



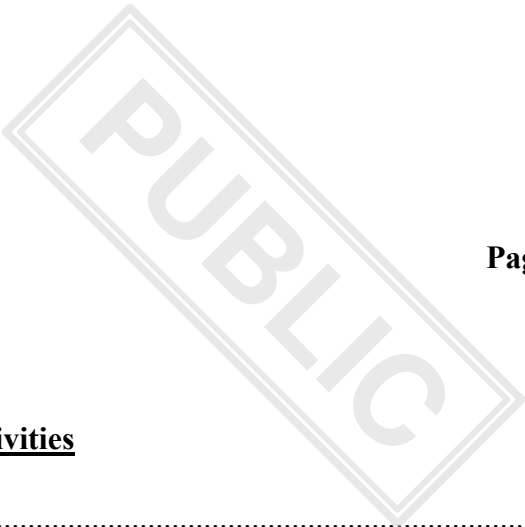
Council of the  
European Union

Brussels, 27 October 2022  
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**DRAFT MINUTES**  
COUNCIL OF THE EUROPEAN UNION  
(Foreign Affairs)  
17 October 2022

**CONTENTS**



**Page**

**Non-legislative activities**

3.	Current Affairs.....	3
4.	Russian aggression against Ukraine .....	3
5.	China.....	3
6.	Any other business.....	3

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## Non-legislative activities

### **3. Current affairs**

The Council discussed Iran, Lebanon, climate change and COP27, Burkina Faso, Ethiopia, Bosnia and Herzegovina, the Memorandum of Understanding between Türkiye and Libya, Global Gateway, and Nord Stream.

### **4. Russian aggression against Ukraine**

*Exchange of views*

The Council had an exchange of view on all current strands of the EU's response in the context of Russia's further escalation in its war against Ukraine. The Ukrainian Foreign Minister addressed the Council via VTC.

### **5. China**

*Exchange of views*

The Council discussed EU's engagement with China. Ministers reaffirmed the EU's current multifaceted approach on China.

### **6. Any other business**

One Minister informed about a Conference on Explosive Weapons in Populated Areas.

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**Statements to the non-legislative "A" items set out in doc. 13540/22**

**Ad "A" item 8:**                    **Council Decisions on assistance measure under the European Peace Facility to support the Ukrainian Armed Forces**  
*Adoption*

**STATEMENT BY AUSTRIA**

“In accordance with the second subparagraph of Article 31(1) TEU and in line with Austria’s declaration on the application of constructive abstention at the time of the adoption of the Council Decision establishing the European Peace Facility, Austria hereby notifies the Council of its decision to abstain from the Council Decision amending Council Decision (CFSP) 2022/338, as last amended by Council Decision (CFSP) 2022/1285 of 21 July 2022, on an Assistance Measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force, as she deems this decision sensitive for the specific character of her security and defence policy.

Austria, acting in a spirit of mutual EU solidarity, will refrain from any action likely to conflict with or impede Union action based on that decision.

Therefore, AT will not contribute to the financing of this Assistance Measure. Instead, AT will voluntarily contribute an additional amount to a non-sensitive assistance measure for Ukraine within the framework of the European Peace Facility.”

**STATEMENT BY IRELAND**

“Ireland refers to Proposal of the High Representative of the Union for Foreign Affairs and Security Policy to the Council of 7 October 2022.<sup>1</sup>

Recalling its formal declaration of 27 February on abstention from Council Decision (CFSP) 2022/338, Ireland, in accordance with the second subparagraph of Article 31(1) of the Treaty on European Union, hereby makes a formal declaration and notifies the Council of its decision to abstain from the Council Decision amending Council Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force.

Accordingly, Ireland will not be contributing to the costs of that Assistance Measure, as amended.

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<sup>1</sup> Proposal for a Council Decision amending Council Decision (CFSP) 2022/338 on an assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force

Ireland recalls and reiterates in full its statement of 17 March 2021 to the minutes of COREPER and to the Council at the time of adoption of Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility.

Ireland further recalls Recital 22, Article 27 and Article 57(3) of that Council Decision and hereby signals its preference to contribute instead to Council Decision (CFSP) 2022/339 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces, as amended.”

#### **STATEMENT BY MALTA**

“In accordance with the second subparagraph of Article 31(1) of the Treaty of the European Union, Malta hereby notifies the Council of its decision to abstain from adopting the Council Decision amending Council Decision on an Assistance Measure under the European Peace Facility on the provision of lethal force equipment to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force.

As stated at the time of adoption of the Council Decision establishing the European Peace Facility, Malta reserves its right to constructively abstain from assistance measures under the European Peace Facility that allow for the supply of military equipment, or platforms, designed to deliver lethal force.

In the spirit of mutual EU solidarity, MT will refrain from any action likely to conflict with or impede Union action based on that decision.

Therefore, through our voluntary elective commitment, Malta will instead provide a corresponding contribution to the budget for assistance measure in support of Ukraine which does not involve supply of such lethal equipment or platforms.”

#### **STATEMENT BY GERMANY**

“Germany issues a budgetary reserve and will inform the Council as soon as the necessary national budget authorization is provided.

This statement refers to both Coreper as well as Council.”

**Ad "A" item 9:**                    **Council Decision on a European Union Military Assistance Mission in support of Ukraine (EUMAM Ukraine)**  
*Adoption*

**STATEMENT BY HUNGARY**

“In accordance with the second subparagraph of Article 31.1 of the Treaty of the European Union, Hungary hereby notifies the Council of its decision to constructively abstain from the adoption of the Council Decision on a European Union Military Assistance Mission in support of Ukraine (EUMAM Ukraine).

Hungary’s constructive abstention is on the understanding that Hungary will participate in any future deliberations of the Council concerning proposals for the amendment of the Council Decision on EUMAM Ukraine. Hungary reserves the right to exercise its voting rights at its full discretion when the Council votes on such proposals.”

**Ad "A" item 12:**                    **UfM Ministerial on Strengthening the Role of Women in Society**  
*Authorisation to sign an NBI*

**STATEMENT BY HUNGARY**

“Hungary remains dedicated to its human rights commitments and to combat all forms of violence against women and domestic violence. However, we must underline that the Hungarian National Assembly decided not to include in the Hungarian national legal system the Istanbul Convention and called upon the Government not to take any further steps for the expression of consent to be bound by the Istanbul Convention.

Therefore, the acceptance of this Declaration does not imply a commitment to ratification or full acceptance of the approach of the Istanbul Convention.”

**Ad "A" item 9:**                    **Council Decision on a European Union Military Assistance Mission in support of Ukraine (EUMAM Ukraine)**  
*Adoption*

The representative of the Council Legal Service clarified that the legal consequence of the formal declaration of constructive abstention, pursuant to the second subparagraph of Article 31(1) TEU concerning the Council Decision on EUMAM Ukraine, is that, in accordance with the Treaty, Hungary will not be obliged to apply that Council Decision, while, in a spirit of mutual solidarity, it will have to refrain from any action likely to conflict with or impede Union action based on that Decision and that the other Member States will have to respect Hungary's position. The Legal Service clarified that this means that the constructive abstention will necessarily cover all subsequent acts applying or otherwise putting in motion the basic Council Decision, such as the approval of the mission plan or appointment of the mission commander. On the other hand, Hungary will have the possibility to use its voting rights differently for legal acts amending substantially the basic Council Decision, such as its renewal or the decision to move the mission in Ukraine.

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