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COUNCIL OF THE EUROPEAN UNION
(Foreign Affairs)
14 and 15 November 2022

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Non-legislative activities

3. Current affairs

The Council discussed Iran, EU Monitoring Capacity (EUMCAP) in Armenia, Lebanon, COP27 on Climate and COP15 on Biodiversity, and EU-CELAC ministerial meeting.

4. Russian aggression against Ukraine

Exchange of views

The Council had an exchange of views on all current strands of the EU's response in the context of Russia's further escalation in its war against Ukraine.

5. Great Lakes

Exchange of views

The Council discussed the EU approach to the Great Lakes Region.

6. Western Balkans

Exchange of views

The Council exchanged views on Western Balkans, **including** in view of the EU-Western Balkans summit.

7. Any other business

Belgium/The Netherlands/Luxembourg raised the issue of foreign interference. Portugal referred to the mandate of the Director-General of the International Organization for Migration (IOM). Italy raised the issue of migration flows.

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Foreign Affairs Council with Defence Ministers

8. Current Affairs

The Council had an exchange of views on the EU Military Assistance Mission (EUMAM) to Ukraine, a possible EU Military Partnership Mission (EUMPM) in Niger, Operation EUNAVFOR ATALANTA, the European Peace Facility, the EU Rapid Deployment Capacity, and the communication by the Commission and the High Representative on a new Action Plan on Military Mobility and an EU Cyber Defence Policy.

9. Defence capabilities and operational realities

Exchange of views

The Council held an exchange of views on EU defence initiatives addressing capability development.

10. Any other business

No items raised.

Statements to the non-legislative "A" items set out in doc. 14492/22

Ad "A" item 8: **Conclusions on women, peace and security**
 Approval

STATEMENT BY HUNGARY

“Hungary considers the implementation of the Women, Peace and Security agenda of utmost importance and is fully committed to its application. Hungary attaches great importance to the Council Conclusions on Women, Peace and Security. Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as commitments and principles stemming from the international law. Furthermore, equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. In line with these and its national legislation, Hungary interprets the term ‘gender’ as reference to ‘sex’.

Moreover, Hungary declares that the Commission’s Communication on ‘A Union of Equality: Gender Equality Strategy 2020-2025’ referred to in the conclusions should be interpreted with due regard to the national competences and the specific circumstances in each Member State.

In accordance with the abovementioned commitments Hungary interprets the term ‘diversity’ in these Council conclusions in line with the content and scope of Article 22 of the Charter of Fundamental Rights of the European Union and also the EU Action Plan on Human Rights and Democracy 2020-2024.”

STATEMENT BY POLAND

“Poland underlines the importance of observing Treaty regulations and maintaining legal clarity. The Treaty on the European Union very clearly establishes ‘equality between women and men’ as one of the EU core principles. There is no justification to redefine this principle and use non-treaty term ‘gender equality’ instead. Therefore, Poland has proposed relevant amendments in order to restore full conformity of the proposed text with the EU law.

Poland understands that the formulations: “gender equality”, “gender perspective”, “gender mainstreaming”, “gender-based violence” should refer to the notion of equality between women and men, in accordance with art. 2 and art. 3 of the Treaty on European Union and art. 8 and 157 para. 3 of the Treaty on the Functioning of the European Union.

The remaining expressions containing the term "gender" should refer to "sex", in accordance with Article 10, Article 19 para 1 and Article 157 para 2 and 4 of the Treaty on the Functioning of the European Union.

Poland therefore stipulates that any subsequent attempts to insist that the term 'gender' be officially recognised or used in a sense other than male or female will not be respected by Poland, nor can it provide any basis for forming opinions or judgements on 'equality rights in Poland'.

Poland also underlines that the Gender Action Plan III has not been endorsed by Council conclusions.”

Ad "A" item 19: **Council Decision on an assistance measure under the EPF to support the Ukrainian Armed Forces trained by the EUMAM Ukraine with military equipment, and platforms, designed to deliver lethal force**
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 on an Assistance Measure under the European Peace Facility to support the Ukrainian Armed Forces trained by the European Union Military Assistance Mission in support of Ukraine with 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 3 November 2022.¹

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 14113/22 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces trained by the European Union Military Assistance Mission Ukraine with military equipment, and platforms, designed to deliver lethal force.

¹ Proposal for a Council Decision on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces trained by the European Union Military Assistance Mission in support of Ukraine with military equipment, and platforms, designed to deliver lethal force.

Accordingly, Ireland will not be contributing to the costs of this Assistance Measure.

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 a non-lethal assistance measure in support of Ukraine under the European Peace Facility.”

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 on an assistance measure under the EPF to support the UAF trained by the EUMAM Ukraine with military equipment, and platforms, designed to deliver lethal force.

As stated at the time of adoption of the Council Decision (CFSP) 2021/509 of 22 March 2021 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.

Recalling Article 27 and Article 57(3) of Council Decision (CFSP) 2021/509 establishing the EPF, through our voluntary elective commitment, Malta signals its intention to make a corresponding contribution to the budget for another Council Decision on an assistance measure in support of Ukraine which does not involve supply of such lethal equipment or platforms.”

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 Council Decision on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces trained by the European Union Military Assistance Mission Ukraine with military equipment, and platforms, designed to deliver lethal force.

Hungary’s abstention corresponds to its constructive abstention from Council Decision (CFSP) 2022/1968 on a European Union Military Assistance Mission in support of Ukraine (EUMAM Ukraine).

In accordance with Article 27(1) of Council Decision (CFSP) 2021/509, Hungary reserves the right to identify, pending on a decision that will be made later, an existing or possible future assistance measure or propose a new one, to which it will provide a corresponding contribution pursuant to Article 5(3).”

Ad "A" item 20:

**EU-Kyrgyz Republic Cooperation Council
(Brussels, 15 November 2022)
*Establishment of the EU position***

STATEMENT BY CYPRUS

“Cyprus will not object to the establishment of the position of the EU for the 19th meeting of the EU-Kyrgyz Republic Cooperation Council (14238/22). It expresses grave concern that, according to information, the “observer status” has been given to the secessionist entity in the occupied part of Cyprus during the Summit of the Organisation of Turkic States (Samarkand, 11 November), with the support of the member states of the Organisation, including of the Kyrgyz Republic.

As agreed in the EU position, Cyprus requests that a strong message is conveyed during the Cooperation Committee to the Kyrgyz Republic side and more information on its position is sought.

Following this development, Cyprus has more reason to be deeply concerned by information according to which the Kyrgyz Republic might be supportive of efforts to upgrade the secessionist entity in occupied Cyprus, via commencing direct flights to occupied Cyprus or via contacts with so-called “officials”.

Such developments are contrary to international law, UN SC resolutions 541 (1983) and 550 (1984) and to the efforts to resume negotiations for the resolution of the Cyprus problem in the form of a bizonal, bicomunal federation, in accordance with UN SC resolutions.

It is reiterated that Cyprus follows closely the aforementioned information, and underlines that such developments will have serious consequences as regards its approach toward EU-Central Asia relations.”

Ad "A" item 25:

**Public access to documents
- Confirmatory application No 18/c/01/22
*Adoption***

JOINT STATEMENT BY SWEDEN, THE NETHERLANDS AND FINLAND

“The Netherlands, Finland and Sweden cannot concur with the draft reply to confirmatory application No 18/c/01/22. The Netherlands, Finland and Sweden consider that the draft reply currently does not sufficiently motivate that there is a reasonably foreseeable and not purely hypothetical risk that full disclosure of the requested documents would specifically and actually undermine the protection of the commercial interests of a natural or legal person and undermine the protection of court proceedings and legal advice (in light of the case law of the Court of Justice, in particular of joined cases C-39/05 P and C-52/05, Kingdom of Sweden and Turco/Council and of case C-350/12 P, Council/in ‘t Veld).

Moreover, as the General Secretariat of the Council has indicated itself that not all parts of the documents are covered by the exceptions, at least partial access to the documents should be granted.”

STATEMENT FROM FRANCE, HUNGARY, POLAND, PORTUGAL AND SPAIN

“Recognizing that the Proposal N° 34 (Centrolenidae spp. - Glass Frogs) under discussion is relatively weak and that the criteria for inclusion of a species in CITES appendices will not be met for the majority of the species included in the proposals, France, Hungary, Poland, Portugal and Spain consider that such inclusion would nevertheless bring benefits for the protection of these species. In addition, the “look-alike” criteria used by the proponents to include all the species of the family is one of the criteria to be used according to Resolution Conf. 9.24 (Rev. CoP17). France, Hungary, Poland, Portugal and Spain therefore consider that it is not appropriate for the EU to be against a proposal from the range states.

France, Hungary, Poland, Portugal and Spain consider that the Council Decision does not reflect fully the discussions held at technical level in relation to the position to be taken regarding Proposal No 34, as several Member States indicated their preference for a more flexible EU position, considering that the EU should aim at working with the proposing Parties in view of improving their proposal and also that the EU should abstain if the proposing parties are not able to do so.”
