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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of the Union and its Member States from economic coercion by third countries **(first reading)** - Adoption of the legislative act = Statement

Statement by the Commission on the use of examination procedure for Union response measures under Regulation (EU) 2023/XXX on the protection of the Union and its Member States from economic coercion by third countries

The Commission is committed to cooperate closely with the European Parliament, with the Council and with the EU Member States in the application of the EU Anti-Coercion Instrument, at all stages, following applicable rules and best practices. The Commission notes that delivering a united EU response will support the key features of the instrument, namely, deterrence and effectiveness, and will be the most appropriate in light of the sensitive nature of the instrument.

The Commission underlines that, in the context of this regulation, arriving at solutions which command the widest possible support is achievable given the nature and impact of the Union action under the regulation. The application of this regulation requires an assessment of complex economic, policy and legal matters, which provides a substantial margin for selecting solutions, and notably those which have the widest possible support from EU Member States.

In this regard, in the exercise of its implementing powers under the regulation, and following the rules and general principles established by the European Parliament and the Council and laid down in Regulation (EU) No 182/2011, the Commission will pay particular attention to affording early and effective opportunities to the committee of EU Member States to examine any draft implementing act and express views before voting, and, at all times, to work towards solutions which command the widest possible support by the EU Member States within the committee. Subject to protection of confidential information, the Commission will make available to the European Parliament and the Council the analysis of the envisaged measures referred to in Article 13(4) promptly when submitted to the Member States. The Commission will draw the attention to the European Parliament and the Council where the envisaged Union response measures relate to those described in Article 8(4).

Furthermore, in the event a committee delivers no opinion on a draft implementing act, the Commission will take the utmost account of the views expressed within the committee and will prioritise return to the committee with an amended draft act, in order to ensure the widest possible support for a positive opinion by consensus or qualified majority in favour in relation to an amended draft act. Should it be necessary to have recourse to the appeal committee, the Commission will take the utmost account of the views expressed within the appeal committee and work towards the adoption of measures which are based on the widest possible support for a positive opinion by consensus or qualified majority in favour. In the event that the appeal committee delivers a no opinion on a draft implementing act, the Commission will act in such a way as to avoid going against any predominant position within the appeal committee against the appropriateness of the draft implementing act.