



Council of the  
European Union

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Eingelangt am 06/03/23

Brussels, 6 March 2023  
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PV CONS 7

**DRAFT MINUTES**  
COUNCIL OF THE EUROPEAN UNION  
(General Affairs)  
21 February 2023

## CONTENTS

	<b>Page</b>
1. Adoption of the agenda.....	3
2. Approval of "A" items	
a) Non-legislative list .....	3
b) Legislative list .....	3

### Non-legislative activities

3. Preparation of the <b>European Council</b> on 23-24 March 2023: Annotated Draft Agenda .....	4
4. Any other business.....	4
EU response to the earthquake in Türkiye and Syria, and EU disaster resilience goals	
ANNEX - Statements for the Council minutes .....	5

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## 1. Adoption of the agenda

The Council adopted the agenda set out in 6449/23.

## 2. Approval of "A" items

### a) Non-legislative list

6450/23

The Council adopted the "A" items listed in 6451/23 including COR and REV documents presented for adoption. Statements to these items are set out in the Addendum.

For the following items the documents should read as follows:

### Justice and Home Affairs

2. Council Decisions on the conclusion, on behalf of the EU, of the Istanbul Convention  
*Agreement in principle*  
*Request for the consent of the European Parliament*  
approved by Coreper, Part 2, on 15.2.2023

**C** 6315/2/23 REV 2  
6315/23 ADD 1  
REV 2  
5514/23 + COR 1  
5523/1/23 REV 1  
+ **REV 1 COR 1 (nl)**  
FREMP

### Culture/Audiovisual Matters

15. Council Decision on the extension of the entitlement period for audiovisual co-productions between the EU and Korea (Period 2020-2023)  
*Adoption*  
approved by Coreper, Part 1, on 15.2.2023

**C** 5756/23  
5689/23  
+ **COR 1 (hu)**  
CULT  
AUDIO

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

6451/23

### Economic and Financial Affairs

1. **ESA 2010 review Regulation**  
*Adoption of the legislative act*  
approved by Coreper, Part 2, on 15.2.2023

**OC** 6039/23  
PE-CONS 64/22  
ECOFIN  
STATIS

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union (Legal basis: Article 338(1) TFEU).

2. **Regulation REPowerEU**

*Adoption of the legislative act*

approved by Coreper, Part 1, on 17.2.2023



6426/1/23 REV 1  
6426/23 ADD 1-2  
PE-CONS 80/22  
ECOFIN

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with Belgium, Finland and Poland abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 175, third paragraph, Article 177, first paragraph, Article 192(1), Article 194(2) and Article 322(1) TFEU). Statements to this item are set out in the Annex.

Fisheries

3. **Regulation laying down conservation and management measures for the Conservation of the Southern Bluefin Tuna**

*Adoption of the legislative act*

approved by Coreper, Part 1, on 15.2.2023



6041/23 + ADD 1  
PE-CONS 60/22  
PECHE

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union (Legal basis: Article 43(2) TFEU). A statement to this item is set out in the Annex.

**Non-legislative activities**

3. Preparation of the European Council on 23-24 March 2023:

Annotated Draft Agenda

*Exchange of views*

6077/23

4. Any other business

EU response to the earthquake in Türkiye and Syria, and EU disaster resilience goals

*Information from the Presidency and the Commission*



First reading



Item based on a Commission proposal

**Statements to the legislative "A" items set out in doc. 6451/23****Ad "A" item 2:**      **Regulation REPowerEU**  
*Adoption of the legislative act***STATEMENT BY THE COUNCIL**

“The Council would like to point out that the distribution key and the sources of financing provided for in the Regulation of the European Parliament and of the Council amending Regulation (EU) 2021/241 as regards REPowerEU chapters in recovery and resilience plans and amending Regulations (EU) No 1303/2013, (EU) 2021/1060 and (EU) 2021/1755, and Directive 2003/87/EC, do not constitute a precedent for future Council discussions on other legislative proposals in these matters.”

**STATEMENT BY AUSTRIA, CYPRUS, DENMARK, NETHERLANDS, IRELAND, LUXEMBOURG AND SLOVAKIA**

“The EU Emissions Trading System (ETS) is a key instrument to reach our climate goals. Selling more allowances via the Market Stability Reserve (MSR) to replenish the Innovation Fund is an extraordinary and one-time measure. In order to ensure the integrity of the ETS-market and not risk undermining the hard-earned trust of the ETS, the regulation should not set any precedent for the MSR to finance new EU spending.”

**STATEMENT BY FRANCE, HUNGARY, SLOVAKIA, POLAND, CROATIA, ROMANIA, BULGARIA, CZECH REPUBLIC, SLOVENIA AND FINLAND**

“The Commission should, when assessing REPowerEU chapters, stick to an approach of technological neutrality. In particular, consistently with the text of the REPower regulation, fossil free hydrogen should not be discriminated, as it is treated in the regulation on equal footing with renewable hydrogen, and as the regulation acknowledges that: ***“support should also be given to reforms and investments increasing energy efficiency, decarbonising industry – including by the use of low-carbon fuels, such as low-carbon hydrogen, and by the uptake of renewable hydrogen and other renewable fuels of non-biological origin – and increasing energy savings of the Member States’ economies, in line with the Union’s energy and climate targets and legal framework.”***

**STATEMENT BY ESTONIA**

“Estonia strongly supports the objectives of the RepowerEU initiative to rapidly reduce dependence of the European Union on fossil fuels, especially imports from Russia, by way of higher energy savings, diversification of energy supplies, and accelerated roll-out of renewable energy. This is necessary to future-proof the European economy and to secure the well-being of its people in the long term.

Nevertheless, Estonia regrets that the RepowerEU initiative is to be financed in part at the cost of Member State allowances under the Emissions Trading System. This places the cost of the RepowerEU initiative disproportionately on less affluent fossil fuel dependent Member States, reducing the impact of RepowerEU. In addition, Estonia remains concerned about the effects that the frontloading of allowances may have on the market of ETS allowances and about the possible secondary effects on the capacity of Member States to take action in the field of energy.

Such *ad hoc* financing arrangements for joint EU actions, which lead to a reduction in Member State allowances under the Emissions Trading System, whether directly or indirectly, should not be repeated.

It should be recalled that the financing of the budget of the European Union should be based on the own resources decision.”

**Ad "A" item 3:**                    **Regulation laying down conservation and management measures for the Conservation of the Southern Bluefin Tuna**  
*Adoption of the legislative act*

**STATEMENT BY THE COMMISSION**

“The European Parliament and the Council underlined on several occasions the need to further improve the process of implementation of conservation measures adopted by Regional Fisheries Management Organisations (RFMOs), notably in a timely manner. The Commission regrets that its attempt to streamline the implementation process has not been fully retained by the European Parliament and the Council. The Commission will continue to work together with the European Parliament and the Council on further improvements to the implementation process.”

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