



Council of the
European Union

Brussels, 19 July 2023
(OR. en, de)

Interinstitutional File:
2021/0145(NLE)

8280/3/23
REV 3 ADD 2

LIMITE

ACP 25
COAFR 133
COLAC 36
COASI 76
WTO 49
RELEX 452

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	9752/21 + ADD 1-2
Subject:	Council Decision on the signing, on behalf of the European Union, and provisional application of the Partnership Agreement between the European Union and its Member States, of the one part, and the Members of the Organisation of African, Caribbean and Pacific States (OACPS), of the other part - Statements

STATEMENTS FOR THE MINUTES OF THE COUNCIL

Statement by Austria

Österreich ist bereit, sich der vorgeschlagenen Vorgangsweise anzuschließen, muss aber darauf hinweisen, dass es eine vorläufige Anwendung des Partnerschaftsabkommens zwischen der Europäischen Union und ihren Mitgliedsstaaten einerseits und den Mitgliedsstaaten der Organisation Afrikanischer, Karibischer und Pazifischer Staaten andererseits im völkerrechtlichen Sinn aus verfassungsrechtlichen Gründen erst ab dem Zeitpunkt vornehmen kann, zu dem es dem Generalsekretariat des Rates der Europäischen Union als dem Verwahrer des Abkommens den Abschluss seiner für das Inkrafttreten des Abkommens erforderlichen innerstaatlichen Verfahren notifiziert hat.

Statement by Poland

The draft post-Cotonou agreement is incompatible with the Treaty on European Union, the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights to the extent that it replaces the principle of "equality between women and men" expressed in the Treaties with a non-treaty expression "gender equality". Where the agreement refers to "gender equality", Poland will interpret this principle as the principle of equality between women and men, in accordance with art. 2 and 3 TEU and art. 23 of the Charter of Fundamental Rights. In addition, Poland understands the wording "gender" contained in this agreement, and absent in the Treaties, as "sex", in accordance with art. 10, art. 19 sec. 1 and art. 157 sec. 2 and 4 of the TFEU.

Poland understands reproductive rights and others derived, synonymous or similar to it, solely actions that can aim to directly support and save health and human life, and therefore opposes deriving abortion and the use of contraception from it as forms of promoting health, family planning or guaranteeing human rights. Abortion is not a human right, but is instead a form of deprivation of the right to life.

With regard to so-called "sexuality education," Poland understands it to mean age- and content-appropriate education in accordance with the appropriate Polish law and curricula based on it.

Statement by Portugal

on the provisional application of the Partnership Agreement between the European Union and its Member States, of the one part, and the members of the Organization of African, Caribbean and Pacific States, of the other part

In the respect of the principle of division of competences between the European Union and its Member States, as defined by the Treaties, the Council Decision authorizing the signature and provisional application of the Partnership Agreement between the European Union and its Member States, of the one part, and the Members of the Organisation of African, Caribbean and Pacific States, of the other part, does not affect the autonomy of the Portuguese Republic decision-making on international matters of its exclusive competence, which commitments depend on the completion of internal approval procedures, in accordance with constitutional principles and rules.