



Council of the
European Union

Brussels, 21 December 2022
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16030/22
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DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(General Affairs)
13 December 2022

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1. Adoption of the agenda

The Council adopted the agenda set out in 15811/22.

2. Approval of "A" items

15821/22

a) Non-legislative list

The Council adopted the "A" items listed in 15821/22 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)

15822/22

General Affairs

1. Regulation on EU Electoral Law

S 15490/22

Progress report

AG

approved by Coreper, Part 2, on 7.12.2022

PE

The Council took note of the progress report on Electoral law.

Legislative deliberations

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

3. Regulation on transparency and targeting of political advertising

1**C** 15669/22

General approach

The Council reached a general approach.

France as well as Germany jointly with Croatia, Cyprus, Greece, Luxembourg and Spain presented statements.

4. Any other business

None.

Non-legislative activities

- | | | |
|----|--|--|
| 5. | Preparation of the <u>European Council</u> on 15-16 December 2022:
Conclusions
<i>Exchange of views</i> | 14092/22 |
| 6. | Conclusions on the enlargement and stabilisation and
association process
<i>Approval</i> | 15750/22 + ADD 1 |
| 7. | Annual rule of law dialogue: country-specific discussion
<i>Exchange of views</i> | 11510/22 |
| 8. | Legislative Programming - Joint Declaration on the EU
legislative priorities for 2023-2024
<i>Approval</i> | 3 15686/22
+ ADD 1 REV 2 |
- The Council approved the Joint Declaration.
- Germany (supported by the Netherlands), Poland (supported by Hungary) and Slovenia
(supported by Hungary) presented statements.
- | | | |
|-----|--|----------|
| 9. | European Semester 2023 - roadmap
<i>Presentation by the Presidency and the incoming Presidency</i> | 13683/22 |
| 10. | Follow-up to the feedback event of the Conference on the Future
of Europe
<i>Exchange of views</i> | |
| 11. | Any other business | |

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- | | |
|---|--|
| 1 | First reading |
| S | Special legislative procedure |
| 3 | Public debate (Article 8(3) of the Council's Rules of Procedure) |
| C | Item based on a Commission proposal |
-

Statements to the legislative "B" item set out in doc. 15811/22

Ad "B" item 3: **Regulation on transparency and targeting of political advertising**
General approach

STATEMENT BY FRANCE

"La France salue l'adoption de l'orientation générale de ce règlement, dont elle partage l'objectif d'amélioration de la transparence de la publicité politique. Il est important que les citoyens européens aient toutes les informations à leur disposition pour faire un choix éclairé ; il en va de la vie démocratique de nos Etats membres et de l'Union européenne. Cette vie démocratique est souvent encadrée par des règles nationales qui en sont indissociables, issues de l'histoire et de nos cultures politiques respectives. La France interdit par exemple l'utilisation à des fins de propagande électorale de tout procédé de publicité commerciale (art. L. 52-1 du Code électoral) dans les six mois précédant un scrutin. C'est l'Etat qui assure l'envoi et la distribution de la propagande électorale au bénéfice de tous les candidats, afin de garantir l'égalité entre ces derniers. Ce dispositif est une composante essentielle du modèle électoral français. La France prend note du fait que ce règlement n'affecte pas ce type de disposition nationale, qui est sans lien avec la transparence des publicités politiques."

STATEMENT BY GERMANY, CROATIA, CYPRUS, GREECE, LUXEMBOURG AND SPAIN

"Germany together with Croatia, Cyprus, Greece, Luxembourg, and Spain support the aim of the regulation on the transparency and the targeting of political advertising to enhance the resilience of European democracy by inter alia strengthening the protection of personal data in the context of political advertising. In a spirit of compromise and with the objective of these new rules entering into force prior to the upcoming elections for the European Parliament, we support the general approach.

We take note, however, that the Council position falls behind the Digital Services Act (DSA) and we see the need for improvements in this respect. The regulation regarding the use of special categories of personal data (Art. 9 (1) GDPR) should be in line with the provisions of the DSA. As using special categories of personal data is not permissible for commercial advertising, this must apply all the more to political advertising. The integrity of the electoral process is a fundamental pillar of European democracy and therefore lies beyond what can be subject to the individual's choice by giving consent to data processing in such a sensitive context.

We therefore prefer a ban on the use of special categories of personal data (Art. 9 (1) GDPR) in the context of the targeting and amplification of political advertising. Art. 12 (2) and (2a) should be deleted so as to not allow for the use of such data, regardless of consent.

With a view to the forthcoming interinstitutional negotiations with the European Commission and the European Parliament, we trust that these aspects will be given serious and careful consideration and included in the deliberations."

Statements to the non-legislative "B" item set out in doc. 15811/22

Ad "B" item 8: **Legislative Programming - Joint Declaration on the EU legislative priorities for 2023-2024**
Approval

STATEMENT BY GERMANY SUPPORTED BY THE NETHERLANDS

"Germany attaches great importance to the review of the EU's economic governance and will continue to work constructively in the process.

Fiscal rules play an important role in the EU to coordinate fiscal policy among member states. They should focus on the core objectives of debt sustainability and sound public finances. At the same time, any necessary consolidation measures should be designed in a way that facilitates growth; this is crucial in order to avoid long-term adverse effects on public finances and to meet investment needs."

STATEMENT BY POLAND SUPPORTED BY HUNGARY

"Poland agrees with the objective to continue to defend the rule of law as well as to protect and strengthen our democracy across the Union and defend our common European values.

Nevertheless, in line with Poland's longstanding political and legal position we underline that any instrument can only support the strengthening of the rule of law, if it is duly based on the Treaties and applied in accordance with the respective provisions of Union law. The application of existing instruments cannot lead to double standards and should duly respect the principles of conferral, equal treatment and mutual trust as well as the constitutional systems, legal heritage and national identity of Member States as foreseen in the Treaties."

STATEMENT BY SLOVENIA SUPPORTED BY HUNGARY

"Slovenia supports the approval of the Joint Declaration of the European Parliament, the Council of the European Union and the European Commission on the legislative priorities for 2023 and 2024, which represents an important step towards the coordinated and effective functioning of the institutions in addressing current issues and delivering on an ambitious EU agenda.

We are pleased that the Western Balkans are mentioned twice in the context of the enlargement process, but would draw attention to the inaccurate reference made in paragraph 4 of the Joint Declaration. The term used – ‘candidate countries’ – does not include Bosnia and Herzegovina or Kosovo. The wording thus excludes them from cooperation in view of future accession to the Union."
