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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Trade Questions

Subject:	ACI - Presidency note to steer the discussion at the WPTQ on 27 January 2023
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Presidency note to steer the discussion at WPTQ the 27 January 2022

At the Working Party, the Presidency will debrief from the technical meeting with the EP to be held on the 26th of January. MS will be invited to express views as concerns the EP response to the Council's approach to the issue of Union Interest and Reparation, following the discussion at the Working Party on the 18th of January, and the way forward on these issues. The next technical meetings are tentatively planned with the EP on the 3rd and 9th of February.

In order to then focus the discussions at Working Party-level, the Presidency proposes to discuss specific clusters, following the cluster-terminology as agreed with the EP (see separate document with cluster terminology).

For the Working Party on the 27th of January, the Presidency proposes to focus on the following clusters:

1. Subject-matter		
1.1 Scope and definitions	Article 1 (subject-matter), except matters under sub-clusters 1.2 (other instruments) and cluster 4 (reparation of injury), New Article 1a (EP - definitions), Article 2 (scope), New Article 7bis (Council - Union's interest); see also other deletion by EP of reference to Union interest in the remainder of the text Relevant recitals: 1-6, 7a (first part), 8, 9, 10, 10a, 10b, 11, 12	19, 20, 37, 37a, 38b, 40, 42, 85b
1.2 Relation with other instruments and policies	References to WTO, external action, Enforcement Regulation, Blocking Statute, CFSP, Articles 1(2), 1 (2a), 16 Relevant recitals: 7, 7a (second part), 10, 26 (references to BS and relationship to other Union policies and instruments)	11, 15, 15a, 16, 18, 19, 24b, 26, 33a, 34, 38, 38a, 103a, 133a, 154
3.6 Information gathering	Article 11, Article 3 (3) first subparagraph Recital: 20	28, 96d, 124, 126, 127, 128, 129, 131, 132, 133, 133a
3.8 Intra-EU measures	Article 9 (3) except "Horizontal provisions"	107-111
5.2 Implementing powers at countermeasures stage;	Articles 7(1)(Union response), 8(1) (natural or legal persons), 15 (Committee procedure) Relevant recitals: 23, 24, 25	23, 31, 70, 150
5.3 Implementing powers at	Article 10(2)-(5) (amendment, suspension, termination)	121, 122, 150

amendment/suspension/ termination stages;	Relevant recitals: 23, 24, 25	
6. Timelines	Articles 3 (examination) and (3) second subparagraph a), 4 (determination), 5 and 6, 7 (Union response)	51, 54, 58, 60, 68, 71, 76, 78, 80, 122

In the attached document, which contains the latest version discussed with the EP at technical level, you will find the SE Presidency's proposed assessment of the Commission proposed compromise text from the 9th of January 2023 (in the column named SE PRES ASSESSMENT). You will note that for most part the assessment is to agree with Commission proposed compromise text, which for most parts incorporates the main elements from the Council mandate.

MS are requested to specifically consider the following questions:

1. Do you agree with the Presidency's assessment?
2. Do you have specific drafting suggestions for the lines discussed?

Please note that the lines that are marked green are *only* those lines where the EP-mandate and the Council mandate were identical (in accordance with the Commission's original proposal), or where only minor editorial changes have been suggested.