

Brussels, 6 December 2022  
(OR. en)

15684/22

AG 151

## REPORT

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From:	Presidency
To:	Delegations
Subject:	Follow-up to the Conference on the Future of Europe - Progress Report on the follow-up to Conference proposals/measures during the Czech Presidency

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### I. INTRODUCTION

Since the presentation of the report<sup>1</sup> on the final outcome of the Conference on the Future of Europe on 9 May 2022, the Council has been working earnestly towards the implementation of the proposals and related specific measures it contains. As stated in the Joint Declaration establishing the Conference in March 2021, the Presidents of the European Parliament, the Council of the EU and the European Commission committed to examine swiftly how to follow up effectively to this report, each within their own sphere of competences and in accordance with the Treaties.

The Council has notably worked on the basis of a comprehensive preliminary technical assessment of the 49 Conference proposals and their 326 related measures<sup>2</sup>, which identifies, for each of the 326 measures contained in the report, the extent to which EU Institutions have or are already implementing each of the proposals/measures, and how the proposals/measures could be implemented if at all (assessment of feasibility).

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<sup>1</sup> Doc. 8933/22

<sup>2</sup> Doc 10033/1/22 + ADD 1

## **II. COUNCIL WORK UNDER THE CZECH PRESIDENCY**

As part of the follow-up to the Conference, at the informal meeting of European Affairs Ministers on 14-15 July 2022, Ministers held an exchange of views on the Conference on the Future of Europe<sup>3</sup>. After the meeting, the Presidency issued a questionnaire on the Conference in which delegations were invited to express their views on a number of issues related to the Conference. A preliminary synthesis of the replies can be found in doc. 12277/1/22.

As part of its firm commitment to ensure the best possible follow-up to the Conference, the General Affairs Council, in its coordination role, reverted to the topic of the Conference follow-up at each of its meetings, on a monthly basis. In addition, the follow-up to the Conference was regularly on the agenda of the Working Party on General Affairs.

In parallel to the work undertaken by the General Affairs Council, the different Council formations worked on different legislative and non-legislative proposals to implement various measures of the Conference. The Council was particularly active in fields such as energy (e.g. by adopting in August 2022 a Regulation on coordinated demand-reduction measures for gas, and in October a Regulation on an emergency intervention to address high energy prices), climate change and the environment (e.g. reaching agreement with the European Parliament in October on stronger CO2 emissions standards for cars and vans in order to accelerate the transition to zero-emission mobility) or health (e.g. adopting in October two Regulations to improve the EU's capacity to respond to future pandemics and other cross-border health crises). The Council has also strived to address in a swift and effective way proposals that were particularly relevant in the context of the crisis resulting from the Russian war of aggression against Ukraine by asserting the EU's ability to adopt restrictive measures at an unprecedented scale.

Further information on the implementation of the Conference final report can be found in the above-mentioned updated preliminary technical assessment of the Conference proposals and related measures<sup>4</sup>.

During the Czech Presidency, the Council has followed with great attention the Commission's follow-up work to the Conference, and has notably welcomed its clear commitment to put forward Conference-related initiatives, which materialises in its Work Programme for 2023. The Council

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<sup>3</sup> It is recalled that, at its meeting on 21 June 2022, under the French Presidency, the Council agreed to give priority to the implementation of the overwhelming majority of proposals which can be implemented within the current Treaty framework, with the aim to provide answers to citizens' concerns within a relatively short time frame and have a positive impact on their everyday lives through concrete policy

<sup>4</sup> Doc 10033/1/22 + ADD 1

discussed the programme for the upcoming period and it will, together with the Parliament and the Commission, sign in mid-December a joint declaration on legislative priorities.

Finally, on 2 December 2022, a feedback event was organised by the Council of the EU, the European Parliament and the Commission. The aim of the event was for the three institutions to give feedback to the citizens who participated in the European citizens' panels and to the representatives of national citizens' panels and national events, about what had been done since 9 May to implement the final report of the Conference. The Presidency represented the Council in this event, by providing feedback about the work undertaken by the Council, and by answering questions and comments from the citizens.

### **III. MAIN ISSUES DISCUSSED BY THE GENERAL AFFAIRS COUNCIL**

From a horizontal perspective, two issues have retained in particular the attention of the General Affairs Council<sup>5</sup>:

- the use of passerelle clauses to switch from unanimity to qualified majority voting in the Council (see point III.1)
- autonomous measures (see point III.2)

#### **1. Passerelle clauses to switch from unanimity to qualified majority voting in the Council**

As highlighted in the final report of the Conference on the Future of Europe, improving the EU's capacity to take speedy and effective decisions, notably by switching from unanimity to qualified majority voting, was one of the proposals/measures included in the final report of the Conference. Indeed, switching from unanimity to qualified majority voting in the Council can be achieved in an important number of cases through the flexibilities provided by the current Treaty framework, i.e. Treaty provisions setting out general or specific "passerelle clauses".

At the General Affairs Council on 20 September 2022, Ministers exchanged views on next steps within the follow-up of the Conference on the Future of Europe<sup>6</sup>, including on the possible use of "passerelle clauses". Ministers' views were contrasted on the use of "passerelle clauses" and on the policy areas to which the "passerelle clauses" could be applied. In light of this exchange, the Presidency concluded that further discussions were needed to explore the flexibilities offered by the

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<sup>5</sup> The follow-up to the Conference was also regularly on the agenda of the Working Party on General Affairs

<sup>6</sup> Doc. 12316/22

current Treaties, and that this reflection should continue at this stage at the level of the Working Party on General Affairs.

Following a step-by-step approach, the Presidency suggested to focus on specific fields<sup>7</sup> within the Common Foreign and Security Policy (CFSP) policy area.

During the discussions in the Working Party on General Affairs, several delegations supported, with nuances, the use of “passerelle clauses” in CFSP in order to strengthen the EU’s capacity to act by allowing more effective decision-making in this policy area. Nevertheless, a number of delegations stressed the sensitive nature of the issue and called for maintaining unanimity voting as a defining feature of CFSP, as they consider that consensus ensures that all Member States are heard, and as they feel that qualified majority voting would impact the unity of the EU, without guaranteeing the implementation of decisions.

Those exploratory discussions during the Czech Presidency have allowed delegations to express their initial views and for the Presidency to identify preliminary positions on this issue.

## 2. Autonomous measures

As part of the Council’s follow-up to the Conference, the Czech Presidency endeavoured to identify and started to examine the specific measures proposed by the Conference where the Council may act on its own, e.g., without a proposal or recommendation from another Union institution or body<sup>8</sup>. These so-called Council “autonomous measures” amount to 23 specific proposed measures, out of the 326 contained in the report on the final outcome of the Conference<sup>9</sup>.

After an initial discussion in the Council, the Working Party on General Affairs held two discussions on the Council “autonomous measures”, at its meetings of 25 October and 29 November 2022. As part of these discussions, delegations expressed clear support for making progress on the Conference proposed measures where the Council could act on its own.

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<sup>7</sup> CSDP civilian missions (Articles 42(4) and 43 TEU), possibly including also international agreements in this area (Article 37 TEU), restrictive measures (sectoral and/or individual) (Article 29 TEU), Union positions in multilateral fora as regards human rights (Article 29 TEU), decisions under Article 28 TEU, the organisation of the EEAS under Article 27(3) TEU.

<sup>8</sup> In particular, the Commission or the High Representative for Foreign Affairs and Security Policy. In this perceptive, actions in the context of the European Semester, where the Council acts upon recommendation by the Commission, have not been included. In turn, measures that could be based on Member States initiatives (as in the context of the CFSP) have been included.

<sup>9</sup> Doc.12279/22 + ADD1

In addition, these discussions allowed delegations to highlight which of those measures the Council could start working on as a matter of priority, in the short/medium term. In this perspective, many delegations expressed their support for the measures addressing the topics of disinformation and citizens' media literacy<sup>10</sup>, as well as communication towards citizens and transparency<sup>11</sup>. A large number of delegations also marked their support for the measures covering multilingualism<sup>12</sup>, the employment of disadvantaged groups<sup>13</sup> as well as strengthening cross-border cooperation<sup>14</sup>. Similarly, several delegations conveyed their support for most of the measures related to education<sup>15</sup> and sport<sup>16</sup>. The remaining measures received support from fewer delegations.

The Czech Presidency hopes that this exploratory work may valuably inform the decisions of upcoming Council Presidencies regarding possible further work on the Council “autonomous measures”, as part of the relevant specialised Council Working Parties.

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<sup>10</sup> Conference measures number 23.5; 27.4

<sup>11</sup> Conference measures number 6.3; 22.1; 22.5; 37.2; 37.5

<sup>12</sup> Conference measure 48.2

<sup>13</sup> Conference measure 13.8

<sup>14</sup> Conference measure 12.15

<sup>15</sup> Conference measure 46.3

<sup>16</sup> Conference measures 49.1; 49.4