

Brussels, 30 March 2021
(OR. en)

7436/21
CRS CRP 10

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
9 and 10 March 2021

I. Adoption of the agenda

6798/21 OJ CRP2 10
6761/21 OJ CRP1 10

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)

TUESDAY 9 MARCH 2021

Justice and Home Affairs

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

- | | | |
|----|--|---------------------|
| b) | Asylum and Migration | 6088/21 |
| | Communication on enhancing cooperation on return and | 6032/21 R-UE |
| | readmission ¹ (including the Commission's Assessment of | 6583/21 |
| | third countries' level of cooperation on readmission in | |
| | 2019)
<i>Exchange of views</i> | |

The Committee prepared this item for the informal videoconference.

¹ Exceptionally in the presence of the Schengen Associated Countries.

3. (poss.) 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

Approval

Decision to use the written procedure for the adoption

The above-mentioned item was withdrawn.

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

- a) Directive on the resilience of critical entities

6630/21

Policy debate

The Committee prepared this item for the informal videoconference.

- c) Other items in connection with the informal videoconference

The Presidency provided further information regarding the informal videoconference.

4. Informal videoconference of the Ministers of Justice on 11 March 2021: Preparation
Other items in connection with the informal videoconference

The Presidency provided further information regarding the informal videoconference.

General Affairs

5. COVID-19 EU coordination: vaccine sharing
Information from the Commission and the EEAS

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

WEDNESDAY 10 MARCH 2021

General Affairs

6. Exceptional measures on the continuation of decision-making in the Council 6670/21

Approval

Decision to use the written procedure for the adoption

The Committee agreed on the exceptional measures to be taken and agreed to use the written procedure for the adoption of the respective Council Decision.

7. Meeting of the Council (General Affairs) on 23 March 2021: Preparation

- a) Preparation of the European Council on 25-26 March: 5475/21

Guidelines

Exchange of views

The Committee examined the draft guidelines for the conclusions of the upcoming European Council meeting on 25-26 March 2021.

- b) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

8. COVID-19 EU coordination

Information from the Commission

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

Foreign Affairs/Justice and Home Affairs

9. Informal videoconference of the Ministers of Foreign Affairs and Ministers of Home Affairs on 15 March 2021: Preparation

- a) External dimension of the EU's migration policy under the New Pact on migration and asylum: 6470/21

- i) Mutually beneficial partnerships with key third countries –migration as a core element in bilateral relations

- ii) Enhancing coordination and cooperation among EU actors to best achieve our migration objective

Political debate

The Committee prepared this item for the informal videoconference.

- b) Other items in connection with the informal videoconference

The Presidency and the EEAS provided further information regarding the informal videoconference.

Economic and Financial Affairs

10. Informal videoconference of the Ministers of the Economy and Finance on 16 March 2021: Preparation

- a) Conclusions on the Retail Payments Strategy for the EU
Information from the Presidency

The Committee prepared this item for the informal videoconference.

- b) Addressing taxation challenges arising from the digitalisation of the economy
State of play

The Committee prepared this item for the informal videoconference.

- c) The Economic Recovery in Europe
 - i) (poss.) Economic situation and outlook
Exchange of views
 - ii) Commission communication “One year since the outbreak of COVID-19: Fiscal policy response”
Presentation by the Commission
Exchange of views
 - iii) Implementation of the Recovery and Resilience Facility
State of play
Exchange of views

The Committee prepared this item for the informal videoconference.

- d) International meetings
 - i) Follow-up to the G20 meeting of Finance Ministers and Central Bank Governors on 26 February 2021
Information from the Presidency and the Commission
 - ii) Preparation of the G20 Finance Ministers and Central Bank Governors and IMF Spring meetings on 7-11 April 2021: G20 EU Terms of Reference + Statement to the IMFC
Information from the Presidency

The Committee prepared this item for the informal videoconference.

- e) Other items in connection with the videoconference

The Presidency provided further information regarding the informal videoconference.

Foreign Affairs

- 11. EU-India Leaders' Meeting (8 May 2021, Porto): Preparation
Exchange of views

The Committee held an exchange of views and gave a mandate to the Union representative to engage in negotiations on the Joint Statement.

COREPER (PART 1)

Transport

42. Regulation on the Connecting Europe Facility (CEF) 5832/21
Preparation for the trilogue

The Committee prepared a revised mandate for the forthcoming trilogue.

Employment, Social Policy, Health and Consumer Affairs

43. Informal videoconference of the Ministers of Employment and Social Policy on 15 March 2021: Preparation
1. Employment and social policies in the Semester in the context of Recovery and Resilience Plans
*Exchange of views
(in public session)*
 2. Time to deliver: Implementing the European Pillar of Social Rights Action Plan
*Policy debate
(in public session)*

The Committee prepared these items for the informal videoconference of the Ministers of Employment and Social Policy.

Employment and Social Policy

44. Recommendation on Roma equality, inclusion and participation 5896/21
Preparation for the adoption 6070/21
Decision to use the written procedure

The Committee prepared for the adoption of the draft Recommendation and decided to use the written procedure for the adoption of the text.

Statement by Poland

"Równość kobiet i mężczyzn została zapisana w traktatach Unii Europejskiej jako podstawowe prawo. Polska zapewnia równość kobiet i mężczyzn w ramach polskiego krajowego systemu prawnego zgodnie z międzynarodowymi traktatami praw człowieka oraz w ramach podstawowych wartości i zasad Unii Europejskiej. Z tych powodów, w miejscach, w których zalecenia odnoszą się do równości płci, Polska będzie interpretowała ją jako równość kobiet i mężczyzn zgodnie z art. 8 TFUE."

Courtesy translation

"Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, in place where the recommendations refer to 'gender' Poland will interpret it as meaning women and men, in accordance with Article 8 TFEU."

Statement by the Slovak Republic

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

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| 45. | Conclusions on Mainstreaming Ageing in Public Policies | 6468/1/21 REV 1 |
| | <i>Preparation for the approval</i> | 6463/1/21 REV 1 |
| | <i>Decision to use the written procedure</i> | + REV 1 COR 1 |

The Committee agreed on the draft conclusions and decided to use the written procedure for the approval of the text.

Statement by Hungary

"Hungary fully supports the aims of the Council Conclusions, that shed light on a very important aspect of demographic change: population ageing. The draft conclusions offer a broad, horizontal view of this phenomenon, and suggest many suitable policy responses, allowing for a real mainstreaming of ageing.

In paragraph 44, the text now reads: '*ADOPT an age-integrated approach including a rights-based and a life-cycle perspective to ageing, bearing in mind and addressing diversity and variety of needs of women and men in an open society for all ages, taking into account the dual approach of mainstreaming ageing: the ageing of the population with the responsibility for society to prepare and adapt to the individual needs of citizens, throughout their lives; continue encouraging and enabling active, healthy ageing;*'

Hungary interprets the term of 'diversity' in this paragraph, to refer to the needs of women and men."

Statement by Poland

"Równość kobiet i mężczyzn została zapisana w traktatach Unii Europejskiej jako podstawowe prawo. Polska zapewnia równość kobiet i mężczyzn w ramach polskiego krajowego systemu prawnego zgodnie z międzynarodowymi traktatami praw człowieka oraz w ramach podstawowych wartości i zasad Unii Europejskiej. Z tych powodów, w miejscach, w których zalecenia odnoszą się do równości płci, Polska będzie interpretowała ją jako równość kobiet i mężczyzn zgodnie z art. 8 TFUE."

Courtesy translation

"Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with internationally binding human rights instruments and within the framework of fundamental values and principles of the European Union. For these reasons, in place where the recommendations refer to 'gender' Poland will interpret it as meaning women and men, in accordance with Article 8 TFEU."

Statement by the Slovak Republic

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

Employment, Social Policy, Health and Consumer Affairs

46. Informal videoconference of the Ministers of Health on 16 March 2021: Preparation

1. COVID-19 – the way ahead
Exchange of views
2. Europe's beating cancer plan
Presentation by the Commission
Exchange of views
(in public session)

The Committee prepared these items for the informal videoconference of the Ministers of Health.

Environment

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

1. EU Strategy on Adaptation to Climate Change
Exchange of views
(in public session)
2. Batteries and waste batteries
Policy debate
(in public session)

The Committee prepared these items for the informal videoconference of the Ministers of Environment.

48. Conclusions on Sustainable Chemicals Strategy of the Union: 6712/21
Time to Deliver 6695/21
Preparation for the approval
Decision to use the written procedure

The Committee agreed on the draft conclusions and decided to use the written procedure for the approval of the text.

Agriculture and Fisheries

49. Meeting of the Council (Agriculture and Fisheries) on 22 and 23 March 2021: Preparation
1. Preparedness of phytosanitary measures to protect against 6639/21
plant pests threatening agriculture
Exchange of views
 2. Use of biological control agents (macro-organisms) 6645/21
against plant pests
Policy debate

The Committee prepared these items for the Council meeting.

Telecommunications

50. Regulation on a temporary derogation from the ePrivacy
Directive
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 9 March 2021.

IV. Any other business

COREPER (PART 2)

Visits by the President of the European Council

The Committee took note of the information provided about the President's visits to Moldova, Georgia, Ukraine, Rwanda and Kenya.

COREPER (PART 1)

None.

"I" items approved**COREPER (PART 2)****WEDNESDAY 10 MARCH 2021****Judicial Affairs**

- | | | |
|-----|---|--------------------------------|
| 12. | Judgments of 16 December 2020 in cases T-243/18 (VW / Commission), T-315/19 (BT / Commission) and T-442/17 RENV (RN / Commission)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 6383/21 + COR 1
JUR
STAT |
| 13. | Case T-776/20 (Robert Stockdale / Conseil e.a.)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 6489/21
JUR
INST |
| 14. | Case - T-714/20 R (Dmitry Vladimirovich OVSYANNIKOV v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 6544/20
JUR |
| 15. | Cases T-75/21 and T-75/21R (Ana Carla Mendes de Almeida v. Council)
<i>Information note for the Permanent Representatives Committee (Part 2)</i> | 6620/21
JUR |
| 16. | Opinion procedure before Court of Justice 1/20
<i>Approval</i> | 6658/21
JUR |

Institutional Affairs

17. **Minutes of Council meetings**
Approval

FAC 25.1.2021

5823/21 + ADD 1

Appointments

- | | | |
|-----|--|---------------------------|
| 18. | EESC renewal - appointment of a member (CZ)
<i>Decision to use the written procedure for the adoption</i> | 6693/21
6366/21
CES |
|-----|--|---------------------------|

Transparency

- | | | |
|-----|---|---------|
| 19. | Public access to documents | 5799/21 |
| | Confirmatory application No 04/c/01/21 | 5800/21 |
| | <i>Decision to use the written procedure for the adoption</i> | INF |
| | | API |
| 20. | Complaint 360/2021/TE to the European Ombudsman | 6707/21 |
| | <i>Approval of a letter</i> | API |
| | | INF |

Economic and Financial Affairs

- | | | |
|-----|---|-----------------|
| 21. | New Greek Commemorative Coin | 6002/21 |
| | | UEM |
| 22. | New Maltese Commemorative Coin | 6166/21 |
| | | UEM |
| 23. | New Maltese Commemorative Coin | 6167/21 |
| | | UEM |
| 24. | Council Decision approving the external auditors of the Deutsche Bundesbank | 6169/21 |
| | <i>Adoption</i> | 6001/21 |
| | | UEM |
| 25. | Council Decision approving the external auditors of Eesti Pank | 6170/21 |
| | <i>Adoption</i> | 6003/21 |
| | | UEM |
| 26. | Cooperation between the EU and China in the area of Customs | 6633/21 |
| | <i>Approval</i> | UD |
| | <i>Decision to use the written procedure for the adoption</i> | |
| 27. | Regulation establishing the EU Anti-Fraud Programme | 6676/21 |
| | <i>Decision to use the written procedure for the adoption of the Council's position at first reading and of the statement of the Council's reason</i> | 5330/21 + ADD 1 |
| | | + ADD 1 COR 1 |
| | | GAF |
| 28. | Regulation establishing the InvestEU Programme | 6671/21 |
| | <i>Decision to use the written procedure for the adoption of the legislative act</i> | ECOFIN |
| 29. | European Council and Council estimates for 2022 | 6632/1/21 REV 1 |
| | <i>Approval</i> | 6160/21 |
| | | + COR 1-2 |
| | | FIN |

- | | | |
|-----|--|---------|
| 30. | Conclusions on ECA's Special Report 25/2020 | 6647/21 |
| | <i>Approval</i> | 6651/21 |
| | <i>Decision to use the written procedure</i> | EF |

General Affairs

- | | | |
|-----|---|---------------------------|
| 31. | Defence Fund Regulation | 6689/21 |
| | <i>Decision to use the written procedure for the adoption of the Council's position at first reading and of the statement of the Council's reason</i> | 6748/20 + ADD 1
POLMIL |
| 32. | Letter to European Parliament on the conclusion of the TCA | 6786/21 |
| | <i>Approval</i> | UK |

Justice and Home Affairs

- | | | |
|-----|---|------------------------|
| 33. | Regulation on preventing the dissemination of terrorist content online | 6685/21 |
| | <i>Decision to use the written procedure for the adoption of the Council's position at first reading and of the statement of the Council's reason</i> | 14308/20 + ADD 1
CT |

Statement by Denmark

"While reiterating the full support for the Regulation of the European Parliament and of the Council on addressing the dissemination of terrorist content online Denmark would like to inform that when the competent authority in Denmark in accordance with article 4(1) of the Regulation is informed of a removal order issued by the competent authority of another Member State to a Danish hosting service provider, the Danish competent authority will inform the hosting service provider of its legal effect in Denmark."

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| 34. | Commission proposals in the context of the Multiannual Financial Framework | |
| | a) Regulation establishing the Asylum and Migration Fund (AMF) | 6687/21
6691/21 |
| | b) Regulation establishing the Internal Security Fund (ISF) | 6690/21 |
| | c) Regulation establishing the border management and visa instrument (BMVI) as part of the Integrated Border Management Fund | JAI |
| | <i>Political agreement</i> | |

Statement by Greece

"Greece expresses its concerns about the actual calculations of the national allocations by the European Commission. These calculations for the period 2021-27 seem to result in funding available which is by no means adequate in order to cover the actual needs. Hence there is an imminent risk for a totally undesirable cut-down or *even cut-off* of programmes of reception, integration and protection addressed to asylum claimants and beneficiaries of international protection. Greece is looking forward to working constructively with the European Commission in order to mitigate such risk and to avoid endangering programmes because of lack of necessary funds."

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| 35. | EU Drugs Strategy 2021 – 2025: revision of several language versions
<i>Approval</i> | 6386/21
13932/1/20 REV 1
CORDROGUE |
| 36. | Conclusions on the EU's Cybersecurity Strategy for the Digital Decade
<i>Approval</i> | 6722/21
CYBER |

Statement by Poland

"In relation to the Council Conclusions on the EU's Cybersecurity Strategy for the Digital Decade, Poland understands wording "gender" (point 6 of the Council Conclusions) 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. With this clarification, Poland accepts the proposal concerning Council Conclusions on the EU's Cybersecurity Strategy for the Digital Decade."

Foreign Affairs

- | | | |
|-----|---|-----------------------------|
| 37. | Council Decision on the establishment of a warehouse capability for civilian crisis-management missions
<i>Adoption</i> | 6705/21
6191/21
CORLX |
| 38. | Conclusions on Ethiopia
<i>Approval</i>
<i>Decision to use the written procedure</i> | 6072/21
5782/21
COAFR |
| 39. | 6th EU-Georgia Association Council (Brussels, 16 March 2021)
<i>Establishment of the EU position</i>
<i>Decision to use the written procedure</i> | 6747/21
COEST |

Statement by Poland

"In relation to the Common Position of the European Union, Poland understands wording "gender equality" as referring to "equality between women and men", in line with art. 2 and art. 3 of the Treaty on European Union and the Charter of Fundamental Rights. With this clarification, Poland accepts the proposal concerning Common Position of the European Union for the 6th EU-Georgia Association Council, 16 March 2021."

Delegated or Implementing Acts

Economic and Financial Affairs

- | | | |
|-----|--|--------------------------|
| 40. | Commission Delegated Regulation amending Delegated Regulation (EU) No 1222/2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards for the specification of the methodology for the identification of global systemically important institutions and for the definition of subcategories of global systemically important institutions
<i>Delegated act - Intention not to raise objections</i> | 6151/21
6588/21
EF |
|-----|--|--------------------------|

EU positions for international negotiations

- | | | |
|-----|---|---|
| 41. | Council Decision on the EU position to be taken at the 64th Session of the Commission on Narcotic Drugs on international scheduling of new psychoactive substances
<i>Adoption</i> | 6300/21 + COR 1
6193/21
CORDROGUE |
|-----|---|---|

Statement by the Commission

"The Commission will not oppose the adoption of the revised text of the Union position for the scheduling of new psychoactive substances at the 64th meeting of the United Nations Commission on Narcotic Drugs (CND), but wishes to make the following statement:

The Commission reiterates its position that the decisions concerned by this proposal are adopted by qualified majority and are a matter of exclusive Union competence because Union law, in this case in the area of drug control, will be directly and automatically affected by the scheduling decisions of the United Nations Commission on Narcotic Drugs. The Commission underlines that this position refers to international scheduling decisions under the 1961 UN Convention on Narcotic Drugs and the 1971 UN Convention on Psychotropic Substances and not to drugs policy in general."

COREPER (PART 1)

Institutional Affairs

Written questions

51. Replies to questions for written answer submitted to the Council by Members of the European Parliament
Adoption by silence procedure 6720/21
PE-QE
- a) Loucas Fourlas (EPP) 6610/21
"Illegal visit of Turkish Vice-President to Varosha"
- b) Eric Andrieu (S&D) 5915/21
"Emergency ban on two neonicotinoids"
- c) Julie Lechanteux (ID) 6611/21
"European Magnitsky Act"

Appointments

52. One member (AT) in the Advisory Committee on Safety and Health at Work 6732/21
6731/21
Decision to use the written procedure for the adoption SOC
53. One alternate member (AT) in the Advisory Committee on Safety and Health at Work 6734/21
6733/21
Decision to use the written procedure for the adoption SOC
54. One member (BE) in the Management Board of the European Centre for the Development of Vocational Training 6736/21
6735/21
Decision to use the written procedure for the adoption SOC
55. One alternate member (DK) in the Advisory Committee for the Coordination of Social Security Systems 6730/1/21 REV 1
6729/1/21 REV 1
Decision to use the written procedure for the adoption SOC

Judicial Affairs

56. Case C-181/20 (VYSOČINA WIND a.s. v Česká republika) 6536/21
Request for a preliminary ruling JUR
Information note for the Permanent Representatives Committee (Part I)

Agriculture

57. Decision on the equivalence of field inspections and practices in the UK
Decision to use the written procedure for the adoption of the legislative act 6668/21
AGRILEG
58. Decision on the equivalence of forest reproductive material produced in the UK to such material produced in the EU
Decision to use the written procedure for the adoption of the legislative act 6667/21
FORETS

Environment

59. Regulation on LIFE
Decision to use the written procedure for the adoption of the Council's position at first reading and of the statement of the Council's reason 6686/21 + ADD 1
6077/20 + ADD 1
ENV

Statement by the Commission

"In line with the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources (2018/2070(ACI)), the Commission will set out, in cooperation with the Council and the Parliament, an effective, transparent and comprehensive methodology for tracking biodiversity expenditures in view of working towards the ambition of providing 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.

Following the definition of this methodology, the Commission will present by 31 July 2022 to the European Parliament and the Council the contributions of the LIFE Regulation to the biodiversity ambition. The spending of the LIFE Programme on biodiversity objectives will be reported annually in the programme statements of operational expenditures. Its contribution to the conservation status of habitats and species will be analysed in the context of the mid-term evaluation foreseen in 2024 and referred to in Article 19 of the LIFE Regulation."

Health

60. Regulation on EU4Health Programme
Decision to use the written procedure for the adoption of the legislative act 6617/21
SAN

Research

- | | |
|---|--|
| 61. Regulation establishing Horizon Europe - Framework Programme
<i>Decision to use the written procedure for the adoption of the Council's position at first reading and of the statement of the Council's reason</i> | 6692/21
+ ADD 1 - 4
7064/20 + ADD 1
+ ADD 1 COR 1
RECH |
|---|--|

Statement by the Council

"The Council calls on the Commission to ensure the greatest involvement of the Council, during the negotiations of agreements associating third countries to Union programmes, including the EU Framework Programme for Research and Innovation, Horizon Europe, in accordance with Article 218 TFEU. To this end, a special committee may be designated by the Council in consultation with which the negotiations, including with regard to the design and content of such agreements, are conducted, in accordance with Article 218(4) TFEU.

In this regard, the Council recalls the principle of sincere cooperation among the EU institutions, laid down in art. 13(2) TEU, second sentence, and the relevant case-law of the EU Court of Justice on Article 218(4) TFEU, according to which the Commission must provide the special committee with all the information and documents necessary to monitor the progress of the negotiations, such as, in particular, the general aims announced and the positions taken by the other parties throughout the negotiations, in due time before the negotiating meetings, in order to allow the formulation of opinions and advice relating to the negotiations².

Where agreements associating third countries to Union programmes already exist and include a standing authorisation for the Commission to determine the specific terms and conditions applicable to each country concerning its participation in any given programme, and where the Commission is assisted in this task by a special committee, the Council recalls that the Commission must act in consultation with that special committee in a systematic manner during the negotiating process, for example by sharing draft texts ahead of meetings with the relevant third countries and by providing regular briefings and debriefings.

Where agreements associating third countries to Union programmes already exist but where no special committee is foreseen, the Council considers that the Commission should similarly engage with the Council and its preparatory bodies in a systematic manner during the negotiating process when determining the specific terms and conditions for the association to Horizon Europe."

Statement by the Council on Art. 5

"The Council recalls that it follows from Articles 179(3) and 182(1) TFEU, read in combination, that the Union can adopt only one multiannual Framework Programme setting out all the Union research and technological development activities. The Council is therefore of the view that the European Defence Fund mentioned in Art. 1(2)(c) of the Regulation establishing the Union Research Framework Programme - Horizon Europe, covering both the research and technological development activities of this Fund, is a specific programme implementing the Framework Programme within the meaning of Art. 182(3) TFEU and falls within the scope of the Regulation establishing that Framework Programme."

² See judgment of 16 July 2015 in *Commission v Council*, C-425/13, EU:C:2015:483, paragraph 66.

Joint political statement by the European Parliament, the Council and the Commission on the re-use decommitted funds in Horizon Europe

"In the Joint Declaration on the re-use of decommitted funds in relation to the research programme³ the European Parliament, the Council and the Commission agreed to make available again to the benefit of the research programme commitment appropriations, corresponding to the amount up to EUR 0,5 billion (in 2018 prices) in the period 2021-2027 of decommitments, which results from total or partial non-implementation of projects belonging to the 'Horizon Europe' Framework Programme or its predecessor 'Horizon 2020', as provided for in Article 15(3) of the Financial Regulation. Without prejudice to the powers of the budgetary authority and to the Commission's powers to implement the budget, the European Parliament, the Council and the Commission agree that the indicative distribution of that amount will be as follows up to:

- EUR 300 000 000 in constant 2018 prices for the cluster 'Digital, Industry and Space' in particular for quantum research;
- EUR 100 000 000 in constant 2018 prices for the cluster 'Climate, Energy and Mobility'; and
- EUR 100 000 000 in constant 2018 prices for the cluster 'Culture, Creativity and Inclusive Society'."

Statement by the Commission on recital 47

"The Commission intends to implement the EIC Accelerator budget in a way to ensure that the grant-only support to SMEs, including start-ups, corresponds to the support provided under the SME instrument budget of the Horizon 2020 Programme, in accordance with the terms established in Article 48, paragraph 1 and recital 47 of the Horizon Europe Regulation."

Statement by the Commission on article 5

"The Commission takes note of the compromise reached by the co-legislators on the wording of Article 5. In the Commission's understanding the specific programme on defence research mentioned in Article 1 paragraph 2 point c) is limited only to the research actions under the future European Defence Fund while the development actions are considered outside the scope of this Regulation."

Statement by the Commission on article 6

"Upon request, the Commission intends to exchange views with the responsible Committee in the European Parliament on: (i) the list of potential partnerships candidates based on the Articles 185 and 187 TFEU which will be covered by (inception) impact assessments; (ii) the list of tentative missions identified by the Mission boards; (iii) the results of the Strategic Plan before its formal adoption, and (iv) it will present and share documents related to work programmes."

³ OJ C 444I, 22.12.2020, p. 3–3

Statement by the Commission on article 16(1)(d)

"The Commission fully subscribes to the respect of human rights as laid down in Article 21 Treaty on the European Union and its 2nd sub-para 'The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph.' However, the Commission regrets the inclusion of the 'respect of human rights' in the set of criteria for third countries to fulfil in order to be eligible for association to the Programme under Article 16 paragraph 1 point d)(1) d. No other EU programme for the future Multiannual Financial Framework saw the need to include such an explicit reference, while there is no question that the EU is seeking to pursue a consistent approach in its external relations with third countries as far as Human Rights protection is concerned across all its instruments and policy areas, and which should guide the Commission in the implementation of this provision."

Statement by the Commission on international cooperation

"The Commission takes note of the Council's unilateral declaration, which it will duly consider, consistently with the Treaty, the jurisprudence of the EU Court of Justice, and the principle of institutional balance, when it consults the special committee under article 218(4) TFEU."

Statement by the Commission on ethics/stem cell research, article 19

"For the Horizon Europe Framework Programme, the European Commission proposes to continue with the same ethical framework for deciding on the EU funding of human embryonic stem cell research as in Horizon 2020 Framework Programme.

The European Commission proposes the continuation of this ethics framework because it has developed, based on experience, a responsible approach for an area of science which holds much promise and that has proven to work satisfactorily in the context of a research programme in which researchers participate from many countries with very diverse regulatory situations.

1. The decision on the Horizon Europe Framework Programme explicitly excludes three fields of research from Union funding:

- research activities aiming at human cloning for reproductive purposes;
- research activities intended to modify the genetic heritage of human beings which could make such changes heritable;
- research activities intended to create human embryos solely for the purpose of research or for the purpose of stem cell procurement, including by means of somatic cell nuclear transfer.

2. No activity will be funded that is forbidden in all Member States. No activity will be funded in a Member State where such activity is forbidden.

3. The decision on Horizon Europe and the provisions for the ethics framework governing the Union funding of human embryonic stem cell research entail in no way a value judgment on the regulatory or ethics framework governing such research in Member States.

4. In calling for proposals, the European Commission does not explicitly solicit the use of human embryonic stem cells. The use of human stem cells, be they adult or embryonic, if any, depends on the judgment of the scientists in view of the objectives they want to achieve. In practice, by far the largest part of Union funds for stem cell research is devoted to the use of adult stem cells. There is no reason why this would substantially change in Horizon Europe.

5. Each project proposing to use human embryonic stem cells must successfully pass a scientific evaluation during which the necessity of using such stem cells to achieve the scientific objectives is assessed by independent scientific experts.
6. Proposals which successfully pass the scientific evaluation are then subject to a stringent ethics review organised by the European Commission. In this ethics review, account is taken of principles reflected in the EU Charter of Fundamental Rights and relevant international conventions such as the Convention of the Council of Europe on Human Rights and Biomedicine signed in Oviedo on 4 April 1997 and its additional protocols and the Universal Declaration on the Human Genome and the Human Rights adopted by UNESCO. The ethics review also serves to check that the proposals respect the rules of the countries where the research will be carried out.
7. In particular cases, an ethics check may be carried out during the lifetime of the project.
8. Each project proposing to use human embryonic stem cells must obtain the approval of the relevant national or local ethics committee prior to the start of the relevant activities. All national rules and procedures must be respected, including on such issues as parental consent, absence of financial inducement, etc. Checks will be made on whether the project includes references to licensing and control measures to be taken by the competent authorities of the Member State where the research will be carried out.
9. A proposal that successfully passes the scientific evaluation, the national or local ethics reviews and the European ethics review will be presented for approval, on a case by case basis, to the Member States, meeting as a committee acting in accordance with the examination procedure. No project involving the use of human embryonic stem cells will be funded that does not obtain approval from the Member States.
10. The European Commission will continue to work to make the results from Union funded stem cell research widely accessible to all researchers, for the ultimate benefit of patients in all countries.
11. The European Commission will support actions and initiatives that contribute to a coordination and rationalisation of HESC research within a responsible ethical approach. In particular, the Commission will continue to support a European registry of human embryonic stem cell lines. Support for such a registry will allow a monitoring of existing human embryonic stem cells in Europe, will contribute to maximise their use by scientists and may help to avoid unnecessary derivations of new stem cell lines.
12. The European Commission will continue with the current practice and will not submit to the committee acting in accordance with the examination procedure proposals for projects which include research activities which destroy human embryos, including for the procurement of stem cells. The exclusion of funding of this step of research will not prevent Union funding of subsequent steps involving human embryonic stem cells."

Statement by France

"La France se félicite de l'ambition du nouveau programme de recherche et d'innovation de l'Union, "Horizon Europe", et apporte son soutien à l'adoption du règlement établissant ce programme.

Elle rappelle néanmoins sa réserve quant à la mention, au considérant 6, d'un "principe d'innovation".

Tout en reconnaissant l'utilité d'évaluer les conséquences de la réglementation européenne sur l'innovation, en cohérence avec la "boîte à outils pour une meilleure réglementation", elle souligne que le "principe d'innovation" ne fait l'objet d'aucune définition juridique, contrairement au "principe de précaution" qui est reconnu par les Traités (article 191, paragraphe 2, du Traité sur le fonctionnement de l'Union européenne) et par la jurisprudence relative à ce principe (voir, notamment, arrêt de la Cour de justice de l'Union européenne (Grande chambre) du 9 mars 2010 dans les affaires C-379/08 et C-380/08, *ERG*, et arrêt de la Cour (Grande chambre) du 1^{er} octobre 2019 dans l'affaire C-616/17, *Blaise e.a.*)."

Courtesy translation

"France welcomes the ambition of the new research and innovation program of the Union, "Horizon Europe" and supports the adoption of the regulation establishing this program. France recalls its concern regarding the mention, in recital 6, of the so called "innovation principle".

While acknowledging the need to assess the impact of Union law on innovation in full coherence with the Better regulation's toolbox, it underlines the absence of any legal definition of the "innovation principle". By contrast, the "precautionary principle" is fully recognized both by the Treaties (Article 191.2 TFEU) and the case-law building on this principle [e.g. judgment of the ECJ (Grand Chamber) of 9 March 2010 in cases C-379/08 and C-380/08, *ERG*, and judgment of the ECJ (Grand Chamber) of 1st October 2019 in case C-616/17, *Blaise a.o.*]."

Transport

62. IMO - Joint submission - MEPC 76 on the discharges and residues from Exhaust Gas Cleaning Systems into the aquatic environment
Endorsement
- 6641/21 + ADD 1
MAR
OMI

Statement by the Commission

"The Commission considers that Union submissions to be sent to the IMO are covered by EU exclusive competence. Submission of proposals to the IMO on issues of EU competence is an act of external representation, which, in accordance with Article 17(1) TEU, is the institutional prerogative of 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 Treaty provisions on external representation of the Union must be applied. It should therefore be made by the European Commission on behalf of the European Union and sent to the IMO by the Commission.

The Commission reserves all its rights in this regard."

63. IMO - Joint submission - MSC 103 on amendments to the HSSC Survey Guidelines
Endorsement
- 6640/21 + ADD 1
MAR
OMI

Statement by the Commission

"The Commission considers that Union submissions to be sent to the IMO are covered by EU exclusive competence. Submission of proposals to the IMO on issues of EU competence is an act of external representation, which, in accordance with Article 17(1) TEU, is the institutional prerogative of 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 Treaty provisions on external representation of the Union must be applied. It should therefore be made by the European Commission on behalf of the European Union and sent to the IMO by the Commission.

The Commission reserves all its rights in this regard."

Telecommunications

- | | |
|--|---|
| 64. Regulation establishing the Digital Europe Programme for the period 2021-2027
<i>Decision to use the written procedure for the adoption of the Council's position at first reading and of the statement of the Council's reason</i> | 6666/21 + COR 1
6789/20 + ADD 1
TELECOM |
|--|---|

Delegated or Implementing Acts

Internal Market and Industry

- | | |
|--|----------------------------------|
| 65. Commission Directive (EU) .../...of XXX amending Directive 2009/48/EC of the European Parliament and of the Council as regards specific limit values for aniline in certain toys
<i>Decision not to oppose adoption</i> | 6661/21
5636/21
MI |
| 66. Commission Regulation (EU) .../...of XXX amending and correcting Annex II and amending Annexes III, IV and VI to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products
<i>Decision not to oppose adoption</i> | 6664/21
5627/21 + ADD 1
MI |
| 67. Commission Regulation (EU) .../... of XXX amending Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers for the purpose of including a new type of EC fertiliser in Annex I
<i>Decision not to oppose adoption</i> | 6673/21
5524/21 + ADD 1
MI |
| 68. Commission Regulation (EU) .../... of XXX amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council as regards polycyclic-aromatic hydrocarbons (PAHs) in granules or mulches used as infill material in synthetic turf pitches or in loose form on playgrounds or in sport applications
<i>Decision not to oppose adoption</i> | 6678/21
5866/21 + ADD 1
MI |

Statement by Germany

"Die Entscheidung betreffend:

Deutschland hat im REACH Regelungsausschuss aus inhaltlichen Gründen gegen diese Beschränkung gestimmt. Aber aus unserer Sicht ist die Kommission weder über ihr Kompetenzen hinausgegangen, noch hat sie die Ziele des Basisrechtsaktes verletzt oder gegen das Subsidiaritäts- und Verhältnismäßigkeitsprinzip verstoßen. Daher hat der Rat keine begründbare Rechtfertigung den Rechtsakt abzulehnen.

Die deutsche Übersetzung betreffend:

Deutschland geht davon aus, dass die deutsche Übersetzung der Erwägungsgründe wie folgt geändert wird:

In Erwägungsgrund 3 wird das Wort „zusammengefasst“ durch das Wort „aufaddiert“ ersetzt.

In Erwägungsgrund 5 wird der erste Satz wie folgt geändert: „Der Gefahren-Endpunkt der bei diesen acht PAK für die menschliche Gesundheit die größte Besorgnis bereitet ist Karzinogenität und die Fähigkeit, genotoxische Wirkungen auszulösen.“

In Erwägungsgrund 9 wird im ersten Satz hinter „durchführen“ ein „und“ ergänzt. Im letzten Satz des gleichen Erwägungsgrundes wird das Wort „Vertreiber“ durch „Händler“ und der Ausdruck „weiter verwenden“ durch „weiterverwenden“.

In Erwägungsgrund 10 wird im ersten Satz das „da“ durch ein „und“ und das „allgemeinen“ durch ein „breiten“ ersetzt. Im letzten Satz des gleichen Erwägungsgrundes wird „allgemeine“ in „breite“ geändert.

In Erwägungsgrund 11 wird „wonach“ durch „dass“ ausgetauscht.

In Erwägungsgrund 12 wird im zweiten Satz hinter „Materials“ ein „zu“ ergänzt.

Zudem geht Deutschland davon aus, dass in der Ergänzung des Anhang XVII Eintrag 5 in der rechten Spalte im letzten Satz von Nummer 13 der Ausdruck „genannten Zweck weiter verwendet werden“ durch „gleichen Zweck weiterverwendet werden“ ersetzt wird. Außerdem wird das Wort „polymerischen“ unter Nummer 14 a) und b) durch „polymeren“ ersetzt."

Courtesy translation

"Regarding the decision:

Germany has voted against this restriction in the REACH Committee based on technical arguments. However, according to our assessment the Commission neither exceeded their competences nor violated the objectives of the basic regulation or violated the principles of subsidiarity and proportionality. Therefore, we see no justifiable grounds for a council objection.

Regarding the German translation:

Germany assumes that the German version of the recitals will be corrected as follows:

In recital 3 the word „zusammengefasst“ will be replaced by „aufaddiert“.

In recital 5 the first sentence is changed as follows „Der Gefahren-Endpunkt der bei diesen acht PAK für die menschliche Gesundheit die größte Besorgnis bereitet ist Karzinogenität und die Fähigkeit, genotoxische Wirkungen auszulösen.“

In the first sentence of recital 9 a „und“ is added after „durchführen“. In the last sentence of the same recital the word „Vertreiber“ is replaced by „Händler“ and the expression „weiter verwenden“ by „weiterverwenden“.

In the first sentence of recital 10 the „da“ is replaced by „und“ and the word „allgemeinen“ by „breiten“. In the last sentence of the same recital the „allgemeine“ is changed to „breite“.

In recital 11 the „wonach“ is replaced by „dass“.

In the second sentence of recital 12 a „zu“ is added after „Materials“.

In addition Germany expects that in the right column of the extension of Annex XVII entry 50 under number 13 the expression „genannten Zweck weiter verwendet werden“ is replaced by „gleichen Zweck weiterverwendet werden“. Also, the word „polymerischen“ under number 14 a) and b) is replaced by „polymeren“."