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## OUTCOME OF THE COUNCIL MEETING

3795th Council meeting

**Foreign Affairs**

**Trade**

Brussels, 20 May 2021

President **Augusto Santos Silva**  
Minister of State and Foreign Affairs

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

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## **ITEMS DEBATED**

### **International Procurement Instrument**

The presidency and the Commission informed the Council about the state of play of the negotiations on the International Procurement Instrument (IPI) during a public session under ‘Any other business’.

The IPI is a trade policy tool aimed at discouraging discrimination against EU companies in procurement markets in third countries. It would enable the EU to limit or exclude access to its public procurement market for economic operators from countries that apply discriminatory restrictions to EU businesses. The main objectives of this regulation are to improve the level playing field, increase the participation of EU businesses in procurement markets in third countries and provide leverage for the EU in the context of negotiations for opening markets in third countries.

In 2016, the Commission presented a revised proposal for a regulation on the IPI to the Council and the European Parliament; that proposal is currently being examined by the Council.

In March 2019, the European Council called on member states to resume discussions and, in October 2020, EU leaders asked for the work on the IPI to be accelerated.

The Portuguese presidency has intensified work on the IPI and aims to reach an agreed Council position by the end of its term. This would allow for trilogues with the European Parliament to start during the mandate of the incoming Slovenian presidency.

The existing EU commitments with third countries – including the WTO Government Procurement Agreement (GPA) and bilateral trade agreements – would remain unaffected by the IPI. In addition, the IPI provides for some exceptions to safeguard the public interest, prevent disproportionate procurement cost increases, and support the least developed countries and SMEs.

[Amended Commission proposal for an International Procurement Instrument \(29 January 2016\)](#)

## **Trade policy review**

The Council discussed the conclusions on the trade policy review. On 18 February 2021, the Commission issued its Communication on the ‘Trade Policy Review - An Open, Sustainable and Assertive Trade Policy’. Vice-president Vladis Dombrovskis presented this communication at the informal video conference of the Ministers of Foreign Affairs/Trade on 2 March 2021; since then, the Council has been working on the text of the conclusions.

The TPR Communication stresses the fact that the EU should continue to be committed to open, rules-based and fair trade while at the same time defending its interests and ensuring a level playing field.

The core objectives set out in the communication are to support the recovery and fundamental transformation of the EU economy in line with the green and digital objectives, to shape global rules for a more sustainable and fairer globalisation, and to increase the EU’s capacity to pursue its interests and enforce its rights, including autonomously where needed.

[Communication from the Commission on trade policy review \(18 February 2021\)](#)

## **WTO reform and preparations for the next Ministerial Conference**

Ministers discussed ongoing work regarding the WTO reform and negotiations, and took stock of the preparations and priorities for the next WTO Ministerial Conference.

The Commission provided the Council with a state-of-play report on the preparations for the 12th WTO Ministerial Conference (MC12), which will take place in Geneva from 30 November to 3 December 2021. This included the state of play of the preparations for the announced WTO Ministerial meeting on 15 July 2021 (via DVC). The aim was to advance the text on fisheries so as to find acceptable landing zones that could be put to ministers for discussion and decision.

[WTO in brief](#)

## **EU-US trade relations**

Ministers were informed by the Commission about the state of play in EU-US trade relations. This included information on the latest developments and exchanges, e.g. as regards the development of a positive EU-US trade agenda, WTO-related issues, as well as matters related to Airbus/Boeing and US Section 232 tariffs on steel and aluminium.

The Commission and the EEAS outlined their ideas on EU cooperation with the new US administration in the Joint Communication of 2 December 2020 on a new, forward-looking transatlantic agenda for global cooperation. This agenda focuses on areas where EU/US interests and values converge and where both sides could best exercise their collective leverage.

The initial signals from Washington are encouraging, although EU-US trade talks have been progressing rather slowly. The contacts have intensified recently, which is also related to the upcoming EU-US summit and the possibility of agreeing on some trade-related deliverables.

Positive words from President Biden and USTR Tai on the new administration's commitment to multilateralism and re-building relations with allies have been coupled with the opening on Airbus/Boeing, resulting in the suspension of US and EU tariffs for four months. The issue of US Section 232 tariffs on steel and aluminium and EU rebalancing measures appears in a new light following the Joint EU-US Statement of 17 May on 'Addressing Global Steel and Aluminium Excess Capacity'.

### **Other items**

Under 'Any other business', ministers were informed by the Commission about the state of play of the ongoing steel safeguard investigation. This investigation aims to assess whether the safeguard measures currently in force on imports of certain steel products should be prolonged beyond 30 June 2021.

They were also provided with information on the state of play regarding the EU-Mercosur deal.

Ministers had an informal exchange of views with the WTO Director-General, Dr Ngozi Okonjo-Iweala, during lunch.

Ministers also had the opportunity to informally exchange views (in videoconferencing format) with the United States Trade Representative Katherine Tai.

## **OTHER ITEMS APPROVED**

### **FOREIGN AFFAIRS**

#### **Opening of an EU delegation to ASEAN**

The Council gave its agreement to the opening of a European Union delegation to ASEAN in the course of 2021.

#### **Conclusions on Commission's Communication on the EU's humanitarian action**

The Council adopted conclusions welcoming the Communication from the Commission to the European Parliament and the Council on the 'EU's humanitarian action: new challenges, same principles'.

For more details, see the [press release](#).

#### **European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) - extension of mandate**

The Council adopted a decision amending decision 2014/486/CFSP on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine), extending the mandate of the mission until 31 May 2024. The Council also decided that a strategic assessment should be conducted after two years, focused on the evolution in the political dimension.

#### **Agreement to facilitate the transfer of suspected arms or narcotic drugs traffickers by European Union member states with the Republic of Seychelles: opening of negotiations**

The Council adopted a decision authorising the High Representative to open negotiations with the Republic of Seychelles for an agreement to facilitate the transfer of suspected arms or narcotic drugs traffickers by European Union member states.

**Council Decision authorising the opening of negotiations on an agreement with Mauritania**

The Council adopted a decision authorising the opening of the negotiations with the Islamic Republic of Mauritania for an agreement on the status in Mauritania of the Regional Advisory and Coordination Cell (RACC), of other elements of EUCAP Sahel Mali and of elements of EUCAP Sahel Niger, on the basis of the SOMA in force for EUCAP Sahel Mali in Mali.

**Council Decision on Union outreach activities in support of the implementation of the Arms Trade Treaty**

The Council adopted a decision amending decision (CFSP) 2017/915 of 29 May 2017 on Union outreach activities in support of the implementation of the Arms Trade Treaty, and extending its implementation until 31 January 2022, due to the challenges arising from the Covid-19 pandemic crisis.

**Sudan UN Transposition - Implementing Decision and Implementing Regulation**

The Council adopted an implementing decision implementing decision 2014/450/CFSP and an implementing regulation implementing Article 15(3) of regulation (EU) No 747/2014 concerning restrictive measures in view of the situation in Sudan. The two pieces of legislation remove one person from the list of persons and entities subject to restrictive measures, in line with the decision of the United Nations Security Council Committee of 5 March 2021.

**GENERAL AFFAIRS****Union's position on the need to alleviate the economic and social disparities of the current EEA Financial mechanism**

The Council approved the position to be expressed on the Union's behalf in the EEA Joint Committee to the effect that the Union agrees to a joint conclusion of the EEA Joint Committee which recognises the need to alleviate social and economic disparities in the European Economic Area.



## **COVID-19: Temporary derogation from the Council's Rules of Procedure**

The Council adopted a decision further extending the temporary derogation from the Council's Rules of Procedure introduced by decision (EU) 2020/430, in view of the travel difficulties caused by the COVID 19 pandemic in the Union, as set out in document [8487/21](#).

Given that the exceptional circumstances caused by the COVID-19 pandemic continue, it is necessary to extend the above-mentioned derogation for a further limited period until 16 July 2021.

## **EU declaration on the territorial scope of the TCA**

The Council approved the EU declaration on paragraph 4 of Article 774 of the Trade and Cooperation Agreement, which is to be interpreted and implemented in full respect of applicable international law.

## **HOME AFFAIRS**

### **Restrictions on travel from third countries**

The Council today adopted an amending recommendation on the temporary restriction on non-essential travel into the EU. This amendment responds to the ongoing vaccination campaigns by introducing certain waivers for vaccinated persons and easing the criteria for lifting restrictions on third countries. At the same time, it takes into account the possible risks posed by new variants by setting out an emergency brake mechanism to quickly react to the emergence of a variant of interest or concern in a third country ([8822/1/21](#)).

For more details, see the [press release](#).

## **ENERGY**

### **East Mediterranean Gas Forum**

The Council approved the participation of the Union as a permanent observer in the East Mediterranean Gas Forum (EMGF).

The Commission will consequently apply, on behalf of the EU, for permanent observer status in the EMGF, which will allow for participation in the sessions of the EMGF's governance bodies and advisory groups. Observer status of the Union in the EMGF does not, nor is it intended to, create any legal obligations on either side under domestic or international law.

The EMGF has the objective to foster cooperation, create a structured dialogue on natural gas issues, set an agenda to formulate regional policies and set common strategies in order to expedite the monetization of existing and future natural gas reserves located in the Eastern Mediterranean ([8382/21](#)).

## **INTERNAL MARKET**

### **Commission regulation amending annex XVII to regulation (EC) No 1907/2006**

The Council decided not to oppose the adoption of a Commission regulation amending annex XVII to regulation (EC) No 1907/2006 (REACH) as regards perfluorocarboxylic acids containing 9 to 14 carbon atoms in the chain (C9-C14 PFCAs), their salts and C9-C14 PFCA-related substances.

The Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects ([7043/21](#) + [ADD 1](#)).

### **Commission Delegated Directive (EU) amending Directive 2009/43/EC as regards the updating of the list of defence-related products in line with the updated Common Military List of the European Union of 17 February 2020**

The Council decided not to object to a Commission delegated directive updating the list of defence-related products set out in the Annex to Directive 2009/43/EC so that it corresponds to the latest version of the Common Military List of the European Union.

The directive is a delegated act pursuant to article 290 of the Treaty on the Functioning of the EU. It can now enter into force, unless the European Parliament objects ([6862/21](#) + [ADD 1](#)).

## **TRANSPORT**

### **Transport Community**

The Council adopted a decision on the EU position to be taken in the Regional Steering Committee of the Transport Community as regards certain administrative and staff matters ([8438/21](#); 8039/21; 8040/21).

## **HEALTH**

### **EU supports start of WHO process for establishment of Pandemic Treaty**

The Council adopted a decision to support the launch of negotiations on an international treaty on the fight against pandemics. The World Health Assembly, the main governing body of the WHO, is expected to back the establishment of a process for a Framework Convention on Pandemic Preparedness and Response during its (virtual) meeting which starts on 24 May 2021. The objective of the Council decision is to ensure the participation of the EU in the negotiations addressing matters falling within Union competence, with a view to the Union's possible accession to the treaty.

The proposal for an international treaty on pandemics was first announced by the President of the European Council, Charles Michel, at the Paris Peace Forum in November 2020. At the European Council of 25 February 2021, EU leaders underlined the need for global multilateral cooperation to address current and future health threats and agreed to work on an international treaty on pandemics within the WHO framework and to advance global health security.

For more details, see the [press release](#).

## **TRANSPARENCY**

### **Transparency - Public access to documents**

On 20 May 2021, the Council approved the reply to confirmatory application No 10/c/01/21 (doc. 7783/21).