guidelines on Food Systems and Nutrition
European Union coordination of a common position

5670/21
FAO

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 wyrażenia zawierające termin "gender", Polska będzie interpretowała jako płeć ("sex"), zgodnie z art. 10, art. 19 para 1 oraz art. 157 para 2 i 4 TUE."

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. Therefore, Poland understands wording "gender" as referring to "sex" in line with art. 10, art. 19 para 1 and art. 157 para 2 and 4 of the Treaty on the Functioning of the European Union."

COREPER (PART 2)

Judicial Affairs

19. Case - T-660/20 (Zhejiang Beyondsun Green Energy Technology v. European Commission) 5713/21
Information note for the Permanent Representatives Committee (Part 2) JUR

Institutional Affairs

Appointments

20. Renewal of the Committee of the Regions 2020-2025 5870/21
Decision to use the written procedure for the adoption 5611/21
CDR

Transparency

21. Public access to documents 5240/1/21 REV 1
Confirmatory application No 27/c/02/20 13306/2/20 REV 2
Decision to use the written procedure for the adoption INF
API
22. Public access to documents 5122/21
Confirmatory application No 01/c/01/21 5123/21 + ADD 1
Decision to use the written procedure for the adoption INF
API

Economic and Financial Affairs

23. New Slovak Commemorative Coin 5569/21
UEM
24. New Lithuanian Commemorative Coin 5570/21
UEM

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| 25. | Regulation establishing a Recovery and Resilience Facility
<i>Decision to use the written procedure for the adoption of the legislative act</i> | 5856/1/21 REV 1
+ 5856/21 ADD 1
+ 5856/21 ADD 2
REV 1
ECOFIN |
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Statement by the Commission

On data collection for effective controls and audits

"The European Commission recalls its unilateral declaration on this matter under the Common Provisions Regulation, which applies mutatis mutandis to Article 22 of the Recovery and Resilience Facility Regulation."

Statement by the Commission

On the methodology for climate tracking

"The Commission considers that, in order to ensure consistency, the methodology of Annex VI of the Regulation establishing a Recovery and Resilience Facility should be incorporated in the Common Provisions Regulation."

Statement by Malta

"Malta welcomes the formal adoption of the Recovery and Resilience Facility (RRF) Regulation. Nevertheless, Malta reiterates the concerns raised previously namely in relation to the climate tracking methodology and the overall complex nature of the instrument. With regard to the climate tracking methodology, while taking due note of the CION's position and statement, Malta regrets that this was not discussed in Council, and also regrets that investments in road infrastructure are assigned a zero coefficient. Malta recalls that its unique national circumstances and limited emissions reduction potential make investments in more efficient road infrastructure, in conjunction with the electrification of vehicles, one of the few key opportunities for Malta to continue building on a holistic approach towards decarbonisation and progress towards climate neutrality. These same national circumstances are also the main contributing factor to the absence of railways. Malta therefore stresses that agreement on the RRF should not in any way prejudice the upcoming discussions on Annex I of the Common Provisions Regulation.

Malta also regrets that the RRF progressively developed into a substantially more complex instrument than originally intended, featuring multiple conditions and reporting obligations to abide to in order to be accessed. In this respect and particularly in terms of the formulation of National Recovery and Resilience Plans and their assessment, Malta recalls the importance of CION maintaining a realistic and pragmatic approach, as previously announced."

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| 26. | Amendments to MiFID II (CMRP)
<i>Decision to use the written procedure for the adoption of the legislative act</i> | 5858/21
EF |
| 27. | Amendments to the Prospectus Regulation (CMRP)
<i>Decision to use the written procedure for the adoption of the legislative act</i> | 5859/21
EF |

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| 28. | Regulation on implementing measures for the system of own resources of the European Union and repealing Regulation No 608/2014
<i>Request for the consent of the European Parliament</i>
<i>Decision to use the written procedure</i> | 5686/21
10045/20
RESPR |
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Statement by the Commission

"In line with the European Council conclusions of 21 July 2020 (point 142), the Commission will, in consultation with Member States, assess Council Regulation 609/2014 of 26 May 2014 on the methods and procedure for making available the traditional, VAT and GNI-based own resources and on the measures to meet cash requirements ('Making Available Regulation') and publish its review by June 2021.

On the basis of this thorough assessment, the Commission commits to present a proposal for the amendment of the Making Available Regulation in June 2021."

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| 29. | Own Resources Making Available Regulation
<i>Agreement in principle</i>
<i>Decision to consult an institution or body</i> | 5687/21
13142/20
RESPR |
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Statement by the Commission

"In line with the European Council conclusions of 21 July 2020 (point 142), the Commission will, in consultation with Member States, assess Council Regulation 609/2014 of 26 May 2014 on the methods and procedure for making available the traditional, VAT and GNI-based own resources and on the measures to meet cash requirements ('Making Available Regulation') and publish its review by June 2021.

On the basis of this thorough assessment, the Commission commits to present a proposal for the amendment of the Making Available Regulation in June 2021."

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| 30. | Council conclusions on the budget guidelines for 2022
<i>Approval</i>
<i>Decision to use the written procedure</i> | 5791/21
FIN |
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31. Council recommendation on the discharge to be given to the Commission in respect of the budget for 2019 5792/21 + ADD 1
FIN
Decision to use the written procedure for the adoption

Joint statement by Sweden and the Netherlands

"Sweden and the Netherlands

- Strongly regret that the estimated error rate for the expenditures observed by the European Court of Auditors ("the Court") were found to be both material and pervasive and have led to an adverse opinion on the legality and regularity of expenditures for the year 2019.
- Regret that, for years, the error rate reported by the Court remains above the materiality threshold of 2%. This signifies that the implementation of the EU budget is not according to standards we all have agreed upon. Marginal improvements, while a large sum of the EU budget remains prone to high levels of error, are not sufficient.
- Find the adverse opinion by the Court a clear sign that requires adequate action to be taken by both the European Commission and the Member states.
- Therefore call upon both the European Commission and the Member States to attach great value to the recommendations made by the Court, especially regarding reimbursement-based payments and the management and control of the EU budget.
- See the evaluation of the performance of the EU budget, and the results achieved, as an essential and integral part of the annual evaluation as it is described in Article 318 TFEU.
- Are concerned about the lack of efficiency and effectiveness in parts of EU expenditure and the issues related to performance highlighted by the Court. A responsible and efficient use of EU-funds is especially important given the increased ambition in the MFF and of the Recovery package. To ensure trust and legitimacy it is essential that the EU-budget efficiently delivers true value to EU-citizens.
- This calls for implementing less complex funding rules and implementation procedures, increased efforts to promote transparency and reliability of audits and making Member States' annual control reports publicly available."

32. Council recommendations on the discharge to be given to the bodies set up under the TFEU and the Euratom Treaty in respect of the budget for 2019 5793/21 + ADD 1
FIN
Decision to use the written procedure for the adoption

33. Council recommendations on the discharge to be given to the executive agencies in respect of the budget for 2019 5794/21 + ADD 1
FIN
Decision to use the written procedure for the adoption

34. Council recommendations on the discharge to be given to the joint undertakings in respect of the budget for 2019 5795/21 + ADD 1
FIN
Decision to use the written procedure for the adoption

General Affairs

35. Council Decision amending Council Decision of 27 April 2009
on certain administrative bodies provided for in Article 9 of the
Staff Regulations
Adoption 5319/21
5318/21
STAT

Justice and Home Affairs

36. Request from the European Border and Coast Guard Agency to
get access to Expert FADO 5843/21
5669/21
FAUXDOC
37. EPPO - Process for the appointment of the European
Prosecutors 5879/21
Approval of letters 5691/21 R-UE
Decision to use the written procedure 5692/21 R-UE
EPPO

Foreign Affairs

38. Council recommendations for the EDF Discharge - Financial
year 2019 5292/1/21 REV 1
Decision to use the written procedure for the adoption 5282/21
5284/21
5286/21
5289/21
ACP
39. EU KSA ToR Human Rights Dialogue 5609/1/21 REV 1
Approval MOG
Decision to use the written procedure
40. Council Decision and Regulation concerning restrictive
measures in view of the situation in Zimbabwe 5814/21
Decision to use the written procedure for the adoption 5757/21
5760/21
CORLX
41. Syria restrictive measures: letter of reply and pre-notification 5889/21
Approval CORLX
Decision to use the written procedure

EU positions for international negotiations

42. Council Decision on the EU position regarding the Sector
Understanding on Export Credits for Civil Aircraft 5867/21
Decision to use the written procedure for the adoption 5327/21
5390/21
CCG

Other items

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| 43. | Communication regarding Covid-19 vaccination | 6013/21
5656/1/21 REV 1
INF
COVID-19 |
| 44. | Approval of cryptographic product
<i>Approval</i> | 5727/21
CSCI
CSC |
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