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Subject: MONTHLY SUMMARY OF COUNCIL ACTS - FEBRUARY 2021

This document lists the acts¹ adopted by the Council in February 2021.²³

It provides information on the adoption of legislative and non-legislative acts, including:

- the date of adoption,
- the relevant Council session,
- the number of the document adopted,
- the Official Journal reference,
- reference to the minutes of the Council session when the act was adopted.

¹ For easy reference, the "short titles" as mentioned in the Council's agendas are also indicated (see in italics).

² With the exception of certain acts of limited scope such as procedural decisions, appointments, specific budgetary decisions, etc unless adopted by written procedure.

³ In the case of legislative acts adopted in the ordinary legislative procedure, there may be a difference between the date of the Council's meeting where the legislative act is adopted and the actual date of the act in question, since legislative acts adopted in the ordinary legislative procedure are only considered to have been adopted after signature by both the President of the Council and the President of the European Parliament and the Secretaries-General of the two institutions.

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If not directly available, a request for access to documents can be submitted at:

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INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN FEBRUARY 2021	
Written procedure completed on 1 February 2021	CM 1494/1/21 REV 1
<i>Council Recommendation amending Council Recommendation (EU) 2020/1475 of 13 October 2020 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic</i> Council Recommendation (EU) 2021/119 of 1 February 2021 amending Recommendation (EU) 2020/1475 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic (Text with EEA relevance) OJ L 361, 2.2.2021, p. 1–6	5716/21
Statement by Luxembourg	CM 1494/1/21 REV 1
Across the European Union, millions of citizens cross an internal border every day in order to earn their living. In many countries, large sectors of the economy rely on the ability of frontier workers to commute on a daily basis. This is also the case for hospitals and other medical facilities which depend heavily on healthcare professionals who are frontier workers. Failing to recognise that this situation exists in Europe would not only undermine the concept of cross-border population centres, it would also literally put lives at risk. In 2019 the Greater Region¹, a driver of Europe's economic growth generating nearly 2.5 % of the EU's GDP, provided work for approximately 250 000 frontier workers per day: the highest number in Europe. Whilst the fight against the COVID-19 pandemic is vitally important, Luxembourg believes that cross-border travel by persons exercising critical or essential functions for critical infrastructure must be exempt from restrictions in all cases. Therefore, with regard to point 19b, Luxembourg considers that the wording '<i>Member States should not require persons living in border regions and travelling across the border on a daily or frequent basis for the purposes of work, business, education, family, medical care or caregiving to undergo a test or quarantine/self-isolation, in particular persons exercising critical functions or essential for critical infrastructure</i>' means that these persons should not be required to undergo a test or to place themselves in quarantine/self-isolation.	

Written procedure completed on 2 February 2021	CM 1466/21
<i>Regulation of the European Parliament and of the Council establishing a technical support instrument</i> Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument OJ L 57, 18.2.2021, p. 1–16	PE 61/1/20 REV 1
Written procedure completed on 2 February 2021	CM 1467/21
<i>Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/1011 as regards the exemption of certain third-country spot foreign exchange benchmarks and the designation of replacements for certain benchmarks in cessation, and amending Regulation (EU) No 648/2012</i> Regulation (EU) 2021/168 of the European Parliament and of the Council of 10 February 2021 amending Regulation (EU) 2016/1011 as regards the exemption of certain third-country spot foreign exchange benchmarks and the designation of replacements for certain benchmarks in cessation, and amending Regulation (EU) No 648/2012 OJ L 49, 12.2.2021, p. 6–17	PE 63/1/20 REV 1
Written procedure completed on 2 February 2021	CM 1468/21
<i>Regulation of the European Parliament and of the Council amending Regulation (EU) No 223/2014 as regards the introduction of specific measures for addressing the crisis associated with the outbreak of COVID-19</i> Regulation (EU) 2021/177 of the European Parliament and of the Council of 10 February 2021 amending Regulation (EU) No 223/2014 as regards the introduction of specific measures for addressing the crisis associated with the outbreak of COVID-19 OJ L 53, 16.2.2021, p. 1–5	PE 51/1/20 REV 1

Written procedure completed on 2 February 2021	CM 1512/21
<i>Recommendation amending the 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</i> Council Recommendation (EU) 2021/132 of 2 February 2021 amending Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction OJ L 41, 4.2.2021, p. 1–5	5712/2/21 REV 2
Written procedure completed on 3 February 2021	CM 1518/21
<i>Regulation of the European Parliament and of the Council amending Regulation (EU) No 654/2014 concerning the exercise of the Union's rights for the application and enforcement of international trade rules</i> Regulation (EU) 2021/167 of the European Parliament and of the Council of 10 February 2021 amending Regulation (EU) No 654/2014 concerning the exercise of the Union's rights for the application and enforcement of international trade rules OJ L 49, 12.2.2021, p. 1–5	PE 52/1/20 REV1
Joint Declaration of the Commission, the Council and the European Parliament on an instrument to deter and counteract coercive actions by third countries	5448/21 ADD2
The Commission takes note of the concerns of the Parliament and Member States as to the practices of certain third countries to seek to coerce the Union and/or its Member States to take or withdraw particular policy measures. The Commission shares the view that such practices raise significant concerns. The Commission confirms its intention to further examine a possible instrument, which could be adopted in order to dissuade or offset coercive actions by third countries and which would allow the expeditious adoption of countermeasures triggered by such actions. The Commission intends to continue its assessment and on the basis of that assessment, taking into account all relevant circumstances, adopt a legislative proposal providing for a mechanism allowing to dissuade or offset such actions in a manner consistent with international law. As announced in the Letter of Intent of the President of the Commission to the President of the Parliament and President in office of the Council of 16 September 2020 the Commission shall adopt the proposal in any case no later than the end of 2021, or earlier, should the need arise as a result of coercive action taken by a third country. The Council and the European Parliament take note of the intention of the Commission to submit a proposal for an instrument to deter and counteract coercive actions by third countries. Both institutions are committed to fulfil their institutional role as co-legislators and to consider the proposal in a timely manner, taking into account the Union's obligations under public international law and WTO law as well as relevant developments in international trade.	

Joint Declaration of the European Parliament, the Council and the Commission	5448/21 ADD2
The Union remains committed to a multilateral approach to international dispute settlement, rules-based trade, and international cooperation to achieve the Sustainable Development Goals of the United Nations. The Union will cooperate in all endeavours aiming to reform the WTO Dispute Settlement Mechanism which can ensure the effective functioning of the WTO Appellate Body.	
Commission declaration on compliance with international law	5448/21 ADD1 REV1
When the Union brings a dispute under the Dispute Settlement Understanding (DSU) against another Member of the World Trade Organization (WTO), the Commission will make every reasonable effort to obtain, as early as possible, the agreement of that Member to resort to arbitration under Article 25 of the DSU as an interim appeal procedure, which preserves the essential features of appeals before the Appellate Body (the “appeal arbitration procedure”), as long as the Appellate Body is unable to fully resume its functions in accordance with Article 17 of the DSU. When adopting implementing acts pursuant to Article 3(aa) of the Regulation, the Commission will act in accordance with the requirements of the international law on countermeasures, as codified in the Articles on the Responsibility of States for Internationally Wrongful Acts adopted by the International Law Commission. In particular, before adopting implementing acts pursuant to Article 3(aa), the Commission will call upon the WTO Member concerned to implement the panel’s findings and recommendations, notify that WTO Member of the Union’s intention to take countermeasures and reiterate its openness to negotiate a mutually agreed solution in accordance with the requirements of the DSU. When implementing acts have already been adopted pursuant to Article 3(aa), the Commission will suspend their application if the Appellate Body resumes its functions in respect to the case concerned in accordance with Article 17 of the DSU, or if an interim appeal procedure is initiated, provided that such procedure is pursued in good faith.	

Statement by the Commission	5448/21 ADD1 REV1
The Commission welcomes the adoption of the Regulation of the European Parliament and of the Council amending Regulation (EU) No 654/2014. The Commission recalls the Statement which it made upon the adoption of the original regulation, inter alia that the implementing acts which the Commission is empowered to adopt would be designed on the basis of objective criteria and subject to the control of the Member States. In exercising that empowerment, the Commission intends to act in accordance with the statement made upon the adoption of the original regulation as well as this Declaration. When preparing draft implementing acts affecting trade in services or trade-related aspects of intellectual property rights, the Commission recalls its obligations pursuant to Article 9(1a) and confirms that it will undertake intensive prior consultations with a view to ensuring that all relevant interests and implications can be brought to the Commission's attention, shared with Member States and are duly taken into account in the possible adoption of measures. In those consultations, the Commission will seek and expects to receive input from private stakeholders affected by possible commercial policy measures to be adopted by the Union in those areas. Similarly, the Commission will seek and expects to receive input from public authorities that may be involved in or affected by the implementation of possible commercial policy measures adopted by the Union. In the case of measures in the fields of trade in services and trade-related aspects of intellectual property rights, in particular the input from Member States' public authorities involved in the formulation or implementation of legislation regulating the affected fields will be duly taken into account in the preparation of draft implementing acts, inter alia on how possible commercial policy measures would interact with European Union and national legislation. Likewise, other stakeholders affected by such commercial policy measures will be given an opportunity to formulate their recommendations and concerns with respect to the choice and design of measures to be adopted. The observations will be shared with the Member States when measures are adopted pursuant to Article 8 of the Regulation. The regular review of any such measures imposed during their application or after their termination will likewise take into account the input from Member State authorities and private stakeholders in relation to the operation of such measures, and allow for adjustments to be made if problems have arisen.	

Finally, the Commission reaffirms that it attaches great importance to ensuring that the Regulation is an effective and efficient tool for the enforcement of the Union's rights under international trade agreements, including in the field of trade in services and trade-related aspects of intellectual property rights. Therefore, the measures to be chosen in these fields must also ensure effective enforcement in line with the rights of the Union, such that they induce compliance by the third country concerned and are consistent with the applicable international rules on the type of enforcement measures allowed.	
Declaration of the Commission	5448/21 ADD1 REV1
Upon the adoption of the Regulation in 2014, the Commission committed to an effective communication and exchange of views with the European Parliament and the Council on trade disputes that may lead to the adoption of measures under the Regulation, and on enforcement actions in general. Mindful of the overarching objective of effective and efficient enforcement of Union's rights under the Union's international trade agreements, the Commission will continue to promote and streamline its interactions with the European Parliament and the Council to the mutual benefit. In particular, the Commission undertakes to examine, as part of its enhanced enforcement system, alleged violations of the Union's international trade agreements when raised by the Parliament, its Members, or its Committees, or by the Council on the understanding that such requests be accompanied by supporting evidence. The Commission will keep the Parliament and the Council informed of the output of its enhanced enforcement work. In deploying the enhanced enforcement system, the Commission will pay equal attention to alleged breaches of the trade and sustainable development provisions of EU trade agreements as to alleged breaches of market access systems. The processing of alleged breaches of trade and sustainable provisions will be fully integrated into the system. The Commission will prioritise those cases which are particularly serious in terms of their effect on workers or the environment in a trade context, which have systemic importance and which are legally sound. The Commission will continue to fully engage in dedicated sessions with the responsible Parliamentary committee to exchange views on trade disputes and enforcement actions, including with regard to impacts on Union industries. In this context, the Commission will continue its reporting practice by providing periodically a state of play on all pending disputes and instant information for major developments in relation to disputes at the same time such information is shared with Member States. This reporting and information sharing will take place through the responsible committees in the Council and in the Parliament.	

At the same time, the Commission will continue keeping the Parliament and the Council regularly informed of international developments that may lead to situations requiring the adoption of measures under the Regulation. Finally, the Commission reaffirms its commitments under Regulation (EU) No 182/2011 of the European Parliament and of the Council to promptly transmit to the Parliament and to the Council draft implementing acts that it submits to the committee of Member States as well as final draft implementing acts following the delivery of opinions in the committee. This is managed via the comitology register.	
Written procedure completed on 4 February 2021	CM 1559/21
Joint Declaration on Migration Cooperation between Afghanistan and the EU	5223/21 ADD 1
Written procedure completed on 5 February 2021	CM 1377/21
Council Decision replacing an alternate member of the Advisory Committee on Safety and Health at Work, for Sweden	5494/21
Written procedure completed on 5 February 2021	CM 1379/21
Council Decision replacing a member of the Advisory Committee on Safety and Health at Work, for Finland	5513/21
Written procedure completed on 5 February 2021	CM 1381/21
Council Decision replacing a member of the Management Board of the European Centre for the Development of Vocational Training, for Denmark	5515/21
Written procedure completed on 5 February 2021	CM 1383/21
Council Decision replacing a member of the Management Board of the European Foundation for the Improvement of Living and Working Conditions, for Ireland	5490/21
Written procedure completed on 5 February 2021	CM 1383/21
Council Decision replacing an alternate member of the Management Board of the European Foundation for the Improvement of Living and Working Conditions, for Ireland	5492/21

Written procedure completed on 5 February 2021	CM 1385/21
Council Decision replacing an alternate member of the Management Board of the European Agency for Safety and Health at Work (EU-OSHA), for Sweden	5496/21
Written procedure completed on 5 February 2021	CM 1475/21
<i>Council Decision and Implementing Regulation on restrictive measures to combat terrorism - Common Position 2001/931/CFSP - review</i> Council Decision (CFSP) 2021/142 of 5 February 2021 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision (CFSP) OJ L 43, 8.2.2021, p. 14–17	5549/21
Council Implementing Regulation (EU) 2021/138 of 5 February 2021 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and repealing Implementing Regulation (EU) 2020/1128 OJ L 43, 8.2.2021, p. 1–4	5551/21
<i>Iran Human Rights restrictive measures - pre-notifications</i> Council Decision 2011/235/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Iran - Intended amended statements of reasons	5643/21
Written procedure completed on 5 February 2021	CM 1562/21
Council Decision appointing an official to a post of Director-General for External Relations (RELEX) at the General Secretariat of the Council of the European Union	5258/21
Written procedure completed on 5 February 2021	CM 1563/21
Council Decision appointing an official to a post of Director-General for General and Institutional Policy (GIP) at the General Secretariat of the Council of the European Union	5253/21

Written procedure completed on 5 February 2021	CM 1601/21
<i>Council Decision on the conclusion of the amendments to the Agreement for co-operation in dealing with pollution of the North Sea by oil and other harmful substances (Bonn Agreement) with regard to the extension of the scope of application of that Agreement and the accession of the Kingdom of Spain to that Agreement</i> Council Decision (EU) 2021/176 of 5 February 2021 on the conclusion of the amendments to the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances (Bonn Agreement) with regard to the extension of the scope of application of that Agreement and on the accession of the Kingdom of Spain to that Agreement OJ L 54, 16.2.2021, p. 1–2	11487/20
Decision of the Contracting Parties to the Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances on the extension of the scope of application of the Agreement with a view to cooperation on surveillance in respect of the requirements of Annex VI to the MARPOL Convention OJ L 54, 16.2.2021, p. 3–5	11490/20
Decision by the Contracting Parties to the Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances on the accession of the Kingdom of Spain to the Agreement OJ L 54, 16.2.2021, p. 6–21	11493/20
Written procedure completed on 8 February 2021	CM 1546/21
<i>Relations with Ukraine</i> Position of the European Union for the 7th meeting of the EU-Ukraine Association Council (Brussels, 11 February 2021)	5272/1/21 REV 1
Written procedure completed on 8 February 2021	CM 1616/21
Council Conclusions on Special Report No 24/2020 from the European Court of Auditors entitled: "The Commission's EU merger control and antitrust proceedings: a need to scale up market oversight"	5602/21
Written procedure completed on 9 February 2021	CM 1623/21
Commission's intention to establish a "Global Alliance on Circular Economy and Resource Efficiency" (GACERE) on behalf of the EU at the first segment of the fifth meeting of the UN Environment Assembly (22-23 February 2021) - Authorisation to launch the Alliance.	5117/21

Written procedure completed on 10 February 2021	CM 1670/21
<i>Regulation of the European Parliament and of the Council establishing the Recovery and Resilience Facility</i> Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility OJ L 57, 18.2.2021, p. 17–75	PE 75/1/20 REV1
Joint declaration by the European Parliament, Council and Commission on the establishment of reporting requirements to enable the issuance of bonds contributing to environmental objectives for nextgenerationeu	5856/21 ADD1
The Commission recalls the shared political ambition of the European Green Deal. Within this framework it underlines its ambition to raise at least 30 % of the funds to be borrowed in the capital markets for the needs of NextGenerationEU through the issuance of bonds contributing to environmental objectives. The three Institutions agree to seriously explore the possibility of introducing rules establishing reporting obligations for the Member States, in order to ensure availability of information for the purpose of evaluating the contribution to environmental objectives of the funds borrowed in the capital markets. To that end, the Commission will endeavour to make a legislative proposal to this end during the first quarter of 2021.	
Joint declaration by the European Parliament and the Commission on data collection for effective controls and audits	5856/21 ADD2 REV1
The European Parliament and the Commission recall the need to ensure effective controls and audits for the purposes of avoiding double funding and preventing, detecting and correcting fraud, corruption and conflict of interests in relation to the measures supported by the Recovery and Resilience Facility. The two institutions consider essential that Member States collect and record data on final recipients and beneficiaries of Union funding in an electronic standardised and interoperable format and use the single data mining tool to be provided by the Commission.	
Additional declaration by the Commission on data collection for effective controls and audits	5856/21 ADD2 REV1

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.	
Commission declaration on the methodology for climate tracking	5856/21 ADD2 REV1
The Commission considers that, in order to ensure consistency, the methodology of Annex VI of the Regulation establishing the Recovery and Resilience Facility should be incorporated in the Common Provisions Regulation.	
Statement by Malta	CM 1670/21
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 Commission'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 Commission maintaining a realistic and pragmatic approach, as previously announced.	

Written procedure completed on 15 February 2021	CM 1571/21
<i>Council Decision on the position to be taken on behalf of the European Union regarding the Sector Understanding on Export Credits for Civil Aircraft</i> Council Decision on the position to be taken on behalf of the European Union in the written procedure by the Participants to the Sector Understanding on Export Credits for Civil Aircraft contained in Annex III to the Arrangement on Officially Supported Export Credits as regards the Common Line on the temporary deferral of loan principal repayment	5327/21
Commission proposal for a Council Decision for an EU position on the ASU Common Line	5390/21
Written procedure completed on 15 February 2021	CM 1729/21
<i>Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 95/93 as regards temporary relief from the slot utilisation rules at Union airports due to the COVID-19 crisis</i> Regulation (EU) 2021/250 of the European Parliament and of the Council of 16 February 2021 amending Council Regulation (EEC) No 95/93 as regards temporary relief from the slot utilisation rules at Union airports due to the COVID-19 crisis (Text with EEA relevance) OJ L 58, 19.2.2021, p. 1–8	PE 1/1/21 REV 1
Written procedure completed on 15 February 2021	CM 1730/21
<i>Regulation of the European Parliament and of the Council laying down specific and temporary measures in view of the persistence of the COVID-19 crisis concerning the renewal or extension of certain certificates, licences and authorisations, the postponement of certain periodic checks and periodic training in certain areas of transport legislation and the extension of certain periods referred to in Regulation (EU) 2020/698</i> Regulation (EU) 2021/267 of the European Parliament and of the Council of 16 February 2021 laying down specific and temporary measures in view of the persistence of the COVID-19 crisis concerning the renewal or extension of certain certificates, licences and authorisations, the postponement of certain periodic checks and periodic training in certain areas of transport legislation and the extension of certain periods referred to in Regulation (EU) 2020/698 (Text with EEA relevance) OJ L 60, 22.2.2021, p. 1–20	PE 2/1/2021 REV 1

Written procedure completed on 15 February 2021	CM 1739/21
<i>Directive of the European Parliament and of the Council amending Directive 2014/65/EU as regards information requirements, product governance and position limits, and Directives 2013/36/EU and (EU) 2019/878 as regards their application to investment firms, to help the recovery from the COVID-19 crisis</i> Directive (EU) 2021/338 of the European Parliament and of the Council of 16 February 2021 amending Directive 2014/65/EU as regards information requirements, product governance and position limits, and Directives 2013/36/EU and (EU) 2019/878 as regards their application to investment firms, to help the recovery from the COVID-19 crisis (Text with EEA relevance) OJ L 68, 26.2.2021, p. 14–28	PE 71/1/20 REV 1
Written procedure completed on 15 February 2021	CM 1740/21
<i>Regulation of the European Parliament and of the Council amending Regulation (EU) 2017/1129 as regards the EU Recovery prospectus and targeted adjustments for financial intermediaries and Directive 2004/109/EC as regards the use of the single electronic reporting format for annual financial reports, to support the recovery from the COVID- 19 crisis</i> Regulation (EU) 2021/337 of the European Parliament and of the Council of 16 February 2021 amending Regulation (EU) 2017/1129 as regards the EU Recovery prospectus and targeted adjustments for financial intermediaries and Directive 2004/109/EC as regards the use of the single electronic reporting format for annual financial reports, to support the recovery from the COVID-19 crisis (Text with EEA relevance) OJ L 68, 26.2.2021, p. 1–13	PE 72/1/20

Written procedure completed on 15 February 2021	CM 1454/21
Public access to documents - Confirmatory application No 01/c/01/21	5122/21
Statement by the Czech Republic	CM 1454/21
While fully acknowledging the importance of transparency in the legislative procedure, we are of the view that before taking the decision about disclosure of internal preparatory documents indicating flexibilities and fallback options in the preparation for trilogue meetings the following should be duly taken into consideration: In particular, the effectivity of the legislative procedure, which requires that the Council preparatory bodies should be able to formulate their positions and negotiating strategies in mutual trust and confidence, free from external pressure. Furthermore, for the sake of inter-institutional balance and principle of loyal cooperation during the legislative procedure, situations of information asymmetry regarding the respective positions of negotiators should be avoided. In our view, these considerations apply also to the parts of the preparatory documents where a „preliminary compromise“ has been achieved, especially regarding the sensitivity of the file and the difficulties that arose during the negotiations. It should be stressed that nothing is agreed until everything is agreed. For this, the Czech Republic thinks that even partial disclosure of the documents requested would seriously undermine the decision making process.	
Statement by The Netherlands and Sweden	CM 1454/21
The Netherlands and Sweden cannot concur with the draft reply to confirmatory application No 01/c/01/21 that disclosure of the requested documents would seriously undermine the ongoing decision-making process. Considering the restrictive interpretation of this exception by the Court regarding documents that relate to legislative procedures (De Capitani case, T-540/15), The Netherlands and Sweden believe that it is not sufficiently motivated that there is an actual and concrete risk that full disclosure would seriously undermine the institution's ongoing decision-making process and this risk is reasonably foreseeable and not only hypothetical. Furthermore, The Netherlands and Sweden believe there is an overriding public interest in disclosure considering in light of the subject-matter of the documents involved and the criticism which the Council has received on this matter in the past.	

Statement by Hungary and Poland	CM 1454/21
We are of the view that since the legislative process regarding the Regulation amending Regulation (EC) No 715/2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) has not been finalized, there is a risk that the Council's decision-making process in the meaning of Article 4(3) of Regulation 1049/2001 might be seriously undermined by the disclosure of these documents. The General Court confirmed in the De Capitani case that the risk of external pressure can constitute a legitimate ground for restricting access to documents related to the decision-making process. In Hungary and Poland's view, such a risk exists in the case at hand. Parts of the document still include information regarding the compromise proposals and draw attention to some specific issues that are still the subject of the discussions between the co-legislators. The fact that the issue of emissions, including conformity factors attracts a lot of public attention, also from producers side (the leak of the compromise proposal to the press) and considering ongoing procedures before the CJEU, only reinforces this conclusion.	
Written procedure completed on 16 February 2021	CM 1625/21
Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (eighth EDF) for the financial year 2019	5282/21
Written procedure completed on 16 February 2021	CM 1625/21
Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (ninth EDF) for the financial year 2019	5284/21
Written procedure completed on 16 February 2021	CM 1625/21
Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (tenth EDF) for the financial year 2019	5286/21
Written procedure completed on 16 February 2021	CM 1625/21
Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (eleventh EDF) for the financial year 2019	5289/21

Written procedure completed on 16 February 2021	CM 1787/21
Approval of the Council conclusions on the budget guidelines for 2022	5791/21
Written procedure completed on 16 February 2021	CM 1787/21
Council recommendation on the discharge to be given to the Commission in respect of the implementation of the general budget of the European Union for the financial year 2019	5792/21 ADD 1.
Joint statement by Sweden and the Netherlands on discharge of the 2019 EU budget	CM 1787/21
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.	
Council recommendations on the discharge to be given to the bodies set up under the TFEU and the Euratom Treaty in respect of the implementation of the budget for the financial year 2019	5793/21 ADD 1
Council recommendations on the discharge to be given to the executive agencies in respect of the implementation of the budget for the financial year 2019	5794/21 ADD 1
Council recommendations on the discharge to be given to the joint undertakings in respect of the implementation of the budget for the financial year 2019	5795/21 ADD 1
Written procedure completed on 17 February 2021	CM 1202/21
Public access to documents – Confirmatory application No 27/c/02/20	13306/2/20 REV 2
Written procedure completed on 17 February 2021	CM 1586/21
Council Resolution on a strategic framework for European cooperation in education and training towards the European Education Area and beyond (2021-2030)	6125/2/21 REV 2
Written procedure completed on 18 February 2021	CM 1660/21
<i>Council Decision and Regulation concerning restrictive measures in view of the situation in Zimbabwe</i> Council Decision (CFSP) 2021/258 of 18 February 2021 amending Decision 2011/101/CFSP concerning restrictive measures in view of the situation in Zimbabwe OJ L 58, 19.2.2021, p. 51–54	5757/21
Council Regulation (EU) 2021/251 of 18 February 2021 amending Regulation (EC) No 314/2004 concerning restrictive measures in view of the situation in Zimbabwe OJ L 58, 19.2.2021, p. 9–11	5760/21

<i>Council Decision in support of the Oslo Action Plan for the implementation of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction</i> Council Decision (CFSP) 2021/257 of 18 February 2021 in support of the Oslo Action Plan for the implementation of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction OJ L 58, 19.2.2021, p. 41–50	5706/21
Written procedure completed on 18 February 2021	CM 1700/21
<i>Council Decision on the position to be taken on behalf of the European Union in the Partnership Council established by 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, as regards the date on which provisional application pursuant to the Trade and Cooperation Agreement shall cease</i> Decision No 1/2021 of the Partnership Council established by 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 of 23 February 2021 as regards the date on which provisional application pursuant to the Trade and Cooperation Agreement is to cease OJ L 68, 26.2.2021, p. 227–228	6080/21
Written procedure completed on 18 February 2021	CM 1829/21
<i>Council Decision appointing an alternate member of the Committee of the Regions</i> Council Decision (EU) 2021/322 of 18 February 2021 appointing an alternate member of the Committee of the Regions OJ L 64, 24.2.2021, p. 1–3	5611/21

3785th meeting of the Council of the European Union (Foreign Affairs) held in Brussels on 22 February 202 (Minutes: 6435/21)	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT
<i>Council Conclusions on Myanmar/Burma</i>	6171/21
<i>Agreement with Thailand regarding the modifications in the EU's TRQs in the WTO schedule following Brexit</i> Council Decision on the signing, on behalf of the Union, of the Agreement between the European Union and the Kingdom of Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff-rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union	5443/21
<i>Agreement between the European Union and the Kingdom of Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff-rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union</i>	5445/21
<i>Council Decision authorising the opening of negotiations with Mongolia for an Agreement on Geographical Indications</i> Council Decision authorising the opening of negotiations with Mongolia for an Agreement on Geographical Indications	13125/20 + 13125/20 ADD 1
<i>Council Decision on the EU position to be taken in the Trade Committee established under the Trade Agreement with Colombia, Peru and Ecuador as regards government procurement</i> Council Decision (EU) 2021/326 of 22 February 2021 on the position to be adopted, on behalf of the Union, within the Trade Committee established by the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru and Ecuador, of the other part, as regards the amendment of Appendix 1 of Annex XII (Government Procurement) OJ L 64, 24.2.2021, p. 8–9	5698/21
Draft Decision of the Eu-Columbia-Peru-Ecuador Trade amending Appendix 1 of Annex XII (Government Procurement) to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru and Ecuador, of the other part	5699/21
Council conclusions on a human-rights-based post-COVID-19 recovery	5180/21

Council Conclusions on EU Priorities in UN Human Rights Fora in 2021	5965/21
<i>Council Decision extending the mandate of the European Union Special Representative for Central Asia</i> Council Decision (CFSP) 2021/282 of 22 February 2021 amending Decision (CFSP) 2018/904 extending the mandate of the European Union Special Representative for Central Asia OJ L 62, 23.2.2021, p. 45–46	5808/21
<i>Council Decision extending the mandate of the European Union Special Representative for the Sahel</i> Council Decision (CFSP) 2021/283 of 22 February 2021 amending Decision (CFSP) 2018/906 extending the mandate of the European Union Special Representative for the Sahel OJ L 62, 23.2.2021, p. 47–48	5811/21
<i>Council Decision extending the mandate of the European Union Special Representative for the South Caucasus and the crisis in Georgia</i> Council Decision (CFSP) 2021/285 of 22 February 2021 amending Decision (CFSP) 2018/907 extending the mandate of the European Union Special Representative for the South Caucasus and the crisis in Georgia OJ L 62, 23.2.2021, p. 51–52	5924/21
<i>Council Decision appointing the European Union Special Representative for Human Rights</i> Council Decision (CFSP) 2021/284 of 22 February 2021 amending Decision (CFSP) 2019/346 appointing the European Union Special Representative for Human Rights OJ L 62, 23.2.2021, p. 49–50	5815/21
<i>Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in Venezuela</i> Council Decision (CFSP) 2021/276 of 22 February 2021 amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela OJ L 60I, 22.2.2021, p. 9–16	5973/21
Council Implementing Regulation (EU) 2021/275 of 22 February 2021 implementing Regulation (EU) 2017/2063 concerning restrictive measures in view of the situation in Venezuela OJ L 60I, 22.2.2021, p. 1–8	5975/21

<i>Council Decision extending the mandate of the European Union Special Representative for the Middle East Peace Process</i> Council Decision (CFSP) 2021/286 of 22 February 2021 amending Decision (CFSP) 2018/1248 appointing the European Union Special Representative for the Middle East Peace Process OJ L 62, 23.2.2021, p. 53–53	6175/21
Public access to documents - Confirmatory application No 02/c/01/21	5216/21
<i>Council Implementing Decision on the appointment of the Vice-Chair of the Supervisory Board of the European Central Bank</i> Council Implementing Decision (EU) 2021/325 of 22 February 2021 on the appointment of the Vice-Chair of the Supervisory Board of the European Central Bank OJ L 64, 24.2.2021, p. 6–7	5630/21
<i>Council Implementing Decision authorising the Netherlands to apply a reduced rate of taxation to electricity supplied to charging stations for electric vehicles</i> Council Implementing Decision (EU) 2021/359 of 22 February 2021 authorising the Netherlands to apply a reduced rate of taxation to electricity supplied to charging stations for electric vehicles OJ L 69, 26.2.2021, p. 6–8	5826/21
Council conclusions on the revised EU list of non-cooperative jurisdictions for tax purposes	5922/21 + COR1
<i>Council Implementing Decision authorising Estonia to continue to apply a VAT derogation for small enterprises</i> Council Implementing Decision (EU) 2021/358 of 22 February 2021 amending Implementing Decision (EU) 2017/563 authorising the Republic of Estonia to apply a special measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax OJ L 69, 26.2.2021, p. 4–5	5739/21

<i>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</i> Council Decision on the position to be taken on behalf of the European Union within the EU-Switzerland Joint Committee established by the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures as regards the amendment of Chapter III of, and Annexes I and II to, that Agreement	5657/21
Draft Decision of the EU-Switzerland Joint Committee amending Chapter III of, and Annexes I and II to, the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures	5658/21
Council Decision amending Decision of 27 April 2009 on certain administrative bodies provided for in Article 9 of the Staff Regulations	5318/21
<i>Agreement amending the Visa Facilitation Agreement between EU and Cabo Verde</i> Council Decision on the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Cabo Verde amending the Agreement on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union	5033/21
Agreement between the European Union and the Republic of Cabo Verde amending the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union	5035/21
Council conclusions on the New Consumer Agenda	5947/21
<i>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</i> Council Decision (Euratom) 2021/281 of 22 February 2021 amending Decision 2007/198/Euratom establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it OJ L 62, 23.2.2021, p. 41–44	5186/21

<i>Council Decision on the EU position on Agreement concerning work of vehicles crews (AETR) 2021</i> Council Decision (EU) 2021/366 of 22 February 2021 on the position to be adopted, on behalf of the European Union, in the Group of Experts on the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) and in the Working Party on Road Transport of the United Nations Economic Commission for Europe OJ L 70, 1.3.2021, p. 12–14	5673/21
<i>Annex to Council Decision on the position to be adopted, on behalf of the European Union, in the Group of Experts on the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) and in the Working Party on Road Transport of the United Nations Economic Commission for Europe</i>	5700/21
<i>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</i> Council Decision (EU) 2021/351 of 22 February 2021 on the position to be adopted on behalf of the European Union in the meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing OJ L 68, 26.2.2021, p. 184–186	5296/21
<i>Council Decision on the EU position on UNECE (March 2021)</i> Council Decision (EU) 2021/332 of 22 February 2021 on the position to be taken on behalf of the European Union in the World Forum for Harmonisation of Vehicle Regulations of the United Nations Economic Commission for Europe as regards the proposals for modifications to UN Regulations Nos 13, 13-H, 18, 30, 41, 46, 48, 53, 54, 67, 74, 75, 79, 86, 97, 98, 106, 107, 113, 116, 117, 118, 123, 124, 125, 141, 142, 148, 149, 150, 152, 154, 157 and UN Regulation on event data recorder, as regards the proposal for modifications to Global Technical Regulation No 9, as regards the proposal for amendments to Consolidated Resolution R.E.5, as regards the proposals for four new UN Regulations in relation to event data recorder, protection of motor vehicles against unauthorized use and the approval of the device against unauthorized use, the approval of immobilizers and approval of a vehicle with regard to its immobilizer, and the approval of vehicle alarm system and approval of a vehicle with regard to its vehicle alarm system, as regards the proposal for a new Mutual Resolution M.R.4, and as regards the proposals for interpretation documents for UN Regulations Nos 155 and 156 OJ L 65, 25.2.2021, p. 55–57	5988/21

Decision to raise objection to 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	6281/21
Written procedure completed on 25 February 2021	CM 1851/21
<i>Council Decision and Implementing Regulation concerning restrictive measures against Belarus - review</i> Council Decision (CFSP) 2021/353 of 25 February 2021 amending Decision 2012/642/CFSP concerning restrictive measures against Belarus OJ L 68, 26.2.2021, p. 189–218	5765/21
Council Implementing Regulation (EU) 2021/339 of 25 February 2021 implementing Article 8a of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus OJ L 68, 26.2.2021, p. 29–61	5766/21
<i>Council Decision extending the mandate of the European Union Special Representative for the Horn of Africa</i> Council Decision (CFSP) 2021/352 of 25 February 2021 amending Decision (CFSP) 2018/905 extending the mandate of the European Union Special Representative for the Horn of Africa OJ L 68, 26.2.2021, p. 187–188	5805/21
Written procedure completed on 25 February 2021	CM 1887/21
EU terms of reference for the G20 Finance Ministers and Central Bank Governors Meeting on 26 February 2021	6082/21+COR1
Written procedure completed on 26 February 2021	CM 1535/21
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 ⁺	5022/21

⁺ Note: Once the legal linguistic revision of the text of the Agreements has been finalised, the references in this Decision to the Articles and Annexes of the Trade and Cooperation Agreement will be adapted to reflect the final numbering in that Agreement.

Written procedure completed on 26 February 2021	CM 1821/21
Note Verbale to the Kingdom of Norway regarding the Norwegian legislation on EU quota for Arctic cod and other issues in Svalbard	6265/21
Written procedure completed on 26 February 2021	CM 1889/21
Council Decision authorising the opening of negotiations with the Kingdom of Norway for a new Agreement on fisheries between the European Union and the Kingdom of Norway	5786/21 + ADD1
Written procedure completed on 26 February 2021	CM 1965/21
Council Decision on the position to be taken on behalf of the European Union within the Council of the International Civil Aviation Organization as regards the adoption of Amendment 177 to Annex 1, Amendment 47 to Annex 2, Amendment 108 to Annex 8 and Amendment 90 to Annex 10, and of a new volume VI to Annex 10 to the Convention on International Civil Aviation	6200/21