



Council of the
European Union

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15341/22
PV CONS 73
EDUC 408
JEUN 179
CULT 125
AUDIO 126
SPORT 50

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Education, Youth, Culture and Sport)
28 and 29 November 2022

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MEETING ON MONDAY 28 NOVEMBER 2022

1. Adoption of the agenda

The Council adopted the agenda set out in 14996/1/22 REV 1.

2. Approval of 'A' items

a) Non-legislative list

14997/22

The Council adopted the "A" items listed in 14997/22 including COR and REV documents presented for adoption.

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

14998/1/22 REV 1

Internal Market and Industry

1. Directive amending Directive 2013/34/EU, Directive 2004/109/EC, Directive 2006/43/EC and Regulation (EU) No 537/2014, as regards corporate sustainability reporting



14833/22
PE-CONS 35/22
DRS

Adoption of the legislative act

approved by Coreper, Part 1, on 23.11.2022

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: Articles 50 and 114 TFEU).

2. Regulation on foreign subsidies distorting the internal market




14648/22 + ADD 1
PE-CONS 46/22
RC

Adoption of the legislative act


approved by Coreper, Part 1, on 23.11.2022

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: Articles 114 and 207 TFEU). Statements to this item are set out in the Annex.

Economic and Financial Affairs


3. **Regulation on digital operational resilience for the financial sector**  14646/22
PE-CONS 41/22
EF
Adoption of the legislative act
approved by Coreper, Part 2, on 23.11.2022

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 114 TFEU).

4. **Directive on digital operational resilience for the financial sector**  14647/22
PE-CONS 42/22
EF
Adoption of the legislative act
approved by Coreper, Part 2, on 23.11.2022

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: Articles 53(1) and 114 TFEU).


Telecommunications

5. **Directive on measures for a high common level of cybersecurity across the Union**  14828/1/22 REV 1
+ REV 1 ADD 1
PE-CONS 32/22
CYBER
Adoption of the legislative act
approved by Coreper, Part 1, on 23.11.2022

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 114 TFEU). A statement to this item is set out in the Annex.

Non-legislative activities

EDUCATION

3. Council Recommendation on Pathways to School Success (Legal basis proposed by the Commission: Articles 165(4) and 166(4) TFEU)  13961/22
+ ADD 1-2
Adoption
4. Conclusions on supporting well-being in digital education 14147/22
Approval + ADD 1-2

5. **European Education Area in times of Russian aggression in Ukraine**  14168/22
Policy debate

The Council held a policy debate on the above topic on the basis of a background document prepared by the Presidency (14168/22). In the context of the Russian aggression against Ukraine, ideas were exchanged on how the European Education Area can contribute to addressing and mitigating the impact of such crises on education and training. Delegations also discussed about what tools would need to be strengthened or newly introduced to enhance the European Education Area's ability to react to such emergencies more quickly and efficiently.

YOUTH

6. Conclusions on promoting the intergenerational dimension in the youth field to foster dialogue and social cohesion 13991/22
Approval + ADD 1-2

7. **European Year of Youth 2022**  14183/22
Policy debate

The Council held a policy debate on the above topic on the basis of a background document prepared by the Presidency (14183/22). Delegations shared their experiences during the European Year of Youth (EYY) and reflected on ways to ensure a legacy to the EYY beyond 2022.

Any other business

8. Education

- a) **Presentation of the European Education Area Progress Report and launch of the Learning Lab on Investing in Quality Education and Training**  14632/22
Information from the Commission

The Council took note of the information provided by the Commission.

- b) **Guidelines for teachers and educators on tackling disinformation and promoting digital literacy through education and training and Ethical guidelines on the use of artificial intelligence and data in teaching and learning for educators** 14633/22
Information from the Commission

The Council took note of the information provided by the Commission.

- c) **Deep Tech Talent initiative and pledge** 14634/22
Information from the Commission

The Council took note of the information provided by the Commission.

- d) **9th Environment for Europe Ministerial Conference (Nicosia, 5 - 7 October 2022): Outcomes of the high-level meeting of Education Ministers on Education for Sustainable Development** 14645/22
Information from the Cyprus delegation

The Council took note of the information provided by the Cyprus delegation.

- e) Work programme of the incoming Presidency
Information from the Swedish delegation


Youth

- f) Outcome of the discussion at the informal EU Youth Dialogue breakfast meeting
Information from the Presidency
- g) Work programme of the incoming Presidency
Information from the Swedish delegation

MEETING ON TUESDAY 29 NOVEMBER 2022

CULTURE/AUDIOVISUAL

Non-legislative activities

9. Resolution on the EU Work Plan for Culture 2023-2026 14436/22 + COR 1
Approval + ADD 1-3
10. **Support and solidarity with Ukrainian culture, including**  14437/1/22 REV 1
cultural heritage
Policy debate

The Council held a policy debate on the above-mentioned topic, on the basis of a discussion note prepared by the Presidency (14437/1/22 REV 1). The Ukrainian Minister of Culture, Mr Oleksandr TKACHENKO, participated in the discussion; he provided an update on the situation on the ground in Ukraine and requested further assistance for the cultural and creative sectors and damaged heritage sites. Delegations shared information about their ongoing and future initiatives to help Ukraine in the field of culture; strongly condemned the continued Russian aggression and destruction of cultural heritage; and agreed on strengthening cooperation between the European Capitals of Culture and Ukrainian cities.

Legislative deliberations

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

11. **Regulation establishing the European Media Freedom Act**   14440/22 + COR 1
Progress report

The Council took note of the progress report on the European Media Freedom Act (EMFA) proposal delivered by the Presidency (14440/22 + COR 1). Delegations broadly welcomed the objectives of the EMFA proposal; praised the Presidency for the work done so far; and highlighted a number of challenging issues that will require further discussion, such as the subsidiarity aspects, the legal basis, the independence of the national regulatory authorities and the scope of the proposal.

SPORT

Non-legislative activities

12. Conclusions on sustainable and accessible sports infrastructure 13996/1/22 REV 1
Approval + ADD 1-2
13. **Can the recent crises serve as an opportunity for the future development of sport?** [2] 13997/22
Policy debate

The Council held a policy debate on the above topic on the basis of a background document prepared by the Presidency (13997/22). Two external guests introduced the debate and subsequently delegations exchanged their views. Delegations highlighted that in the context of the current crises, energy-efficient solutions were needed to use, renovate or construct sports infrastructures.

Any other business

14. Culture/Audiovisual
- a) **Selection of Liepāja as the European Capital of Culture 2027** [2] 14570/22
Information from the Latvian delegation
- The Council took note of the information provided by the Latvian delegation.
- b) **Cultural institutions in the energy crisis** [2] 14552/22
Information from the German delegation
- The Council took note of the information provided by the German delegation.
- c) **EIT Culture and Creativity Knowledge and Innovation Community (KIC)** [2] 14575/22
Information from the Commission

The Council took note of the information provided by the Commission.

- d) **EU as Guest of Honour at Guadalajara International Book Fair 2023** ☐ 14673/22
Information from the Commission

The Council took note of the information provided by the Commission.

- e) Transmission of Russian propaganda channels by satellite service providers under the jurisdiction of EU Member States 14573/22
Information from the Estonian, Latvian, Lithuanian and Polish delegations
- f) Work programme of the incoming Presidency
Information from the Swedish delegation

Sport

- g) **WADA meeting: Foundation Board (18 November 2022)** ☐
Information from the EU Member State representative of the incumbent Trio Presidency in the WADA Foundation Board

The Swedish delegation informed the Council of the main outcomes of the WADA Foundation Board meeting held in Montreal on 18 November 2022.

- h) **Respecting Human Rights with assigning major sport events** ☐ 14946/22
Information from the Netherlands delegation

The Netherlands delegation expressed its views in relation to the respect of human rights when assigning major sport events (14946/22). Several delegations took the floor to back this intervention.

i) Work programme of the incoming Presidency
Information from the Swedish delegation

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- ① First reading
 - ② Public debate proposed by the Presidency (Article 8(2) of the Council's Rules of Procedure)
 - C Item based on a Commission proposal
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Statements to the legislative "A" items set out in 14998/1/22 REV1

Ad "A" item 2: **Regulation on foreign subsidies distorting the internal market**
Adoption of the legislative act

JOINT STATEMENT OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION

“The Union remains committed to an open and rules-based multilateral trading system with a modernised WTO at its core and to further enhancing the effectiveness of the multilateral framework on subsidies. It reaffirms its commitment to support the modernisation of the WTO rules to address distortions to trade and to competition. In particular, the Union will engage in modernising rules on industrial subsidies to enhance the proper functioning of the WTO Agreement on Subsidies and Countervailing Measures (ASCM) and to promote compliance and enforcement.”

STATEMENT OF THE EUROPEAN COMMISSION ON CLARIFICATIONS AS REGARDS THE APPLICATION OF REGULATION ...*, PURSUANT TO ARTICLE 46 THEREOF

“The Commission commits to clarifying the application of Article 4(1) of Regulation [add publication number for file 2021/0114(COD)] on the existence of a distortion caused by a foreign subsidy on the internal market, the application of the balancing test set out in Article 6 of this Regulation, and the assessment of a distortion in a public procurement procedure set out in Article 27(1) of this Regulation.

The Commission will make such initial clarifications public at the latest 12 months after the date of application of these provisions.

Guidelines issued pursuant to Article 46 of Regulation [add publication number for file 2021/0114(COD)] may replace these initial clarifications.”

STATEMENT OF THE EUROPEAN COMMISSION ON MULTILATERAL RULES TO ADDRESS DISTORTIVE FOREIGN SUBSIDIES ON THE OCCASION OF THE ADOPTION OF REGULATION*

“On 30 June 2022, the European Parliament, the Council and the European Commission reached an agreement on the Regulation on foreign subsidies distorting the internal market¹. This Regulation complements the existing European and international disciplines on subsidies and subsidy control. It deals with distortions caused by foreign subsidies in the Union’s internal market.

Subsidies may have a negative impact on international trade and can lead to distortions of competition in both traditional sectors and new technologies. In some cases, uncontrolled subsidies may also result in excess capacities, to the detriment of healthy market dynamics. The EU needs to continue to reap the benefits of international opportunities while developing tools to confront unfair trading practices, both internally and externally². This Regulation should contribute to improving the resilience of the EU internal market, in particular when it comes to protecting it against distortions caused by foreign subsidies. This way, the Union complements its toolbox in view of achieving the objectives of the Union’s open strategic autonomy.

With a view to addressing the negative impacts of subsidies, and recognising that WTO rules may not be sufficiently effective in tackling the negative spillovers of state intervention in the economy, including for certain industrial sectors, the European Commission remains committed to further enhancing the effectiveness of the multilateral framework on subsidies, and is determined to strongly push for a legal framework that is well equipped to address distortions to trade and to competition and for a level playing field³. In particular, the Commission is committed to modernising rules on industrial subsidies to enhance the proper functioning of and to promote compliance with the WTO Agreement on Subsidies and Countervailing Measures (ASCM). In this context, the European Commission recalls its ongoing trilateral cooperation with Japan and the United States.

¹ European Commission, Proposal for a Regulation of the European Parliament and of the Council on foreign subsidies distorting the internal market, COM(2021)0223.

² Commission Communication Trade Policy Review – An Open, Sustainable and Assertive Trade Policy of 18 February 2021, COM(2021)0066.

³ Commission Communication Trade Policy Review – An Open, Sustainable and Assertive Trade Policy of 18 February 2021, COM(2021)0066.

Rules on subsidies are laid down in particular in the ASCM, which sets out prohibitions of certain subsidies and actions to counter adverse effects of subsidies in the context of trade in goods. In respect of the Union, these rules are, insofar as they relate to countervailing subsidisation, implemented by Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union⁴. The scope of Regulation (EU) 2016/1037 is determined by the scope of the ASCM.

The Regulation on foreign subsidies distorting the internal market is in line with the Union's international obligations, including in particular those resulting from the ASCM. The European Commission will ensure that any action taken in the application of this Regulation is consistent with its international obligations.

The Commission intends to make full use of this new Regulation to address distortions caused by foreign subsidies in the internal market.”

Ad "A" item 5: **Directive on measures for a high common level of cybersecurity across the Union**
Adoption of the legislative act

STATEMENT BY THE REPUBLIC OF CROATIA

“The Republic of Croatia would like to express its support for the adoption of the Directive on measures for a high common level of cybersecurity across the Union (NIS 2 Directive).

However, the Republic of Croatia wishes to reiterate its discontent with the current Croatian linguistic version of the Directive, i.e. with the Croatian equivalent of the English term “cyber” and its derivatives into the Croatian language⁵, an issue that we have continuously raised on several levels within the Council during the last few years.

The Republic of Croatia has been seriously concerned that the current Croatian version of the Directive may lead to legal uncertainty. Namely, the current Croatian version of the Directive uses terminology that is non-existent in Croatian cyber legislation and professional use, thus creating confusion and undermining legal certainty, coherence and clarity.

The Republic of Croatia reiterates its position that the terminology used by the EU institutions should be aligned with the already existing national legal terminology to ensure legal certainty. The Republic of Croatia remains committed to promoting open, free, stable and secure cyberspace and continues to support the adoption of the NIS 2 Directive.”

⁴ Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union (OJ L 176, 30.6.2016, p. 55).

⁵ The equivalent used in the Croatian legislation is “kibernetički” whereas the term used in the NIS2 Directive is “kiber-“.