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COUNCIL OF THE EUROPEAN UNION
(Employment, Social Policy, Health and Consumer Affairs)

14 and 15 June 2021

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MEETING ON MONDAY 14 JUNE 2021

1. Adoption of the agenda

The Council adopted the agenda set out in 9564/21.

2. Approval of "A" items

a) **Non-legislative list** 9565/21

The Council adopted the "A" items listed in 9565/21 including COR and REV documents presented for adoption. Statements to these items are set out in the Addendum.

b) **Legislative list** (Public deliberation in accordance with Article 16(8) of the Treaty on European Union) 9566/21

Fisheries

1. **Regulation on the European Maritime, Fisheries and Aquaculture Fund (EMFAF)**  9366/21 + ADD 1-2
Adoption of the Council's position at first reading and of the statement of the Council's reasons 6975/21
approved by Coreper, Part 1, on 09.06.2021 + **REV 1 (lt)**
+ **REV 2 (hr)**
+ ADD 1
PECHE

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons, with Sweden voting against and Lithuania abstaining. (Legal basis: Articles 42, 43(2), 91(1), 100(2), 173(3), 175, 188, 192(2), 194(2), 195(2) TFEU). Statements to this item are set out in the Annex.

Transport

2. **Regulation on the Connecting Europe Facility (CEF)**  9364/21 + ADD 1-2
Adoption of the Council's position at first reading and of the statement of the Council's reasons 6115/21
approved by Coreper, Part 1, on 09.06.2021 + **REV 1 (et)**
+ ADD 1
TRANS

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons. (Legal basis: Articles 172 and 194 TFEU). Statements to this item are set out in the Annex.

3. **Directive on streamlining measures for advancing the realisation of the trans-European transport network (TEN-T)**  9365/21
Adoption of the Council's position at first reading and of the statement of the Council's reasons 10537/20 + ADD 1
approved by Coreper, Part 1, on 09.06.2021 TRANS

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons. (Legal basis: Article 172 TFEU).

Justice and Home Affairs

4. **Regulation establishing the Internal Security Fund (ISF)**  9319/1/21 REV 1
Adoption of the Council's position at first reading and of the statement of the Council's reasons 9319/21 ADD 1 +
approved by Coreper, Part 2, on 09.06.2021 ADD 1 COR 1
6488/21 + ADD 1
JAI

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons, with the Czech Republic and Slovakia voting against. (Legal basis: Articles 82(1), 84 and 87(2) TFEU). Statements to this item are set out in the Annex.

5. **Regulation establishing the Asylum Migration and Integration Fund (AMIF)**  9317/1/21 REV 1
Adoption of the Council's position at first reading and of the statement of the Council's reasons 9317/21 ADD1
approved by Coreper, Part 2, on 09.06.2021 6486/21
+ REV 1 (ro)
+ ADD 1
JAI

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons, with Hungary voting against and Austria abstaining. (Legal basis: Articles 78(2), 79(2) and 79(4) TFEU). Statements to this item are set out in the Annex.

6. Regulation establishing the border management and visa instrument (BMVI) as part of the Integrated Border Management Fund

Adoption of the Council's position at first reading and of the statement of the Council's reasons
approved by Coreper, Part 2, on 09.06.2021

 9318/1/21 REV 1
9318/21 ADD 1
6487/21
+ REV 1 (ro)
+ COR 1 (cs)
+ ADD 1
JAI

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons. (Legal basis: Articles 77(2) and 79(2) TFEU). Statements to this item are set out in the Annex.

EMPLOYMENT AND SOCIAL POLICY

Legislative deliberations

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

3. Directive on adequate minimum wages in the European Union

Progress report
Policy debate

 9142/21 + COR 1
(EN)
9143/21
12477/20

The Council took note of the progress report on the Directive on adequate minimum wages in the EU set out in doc. 9142/21 + COR 1 and held a policy debate on this subject guided by the Presidency note in doc. 9143/21. While stressing the importance of fair minimum wages and the need to respect the variety of the national systems, Ministers broadly agreed that the proposal requires further work, notably in order to clarify the underlying conceptions and terminology.

4. Directive on binding pay transparency measures

Progress report

 9053/2/21 REV 2
6750/21
+ COR 1 REV 1

The Council took note of the progress report on the Directive on binding pay transparency measures set out in doc. 9053/2/21 REV 2.

5. Directive on equal treatment (Article 19)

Progress report

CS 9109/21
11531/08

The Council took note of the progress report on the Directive on equal treatment set out in doc. 9109/21. A number of delegations and COM welcomed the Presidency's comprehensive compromise package and called for further discussion under the Slovenian Presidency. In its intervention, the Slovenian delegation affirmed its commitment to this work.

Non-legislative activities

6. Follow-up of the Porto Social Summit – next steps for the EPSCO Council

Policy debate

Z 9140/21

The Council held a policy debate on the follow-up of the Porto Social Summit, guided by the Presidency note in doc. 9140/21. Welcoming the Porto Social Summit as a key event relaunching the social Europe, and in particular the three new EU-level headline targets (on jobs, skills and poverty reduction) in the EPRS Action Plan to be translated into national targets, Ministers concurred that national targets should be adapted to national circumstances. Ministers expressed the wish to return quickly to the full habitual cycle of the European Semester.

7. European Semester

a) Assessment of the implementation of the 2020 and relevant 2019 Country-Specific Recommendations (CSRs) - Opinion of the Employment Committee (EMCO) and the Social Protection Committee (SPC)

Endorsement

Z 9147/21

The Council endorsed the Opinion of the Employment and the Social Protection Committees on the assessment of the implementation of the 2020 and relevant 2019 Country-Specific Recommendations, as set out in doc. 9147/21.

- b) **Opinion of EMCO and SPC on the Commission proposal for a Revised Social Scoreboard** ☒ 9314/21
Endorsement

The Council endorsed the Opinion of the Employment and the Social Protection Committees on the Commission proposal for a Revised Social Scoreboard, as set out in doc. 9314/21.

8. **Key conclusions on 2021 Long Term Care Report of the Social Protection Committee and the European Commission** ☒ 9144/21
+ ADD 1-2
Endorsement

The Council endorsed the key conclusions on the 2021 Long-Term Care Report as contained in doc. 9144/21.

9. **Key conclusions on 2021 Pension Adequacy Report of the Social Protection Committee and the European Commission** ☒ 9145/21
+ ADD 1-2
Endorsement

The Council endorsed the key conclusions on the 2021 Pension Adequacy Report as set out in doc. 9145/21.

10. **Council Recommendation Establishing a European Child Guarantee** ☒☒ 9106/21 +
9106/1/21 REV 1
(DE)
9149/21 + ADD 1
7411/21 + COR 1
(Legal basis proposed by the Commission: Article 292, in conjunction with Article 153(2) and Article 153(1)(j) thereof)
Adoption

The Council adopted the Council Recommendation Establishing a European Child Guarantee, as set out in doc. 9106/21. The statement by Poland is set out in the Annex to these minutes.

11. **Conclusions on Telework** ☐ 9131/21
Approval

The Council approved the Conclusions as set out in doc. 9131/21.

12. **Conclusions on the socio-economic impact of COVID-19 on gender equality** ☐ 8878/21 + ADD 2
Approval

The Council approved the Conclusions as set out in doc. 8878/21. The statement by Poland is set out in the Annex to these minutes.

13. **Conclusions on the Strategy for the Rights of Persons with Disabilities (2021-2030)** ☐ 9127/21 + ADD 1
Approval

The Council approved the Conclusions as set out in doc. 9127/21. The statement by Poland is set out in the Annex to these minutes.

14. **New Challenges for Social Dialogue and Collective Bargaining** ☐ 9141/21 + COR 1
Policy debate

The Council held a policy debate on the new challenges for social dialogue and collective bargaining on the basis of a steering note set out in doc. 9141/21 + COR 1. Ministers shared good practices in developing national recovery and resilience plans and shared good practices of the involvement of the social partners in the process. Ministers stressed the right to social protection for all workers, including atypical workers.

Any other business

15. a) **Current legislative proposals** 
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)
- i) **Directive on gender balance on company boards** 16433/12
Information from the Presidency on the state of play
- ii) **Directive on carcinogens and mutagens at work, 4th batch** 11188/20
Information from the Presidency on the state of play
+ ADD 1
- iii) **Revision of Regulations on Coordination of Social Security systems (883/04 and 987/09)** 15642/16
Information from the Presidency on the state of play
+ ADD 1 REV 1

The Council took note of the information provided by the Presidency and of the intervention by the Commission.

- b) **Porto Social Summit (7 and 8 May 2021)** 
Information from the Presidency

The Council took note of the information provided by the Presidency and of the intervention by the Commission.

- c) **Presidency conferences** 
Information from the Presidency

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

- d) **High-Level Conference on Combating Homelessness – a priority for our Social Europe. Launching the European Platform (Lisbon, 21 June 2021)** 
Information from the Presidency

The Council took note of the information provided by the Presidency and of the intervention by the Commission.

- e) **Monitoring Committee of the Luxembourg Declaration (Cascais, 13 July 2021)** 
Information from the Presidency

The Council took note of the information provided by the Presidency and of the intervention by the Commission.

- f) **Implementation of the EU Anti-racism action plan** 
Information from the Commission

The Council took note of the information provided by the Commission.

- g) **European Diversity month** 
Information from the Commission

The Council took note of the information provided by the Commission.

- h) **Implementation of the LGBTIQ Equality Strategy** 
Information from the Commission

The Council took note of the information provided by the Commission.

- i) **Work programme of the incoming Presidency** 
Information from the Slovenian delegation

The Council took note of the information provided by the Slovenian delegation.

MEETING ON TUESDAY 15 JUNE 2021

HEALTH

Legislative deliberations

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

16. **Regulation on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices**  9406/21
12971/20
General approach

The Council agreed on the general approach set out in doc. 9406/21. The Council further agreed to mandate the Presidency to conduct negotiations with the European Parliament on the basis of this general approach.

17. **Regulation amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control**  9620/21
12972/20
Progress report

The Council took note of the progress report on the proposal for a Regulation on the mandate of ECDC set out in doc. 9620/21.

18. **Regulation on serious cross-border threats to health and repealing Decision No 1082/2013/EU**  9622/21
12973/20 + ADD 1
Progress report

The Council took note of the progress report on the proposal for a Regulation on serious cross-border threats to health set out in doc. 9622/21.

Non-legislative activities

19. **Conclusions on Access to medicines and medical devices for a Stronger and Resilient EU**  9465/21
Approval

The Council approved the Conclusions as set out in doc. 9465/21.

20 Covid-19: Update on the pandemic situation
Exchange of views

Any other business

21. a) Current legislative proposals

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

Regulation on health technology assessment and amending Directive 2011/24/EU 🗳️ 5844/18 + COR 1
Information from the Presidency on the state of play

The Council took note of the information from the Presidency on the state of play of the negotiations on the proposal on health technology assessment and of interventions by the Commission and the SI delegation.

b) Global health initiatives

🗳️ 9623/21

Information from the Presidency

The Council took note of the information from the Presidency on the Global Health initiatives and of interventions by the Commission and the CZ delegation.

c) Joint Action on AMR and healthcare-associated infections (JAMRAI) and state of play on antimicrobial resistance

🗳️ 9629/21

Information from the Commission

The Council took note of the information provided by the Commission on the European Union Joint Action on Antimicrobial Resistance and Healthcare-Associated Infections and on the state of play on antimicrobial resistance and of interventions by the FR, MT and NL delegations as well as of the response by the Commission.

d) State of play on the implementation of Medical Device Regulations 9631/21
Information from the Commission

e) **Work programme of the incoming Presidency** 
Information from the Slovenian delegation

The Council took note of the information provided by the SI delegation.

-
-  First reading
 -  Special legislative procedure
 -  Public debate proposed by the Presidency (Article 8(2) of the Council's Rules of Procedure)
 -  Item based on a Commission proposal
-

Statements to the "B" items set out in doc. 9564/21

Ad "B" item 10: **Council Recommendation Establishing a European Child Guarantee**
(Legal basis proposed by the Commission: Article 292, in conjunction with Article 153(2) and Article 153(1)(j) thereof)
Adoption

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 Poland understands wording "gender" as a equality between women and men, according to Article 2 and 3 of the Treaty on European Union, Article 8 and 10 of the Treaty on the Functioning of the European Union."

Ad "B" item 12: **Conclusions on the socio-economic impact of COVID-19 on gender equality**
Approval

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. Therefore, Poland understands "gender equality" as referring to "equality between men and women", in accordance with art. 2 and 3 of the Treaty on the European Union and art. 8 and 157 (3) of the Treaty on the Functioning of the European Union. Consequently, Poland understand any remaining wording containing "gender" as referring to "sex" in line with art. 10, art. 19 para 1 and art. 157 para 2 and 4 of the Treaty on the Functioning of the European Union."

Ad "B" item 13: Conclusions on the Strategy for the Rights of Persons with Disabilities (2021-2030)
Approval

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 Poland understands wording "gender" as referring to "sex" in line with art. 10, art. 19 para 1 and art. 157 para 2 and 4 of the Treaty on the Functioning of the European Union and gender equality as a equality between women and men, according to Article 2 of the Treaty on European Union, Article 8 and 10 of the Treaty on the Functioning of the European Union, as well as art. 23 of the EU Charter of Fundamental Rights."

Statements to the legislative "A" items set out in doc. 9566/21

Ad "A" item 1: **Regulation on the European Maritime, Fisheries and Aquaculture Fund (EMFAF)**
Adoption of the Council's position at first reading and of the statement of the Council's reasons

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 15.”

STATEMENT BY LITHUANIA

“Lithuania supports the general aim of the European Maritime, Fisheries and Aquaculture Fund for 2021-2027 to provide support for the achievement of sustainable fisheries and aquaculture, the development of local coastal communities, the promotion of a sustainable blue economy, the implementation of the European Union’s maritime policy towards safe and sustainably managed seas and oceans, and for international ocean governance.

Lithuania considers European Maritime, Fisheries and Aquaculture Fund for 2021-2027 as the main tool for successful implementation of the goals of the EU Common Fisheries Policy.

In this regard, Lithuania regrets that certain provisions of the regulation do not reflect properly the continuous critical situation of the Baltic Sea Fisheries, fishing conditions and the needs of fleets concerned.

The political agreement reached between co-legislators on the 4th December 2020 has not addressed our concerns on the practical application of fleet support measures for vessels operating the Baltic Sea and does not provide necessary tools to adjust the fishing capacity of our fleet to fishing opportunities and maintain the remaining Baltic fleet viable and active.

Therefore, Lithuania cannot endorse the adoption of the Council's position at first reading on the "Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund and repealing Regulation (EU) no 508/2014 of the European Parliament and of the Council" and abstains in the voting."

STATEMENT BY SWEDEN

"The proposal provides for support for enhanced fishing capacity as well as a substantial increase in the proportion of the Fund's budget that can be used for measures linked to fishing capacity. The proposal does not contain sufficient conditions to prevent overcapacity, which can lead to overfishing. The proposal therefore runs contrary to the objectives of the EU's Common Fisheries Policy and the transition to sustainable fisheries as well as the EU's international commitments within the framework of Agenda 2030. Sweden therefore votes against the proposal."

STATEMENT 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."

STATEMENT BY THE COMMISSION

"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."

STATEMENT BY THE COMMISSION

“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 25 (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.”

Ad "A" item 2: **Regulation on the Connecting Europe Facility (CEF)**
Adoption of the Council's position at first reading and of the statement of the Council's reasons

JOINT STATEMENT BY THE COUNCIL OF THE EUROPEAN UNION AND THE EUROPEAN COMMISSION on the implementation of the Connecting Europe Facility 2021-2027

“In accordance with the European Council Conclusions of 21 July 2020, the Council and the Commission recall that, in the implementation of the Connecting Europe Facility 2021-2027, from the amount specified in Article 4(2), point (a)(i), of the CEF Regulation, an amount of EUR 1 384 000 000 (in 2018 prices) will be used for the completion of missing major cross-border railway links between Member States eligible for funding from the Cohesion Fund.”

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 international human rights treaties and within the framework of the fundamental values and principles of the European Union. For these reasons, Poland will interpret the expression ‘gender’ as ‘sex’, in accordance with Article 10, Article 19(1) and Article 157(2) and (4) of the Treaty on the Functioning of the European Union.”

Regulation establishing the Internal Security Fund (ISF)

Ad "A" item 4:

Adoption of the Council's position at first reading and of the statement of the Council's reasons

STATEMENT BY THE CZECH REPUBLIC AND SLOVAKIA

“The Czech Republic and Slovakia regret the outcome of the negotiations with the European Parliament on the proposed text of the Regulation establishing the Internal Security Fund. Bearing in mind the position of the Council, i.e. 50 % limit and exclusion of ICT equipment, we perceive the current compromise proposal of Article 13 (7) regarding the cap for purchase of equipment as unacceptable. Instead of proposed text of 35 % limit without exclusion of ICT equipment, The Czech Republic and Slovakia could accept either increase of the limit to 50 % OR keeping the percentage at 35 % while excluding the ICT equipment from this cap.

Purchase of highly specialised equipment is essential for work of law enforcing authorities and thus for ensuring the security of the Union. The Czech Republic and Slovakia see no reason for limiting purchase of equipment, which would serve reaching the objectives of the Fund, i.e. above all fighting serious and organised crime as well as improving communication between Member States. Since purchase of standard equipment is prohibited by recital 20, the purchased equipment would be highly specialised and would improve the Member States’ capabilities in respected areas thus fulfil the objectives of the Fund.

In view of the above the Czech Republic and Slovakia vote against the adoption of the proposal of the Regulation establishing the Internal Security Fund.”

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.”

STATEMENT BY MALTA

“We welcome the efforts to reach a provisional agreement with the European Parliament on the Regulation establishing the Asylum and Migration Fund (AMF); the Regulation establishing the Internal Security Fund (ISF) and the Regulation establishing the Border Management and Visa Instrument (BMVI) as part of the Integrated Border Management Fund, as outlined in ST 6486/21, ST 6487/21 and ST 6488/21 respectively. In view of the need to establish the respective funds for 2021-2027 as soon as possible, Malta can accept the provisional agreements reached.

However, Malta recalls the concerns raised on the conditionality of 10% included horizontally in the mid-term review for all three funds. Malta remains of the opinion that such a conditionality raises difficulties in the implementation and may result in the unnecessary loss of funds.”

STATEMENT BY POLAND

“Poland supports the approach that the discussion on the ISF, BMVI and AMIF Regulations should be accelerated so as to ensure the continuity of funding in these areas, therefore we agree to accept the compromise versions. At the same time, we maintain our concerns regarding Article 13(7): *the limit of the allocation of a Member State programme for the purchase of equipment, means of transport, etc.*

The provisions regarding Art. 13(7) are, from the very beginning, one of the most important issues for Poland. We strongly supported the compromise version of the Council proposal (7.06.2019) to increase the limit on the allocation for the purchase of equipment, means of transport, etc. to 50%. In a spirit of compromise, we also agreed to reduce this level to 35%, but with the exclusion of information and communication technology (ICT) equipment.

Such provisions would increase the equipment and infrastructure capacity of the Member States’, which should definitely improve their internal security. This is particularly important for the Member States that are still improving their equipment, infrastructure, operational capacities of national services and institutions responsible for maintaining internal security, also in collaboration with other Member States.

The UE funded projects should bring long-lasting effects, which will constitute an enhancement of a Member State’s security also after a given project has been completed. As the previous experience shows, ISF's undertakings mainly concern the purchase of equipment, infrastructure (including IT infrastructure), because such activities guarantee a permanent increase in security level.

The introduction of a limitation on such activities would indispose the Fund to respond to the key needs of services in this area. “Soft” activities, meetings, exchange of information are important, but without proper facilities and modern technology, they may not be effective enough. Especially, in the current time of the COVID-19 pandemic, the implementation of such activities is difficult or sometimes impossible. Successful actions in the area of EU security require substantial resources and capabilities from the Member States.

The current ISF proposal doesn’t contain the exclusion of ICT from this limit which was already agreed in the Council position. It may cause that a significant proportion of the fund dedicated to the purchase of equipment will be spent on ICT equipment, which can be very expensive, and the purchase of other equipment will not be possible. It should be underlined that the purchase of ICT equipment is fully in line with the Fund's objectives and should not be limited in any way. Moreover, the new provision introduces a large administrative burden.

This is an important issue for Poland, and the current ISF proposal may cause problems in the implementation of the Fund in the future.”

**Regulation establishing the Asylum Migration and Integration Fund
(AMIF)**

Ad "A" item 5:

Adoption of the Council's position at first reading and of the statement of the Council's reasons

STATEMENT BY AUSTRIA

“Austria abstains and recalls the statement by Austria to the minutes of COREPER II on the 24 July 2020 as well as the statement by Austria to the minutes of COREPER II on the 30 September 2020 and to the minutes of the Council on 12 October 2020 regarding the Regulation establishing the Asylum and Migration Fund (AMF).”

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.”

STATEMENT BY HUNGARY

“In our view, migration will remain one of the main challenges for the European Union in the upcoming period, and appropriate financial instruments need to be provided to address this challenge in a holistic manner. As a result, Hungary prioritises the funding of measures and areas of support related to the effectiveness of activities in the field of return and the prevention of secondary movements, as well as those that provide EU funding for any project to be implemented in the external dimension.

Furthermore, we would like to point out that Hungary has serious concerns about the content of the proposal, as the proposal provides a disproportionate amount of resources for the implementation of the solidarity mechanism that includes the relocation of asylum seekers between Member States. Thus, it jeopardizes the further objectives of the fund and through this encourages to continue the systematic abuse of the EU asylum system.

Finally, through its provisions on legal migration, the proposal presupposes the need for additional migration channels. On the one hand, this is not a real assessment, and on the other hand, it is up to the Member States exclusively to decide how to respond to their labour market needs, having regard to their social and economic situation and their constitutional aspects. We find fundamentally problematic the approach which presents legal migration as a tool that would be a consensual response to the economic and demographic challenges that Member States are currently facing. In light of the epidemic in particular, Hungary is focusing on safeguarding existing jobs and green and digital transition, as well as on family policy, rather than on encouraging migration, which itself does not solve the problems and even creates new challenges. As a result, Hungary cannot accept the Asylum and Migration Fund in its current form, as Hungary believes that the fund places a disproportionate emphasis on encouraging legal migration and financing integration, and will promote the increase of illegal migration by overfunding the relocation of asylum seekers between Member States.

Furthermore, Hungary considers it excessive that for the mid-term review, by 30 June 2024, Member States should account for at least 10% of the fund allocations. In our view, this provision will make it more difficult to implement the Member States' national programs, which is contrary to the objectives pursued by the three funds. However, in the spirit of compromise, Hungary is ready to accept this strict criterion.”

STATEMENT BY MALTA

“We welcome the efforts to reach a provisional agreement with the European Parliament on the Regulation establishing the Asylum and Migration Fund (AMF); the Regulation establishing the Internal Security Fund (ISF) and the Regulation establishing the Border Management and Visa Instrument (BMVI) as part of the Integrated Border Management Fund, as outlined in ST 6486/21, ST 6487/21 and ST 6488/21 respectively. In view of the need to establish the respective funds for 2021-2027 as soon as possible, Malta can accept the provisional agreements reached.

However, Malta recalls the concerns raised on the conditionality of 10% included horizontally in the mid-term review for all three funds. Malta remains of the opinion that such a conditionality raises difficulties in the implementation and may result in the unnecessary loss of funds.”

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 Article 8 and 10 TFEU.”

Regulation establishing the border management and visa instrument (BMVI) as part of the Integrated Border Management Fund

Ad "A" item 6:

Adoption of the Council's position at first reading and of the statement of the Council's reasons

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.”

STATEMENT BY MALTA

“We welcome the efforts to reach a provisional agreement with the European Parliament on the Regulation establishing the Asylum and Migration Fund (AMF); the Regulation establishing the Internal Security Fund (ISF) and the Regulation establishing the Border Management and Visa Instrument (BMVI) as part of the Integrated Border Management Fund, as outlined in ST 6486/21, ST 6487/21 and ST 6488/21 respectively. In view of the need to establish the respective funds for 2021-2027 as soon as possible, Malta can accept the provisional agreements reached.

However, Malta recalls the concerns raised on the conditionality of 10% included horizontally in the mid-term review for all three funds. Malta remains of the opinion that such a conditionality raises difficulties in the implementation and may result in the unnecessary loss of funds.”

STATEMENT BY SLOVENIA

“The Republic of Slovenia supports the adoption of the multi-annual financial framework as soon as possible and greatly appreciates the efforts and efficiency of previous Presidencies in dealing with these three very difficult dossiers (funds).

The Republic of Slovenia welcomes the inclusion of some of the proposed elements in the existing compromise proposal; however, it still does not adequately address the situation at the external Schengen borders that are not external EU borders, which is something we kept raising throughout the negotiations.

The negotiations laid bare all the difficulties and unwanted consequences the Republic of Slovenia may face because the specific status of this border has never been clearly or adequately defined in different legal instruments.

Over the past years, EU legislation has imposed a lot of additional obligations to be implemented at external borders, which in most cases include the external Schengen borders. It started with the introduction of mandatory systematic checks of all travellers and travel documents and has now moved on to the Entry-Exit system, EUROSUR, as well as the Integrated Border Management Fund and the “screening” regulation.

The Republic of Slovenia is aware of its obligations and intends to fully meet them. That said, it is not reasonable to expect that all the costs of the infrastructure upgrades will be fully borne by the Republic of Slovenia from the national budget.

We find it unacceptable that all this time we have been at a disadvantage compared to the countries at the ‘permanent’ Schengen border, and we therefore wish to find an appropriate solution.

We have been facing the same problem in the existing Multiannual Financial Framework (2014-2020), which contains the same limitations and which have proved to be very problematic in practice.

With this declaration, therefore, we wish to highlight in particular how important it is to pay due attention to the specific situation at the external Schengen borders that are not external EU borders.

Article 5/4a does not adequately address the specificity of those internal borders at which controls have not yet been lifted. The recital 24, with its current wording, is of little use, as it still does not justify investment in the construction of new/additional infrastructure at the border with the Republic of Croatia.

In practice, for the Republic of Slovenia this means that we cannot finance, for example, the enlargement of border crossing points or the construction of new infrastructure from the EU funds, we can only upgrade (replace or maintain) the existing infrastructure.

The Republic of Slovenia believes that all the problems and undesired consequences that we might face due to the specific situation at our external Schengen borders that are not external EU borders could be avoided if buildings, systems and activities were included in the recital 24 in addition to infrastructure.”
