



Brussels, 25 March 2021
(OR. en)

7311/21
CRS CRP 9

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
1 and 3 March 2021

I. Adoption of the agenda

6541/1/21 REV 1 OJ CRP2 9
6574/21 OJ CRP1 9

The Committee adopted the agenda.

II. Approval of the "I" items

The Committee approved the "I" items as set out in the Annex.

III. Discussion items

COREPER (PART 2)

MONDAY 1 MARCH 2021

General Affairs

2. Conference on the Future of Europe
Information from the Presidency

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

WEDNESDAY 3 MARCH 2021

General Affairs

2. Conference on the Future of Europe - draft Joint Declaration 6568/1/21 REV 1
Approval 6567/21
Decision to use the written procedure

The Committee agreed on the text of the draft Joint Declaration and on the use of the written procedure for its approval.

3. Informal videoconference of the Members of the European Council on 25-26 February 2021 - COVID-19 coordination:
Follow-up
State of play

The Committee took note of the main outcomes of the informal videoconference of the members of the European Council and the intended next steps, as regards COVID-19 coordination.

4. Cohesion policy legislative package 2021-2027

- a) Common Provisions Regulation 6180/21 + ADD 1
Analysis of the final compromise text with a view to agreement
- b) European Regional Development Fund and Cohesion Fund (ERDF/CF) Regulation 6181/21
Analysis of the final compromise text with a view to agreement
- c) European Social Fund Plus (ESF+) Regulation 6182/21 + COR 1
Analysis of the final compromise text with a view to agreement
- d) Just Transition Fund (JTF) Regulation 6183/21
Analysis of the final compromise text with a view to agreement

The Committee endorsed the text of the final compromises; the European Parliament will be informed.

Statement by the Czech Republic, supported by Poland
concerning Annex I of the Common Provisions Regulation

"The Czech Republic welcomes the formal adoption of the Common Provisions Regulation.

The Czech Republic would like to highlight the fundamental impact of the amendment of Annex I concerning energy efficiency codes of interventions 024, 025, and 026. Contribution of these categories of interventions to support to climate change objectives was reduced from 100 % to 40 %.

However, the Czech Republic is entirely convinced that these categories of intervention contribute to the climate objectives in full and thus the reduction of percentage is not justifiable.

The proposed reduction of the contribution could, in fact, be in conflict with the Energy Efficiency First Principle laid out in Article 2(18) of the Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action.

The amendment will have a negative impact on the implementation of the EU funds, it will increase administrative burden for the applicants as well as administration in general. It will also have implications for the planning of projects and flexibility in programming."

Statement by Malta
on Annex I of the Common Provisions Regulation

"Malta welcomes the formal adoption of the Common Provisions Regulation (CPR). Malta nevertheless regrets that investments in road related infrastructure are assigned a zero climate contribution coefficient and are not given similar weighting to rail transport. This situation will inevitably place Member States without a possible rail transport system at a disadvantage.

Being a small island Member State with no possibility of railways and where mass transport systems are not feasible, the upgrading of roads is necessary for Malta in the same way that investments in railways are required for those Member States that will enhance their share of rail transport. Malta recalls that its unique national circumstances and its 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.

This also has implications for the planning of projects and the flexibility in programming. As Annex I does not capture Malta's specific realities and limitations, Malta will have to cumulate from all projects in order to reach the targets set. This constrains the possibility to tailor projects to Malta's specific needs, leaving little possibility for other projects. Malta therefore calls on the Commission to show the necessary flexibility during the planning and programming of the Funds given the uniqueness of this case."

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 interprets the concept of "gender" as reference to sex, in line with Article 8, 10, 19 and 157 of the Treaty on the Functioning of the European Union and Article 21 and 23 of the Charter of Fundamental Rights of the European Union.

Furthermore Hungary is convinced that the content of gender is not appropriate to be defined in these legislative documents.

In line with these and its national legislation, Hungary interprets the concept of 'gender' as reference to 'sex' and the concept of 'gender equality' as reference to the 'equality between men and women' in the Regulations. As regards the breakdown of data, Hungary believes that footnote 23 in Annex I and footnote 35 in Annex II of the ESF+ Regulation and footnote 24 in Annex III of JTF Regulation should be applied 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, the relevant recitals, articles, annexes and footnotes should be understood as referring to the term gender interpreted in accordance with national legislation."

Statement by Poland

"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 place where the regulation refer to "gender" Poland will interpret it as meaning women and men, in accordance with Articles 2 and Article 3 TEU, as well as Article 8 TFEU."

Statement by Bulgaria

concerning the use of non-binary option with regard to reporting on certain indicators under European Social Fund+ and the Just transition Fund

"The Republic of Bulgaria understands the reporting on common indicators in Annexes I and II of the European Social Fund Plus Regulation and in Annex III of the Just Transition Fund Regulation by using a category of "non-binary", as not obligatory. The Republic of Bulgaria does not intend to gather and report relevant data, as such a category does not exist in its national legislation."

5. Meeting of the Council (General Affairs) on 23 March 2021: Agenda

The Presidency presented the main items on the agenda.

Foreign Affairs

6. Informal videoconference of the Ministers of Foreign Affairs/Trade on 2 March 2021: Follow-up

Nothing was raised under this item.

7. Meeting of the Council (Foreign Affairs) on 22 March 2021: Agenda

The EEAS presented the main items on the agenda.

Economic and Financial Affairs

8. Informal videoconference of the Ministers of Economic and Financial Affairs on 16 March 2021: Preparation
Other items in connection with the informal videoconference

The Presidency provided further information about the informal videoconference.

Justice and Home Affairs

9. Informal videoconference of the Ministers of Justice on 11 March 2021: Preparation

- a) Retention of electronic communication data 6455/21
Exchange of views

The Committee prepared this item for the informal videoconference.

- b) Fundamental Rights
i) Conclusions on strengthening the application of the Charter of Fundamental Rights in the European Union
Exchange of views with the Director of the Fundamental Rights Agency (FRA)
ii) Conclusions on the EU Citizenship Report - Empowering citizens and their rights
Information from the Presidency

The Committee prepared the first sub-item for the informal videoconference and agreed to withdraw the second sub-item from the agenda of the informal videoconference.

- c) Judicial training: Conclusions "Boosting training of justice professionals" 6377/21
Information from the Presidency

The Committee prepared this item for the informal videoconference.

- d) Setting up of the European Public Prosecutor's Office (EPPO) 6384/21
State of play

The Committee prepared this item for the informal videoconference.

- e) Other items in connection with the informal videoconference

The Presidency provided further information about the informal videoconference.

10. Informal videoconference of the Ministers of Home Affairs on 12 March 2021: Preparation

- a) Asylum and Migration Pact on Migration and Asylum
State of play and way ahead

The Committee prepared this item for the informal videoconference.

- b) Enhancing EU-North Africa Countries cooperation 6623/21
Exchange of views

The Committee prepared this item for the informal videoconference.

- c) Other items in connection with the informal videoconference

The Presidency provided further information about the informal videoconference.

COREPER (PART 1)

WEDNESDAY 3 MARCH 2021

Employment, Social Policy, Health and Consumer Affairs

32. Informal videoconference of the Ministers of Employment and Social Policy on 15 March 2021: Preparation

Equality, non-discrimination and diversity in the EU
Policy debate
(in public session)

The Committee prepared this item for the informal videoconference of the Ministers of Employment and Social Policy.

Employment and Social Policy

33. Revision of Regulations on coordination of social security systems (883/04 and 987/09)
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 1 March 2021.

Environment

34. Informal videoconference of the Ministers of Environment on 18 March 2021: Preparation

European Semester:

- a) The role of the Recovery and Resilience Plans for a Green Transition
- b) The future of the Semester in the context of Recovery and Resilience Facility in view of the Green Transition

Exchange of views
(in public session)

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

35. Regulation on European Climate Law 6444/21
Preparation for the trilogue

The Committee prepared a revised mandate for the forthcoming trilogue.

Agriculture and Fisheries

36. Meeting of the Council (Agriculture and Fisheries) on 22 and 23 March 2021: Agenda
(For the items in the remit of the Permanent Representatives Committee)

The Presidency presented the main items on the agenda.

Fisheries

37. European Maritime, Fisheries and Aquaculture Fund (EMFAF) 6310/21 + COR 1
Political agreement 6311/21

The Committee reached a political agreement on the European Maritime, Fisheries and Aquaculture Fund and agreed to join the proposed joint statements.

Joint Statement by the Council and the Commission

"The Council and the Commission remain committed to trying to avoid an interruption of fishing activities under Sustainable Fisheries Partnership Agreements by striving towards the timely renewal of Sustainable Fisheries Partnership Agreements and their implementing Protocols."

Joint Statement by the European Parliament, the Council and the Commission

"The European Parliament, the Council and the European Commission recognise the need to urgently advance action on the protection and conservation of marine and coastal ecosystems and biodiversity. The three institutions agree that tackling biodiversity loss, protecting and restoring ecosystems and/or maintaining them in good condition will require significant public and private investment at national and European level and that a significant proportion of the EMFAF expenditures should be invested in biodiversity. The three institutions agree that the European Commission will work with Member States, in the context of the programming exercise for the EMFAF 2021-2027, to reach the overall ambition of biodiversity spending highlighted in recital xx."

Statements by the Commission

"The Commission has accepted the eligibility of investments on board related to fisheries control and enforcement, be they mandatory or not, and for all Union fishing vessels. The Commission considers that these investments will enable Member States to make full use of the financial resources available in the EMFAF for control and enforcement, to fulfil their obligations under the Control Regulation and other rules of the Common Fisheries Policy and to substantially improve the culture of compliance in the fishing sector. Moreover, the Commission expects that – in the context of the ongoing review of the Control Regulation – the European Parliament and the Council will support the modernisation of the existing control tools and the use of new technologies as proposed by the Commission. This means in particular introducing smart solutions for the tracking and catch reporting of small scale vessels, installing systems for the continuous monitoring of engine power, moving to fully digitised traceability systems covering all fishery products (fresh, frozen and processed), and introducing mandatory remote electronic monitoring systems on board fishing vessels and based on risk assessment, as the only effective means to control the application of the landing obligation and the bycatch and discard of sensitive species."

"The Commission takes note of the difficulties encountered up to now to grant state aid for the renewal of the fleets in the outermost regions. With a view to the sustainable development of those regions, the Commission will endeavour to assist the Member States to improve the collection of scientific data necessary to comply with the eligibility condition set in the State aid guidelines with a view to facilitating the application of the guidelines for the examination of State aid to the fishery and aquaculture sector in the Outermost Regions."

"The European Commission, in the context of the programming exercise for the EMFAF 2021-2027, will actively encourage Member States to maximise the use of measures included in their programmes, in particular under Article 22 (protection of biodiversity and ecosystems), to reach the overall ambition of providing an annual spending under the MFF to tackle biodiversity loss, protect and restore ecosystems and maintain ecosystems in good conditions as follows: 7,5% of annual spending under the MFF to biodiversity objectives in the year 2024 and 10% of annual spending under the MFF to biodiversity objectives in 2026 and 2027. The Commission will regularly monitor the level of this spending on the basis of the total eligible expenditure declared by the beneficiaries to the managing authority and on data submitted by the Member State. Where the monitoring shows insufficient progress towards reaching the overall ambition, the Commission will actively engage with Member States in the annual review meeting in order to adopt remedial measures, including a programme amendment."

Statement by Slovenia

"Slovenia supports the adoption of the political agreement for the Regulation of the European Parliament and Council on the European Maritime, Fisheries and Aquaculture Fund. The swift entry into force of the Regulation is key for timely implementation of the programme. Nevertheless, Slovenia would like to express its concerns regarding the agreed level of the aid-intensity for measures such as engine replacement and a purchase of an old fishing vessel. Slovenia is of the view that the percentage should be at the level of 55%. For Slovenian small-scale coastal fishing fleet with its negligible effect on the state of marine environment and fishing resources, a higher percentage would be of utmost importance. It would contribute significantly to sustainability and viability of the small and economically vulnerable sector."

38. Council Decision on the EU position in the consultations with the United Kingdom to agree on fishing opportunities for 2021 and for certain deep sea stocks for 2021 and 2022 6382/21
6414/21
Preparation for the adoption
Decision to use the written procedure

The Committee prepared for the adoption of the Council Decision and decided to use the written procedure for the adoption. The Committee decided not to publish the Decision in the Official Journal.

Internal Market and Industry

39. Directive amending Directive 2013/34/EU as regards disclosure of income tax information (CBCR) 6399/21
Mandate for negotiations with the European Parliament

The Committee agreed on a mandate for negotiations with the European Parliament.

Statement by Cyprus, Czech Republic, Hungary, Ireland, Luxembourg, Malta and Sweden

"Notwithstanding the constructive discussions at Working Party facilitated by the Presidency, and the general support expressed by all for tax transparency, Cyprus, Czech Republic, Hungary, Ireland, Luxembourg, Malta and Sweden have ongoing concerns regarding this Proposed Directive, and fully share the analysis of the Council legal service of 11 November 2016, reference 2016/0107 (COD), FISC 194, stating that the proposal for a Directive amending Directive 2013/34/EU as regards disclosure of income tax information must be based on Article 115 TFEU since both the aim and the content of the proposal relate to "fiscal provisions", rejecting thereby the appropriateness of the legal basis of the initial proposal, i.e. Article 50(1) TFEU, and are of the view that accordingly, the proposal must be discussed at ECOFIN Council, taking due account of the relevant procedural rules.

Cyprus, Czech Republic, Hungary, Ireland, Luxembourg, Malta and Sweden thus consider that the COMPET Council is not the appropriate Council configuration for having a political debate on the Council's *general approach* on this proposal."

IV. Any other business

COREPER (PART 2)

Appointment of the OECD Secretary-General

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

COREPER (PART 1)

None.

"I" items approved**COREPER (PART 2)****MONDAY 1 MARCH 2021****Foreign Affairs**

- | | |
|--|--|
| 11. Council Decision and Implementing Regulation concerning restrictive measures against serious human rights violations and abuses
<i>Decision to use the written procedure for the adoption</i> | 6442/21
6398/21
6400/21
CORLX |
|--|--|

WEDNESDAY 3 MARCH 2021**Judicial Affairs**

- | | |
|---|------------------------|
| 12. Judgments of the General Court in 11 annulment cases concerning the restrictive measures against the Democratic Republic of Congo
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 6401/21
JUR |
| 13. Case C-695/20 (Fenix International Ltd.)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 6430/21
JUR
FISC |
| 14. Judgments of the General Court in the cases T-585/18 and T-157/19 (Sanli v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 6496/21
JUR |

Economic and Financial Affairs

- | | |
|---|-----------------|
| 15. Possible future Administrative Cooperation framework between the EU and China in the area of VAT
<i>Approval</i>
<i>Decision to use the written procedure</i> | 6351/21
FISC |
|---|-----------------|

General Affairs

- | | |
|--|-----------------------|
| 16. Union position as regards the request of the United Kingdom to become an Invited Participant to the Arrangement and the Aircraft Sector Understanding
<i>Approval</i>
<i>Decision to use the written procedure</i> | 6079/1/21 REV 1
UK |
|--|-----------------------|

Justice and Home Affairs

- | | | |
|-----|--|----------------------------|
| 17. | Conclusions on the permanent continuation of the EU Policy Cycle for organised and serious international crime: EMPACT 2022+ | 6482/21
6481/21
COSI |
| | <i>Approval</i> | |
| | <i>Decision to use the written procedure</i> | |
| 18. | Conclusions on strengthening the application of the Charter of Fundamental Rights in the European Union | 6437/21
JAI
FREMP |
| | <i>Approval</i> | |
| | <i>Decision to use the written procedure</i> | |

Statement by Hungary

"Hungary can support the final compromise text of the Council Conclusions on strengthening the application of the Charter of Fundamental Rights in the European Union. However, this support cannot be interpreted as an endorsement by Hungary of either the Annual Rule of Law Cycle referred to in point 2 of the Council Conclusions or the Annual Rule of Law Reports implied in this reference. As reiterated by Hungary several times both in the dialogue with the Commission and in the Council, the Annual Rule of Law Report of the Commission raises concerns as regards its objectivity, sources and methodology. Hungary also reaffirms its position that the Annual Rule of Law Dialogues within the Council should not be based on the Annual Rule of Law Reports of the Commission."

Statement by Poland

"In relation to the Council Conclusions on the strengthening the application of the Charter of Fundamental Rights in the European Union, 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 place where the conclusions refer to "gender" Poland will interpret it as meaning women and men, in accordance with Article 8 and 10 TFEU.

With this clarification, Poland accepts the proposal concerning Council Conclusions on the strengthening the application of the Charter of Fundamental Rights in the European Union."

- | | | |
|-----|--|---------------------------|
| 20. | The 1996 Hague Convention on the Protection of Children: Line to take concerning the late reservations made by Nicaragua | 6291/21
6466/21
JAI |
| | <i>Approval</i> | |
| | <i>Decision to use the written procedure</i> | |
| 21. | The 1996 Hague Convention on the Protection of Children: Line to take concerning the accession of Costa Rica | 6293/21
JAI |
| | <i>Approval</i> | |
| | <i>Decision to use the written procedure</i> | |

- | | | |
|-----|--|--|
| 22. | Conclusions on boosting training of justice professionals
<i>Approval</i>
<i>Decision to use the written procedure</i> | 6485/21
JAI |
| 23. | Directive on control of the acquisition and possession of weapons (codification)
<i>Decision to use the written procedure for the adoption of the legislative act</i> | 6458/21
PE-CONS 56/20
CODIF
JAI |
| 24. | Critical Entities Resilience Directive
<i>Decision to consult an institution or body</i> | 6449/21
PROCIV |

Foreign Affairs

- | | | |
|-----|---|--|
| 25. | Agreement with Australia regarding the modifications in the EU's TRQs in the WTO schedule following Brexit | 6100/21 + COR 1
WTO |
| a) | Council Decision on the signing
<i>Adoption</i> | 6101/21
6103/21 |
| b) | Council Decision on the conclusion
<i>Request for the consent of the European Parliament</i> | 6102/21
6103/21 |
| 26. | Council Decision and Implementing Regulation concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine
<i>Decision to use the written procedure for the adoption</i> | 6345/21
6335/21
6338/21
CORLX |
| 27. | Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
<i>Decision to use the written procedure for the adoption</i> | 5894/21
5891/21
5893/21
CORLX |
| 28. | Council Decision and Regulation concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt
<i>Decision to use the written procedure for the adoption</i> | 6346/21
6320/21
6322/21
CORLX |

EU positions for international negotiations

- | | | |
|-----|---|-------------------------------------|
| 29. | Council Decision on the EU position in the Administrative Committee for the TIR Convention as regards the amendments to the Convention
<i>Decision to use the written procedure for the adoption</i> | 6413/21
6130/21
6137/21
UD |
|-----|---|-------------------------------------|

31. Council Decision on the EU position on the Kyoto declaration
Decision to use the written procedure for the adoption

6460/21 + ADD 1
+ ADD 2
6456/21 + ADD 1
COPEN

Statement by Ireland

"The Irish delegation notes that it is intended that the Council will make a decision on the position to be taken on behalf of the European Union on the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law at the 14th United Nations Congress on Crime Prevention and Criminal Justice, less than 3 months after presentation of this proposed decision to the Council. Ireland supports the EU position on the Kyoto Declaration and participated fully in the development of the text through discussions at COPEN and other fora. Ireland's Minister for Justice has committed to making a statement in support of the declaration.

In order to avoid a legal vacuum that would prevent the adoption of the Council Decision, and at the request of the General Secretariat of the Council on behalf of the Presidency, the Irish delegation will not insist, in this instance, upon its right to have 3 months within which to exercise Ireland's option to notify the President of the Council of its wish to participate in the adoption and application of the proposed Council Decision in accordance with the provisions of Article 3 of Protocol 21 on the Position of Ireland in respect of the area of Freedom, Security and Justice annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union.

It is Ireland's intention to opt-in to the Council Decision under Article 4 of Protocol 21 at the earliest possible opportunity post-adoption."

COREPER (PART 1)

Institutional Affairs

Written questions

40. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure 6492/21
PE-QE
- a) Sandra Pereira (GUE/NGL)
"Venezuelan elections" 6009/21
- b) Claudia Gamon (Renew), Morten Petersen (Renew)
"EU power supply failure" 5985/21

Fisheries

41. Council Regulation amending Regulations (EU) 2021/91 and (EU) 2021/92 as regards certain provisional fishing opportunities for 2021 in Union waters and non-Union waters
Decision to use the written procedure for the adoption 6316/21
6207/21
PECHE

Agriculture

42. Ministerial Declaration and Ministerial Resolution concerning the 8th Ministerial Conference on Protection of Forests in Europe
Approval 6405/1/21 REV 1
6508/21
FORETS
Decision to use the written procedure

Transport

43. Declaration of Locarno on developing the railway system
Authorisation to sign on behalf of the European Union 6471/21
Approval of the Council statement + ADD 1 - 2
TRANS

Employment and Social Policy

44. Joint Employment Report 2021
Decision to use the written procedure for the adoption 6476/1/21 REV 1
5945/1/21 REV 1
+ ADD 1 REV 1
SOC
45. Conclusions on the Joint Employment Report 2021
Approval 6475/21
Decision to use the written procedure 6240/1/21 REV 1
SOC