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Non-legislative activities

3. **EU-UK negotiations**

State of play

The Council took note of the state of play of the negotiations and held an exchange of views.

4. **Annual Rule of Law Dialogue**

11094/20

Exchange of views

The Council held an exchange of views based on the Presidency note.

5. **Preparation of the European Council on 15-16 October 2020:**

10530/20

Conclusions

Exchange of views

The Council examined the draft conclusions for the upcoming meeting of the European Council on 15-16 October 2020.

6. **European Council follow-up**

State of play

Delegations were informed of the state of play of the implementation of European Council conclusions.

7. **Conference on the Future of Europe**

Information from the Presidency

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

9. **Any other business**

No items were raised under this heading.

Statements to the non-legislative "A" items set out in 11570/20

Ad "A" item 4: **Council Recommendation on COVID-19 pandemic EU coordination**
Adoption

STATEMENT BY AUSTRIA

"In connection with the text proposal for a Council recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic Austria states the following:

Wherever possible, the preferred option should be to undergo a test.

Concerning the mapping of risk areas when considering restrictions of free movement, we state that Austria explicitly supports such a mapping in itself. However, the proposed thresholds and criteria absolutely need to be adapted in the near future, as they do not reflect the current epidemiological situation in most of the EU Member States and as the epidemiological situation is not expected to significantly change in the coming weeks and months.

The Austrian position on this Council recommendation therefore is: abstention."

STATEMENT BY BELGIUM

regarding the Council Recommendation on a coordinated approach to the restriction of free movement

‘Belgium supports the compromise proposal adopted by Coreper on 9 October, but would like to highlight:

- the importance of compliance with quarantine rules as well as encouraging the development of testing;
- the bias caused by a system which assesses a country’s health situation based on the number of infections, keeping in mind that there is a close connection between this and the testing strategy.’

STATEMENT BY LUXEMBOURG

"Regarding the Draft Council Recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic, Luxembourg makes the following statement, which should be added to the minutes of the Council meeting:

“Restricting free movement within the EU is a serious matter relating to citizens’ fundamental rights. Restrictions in response to the pandemic need to be taken not only in accordance with relevant EU law, including Treaty provisions on proportionality and non-discrimination, but also with available scientific evidence. The proposed draft does not sufficiently take these principles into account.

Luxembourg welcomes that the proposed common criteria for the definition of restrictions of free movement include the testing rate, as an ambitious testing strategy should be part of all Member States’ response to the current health crisis. However, the proposed criteria remain incomplete as other factors, such as the hospitalisation rate or the mortality rate, are not sufficiently covered. The recommendation remains too vague as regards the need to take the proposed criteria “into account”, and there is a clear risk that Member States with ambitious testing strategies, as recommended by the WHO, ECDC and the European Commission, will continue to be subject to restrictions by other Member States with much lower testing rates.

As regards the mapping of risk areas, the proposed thresholds risk becoming obsolete as infection rates are rising throughout Europe. If all Member States were to declare each other as risk areas, the very notion of free movement in Europe would be jeopardised . Moreover, concerning the colour code, a clear distinction must be made between the orange and red zones and the resulting restrictive measures.

Wherever possible, tests should be the preferred option over quarantine obligations. Luxembourg supports the view that Member States should mutually recognise the results of tests for COVID-19 infection carried out in other Member States by certified health bodies. Furthermore, Luxembourg reiterates its view that specific rules need to be in place to protect cross-border communities which have developed over decades of open borders. Travellers with an essential function or need should not be subject to restrictions.

Luxembourg expects that further work will take place on the topics covered by this Recommendation.

Given the above, Luxembourg’s position on the Council Recommendation is: ABSTENTION."

STATEMENT BY MALTA

"Malta supports the aim of ensuring a co-ordinated approach on measures taken by Member States in response to the COVID-19 pandemic. Malta also agrees that it is essential that Member States co-operate to provide clarity and predictability and avoid conflicting messages to citizens and businesses.

It therefore welcomes the efforts of the German Presidency in attempting to achieve such co-ordination amongst Member States.

Whilst the text of the Council Recommendation does provide predictability when it comes to regions classified as 'green', the measures for the zones categorised as 'orange' and 'red' remain uncertain.

The thresholds for the identified criteria are not based on science and do not take into consideration the Recommendation on testing adopted by the Commission after consensus was reached within the Health Security Committee. The same thresholds do not reflect the realities of the current epidemiological situation of the European Union.

Furthermore, the Recommendation encourages individual Member States to take a different approach towards zones categorised as orange and red. It is unfortunate that, according to the criteria within the tabled text, in the current epidemiological situation all main airports within the EU are listed in orange and red zones.

Malta would have preferred that the testing intensity of the respective Member States is factored in and given more prominence and weight within the threshold. This would have provided a more objective overview of the epidemiological situation of the European Union, thereby better preserving the free movement of persons and also providing more predictability.

Malta also has concerns with the recommendation 21.

The Presidency has announced that work within Council will continue in the days and weeks to come and Malta will continue to engage constructively to improve and strengthen co-ordination at EU level."

Ad "A" item 8:

**Council Decision on the EU position to be taken in the EU-Korea FTA
Customs Committee concerning the verification of proofs of origin
*Adoption***

STATEMENT BY THE COMMISSION

"The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate."
