Council of the
European Union

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DRAFT MINUTES

COUNCIL OF THE EUROPEAN UNION
(Economic and Financial Affairs)

17 June 2022

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1. Adoption of the agenda

The Council adopted the agenda set out in 10098/22.

2. Approval of 'A' items 10099/22

a) Non-legislative list

The Council adopted the "A" items listed in 10099/22 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:

EU positions for international negotiations

19.	Council Decision on the position to be taken on behalf of the EU regarding the determination of the date from which personal data relating to DNA profiles and fingerprints may be supplied by Member States to the United Kingdom *Adoption* approved by Coreper, Part 2, on 15 June 2022	C	9586/22 **+ ADD 1 (en)** **+ ADD 1 COR 1 (en)** 9539/22 + ADD 1 UK
21.	Council Decision on the EU position in the WCO in relation to the Rules of Procedure of the Harmonized System Committee *Adoption* approved by Coreper, Part 2, on 15 June 2022	C	9886/22 **+ ADD 1** 9106/22 UD

2. b) Legislative list (Public deliberation in accordance with Article 16(8) of the Treaty on European Union) 10100/22

Foreign Affairs

1. **Regulation on the public procurement reciprocity instrument** 1C 9977/22 + ADD 1 REV 1 + ADD 2 REV 1
Adoption of the legislative act PE-CONS 15/22
approved by Coreper, Part 2, on 15 June 2022 POLCOM

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 207 TFEU). Statements to this item are set out in the Annex.

Economic and Financial Affairs

2. **Solvency II** 1C 10221/22
General approach 9676/22 + COR 1
approved by Coreper, Part 2, on 8 June 2022 EF

The Council adopted a general approach on this Commission proposal for a Directive. (Legal basis: Article 53(1), Article 62 and Article 114 TFEU)

3. **Revision of the Alternative Investment Fund Managers Directive (AIFMD)** 1C 10112/22 + ADD 1 **+ COR 1**
General approach 9768/1/22 REV 1 + REV 1 COR 1
approved by Coreper, Part 2, on 15 June 2022

The Council adopted a general approach on this Commission proposal for a Directive. (Legal basis: Article 53(1) TFEU). Statements to this item are set out in the Annex.

4. **Revision of the Energy Taxation Directive** SC 9874/22 FISC
Progress report
approved by Coreper, Part 2, on 8 June 2022

The Council took note of the Presidency progress report as set out in 9874/22.

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

3. **Decision on the system of Own Resources of the European Union** SC 9700/22
Deliberations

The Council deliberated on the Decision on the European Union's system of own resources, as foreseen in the Interinstitutional Agreement of 16 December 2020.

4. **Directive on ensuring a global minimum level of taxation for multinational groups in the Union** SC 8779/22

All Member States, with the exception of Hungary, could accept the Presidency compromise text and the draft Council statement set out in 10497/22. The Commission put forward a statement for the minutes set out in the Annex.

5. **Anti-Money Laundering (AML) legislative package** 1C 9697/1/22 REV 1
Progress report 9698/1/22 REV 1

The Council took note of the Presidency progress report on the Anti-Money Laundering legislative package.

6. Any other business 9727/22
Current financial services legislative proposals
Information from the Presidency

The Presidency informed Ministers about the state of play of current financial services legislative proposals.

Non-legislative activities

7.	European Central Bank/Commission Convergence Reports and enlargement of the euro area		9705/22 9707/22 + ADD 1
	(a) Recommendation by the euro area Member States on the Commission proposal on the adoption of the euro by Croatia *Adoption*	C	10054/22
	(b) Letter from the President of the Council to the European Council *Approval*		10055/22
8.	Economic recovery		
	(a) State of play regarding the implementation of the RRF *Exchange of views*		
	(b) Council implementing decision *Adoption*	C	9728/22 + ADD 1
9.	European Semester 2022 Country-specific recommendations *Approval*	C	9601/22 9602/1/22 REV 1 9890/22 10191/22
10.	Any other business		

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❶ First reading
S Special legislative procedure
C Item based on a Commission proposal

ANNEX

Statements to the legislative "B" items set out in doc. 10098/22

Ad "B" item 4: **Directive on ensuring a global minimum level of taxation for multinational groups in the Union**

STATEMENT BY THE COMMISSION

"The Commission welcomes the Presidency compromise on the proposal for a global minimum level of taxation for multinational groups as part of the commitment to the Statement on a Two-Pillar Solution to Address the Tax Challenges Arising from the Digitalisation of the Economy. It recalls its determination to have both Pillar 1 and Pillar 2 implemented as soon as possible. To that end, it will continue to monitor closely the ongoing negotiations of the multilateral convention on Pillar 1; it will, as necessary and regularly, reassess the situation accordingly, with a view to ensuring a swift solution on the tax challenges arising from the digitalization of the economy and, in the absence of the implementation of the Pillar 1 solution, it will put forward a proposal."

Statements to the legislative "A" items set out in doc. 10100/22

Ad "A" item 1: **Regulation on the public procurement reciprocity instrument**
Adoption of the legislative act

JOINT STATEMENT BY THE EUROPEAN PARLIAMENT AND THE COUNCIL

"The European Parliament and Council recognise that the rules on comitology agreed in this instrument do not prejudge the outcome of other ongoing or future legislative negotiations and are not to be seen as precedent for other legislative files."

STATEMENT BY THE COMMISSION

"When conducting a review of the scope, functioning and efficiency of Regulation (EU) 2022/xxx, in line with its Article 14, the Commission will also assess the need to exempt from its application any of the developing countries that are beneficiaries of the general arrangement referred to in point (a) of Article 1(2) of Regulation (EU) No 978/2012, and in particular the beneficiaries of the special incentive arrangement for sustainable development and good governance as defined in Article 9 of Regulation (EU) No 978/2012. In the review, the Commission will pay particular attention to sectors that are considered strategic in respect of EU public procurement."

STATEMENT BY THE COMMISSION
on the exclusive competence

"As confirmed in the Opinion 2/15 of the Court of Justice, the participation of third-country economic operators, goods and services in the Union's procurement procedures falls within the scope of the common commercial policy for which, as explicitly stated in Article 3(1)(e) TFEU, the Union has exclusive competence. Therefore, Member States and their contracting authorities and contracting entities shall not adopt or maintain any legislative or other generally applicable measures governing access by third-country economic operators, goods and services beyond those applied in accordance with this Regulation and other Union legislation."

Ad "A" item 3: **Revision of the Alternative Investment Fund Managers Directive (AIFMD)**
General approach

STATEMENT BY CYPRUS

"Cyprus is of the view that certain provisions of the text (namely article 50 paragraph 5) may give rise to unfair competition across the Union. More specifically, the host Member State should indeed be in a position to initiate actions by a home Member State when breaches of legislation are observed, as laid down in Article 46(2) of Directive 2011/61/EU. However, such a request regarding possible infringements by an AIFM should be adequately substantiated on the part of the host Member State. Without adequate justification, there could be disruptions to the single market, and cross border competition could be hindered, thus also creating legal uncertainty, as well as possible tensions between NCAs."