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## SUMMARY RECORD

PERMANENT REPRESENTATIVES COMMITTEE

4 and 6 October 2023

**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (10.01.2024)**

### COREPER (PART 2)

#### Statements to the “II” items set out in doc. 13645/2/23 REV 2

#### General Affairs

31. Regulation on the transparency and targeting of political advertising 13482/23  
*Preparation for the trilogue*

##### Statement by Ireland

“Ireland can support the revised Presidency Mandate. However, in the context of the targeting of online political advertising, Ireland notes that Article 12(1)(b) of the Proposal provides that “the data subject has provided explicit consent within the meaning of Regulation (EU) 2016/679 and Regulation (EU) 2018/1725 to the processing of personal data separately for the purpose of political advertising”. Having sought clarifications from the Commission, Ireland understands this to mean that, in practice, multiple consent forms would not be required to be completed by the users of online services for the purpose of receiving online political advertising but that a single consent form could be used which would separately list each service the user is consenting to receive and each item of personal data the user is consenting to in respect of the provision of each of those services, e.g. political advertising would be listed separately and distinctly from other services being offered by the online service provider as would the personal data used in connection with the provision of such political advertising.”

## Justice and Home Affairs

73. Regulation on crisis situations in the field of migration and asylum<sup>1</sup> 13739/23 + COR 1

*Mandate for negotiations with the European Parliament*

### Statement by Austria

“Österreich begrüßt und unterstützt den Fortschritt in den Legislativverhandlungen zum Asyl- und Migrationspakt. Aufgrund der anhaltenden Herausforderungen ist es für Österreich von hoher Bedeutung, dass die Reform des Rechtsrahmens für Asyl und Schengen noch in dieser Legislaturperiode abgeschlossen wird. Österreich begrüßt die diesbezüglichen Beschlüsse am 8. Juni 2023.

Österreich begrüßt auch, dass in der nun beschlossenen Ratsposition zur Krisen-Verordnung die Kriterien zur Aktivierung der Verordnung verschärft wurden.

Österreich hält aber fest, dass bei Aktivierung der Krisen-Verordnung keine zusätzlichen Zuständigkeiten für Österreich für Asylanträge, die sich aus Krisensituationen ergeben, entstehen dürfen, wenn Österreich selbst pro Kopf bereits überdurchschnittliche Asylantragszahlen aufweist.”

### Courtesy translation

“Austria welcomes and supports the progress in the legislative negotiations on the Asylum and Migration Pact. Due to the ongoing challenges, it is of high importance for Austria that the reform of the legal framework for asylum and Schengen is completed during this legislative period. In this regard, Austria welcomes the decisions of 8 June 2023.

Austria also welcomes the fact that in the now adopted Council position on the Crisis Regulation, the criteria for activating the Regulation have been tightened.

However, Austria stresses that an activation of the Crisis Regulation must not result in additional responsibilities for asylum applications for Austria, arising from crisis situations, when Austria itself already has above average numbers of asylum applications per capita.”

### Statement by Germany

“Deutschland begrüßt all die Arbeit der spanischen sowie der vorangegangenen Ratspräsidentschaften in Bezug auf die Verordnung zur Bewältigung von Krisensituationen und Fällen höherer Gewalt im Bereich Migration und Asyl sowie aller anderen Instrumente, die es ermöglichen werden, mit dem Asyl- und Migrationspakt voranzukommen.

Wir erkennen an, wie wichtig es ist, einen Rechtsrahmen zu schaffen, der den Mitgliedstaaten in solchen Situationen hilft, indem Maßnahmen getroffen werden, die darauf abzielen, die Mitgliedstaaten dabei zu unterstützen, ihren Verpflichtungen in einer Krisensituation oder in Situationen höherer Gewalt nachzukommen und gleichzeitig durch Solidaritätsmaßnahmen unterstützt werden können.

Nichtsdestotrotz weist Deutschland darauf hin, dass die Erweiterung der Krisenverordnung um die Kategorie der Instrumentalisierung als Unterfall der Krise mit großer Zurückhaltung betrachtet wird.

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<sup>1</sup> Exceptionally, in the presence of the Schengen Associated States

Darüber hinaus hält Deutschland seine Vorbehalte zu Art. 3x und die darin enthaltenen Möglichkeiten, das Grenzverfahren entweder auf Schutzsuchende mit einer sehr niedrigen Anerkennungsquote oder auf Schutzsuchende mit einer höheren Anerkennungsquote anzuwenden, aufrecht. Für Deutschland ist es im Interesse von Klarheit und Transparenz der in der Asylverfahrensverordnung geregelten Verfahren erforderlich, dieses breite Spektrum an Optionen einzuschränken, um sowohl Sekundärbewegungen als auch die humanitäre Überlastung an den Außengrenzen zu begrenzen.

Wir werden uns für diese Punkte in den Trilogverhandlungen einsetzen.”

#### Courtesy translation

“Germany welcomes all the work carried out by the Spanish and previous Presidencies in relation to the Regulation addressing situations of crisis and force majeure in the field of migration und asylum and all the other instruments that will make it possible to move forward on the Pact on Migration and Asylum.

We recognise the importance of establishing a legal framework to help Member States in such situations, by adopting measures that are aimed at supporting Member States to uphold their obligations in a situation of crisis or force majeure while benefitting from solidarity measures.

Nevertheless, Germany points out that the inclusion of the situation of instrumentalisation as a category of crisis into the Regulation addressing situations of crisis and force majeure in the field of migration and asylum is considered with great reservation.

In addition, Germany maintains its reservations with regard to Art. 3x and the options therein to apply the border procedure either to applicants with a very low recognition rate or to applicants with a higher recognition rate. Also, with a view to safeguarding the clarity and transparency of the procedures laid down in the Asylum Procedures Regulation, Germany considers this wide range of options should be narrowed down in order to limit both secondary movements and humanitarian overload at the external borders.

We will continue to advocate for these points during the inter-institutional negotiations. ”

#### Statement by Hungary

“Hungary opposes the adoption of a mandate for negotiations with the European Parliament based on the submitted compromise text of the crisis regulation.

We recognize the need to create an EU legislative instrument dedicated for crisis, force majeure and above all instrumentalization of migration. However, in our opinion, the proposed text does not provide effective tool to address the issue of instrumentalization as a tool of hybrid attack.

Moreover we remain critical about the existing derogations this regulation contains to AMMR and APR, including the proposed solidarity measures, which constitute factors encouraging illegal migration and are unacceptable to us. The text does not strike the right balance between responsibility and solidarity and can lead to an increase in the number of relocated migrants within the EU.

Finally, the work on the crisis regulation did not take into account conclusions of the European Council regarding the voluntary choice of supportive measures by the Member State, as well as the principle of consensus in relation to work on migration and asylum reform.”

#### Statement by Ireland

“Ireland welcomes the proposed General Approach on the Crisis and Force Majeure Regulation (‘CFMR’) and in the spirit of compromise can support the General Approach.

This measure is pursuant to Article 78(2) and Article 79(2) TFEU and as these Articles are within Title V of Part Three of the Treaty on the Functioning of the European Union, Protocol No. 21 to the TEU and the TFEU applies. Pursuant to Protocol 21, Ireland has an entitlement to opt-in to the proposed measure within three months of their presentation to the Council, or at any time after the adoption of the measures.

Ireland did not exercise the entitlement to join the proposal upon presentation but has been actively engaged with the negotiations. In particular, Ireland has sought to address issues around variable geometry and references in the proposals to measures in which Ireland does not participate.

**Such references cannot create a positive obligation on Ireland to implement measures in which Ireland does not participate.** For the purposes of making the text clearer as regards Ireland’s non-participation in certain underlying measures, Ireland proposed two minor targeted technical amendments to the Crisis and Force Majeure Regulation (‘CFMR’).

Unfortunately, due to the intensity and pace of negotiations, it has not proved possible to secure the minor amendments in advance of an agreement on the General Approach in respect of the CFMR.

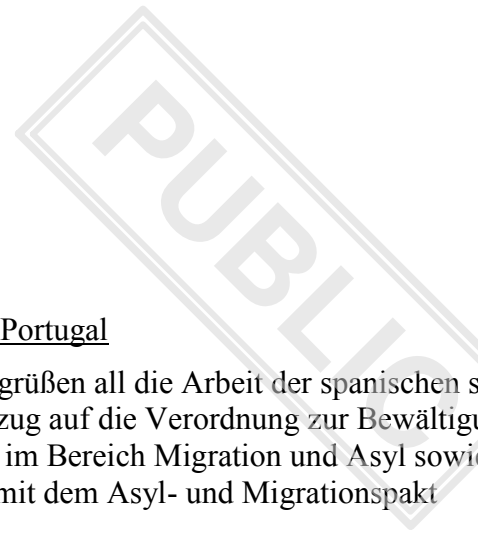
Ireland understands and welcomes that the Presidency has committed to addressing the larger issue of variable geometry, at a later stage in the negotiations. While Ireland would have preferred to have our specific concerns addressed in advance of the General Approach; which we share the Presidency’s ambition to achieve, Ireland will in the interest of compromise agree with the Presidency approach.”

#### Statement by Italy

**DELETED**

#### Statement by Poland

**DELETED**



Statement by Germany, Ireland, Luxembourg and Portugal

“Deutschland, Irland, Luxemburg und Portugal begrüßen all die Arbeit der spanischen sowie der vorangegangenen Ratspräsidentschaften in Bezug auf die Verordnung zur Bewältigung von Krisensituationen und Situationen höherer Gewalt im Bereich Migration und Asyl sowie aller anderen Instrumente, die es ermöglichen werden, mit dem Asyl- und Migrationspakt voranzukommen

Wir erkennen an, wie wichtig es ist, einen Rechtsrahmen zu schaffen, der den Mitgliedstaaten in solchen Situationen hilft, indem Maßnahmen getroffen werden, die darauf abzielen, die Mitgliedstaaten dabei zu unterstützen, ihren Verpflichtungen in einer Krisensituation oder in Situationen höherer Gewalt nachzukommen und gleichzeitig durch Solidaritätsmaßnahmen unterstützt werden können.

Ungeachtet dessen, erinnern Deutschland, Irland, Luxemburg und Portugal an ihre gemeinsame Erklärung auf der Tagung des Rates (Justiz und Inneres) vom 8. Juni 2023 in Bezug auf die Ausnahmen vom Grenzverfahren für Minderjährige und ihre Familienangehörigen und werden sich bei den interinstitutionellen Verhandlungen über die entsprechenden Dossiers, einschließlich der Verordnung über Krisensituationen im Bereich Migration und Asyl, weiterhin dafür einsetzen.”

Courtesy translation

“Germany, Ireland, Luxembourg and Portugal welcome all the work carried out by the Spanish and previous Presidencies in relation to the Regulation addressing situations of crisis and force majeure in the field of migration and asylum and all the other instruments that will make it possible to move forward on the Pact on Migration and Asylum.

We recognise the importance of establishing a legal framework to help Member States in such situations, by adopting measures that are aimed at supporting Member States to uphold their obligations in a situation of crisis or force majeure while benefitting from solidarity measures.

Notwithstanding, Germany, Ireland, Luxembourg and Portugal recall their joint statement at the JHA Council on 8 June 2023, as regards the exemptions from the border procedure for minors and their family members, and will continue to advocate for this during the inter-institutional negotiations on the related files, including the Regulation on crisis situations in the field of migration and asylum.”

**Statements to the “I” items set out in doc. 13645/2/23 REV 2**

**Foreign Affairs**

64. Council Decision and Regulation concerning restrictive measures  
in view of activities undermining the stability and the political  
transition of Sudan  
*Adoption*
- 12004/23  
12001/23  
12003/23  
CORLX

Statement by Lithuania

**DELETED**

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- I** First reading
- C** Item based on a Commission proposal
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