

Presidency note to steer the discussion at WPTQ on the 6th of February 2023

At the Working Party, the Presidency will debrief from the technical meeting with the European Parliament to be held on the 3rd of February. MS will be invited to again express views as concerns the EP response to the Council's approach to the issues of Horizontal Provisions, Union Interest and Reparation of Injury, following the previous discussions in the Working Party. The next technical meeting with the EP is scheduled to hold on the 9th of February.

In order to focus the discussions at the level of the Working Party, the discussions are based on specific clusters, following the cluster terminology as agreed with the EP (WK 1065/2023 INIT).

For the Working Party on the 6th of February, the Presidency proposes to focus on the clusters listed in the table below. In the updated version of the 5-column document to be circulated, you will find the Presidency's proposed assessment of the Commission proposed compromise text of the 9th of January 2023.

Member States 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?

2. 1st stage: substantive provisions and process		
2.1 examination (complaint mechanism, collection of information, contacts with stakeholders and the third country concerned)	Article 2(2) (conditions), Article 3 (examination), except matters in clusters "Horizontal provisions" and "Timelines"; Relevant recitals: 13	21, 44, 45, 46, 47, 48, 49, 51, 52, 52a, 52b, 53, 54, 54a
2.2 determination (contacts with the third country concerned)	Article 4 (determination), except decision-making powers and matters in clusters 7 "Horizontal provisions", 6 "Timelines" and 4 "Reparation of injury";	21a, 58, 60, 77, 77a, 77b, 77c, 79
2.3 engagement/consultation (conditions, scopes)	Article 5 (engagement with third country), except matters in cluster "Horizontal provisions"; Relevant recitals: 13a	21a, 60, 61, 62, 63, 63a, 66, 77b

2.4 international cooperation (conditions, scope);	Article 6 (international cooperation), except matters in cluster “Horizontal provisions”; Relevant recitals: 14	22, 64, 68
3. Union response: substantive provisions and process	Relevant recitals: 15, 16, 19	
3.2 Imposition and deferral of application	Article 7 (1), (2), (3), (4) and (5) (Union response), 7(4) (deferral) Relevant recitals: 15	23, 76, 77, 77b, 78, 79, 79a (threat), 111
3.3 Suspension	Article 10 (2) (Suspension) Relevant recitals: 19	27, 112, 114 115, 122, 124
3.4 Amendment	Article 10 (3) (Amendment) Relevant recitals: 19	27, 115
3.5 Termination	Article 10 (4) (Termination) Relevant recitals: 19	27, 117, 117a, 119, 120, 121, 122, 124
3.7 Criteria of selection and design, hierarchy	Article 9 (1), (2), (2) a-d (selecting and designing and intra-EU measures) Relevant recitals: 16	17, 18a, 23, 24, 24b, 26, 74, 75, 98, 99, 100, 100a, , 100c, 101, 102, 103, 103a, 104, 105-110
3.9 Natural and legal persons	Article 8 (natural or legal persons) Relevant recitals: 16a, 16b	20, 24a, 24b, 86-96e
5. Decision-making	Relevant recitals: 13, 22, 23, 24, 25	
5.4 Urgency procedure	Article 7(6) (urgency procedure for adoption of measures) and 10 (5) (Urgency procedure for amendment, suspension and termination)	33, 80, 122
5.5 Delegated powers regarding Annex I and II;	Articles 7(7) (Union response), 14 (delegated acts); Relevant recitals: 22	30, 81, 82, 83, 84, 85, 140, 143, 144-147
8. Rules of origin	Article 13 and Annex II Relevant recitals: 17	25, 30, 140, 180, 181-194



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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Trade Questions
Subject:	ACI - Presidency note to steer the discussion at the informal video conference of the members of the WPTQ on 6 February 2023