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OUTCOME OF THE COUNCIL MEETING

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Foreign Affairs

Items approved by written procedure between 25 January and 22 February 2021

Brussels, 22 February 2021

President

Josep Borrell

High Representative for Foreign Affairs and Security
Policy

P R E S S

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none

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¹ • 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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Temporary derogation from the Council's rules of procedure

Due to exceptional circumstances related to the COVID-19 pandemic, on 23 April 2020 the Council agreed on a temporary derogation from its rules of procedure to make it easier to take decisions by written procedure. The temporary derogation is currently in force until 19 Mars 2021 ([2021/26](#)). It may be renewed if justified by a continuation of the current exceptional circumstances.

The derogation allows member states' EU ambassadors sitting in the Committee of Permanent Representatives (Coreper) to decide to use the written procedure in accordance with the voting rule applicable to the adoption of the act itself. It means that the requirement for unanimity for all decisions adopted using the written procedure no longer applies. The objective is to facilitate the use of the written procedure to help ensure the continuity of Council business.

For more information on the temporary derogation, see the [press release](#).

As the latest formal Council meeting was held on 24 January, results of written procedures concluded between 25 January and 22 February 2021, which would otherwise have been communicated in Outcomes of Council meetings, are presented below. Results which have been communicated by means of a Council press release are not included.

FOREIGN AFFAIRS**Sanctions on Zimbabwe renewed**

The Council adopted a decision amending decision 2011/101/CFSP, and a regulation amending regulation EC No. 314/2004, and approved the notice for attention of the persons, bodies and entities to whom sanctions may apply to be published in the EU's Official Journal. These measures effectively renew sanctions against targeted Zimbabwean entities and people until 20 February 2022. Sanctions against three persons remain suspended and one deceased person has been deleted from the sanctions list.

The sanctions were first introduced in 2002 after the Council expressed grave concern over the government of Zimbabwe's human rights violations.

- [2020 Council press release on sanctions on Zimbabwe](#)
- [Council Decision 2011/101/CFSP](#)
- [Council Regulation EC No. 314/2004](#)

Position of the European Union for the 7th EU-Ukraine Association Council

The Council approved the position to be taken by the EU at 7th meeting of the EU-Ukraine Cooperation Council that took place in Brussels on 11 February 2021.

Implementation of operations under the 8th, 9th, 10th and 11th EDFs for the financial year 2019

The Council adopted recommendations concerning the discharge to be given by the European Parliament to the Commission in respect of the implementation of operations under the 8th, 9th, 10th and 11th European Development Funds for the financial year 2019.

INTERNAL MARKET**Council conclusions on Special Report No 24/2020 from the European Court of Auditors**

On 8 February 2021 the Council adopted a set of conclusions on the Special Report No 24/2020 from the European Court of Auditors entitled: "The Commission's EU merger control and antitrust proceedings: a need to scale up market oversight".

In these conclusions, the Council acknowledges the importance of EU competition rules enforcement in enabling the proper functioning and competitiveness of the EU's internal market and as a key driver for the well-being of EU citizens, businesses and the European society as a whole, takes note of the observations of the Commission to the Court's findings and recommendations and considers the report to be a useful contribution to reflections of the Commission and member states on how to further improve EU competition rules and their enforcement ([5602/21](#))

RESEARCH**EU-CELAC 2021 – 2023 Strategic Roadmap and Action Plan**

On 9 February the Council authorised the Commission to enter into negotiations on a non-binding instrument, namely the EU-CELAC¹ 2021 – 2023 strategic roadmap for the implementation of the Brussels declaration and the EU-CELAC action plan on science, technology and innovation.

The envisaged strategic roadmap is expected to include a list of discussion points for priority areas of cooperation between the EU and CELAC, such as mobility of researchers, research infrastructures, health research, green transition, digital transformation, innovation and open access. It should have no legally binding or financial implications for the EU (5562/21).

¹ Community of Latin American and Caribbean States

JUSTICE AND HOME AFFAIRS

EU-Afghanistan migration cooperation

The Council authorised the signing and approved the text of a joint declaration on migration cooperation between Afghanistan and the EU.

This declaration aims to prolong and step up cooperation with Afghanistan in the return of Afghan nationals who do not fulfil the conditions to stay in the EU. It will follow the expiration of the joint way forward on migration issues between Afghanistan and the EU concluded in 2016. The joint declaration is a non-binding instrument which does not create any legal obligations.

Bonn agreement

The Council adopted a decision on the conclusion of the amendments to the Bonn agreement with regard to the extension of the scope of application of that agreement and the accession of Spain ([11487/20](#), [11490/20](#), [11493/20](#)).

The Bonn agreement aims to promote cooperation and mutual assistance in combating pollution in the North Sea area by oil and other harmful substances, in order to protect the marine environment and safeguard coastal areas.

European Public Prosecutor's Office - Appointment of the European Prosecutors

The Council approved the replies to the requests submitted by Svetlana Shopova-Koleva and Isabel Vicente Carbajosa.

ECONOMIC AND MONETARY AFFAIRS**Financial benchmarks**

On 2 February 2021, the Council adopted amendments to the so-called benchmark regulation addressing the termination of financial benchmarks ([PE-CONS 63/20](#)).

The amendments have been made against the background of an expected phasing-out of the London Inter-Bank Offered Rate (LIBOR) by the end of 2021. The aim of the new rules is to reduce legal uncertainty and avoid risks to financial stability by making sure that a statutory replacement rate can be put in place by the time a systemically important benchmark is no longer in use.

Under the new framework, the Commission will have the power to replace so-called 'critical benchmarks', which could affect the stability of financial markets in the EU, and other relevant benchmarks, if their termination would result in a significant disruption in the functioning of financial markets in the EU. The Commission will also be able to replace third-country benchmarks if their cessation would result in a significant disruption in the functioning of financial markets or pose a systemic risk for the financial system in the EU.

The new rules also cover the replacement of a benchmark designated as critical in one member state, through national legislation.

In addition, the amendments to the benchmark regulation extend the transition period for the use of third-country benchmarks until the new rules governing the use of such benchmarks are applied. EU supervised entities will be able to use third-country benchmarks until the end of 2023. The Commission may further extend this period until the end of 2025 in a delegated act to be adopted by 15 June 2023, if it provides evidence that this is necessary in a report to be presented by that time.

Read the [press release](#)

Technical Support Instrument

On 2 February 2021, the Council adopted a regulation establishing a Technical Support Instrument (PE-CONS [61/20](#)) that will help member states to implement reforms.

The instrument is a successor to the Structural Reform Support Programme (SRSP) coordinated by the Commission. It will ensure that the Commission can continue to provide tailor-made expertise on the ground and support member states in improving their institutional and administrative capacity to develop and implement growth-enhancing reforms. The programme will support member states, in particular, in the preparation and implementation of their recovery and resilience plans under the Recovery and Resilience Facility.

The instrument will have a budget of €864 million over the period 2021-2027 (in current prices). Member states will also have the possibility to finance it through additional contributions.

Pericles IV

On 8 February 2021, the Council decided to request the consent of the European Parliament on the draft Council Regulation extending to the non-participating member states the application of the regulation establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting for the period 2021-2027 (the "Pericles IV" programme)([1594/21](#) + 13255/1/20 REV 1).

Recovery and Resilience Facility

On 11 February 2021, the Council adopted a regulation establishing the Recovery and Resilience Facility ([PE-CONS 75/20](#)). The facility will make €672.5 billion in grants and loans available for public investment and reforms in the 27 member states to help them address the impact of the COVID-19 pandemic, to foster the green and digital transitions and to build resilient and inclusive societies.

Member states will receive support from the facility on the basis of their national recovery and resilience plans, which will need to set out a coherent package of reforms and investment projects, covering six policy areas of European relevance. Support will be linked to country-specific recommendations under the European Semester. At least 37% of each plan's allocation has to support the green transition and at least 20% the digital transformation. Member states will also need to ensure that adequate control systems are put in place to prevent, detect and correct corruption, fraud and conflicts of interest.

Regarding the timetable, member states have until 30 April, as a rule, to submit their recovery and resilience plans to the Commission. Then, generally, the Commission will have up to two months to assess the plans and subsequently the Council will have four weeks to adopt its decision on the final approval of each plan.

For the plans approved in 2021, member states will be able to get pre-financing of up to 13% of the grants and loans provided for in their plan. Before that, however, the EU's own resources decision needs to be ratified in all member states, since the decision authorises the Commission to borrow on the capital markets to address the consequences of the COVID-19 crisis.

Read the [press release](#)

Implementing measures for the EU system of own resources

On 12 February 2021, the Council decided to request the consent of the European Parliament on the draft Council regulation laying down implementing measures for the system of own resources of the European Union ([1738/21](#) + [10045/20](#)).

Capital Market Recovery Package

On 15 February 2021, the Council adopted targeted amendments to the markets in financial instruments directive (MiFID) II ([PE-CONS 71/20](#)) and the prospectus regulation ([PE-CONS 72/20](#)) to facilitate the recapitalisation of EU companies on financial markets in the wake of the COVID-19 crisis.

Together with adaptations to the EU's securitisation framework, the measures form part of the Capital Markets Recovery Package agreed between the Council and the European Parliament at the end of 2020. The aim of the package is to make it easier for capital markets to support economic recovery from the pandemic.

The MiFID II rules have been amended to simplify information requirements in a targeted manner, while safeguarding investor protection. The new rules will also allow banks and financial firms to bundle research and execution costs when it comes to research on small and mid-cap issuers. Other changes include adaptations to the position limit regime for commodity derivatives to support the emergence and growth of euro-denominated commodity derivatives markets.

The prospectus regulation has been amended mainly to establish a new 'EU recovery prospectus'. This shorter prospectus will make it easier for companies to raise capital to meet their funding needs, while ensuring adequate information is provided to investors.

Read the [press release](#)

Export Credits for Civil Aircraft

On 15 February 2021, the Council adopted a decision on the EU position regarding the proposed Common Line to be taken in the written procedure by the Participants to the Aircraft Sector Understanding on Export Credits for Civil Aircraft (5327/21 + 5390/21).

The EU proposes a Common Line which would allow purchasers of new aircraft and purchasers of spare engines and spare parts to defer repayment of loan principal for 12 months after the delivery of the purchased goods or, if certain conditions are satisfied, for 18 months after the delivery of the purchased goods.

The aim of the Common Line is to address the short-term liquidity issues facing operators and buyers of new aircraft and engines in the light of the current and developing COVID-19 crisis.

BUDGETS**Discharge procedure concerning the EU budget for 2019**

On 16 February 2021, the Council adopted a recommendation that the European Parliament give a discharge to the Commission for the implementation of the EU's 2019 budget ([5792/21 ADD 1](#)). The recommendation was prepared on the basis of the Court of Auditors' annual report on the implementation of the budget, published in November 2020.

In its annual report, the court concluded that the revenue for the financial year 2019 is legal and regular and free from material error. At the same time, the court issued an adverse opinion on the legality and regularity of expenditure after finding that high-risk expenditure (mainly spending on a reimbursement basis, which is subject to complex rules) is increasingly affected by material error and represents over half of the audit population. The court therefore considered, unlike in the previous three years, that the error in expenditure is pervasive.

In the light of the court's report on the performance of the EU budget, a separate section of the Council recommendation also covers this issue.

The Council also adopted recommendations on the discharge to be given to the directors of the EU's 32 'decentralised' agencies ([5793/21 ADD 1](#)), 6 executive agencies ([5794/21 ADD 1](#)) and 8 joint undertakings ([5795/21 ADD 1](#)) for the implementation of their 2019 budgets. These recommendations follow the court's 2019 annual reports on EU agencies and joint undertakings.

Budget guidelines for 2022

On 16 February 2021, the Council adopted conclusions on the budget guidelines for 2022 ([5791/21](#)). The guidelines are intended as input for the Commission when it prepares the draft EU budget for 2022, which will be submitted for negotiations between the European Parliament and the Council.

The budgetary guidelines underline that the budget for 2022 will play an important role in the development and delivery of the EU's long-term objectives and political priorities, contributing to the economic recovery from the COVID-19 pandemic, reinforced by the funds provided from the Next Generation EU (NGEU) recovery instrument.

The Council considers that the budget for 2022 should be realistic, in line with actual needs, ensure prudent budgeting and leave sufficient margins under the ceilings of the multiannual financial framework (MFF) to deal with unforeseen circumstances. At the same time, it should provide sufficient resources to ensure the implementation of EU programmes and to allow commitments already made under the current and previous MFF to be paid in due time. The level of outstanding commitments (RAL) should be continuously monitored.

As regards administrative expenditure, the Council calls on all EU institutions, bodies, offices and agencies to present, by the end of 2021, a comprehensive and targeted approach for optimising staff resources at the 2020 level in line with the July 2020 European Council conclusions. It also stresses the importance of keeping the funding of decentralised agencies under firm control.

Regarding NGEU, the Council calls on the Commission to guarantee full transparency and visibility of all funds by providing all relevant information, and to regularly inform member states of the assigned revenue entered in the budget, including from NGEU and the Trade and Cooperation Agreement with the UK. The Council also stresses the importance of transparency as regards the financing costs of NGEU.

ENVIRONMENT

Global Alliance on Circular Economy and Resource Efficiency. Towards Just Transitions

The Council authorised the Commission to launch a "Global Alliance on Circular Economy and Resource Efficiency. Towards Just Transitions" as a non-binding instrument containing political commitments.

The Global Alliance on Circular Economy and Resource Efficiency is meant to identify knowledge and governance gaps in advancing a global circular economy and take forward partnership initiatives, including with major economies. It is expected to be launched in the margins of the first segment of the fifth meeting of the UN Environment Assembly (UNEA-5.1, Nairobi, 22-23 February 2021 (online meeting)).

TRANSPORT

International Civil Aviation Organisation (ICAO) - EU coordination

On 8 February 2021, the Council approved, by written procedure, an information note recommending the adoption of an EU position for the 222nd session of the International Civil Aviation Organisation (ICAO) Council ([5638/21 ADD1](#)). The note relates to items of EU interest in the areas of strategic objectives, safety, aviation security and facilitation as well as environmental protection.

TELECOM

Global Partnership on Artificial Intelligence

On 15 February 2021, the Council agreed, by written procedure, that the Commission would sign a Letter of Intent for the EU to join the Global Partnership on Artificial Intelligence (GPAI) as set out in document 5952/21.

Measures to address socio-economic consequences of COVID-19

The Council adopted, by written procedure, a regulation amending EU regulation No 223/2014 as regards the introduction of specific measures for addressing the crisis associated with the outbreak of COVID-19. The objective of the regulation is, namely, to respond to the impact of the outbreak of COVID-19 and its socio-economic consequences on the most deprived persons (1468/21, PE-CONS [51/20](#)).

EDUCATION**Strategic framework for European cooperation in education and training: European Education Area**

The Council approved, by written procedure, a Council Resolution on a strategic framework for European cooperation in education and training towards the European Education Area and beyond (2021-2030). The resolution includes the five strategic priorities:

- Improving quality, equity, inclusion and success for all in education and training.
- Making lifelong learning and mobility a reality for all.
- Enhancing competences and motivation in the education profession.
- Reinforcing European higher education.
- Supporting the green and digital transitions in and through education and training.

The resolution also includes concrete suggested actions for all five priorities as well as some indicative EU level targets such as: reducing low achieving students in basic and digital skills, early leavers from education (less than 9% in 2030), increase the share of tertiary level attainment and more (1586/21, 6125/21 REV 2).

FISHERIES

Fishing opportunities for certain fish stocks in the Mediterranean and Black Seas

The Council adopted, by written procedure, a regulation fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas ([1293/21](#), [13459/20](#)).

Fishing opportunities for certain fish stocks in Union and certain non-Union waters

The Council adopted, by written procedure, a regulation fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters ([1296/21](#), [14278/20](#), + [ADD 1](#) - [ADD 2](#)).

Fishing opportunities for EU fishing vessels for certain deep-sea fish stocks

The Council adopted, by written procedure, a regulation fixing for 2021 and 2022 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks ([1298/21](#), [14271/20](#)).

TRANSPARENCY

Public access to documents

On 15 February 2021, the Council adopted by written procedure the reply to confirmatory application No 01/c/01/21(see CM 1454/21).

TRADE

EU-UK Trade and Cooperation Agreement - notifications

The Council approved the notification by the EU made in accordance with the EU-UK Trade and Cooperation Agreement ([5501/2/21](#)).

EU-UK Trade and Cooperation Agreement - EU position on provisional application end date

The Council adopted a decision on the position to be taken on behalf of the EU within the Partnership Council established by the EU-UK Trade and Cooperation Agreement as regards

the date on which provisional application of the agreement is to cease. To allow sufficient time to complete the legal-linguistic revision of the agreement in all 24 languages, the EU requests to extend the provisional application until 30 April 2021 ([6080/21](#)).
