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LIMITE

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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Trade Questions

Subject:	ACI - 4-column document following the technical meeting on 31 May 2023
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Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of the Union and its Member States from economic coercion by third countries

2021/0406(COD)

Non-versioned [LATEST TEXT]

31-05-2023 at 18h21

The Draft Agreement column and the colour-coding reflects the current state of play in the trilogues negotiations, following a technical meeting on the 31st of May. The non-green lines will be discussed, with a view to agreement on all of them, at the technical meeting on Friday the 2nd of June. Member states may continue to share comments until Thursday 1st of June, after which the Presidency will take no further comments on the text.

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
Formula				
1	2021/0406 (COD)	2021/0406 (COD)	2021/0406 (COD)	2021/0406 (COD)
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of the Union and its Member States from economic coercion by third countries	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of the Union and its Member States from economic coercion by third countries	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of the Union and its Member States from economic coercion by third countries	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of the Union and its Member States from economic coercion by third countries
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Citation 1				
4				

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)	
	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,	
Citation 2					
G	5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	G
Citation 3					
G	6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	G
Citation 4					
G	7	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	G
Formula					
G	8	Whereas:	Whereas:	Whereas:	G
Recital 1					
G	9	(1) Pursuant to Article 3(5) of the Treaty on European Union, in its relations with the wider world, the Union is to uphold and promote its	(1) Pursuant to Article 3(5) of the Treaty on European Union, in its relations with the wider world, the Union is to uphold and promote its	(1) Pursuant to Article 3(5) of the Treaty on European Union (TEU), in its relations with the wider world, the Union is to uphold and promote	G

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	values and interests and contribute to the protection of its citizens and, among other things, to solidarity and mutual respect among peoples and the strict observance and the development of international law, including respect for the principles of the United Nations Charter.	values and interests and contribute to the protection of its citizens and, among other things, to solidarity and mutual respect among peoples and the strict observance and the development of international law, including respect for the principles of the United Nations Charter.	its values and interests and contribute to the protection of its citizens and is to contribute , among other things, to solidarity and mutual respect among peoples and the strict observance and the development of international law, including respect for the principles of the United Nations Charter (the "UN Charter").	its values and interests and contribute to the protection of its citizens and is to contribute, among other things, to solidarity and mutual respect among peoples and the strict observance and the development of international law, including respect for the principles of the United Nations Charter (the "UN Charter").
Recital 2				
10	(2) Pursuant to Article 21(1) of the Treaty on European Union, the Union's action on the international scene is to be guided by principles such as the rule of law, equality and solidarity, and respect for the principles of the United Nations Charter and international law. It also states that the Union is to promote multilateral solutions to common problems.	(2) Pursuant to Article 21(1) of the Treaty on European Union, the Union's action on the international scene is to be guided by principles such as the rule of law, equality and solidarity, and respect for the principles of the United Nations Charter and international law. It also states that the Union is to promote multilateral solutions to common problems.	(2) Pursuant to Article 21(1) of the Treaty on European Union TEU, the Union's action on the international scene is to be guided by principles such as the rule of law, equality and solidarity, and respect for the principles of the United Nations UN Charter and international law. It also states that the Union is to promote multilateral solutions to common problems.	(2) Pursuant to Article 21(1) TEU, the Union's action on the international scene is to be guided by principles such as the rule of law, equality and solidarity, and respect for the principles of the UN Charter and international law. It also states that the Union is to promote multilateral solutions to common problems.
Recital 3				
11	(3) Pursuant to Article 1 of the United Nations Charter, the purposes of the United Nations include the purpose to develop friendly relations among nations based on respect for the principle of equal rights.	(3) Pursuant to Article 1 of the United Nations Charter, the purposes of the United Nations include the purpose to develop friendly relations among nations based on respect for the principle of equal rights. <u>Moreover, in</u>	(3) Pursuant to Article 1 of the United Nations UN Charter, one of the purposes of the United Nations include the purpose is to develop friendly relations among nations based on, among other things ,	(3) Pursuant to Article 1 of the UN <u>United Nations</u> Charter, one of the purposes of the United Nations is <u>include the purpose</u> to develop friendly relations among nations based on, among other things ,

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		<u>accordance with the Declaration On Principles Of International Law Friendly Relations And Co-Operation Among States in accordance with the Charter Of The United Nations, international relations are to be conducted in line with the principles of sovereign equality and non-intervention^{1a}.</u> <u>1a UN General Assembly, Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 24 October 1970, A/RES/2625(XXV)</u>	respect for the principle of equal rights.	respect for the principle of equal rights. Text Origin: Commission Proposal
Recital 4				
12	(4) Article 21(2) of the Treaty on European Union requires the Union to define and pursue common policies and actions, and work for a high degree of cooperation in all fields of international relations, among other things in order to safeguard its values, fundamental interests, independence and integrity, consolidate and support the rule of law, and the principles of international law.	(4) Article 21(2) of the Treaty on European Union requires the Union to define and pursue common policies and actions, and work for a high degree of cooperation in all fields of international relations, among other things in order to safeguard its values, fundamental interests, independence and integrity, consolidate and support the rule of law, and the principles of international law.	(4) Article 21(2) of the Treaty on European Union TEU requires the Union to define and pursue common policies and actions, and work for a high degree of cooperation in all fields of international relations in order to, among other things in order to, safeguard its values, fundamental interests, independence and integrity, consolidate and support the rule of law, and the principles of international law.	(4) Article 21(2) TEU requires the Union to define and pursue common policies and actions, and work for a high degree of cooperation in all fields of international relations in order to, among other things, safeguard its values, fundamental interests, independence and integrity, consolidate and support the rule of law, and the principles of international law.

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Recital 4a				
12a		<u>(4a) The international law of state responsibility for internationally wrongful acts has been codified by the United Nations' International Law Commission in 2001^{1a} and should guide the Union's action where the Union faces economic coercion from a third country that constitutes an internationally wrongful act. The "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations"^{1b} states that no State may use or encourage the use of economic political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. Those codified rules of customary international law are binding.</u> <u>^{1a} Internationally Wrongful Acts, adopted by the United Nations' International Law Commission at its fifty-third session, in 2001, and taken note of by the United Nations General Assembly in resolution 56/83.</u>		<u>(4a) The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations states that international relations are to be conducted in line with the principles of sovereign equality and non-intervention.^{1a} This Declaration also provides, in relation to the principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. This reflects customary international law and is thus binding in the relations between third countries and the Union and its Member States. Rules of customary international law of state responsibility for internationally wrongful acts are reflected in the United Nations' International Law Commission's Articles on the Responsibility of States for</u>

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		^{1b} <u>United Nations General Assembly Resolution 2625 (XXV) of 24 Oct 1970.</u>		<u>Internationally Wrongful Acts^{1b} ("ARSIWA") and are binding in the relations between third countries and the Union and its Member States.</u> ^{1a} <u>UN General Assembly, Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 24 October 1970, A/RES/2625(XXV).</u> ^{1b} <u>Adopted by the United Nations' International Law Commission at its fifty-third session, in 2001, and taken note of by the United Nations General Assembly in Resolution 56/83.</u>
Recital 5				
13	(5) The modern interconnected world economy creates an increased risk of, and opportunity for, economic coercion, as it provides countries with enhanced, including hybrid, means to deploy such coercion. It is desirable that the Union contribute to the creation, development and clarification of international frameworks for the prevention and elimination of situations of economic coercion.	(5) The modern interconnected world economy creates an increased risk of, and opportunity for, economic coercion, as it provides countries with enhanced, including hybrid, means to deploy such coercion. It is desirable that the Union contribute to the creation, development and clarification of international frameworks for the prevention and elimination of situations of economic coercion.	(5) The modern interconnected world economy creates an increased risk of, and opportunity for, increases the risk of, and as it provides countries with enhanced, including hybrid, means to deploy such coercion. It is desirable that the Union contribute to the creation, development and clarification of international frameworks for the prevention and	(5) The modern interconnected world economy increases the risk of economic coercion, as it provides countries with enhanced, including hybrid, means to deploy such coercion. It is desirable that the Union contribute to the creation, development and clarification of international frameworks for the prevention and elimination of situations of economic coercion.

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			elimination of situations of economic coercion.	
	Recital 6			
14	(6) Whilst always acting within the framework of international law, it is essential that the Union possess an appropriate instrument to deter and counteract economic coercion by third countries in order to safeguard its rights and interests and those of its Member States. This is particularly the case where third countries take measures affecting trade or investment that interfere in the legitimate sovereign choices of the Union or a Member State by seeking to prevent or obtain the cessation, modification or adoption of a particular act by the Union or a Member State. Such measures affecting trade or investment may include not only actions taken on, and having effects within, the territory of the third country, but also actions taken by the third country, including through entities controlled or directed by the third country and present in the Union, that cause harm to economic activities in the Union.	(6) Whilst always acting within the framework of international law, it is essential that the Union possess an appropriate instrument to deter and counteract economic coercion by third countries in order to safeguard its rights and interests and those of its Member States. This is particularly the case where third countries take, <u><i>fail to take or threaten to take</i></u> measures affecting trade or investment that interfere in the legitimate sovereign choices of the Union or a Member State by seeking to prevent or obtain the cessation, modification or adoption of a particular act, <u><i>including any form of a particular policy choice or a stance with regard to a policy choice such as European Parliament resolutions</i></u>, by the Union or a Member State. Such measures affecting trade or investment may include not only actions taken, <u><i>failures to act, or actions threatened or to be taken</i></u> on, and having effects within, the territory of the third country, but also actions taken <u><i>or threatened to be taken</i></u> by the third country,	(6) Whilst always acting within the framework of international law, it is essential that the Union possess an appropriate instrument to deter and counteract economic coercion by third countries in order to safeguard its rights and interests and those of its Member States. This is particularly the case where third countries take measures affecting trade or investment that interfere in the legitimate sovereign choices of the Union or a Member State by seeking to prevent or obtain the cessation, modification or adoption of a particular act by the Union or a Member State. Such measures affecting trade or investment may include not only actions taken on, and having effects within, the territory of the third country concerned, but also actions taken by the third country, including through entities controlled or directed by the third country and present in the Union, that cause harm to economic activities in the Union.	(6) Whilst always acting within the framework of international law, it is essential that the Union possess an appropriate instrument to deter and counteract economic coercion by third countries in order to safeguard its rights and interests and those of its Member States. This is particularly the case where third countries take measures affecting trade or investment that interfere in the legitimate sovereign choices of the Union or a Member State by seeking to prevent or obtain the cessation, modification or adoption of a particular act by the Union or a Member State, <u><i>including an expression of a position by an institution, body, office or agency of, respectively, the Union or a Member State</i></u>. Such measures affecting trade or investment may include not only actions taken on, and having effects within, the territory of the third country concerned, but also actions taken by the third country, including through entities controlled or directed by the third country and present in the Union, that cause harm to economic

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		including through entities controlled or directed by the third country and present in the Union, that cause harm to economic activities in the Union, <u>such as, among others, some extraterritorial effects of third country sanctions affecting EU businesses and individuals, and ultimately the sovereignty of the European Union's choices.</u>		activities in the Union. <u>The terms "third country" should be understood to include not only a foreign State, but also a separate customs territory or other subject of international law because these entities are capable of economic coercion. The utilisation of these terms and the application of this Regulation does not have any implication regarding sovereignty. This Regulation should also be applied in conformity with the Union's position in relation to the third country concerned.</u>
Recital 7				
15	(7) This Regulation aims to ensure an effective, efficient and swift Union response to economic coercion, including deterrence of economic coercion of the Union or a Member State and, in the last resort, countermeasures.	(7) This Regulation aims to ensure an effective, efficient and swift Union response to economic coercion, <u>including especially the deterrence of economic coercion of the Union or a Member State and, in the last resort where necessary because other instruments cannot protect the Union interest adequately</u> , countermeasures. <u>This Regulation complements Union law in the field of trade such as Regulation (EU)2021/167 of the European Parliament and of the Council^{1a}.</u>	(7) This Regulation aims to ensure an effective, efficient and swift Union response to economic coercion, including deterrence of economic coercion of the Union or a Member State and, in the last resort as a last resort, countermeasures. This Regulation is without prejudice to other existing Union instruments and international agreements, as well as actions taken thereunder, in the area of the common commercial policy, and to other Union policies.	(7) This Regulation aims to ensure an effective, efficient and swift Union response to economic coercion, <u>including especially the deterrence of economic coercion of the Union or a Member State and, as a last resort, countermeasures.</u> This Regulation is without prejudice to other existing Union instruments and international agreements, as well as actions taken thereunder, in the area of the common commercial policy, and to other Union policies. <u>[This Regulation complements Union law in the field of trade such as Regulation (EU)2021/167 of the</u>

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		<u>^{1a} Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom, OJ L 309,29.11.1996, p. 1.</u>		<u>European Parliament and of the Council^{1a}.</u> <u>^{1a} Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom, OJ L 309,29.11.1996, p. 1.]</u>
Recital 7a				
15a			(7bis) Economic coercion by third countries may target foreign policy actions of the Union or a Member State, while a determination of the existence of economic coercion, and responses thereto, may have significant implications for relations with third countries. It is necessary to ensure consistent responses in distinct but related policy areas, and this Regulation is without prejudice to a possible Union action pursuant to specific provisions in Chapter 2 of Title V of TEU on the Union's common foreign and security policy, to which due consideration should be given when considering any response to economic coercion by a third country.	(7bis7a) Economic coercion by third countries may target foreign policy actions of the Union or a Member State, while a determination of the existence of economic coercion, and responses thereto, may have significant implications for relations with third countries. It is necessary to ensure consistent responses in distinct but related policy areas, and this Regulation is without prejudice to a possible Union action pursuant to specific provisions in Chapter 2 of Title V of TEU on the Union's common foreign and security policy, to which due consideration should be given when considering any response to economic coercion by a third country.

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	Recital 8			
16	(8) The objectives of this Regulation, in particular counteracting third countries' economic coercion of the Union or a Member State, cannot be sufficiently achieved by Member States acting on their own. This is because Member States as distinct actors under international law may not be entitled under international law to respond to economic coercion directed against the Union. Additionally, because of the exclusive competence conferred on the Union by Article 207 of the Treaty on the Functioning of the European Union, Member States are prevented from taking common commercial policy measures as a response to economic coercion. Therefore, those objectives can be achieved with greater effectiveness at Union level.	(8) The objectives of this Regulation, in particular counteracting third countries' economic coercion of the Union or a Member State, cannot be sufficiently achieved by Member States acting on their own. This is because Member States as distinct actors under international law may not be entitled under international law to respond to economic coercion directed against the Union. Additionally, because of the exclusive competence conferred on the Union by Article 207 of the Treaty on the Functioning of the European Union, Member States are prevented from taking common commercial policy measures as a response to economic coercion. Therefore, those objectives can be achieved with greater effectiveness <u>it is necessary that the means for effectively achieving those objectives are created at the</u> Union level.	(8) The objectives of this Regulation, in particular counteracting Third countries' economic coercion of the Union or measures of economic coercion against a Member State, cannot be sufficiently achieved by Member States acting on their own. This is because affect the Union's internal market and the Union as a whole. Member States, acting on their own cannot counteract third countries' economic coercion through measures falling under the area of common commercial policy. Given as distinct actors under international law may not be entitled under international law to respond to economic coercion directed against the Union. Additionally, because of the exclusive competence conferred on the Union by Article 207 of the Treaty on the Functioning of the European Union (TFEU), only the Union may. Moreover, Member States are prevented from taking common commercial policy measures as a response to as distinct actors under international law, may not be entitled to counteract third countries economic coercion	(8) Third countries' measures of economic coercion against a Member State affect <u>affects</u> the Union's internal market and the Union as a whole. Member States, acting on their own cannot counteract third countries' economic coercion through measures falling under the area of common commercial policy. Given the exclusive competence conferred on the Union by Article 207 of the Treaty on the Functioning of the European Union (TFEU), only the Union may <u>act</u>. Moreover, Member States as distinct actors under international law, may not be entitled to counteract third countries' economic coercion directed against the Union. <u>Therefore, it is necessary that the means for effectively achieving those objectives are created at the Union level.</u> This Regulation is without prejudice to the division of competences as defined in the Treaties.

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			directed against the Union. This Regulation is without prejudice to the division of competences as defined in the Treaties. Therefore, those objectives can be achieved with greater effectiveness at Union level.	
Recital 9				
17	(9) In accordance with the principle of proportionality, it is necessary and appropriate, for creating an effective and comprehensive framework for Union action against economic coercion, to lay down rules on the examination, determination and counteraction with regard to third countries' measures of economic coercion. In particular, the Union's response measures should be preceded by an examination of the facts, a determination of the existence of economic coercion, and, wherever possible, efforts to find a solution in cooperation with the third country concerned. Any measures imposed by the Union should be commensurate with the injury caused by the third countries' measures of economic coercion. The criteria for defining the Union response measures should take into account in particular the need to	(9) In accordance with the principle of proportionality, it is necessary and appropriate, for creating an effective and comprehensive framework for Union action against economic coercion, to lay down rules on the examination, determination and counteraction with regard to third countries' measures of economic coercion. In particular, the Union's response measures should be preceded by an examination of the facts, a determination of the existence of economic coercion, and, wherever possible <u>and provided the third country also engages in good faith</u> , efforts to find a solution in cooperation with the third country concerned. Any measures imposed by the Union should be commensurate with the injury caused by the third countries' measures of economic coercion <u>and should primarily be aimed at</u>	(9) In accordance with the principle of proportionality, it is necessary and appropriate, for creating an effective and comprehensive framework for Union action against economic coercion, to lay down rules on the examination, determination and counteraction with regard to third countries' measures of economic coercion. In particular, the Union's response measures should be preceded by an examination of the facts, a determination of the existence of economic coercion, and, wherever possible, efforts to find a solution in cooperation with the third country concerned. Any measures imposed by the Union should be commensurate with the injury caused by the third countries' measures of economic coercion. The criteria for defining the Union response measures should take into account in particular the need to	(9) In accordance with the principle of proportionality, it is necessary and appropriate, for creating an effective and comprehensive framework for Union action against economic coercion, to lay down rules on the examination, determination and counteraction with regard to third countries' measures of economic coercion. In particular, the Union's response measures should be preceded by an examination of the facts, a determination of the existence of economic coercion, and, wherever possible <u>and provided the third country also engages in good faith</u> , efforts to find a solution in cooperation with the third country concerned. Any measures imposed by the Union should be commensurate with <u>proportionate and not exceed</u> the injury caused by the third countries' measures of economic coercion. The criteria for

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	avoid or minimise collateral effects, administrative burdens and costs imposed on Union economic operators as well as the Union's interest. Therefore, this Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) of the Treaty on European Union.	<u>obtaining the cessation of the economic coercion and, where appropriate, the reparation for the injury caused.</u> The criteria for defining the Union response measures should take into account in particular the <u>effectiveness of the measures in inducing the cessation of the economic coercion and the potential of the measures to provide relief to the economic operators within the Union affected by the economic coercion, including via internal measures such as an ad hoc compensation fund for those economic operators.</u> <u>The need for a precise indication of the next steps to be taken and</u> need to avoid or minimise <u>the risks of escalation in international trade relations,</u> collateral effects, <u>disproportionate</u> administrative burdens <u>complexity</u> and costs imposed on Union economic operators as well as the Union's interest <u>should also be taken into account.</u> Therefore, this Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) of the Treaty on European Union.	avoid or minimise collateral effects, administrative burdens and costs imposed on Union economic operators as well as the Union's interest. Therefore, this Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) of the Treaty on European Union TEU.	defining the Union response measures should take into account in particular the <u>effectiveness of the response measures in inducing the cessation of the economic coercion and, where requested, reparation of the injury to the Union, and the</u> need to avoid or minimise collateral effects, <u>disproportionate</u> administrative <u>complexity and</u> burdens and costs imposed on Union economic operators as well as the Union's interest. Therefore, this Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) TEU.
	Recital 10			
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	(10) Any action undertaken by the Union on the basis of this Regulation should comply with the Union's obligations under international law. International law allows, under certain conditions, such as proportionality and prior notice, the imposition of countermeasures, that is to say of measures that would otherwise be contrary to the international obligations of an injured party vis-à-vis the country responsible for a breach of international law, and that are aimed at obtaining the cessation of the breach or reparation for it.¹ Accordingly, response measures adopted under this Regulation should take the form of either measures adhering to the Union's international obligations or measures constituting permitted countermeasures. Under international law, and in accordance with the principle of proportionality, they should not exceed a level that is commensurate with the injury suffered by the Union or a Member State due to the third country's measures of economic coercion, taking into account the gravity of the third country's measures and the Union's rights and interests in question. In this respect, injury to the Union or a Member State is understood under international law	(10) Any action undertaken by the Union on the basis of this Regulation should comply with the Union's obligations under international law. <u>The Union should continue to support the rules-based multilateral trading system, with the World Trade Organisation (WTO) at its core.</u> International law allows, under certain conditions, such as proportionality and prior notice, the imposition of countermeasures, that is to say of measures that would otherwise be contrary to the international obligations of an injured party vis-à-vis the country responsible for a breach of international law, and that are aimed at obtaining the cessation of the breach or reparation for it.⁺¹⁰ Accordingly, response measures adopted under this Regulation should take the form of either measures adhering to the Union's international obligations or measures constituting permitted countermeasures. Under international law, and in accordance with the principle of proportionality, they should not exceed a level that <u>is</u> commensurate with the injury suffered by the Union or a Member State due to the third country's measures of economic coercion, taking into account the gravity of	(10) Any action undertaken by the Union on the basis of this Regulation should comply with the Union's obligations under be consistent with international law, including customary international law. International law allows, under certain conditions, such as proportionality and prior notice, the imposition of countermeasures, that is to say of measures that would otherwise be contrary to the international obligations of an injured party vis-à-vis the country responsible for a breach of international law, and that are aimed at obtaining the cessation of the breach or reparation for it.⁺ Accordingly, response measures adopted under this Regulation should take the form of either measures adhering to the Union's international obligations or measures constituting permitted countermeasures. Under international law, and in accordance with the principle of proportionality, they should not exceed a level that is commensurate with the injury suffered by Among the international agreements concluded by the Union and the Member States, the Agreement establishing the World Trade Organization (WTO) is the cornerstone of the rules-based	(10) Any action undertaken by the Union on the basis of this Regulation should be consistent with international law, including customary international law. Among the international agreements concluded by the Union and the Member States, the Agreement establishing the World Trade Organization (WTO) is the cornerstone of the rules-based multilateral trading system. Therefore, it is important that the Union continue to support that system, with the WTO at its core, and to use its dispute settlement system where appropriate.

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	to include injury to Union economic operators. 1. See Articles 22 and 49-53 of the Articles on Responsibility of States for Internationally Wrongful Acts, adopted by the United Nations' International Law Commission at its fifty-third session, in 2001, and taken note of by the United Nations General Assembly in resolution 56/83.	the third country's measures and the Union's rights and interests in question. In this respect, injury to the Union or a Member State is understood under international law to include injury to Union economic operators. <u>¹⁰ See Articles 22 and 49-53 of the Articles on Responsibility of States for Internationally Wrongful Acts, adopted by the United Nations' International Law Commission at its fifty-third session, in 2001, and taken note of by the United Nations General Assembly in resolution 56/83.</u> 1. See Articles 22 and 49-53 of the Articles on Responsibility of States for Internationally Wrongful Acts, adopted by the United Nations' International Law Commission at its fifty-third session, in 2001, and taken note of by the United Nations General Assembly in resolution 56/83.	multilateral trading system. Therefore, it is important that the Union or a Member State due to the third country's measures of economic coercion, taking into account the gravity of the third country's measures and the Union's rights and interests in question. In this respect, injury to the Union or a Member State is understood under international law to include injury to Union economic operators continue to support that system, with the WTO at its core, and to use its dispute settlement system where appropriate. 1. See Articles 22 and 49-53 of the Articles on Responsibility of States for Internationally Wrongful Acts, adopted by the United Nations' International Law Commission at its fifty-third session, in 2001, and taken note of by the United Nations General Assembly in resolution 56/83.	
	Recital 10a			
18a			(10bis) Customary international law, as reflected in Articles 22 and 49 to 53 of the Articles on Responsibility of States for Internationally Wrongful Acts ("ARSIWA"), adopted by the United Nations' International	(10bis 10a) Customary international law, as reflected in Articles 22 and 49 to 53 of the Articles on Responsibility of States for Internationally Wrongful Acts ("ARSIWA"), adopted by the United Nations' International Law

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			Law Commission at its fifty-third session in 2001 and taken note of by the United Nations General Assembly in resolution 56/83, allows, under certain conditions, such as proportionality and prior notice, the imposition of countermeasures, that is to say of measures that would otherwise be contrary to the international obligations of an injured party vis-à-vis the country responsible for a breach of international law, and that are aimed at obtaining the cessation of the breach or reparation for it. Accordingly, Union response measures could consist, as necessary, not only in measures consistent with the Union's international obligations, but also in the non-performance of international obligations towards the third country concerned insofar as the measures of economic coercion of the third country constitute an internationally wrongful act. Under international law, and in accordance with the principle of proportionality, Union response measures should not exceed a level that is commensurate with the injury suffered by the Union or a Member State due to the third country's measures of economic coercion, taking into	Commission at its fifty-third session in 2001 and taken note of by the United Nations General Assembly in resolution 56/83, allows, under certain conditions, such as proportionality and prior notice, the imposition of countermeasures, that is to say of measures that would otherwise be contrary to the international obligations of an injured party vis-à-vis the country responsible for a breach of international law, and that are aimed at obtaining the cessation of the breach or reparation for it. Accordingly, Union response measures could consist, as necessary, not only in measures consistent with the Union's international obligations, but also in the non-performance of international obligations towards the third country concerned insofar as the measures of economic coercion of the third country constitute an internationally wrongful act. Under international law, and in accordance with the principle of proportionality, Union response measures <u>countermeasures</u> should not exceed a level that is <u>be</u> commensurate with the injury suffered by the Union or a Member State due to the third country's measures of economic coercion, taking <u>into</u> account the gravity of

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
			account the gravity of the third country's measures and the Union's rights and interests in question. In this respect, injury to the Union or a Member State is understood under international law to include injury to Union economic operators.	the third country's measures <u>internationally wrongful acts</u> and the Union's rights and interests in question. In this respect, injury to the Union or a Member State is understood under international law to include injury to Union economic operators.
Recital 10b				
18b			10ter Where measures of economic coercion constitute an internationally wrongful act, the Union should, where appropriate, in addition to the cessation of economic coercion, request the third country concerned to make reparation of any injury caused to the Union or a Member State, in accordance with Articles 31 and 34-39 of the ARSIWA.	10ter Where measures of the economic coercion constitute <u>constitutes</u> an internationally wrongful act, the Union should, where appropriate, in addition to the cessation of economic coercion, request the third country concerned to make reparation of any injury caused to the Union or a Member State , in accordance with Articles 31 and 34-39 of the ARSIWA. <u>In the event of the Union obtaining compensation from the third country concerned for the injury suffered by Union operators, the Union may, where appropriate and to the extent possible, consider to transfer that compensation to the Union operators that have suffered losses as a result of the economic coercion.</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
Recital 11				
19	(11) Coercion is prohibited under international law when a country deploys measures such as trade or investment restrictions in order to obtain from another country an action or inaction which that country is not internationally obliged to perform and which falls within its sovereignty, when the coercion reaches a certain qualitative or quantitative threshold, depending on both the ends pursued and the means deployed. The Commission should examine the third-country action on the basis of qualitative and quantitative criteria that help in determining whether the third country interferes in the legitimate sovereign choices of the Union or a Member State and whether its action constitutes economic coercion which requires a Union response.	(11) Coercion is prohibited under international law when a country deploys measures such as trade or investment restrictions in order to obtain from another country an action or inaction which that country is not internationally obliged to perform and which falls within its sovereignty, when the coercion reaches a certain qualitative or quantitative threshold, depending on both the ends pursued and the means deployed. The Commission should examine the third-country action on the basis of <u>take into account</u> qualitative and/or quantitative criteria that help in determining whether the third country interferes in the legitimate sovereign choices of the Union or a Member State and whether its action constitutes economic coercion which requires a Union response.	(11) Coercion is prohibited and therefore a wrongful act under international law when a country deploys measures such as trade or investment restrictions in order to obtain from another country an action or inaction which that country is not internationally obliged to perform and which falls within its sovereignty, when the coercion reaches a certain qualitative or quantitative threshold, depending on both the ends pursued and the means deployed. The Commission should examine the third-country action on the basis of qualitative and quantitative criteria that help in determining whether the third country interferes in the legitimate sovereign choices of the Union or a Member State and whether its action constitutes economic coercion which requires a Union response. Among those criteria, there should be elements that characterise, both qualitatively and quantitatively, notably the form, the effects and the aim of the measures which the third country is deploying. Applying those criteria would ensure that only economic coercion with a sufficiently	(11) Coercion is prohibited and therefore a wrongful act under international law when a country deploys measures such as trade or investment restrictions in order to obtain from another country an action or inaction which that country is not internationally obliged to perform and which falls within its sovereignty, when the coercion reaches a certain qualitative or quantitative threshold, depending on both the ends pursued and the means deployed. The Commission should examine the third-country action on the basis of <u>and the Council should take into account</u> qualitative and quantitative criteria that help in determining whether the third country interferes in the legitimate sovereign choices of the Union or a Member State and whether its action constitutes economic coercion which requires a Union response. Among those criteria, there should be elements that characterise, both qualitatively and quantitatively, notably the form, the effects and the aim of the measures which the third country is deploying. Applying those criteria would ensure that only economic coercion with a sufficiently serious

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
			serious impact or, where the economic coercion consists in a threat, only a threat that is credible, would fall under this Regulation. In addition, the Commission should examine closely whether the third country pursues a legitimate cause, because its objective is to uphold a concern that is internationally recognised, such as, among other things, the maintenance of international peace and security, the protection of human rights, the protection of the environment, and the fight against climate change.	impact or, where the economic coercion consists in a threat, only a threat that is credible, would fall under this Regulation. In addition, the Commission <u>and the Council</u> should examine closely whether the third country pursues a legitimate cause, because its objective is to uphold a concern that is internationally recognised, such as, among other things, the maintenance of international peace and security, the protection of human rights, the protection of the environment, and the fight against climate change.
Recital 12				
20	(12) Acts by third countries are understood under customary international law to include all forms of action that are attributable to a State under customary international law. International law qualifies as an act of a State, in particular: the conduct of any State organ, of a person or entity which is not an organ of the State but which is empowered by the law of that State to exercise elements of governmental authority, an organ placed at the disposal of a State by another State, a person or group of	(12) Acts by third countries are understood under customary international law to include all forms of action that are attributable to a State under customary international law. International law qualifies as an act of a State, in particular: the conduct of any State organ, of a person or entity which is not an organ of the State but which is empowered by the law of that State to exercise elements of governmental authority, an organ placed at the disposal of a State by another State, a person or group of	(12) Acts by third countries are understood under customary international law to include all forms of action or omission, including threats , that are attributable to a State under customary international law. Articles 2(a) and 4-11 of the ARSIWA confirm that customary international law qualifies as an act of a State, in particular: the conduct of any State organ, of a person or entity which is not an organ of the State but which is empowered by the law of that State to exercise	(12) Acts by third countries are understood under customary international law to include all forms of action or omission, including threats, that are attributable to a State under customary international law. Articles 2(a) and 4-11 of the ARSIWA confirm that customary international law qualifies as an act of a State, in particular: the conduct of any State organ, of a person or entity which is not an organ of the State but which is empowered by the law of that State to exercise

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	persons that are acting on the instructions of, or under the direction or control of, that State in carrying out the conduct, a person or group of persons that are exercising elements of the governmental authority in the absence or default of the official authorities and in circumstances such as to call for the exercise of those elements of authority, and conduct that the State acknowledges and adopts as its own.¹ 1. See Articles 2(a) and 4-11 of the Articles on Responsibility of States for Internationally Wrongful Acts, footnote 1 above.	persons that are acting on the instructions of, or under the direction or control of, that State in carrying out the conduct, a person or group of persons that are exercising elements of the governmental authority in the absence or default of the official authorities and in circumstances such as to call for the exercise of those elements of authority, and conduct that the State acknowledges and adopts as its own.¹ 1. See Articles 2(a) and 4-11 of the Articles on Responsibility of States for Internationally Wrongful Acts, footnote 1 above.	elements of governmental authority, an organ placed at the disposal of a State by another State, a person or group of persons that are acting on the instructions of, or under the direction or control of, that State in carrying out the conduct, a person or group of persons that are exercising elements of the governmental authority in the absence or default of the official authorities and in circumstances such as to call for the exercise of those elements of authority, and conduct that the State acknowledges and adopts as its own.¹ 1. See Articles 2(a) and 4-11 of the Articles on Responsibility of States for Internationally Wrongful Acts, footnote 1 above.	elements of governmental authority, an organ placed at the disposal of a State by another State, a person or group of persons that are acting on the instructions of, or under the direction or control of, that State in carrying out the conduct, a person or group of persons that are exercising elements of the governmental authority in the absence or default of the official authorities and in circumstances such as to call for the exercise of those elements of authority, and conduct that the State acknowledges and adopts as its own.
Recital 13				
21	(13) The Commission should examine whether third-country measures are coercive, on its own initiative or following information received from any source, including legal and natural persons or a Member State. Following this examination, the Commission should determine in a decision whether the third-country measure is coercive. The Commission should	(13) The Commission <u>could and, in particular in the case of a substantiated complaint,</u> should examine whether third-country measures are coercive, on its own initiative or following information received from any source, including legal and natural persons, <u>the European Parliament</u> or a Member State. Following this examination, the Commission should determine	(13) The Commission on its own initiative or upon a reasoned request of a Member State should examine whether third-country measures are coercive, on its own initiative or following. The Commission could carry out such examination on the basis of reliable source, including legal and natural persons or a Member State.	(13) The Commission on its own initiative or upon a reasoned request of a Member State should examine whether third-country measures are coercive <u>constitute economic coercion</u>. The Commission could <u>should</u> carry out such <u>an</u> examination on the basis of information received from any reliable source, including legal and natural <u>natural and legal</u> persons,

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	communicate any affirmative determination to the third country concerned, together with a request that the economic coercion cease and a request, where appropriate, that any injury be repaired.	in a decision whether the third-country measure is coercive. The Commission should <u>publicly</u> communicate any<u>the result of this examination. In the case of an affirmative determination, the Commission should communicate</u> to the third country concerned, together with a request that the economic coercion cease and a request, where appropriate, that any injury be repaired.	Following this examinationTo determine if a third country applies or threatens to apply measures affecting trade or investment, the Commission's assessment should determine in be based on facts. In order to ensure uniform conditions for the implementation of this Regulation, and in view of the effects that a decision whether the third country measure is coercive, determining the existence of economic coercion by a third country has on the Union's overall relations with the third country concerned, implementing powers should be conferred on the Council. Therefore, following the Commission's examination and in the event that should communicate any affirmative determination to the third country concerned, together with a request applies or threatens to apply coercive measures affecting trade or investment, the Commission should submit a proposal to the Council to adopt an implementing act determining that the economic coercion cease and a request, where appropriate, that any injury be repairedthird country is applying a measure of economic coercion. The Council should act expeditiously.	<u>the European Parliament</u>, or a Member State, <u>or trade unions. In determining whether</u>To determine if a third country applies or threatens to apply measures affecting trade or investment, the Commission's assessment should be based on facts. In order to ensure uniform conditions for the implementation of this Regulation, and in view of the effects that a decision determining the existence of <u>and constituting</u> economic coercion by a third country has on the Union's overall relations with the third country concerned, implementing powers should be conferred on the Council. Therefore, following, the assessment of the Commission's examination and in the event that the third country applies or threatens to apply coercive measures affecting trade or investment, the Commission should submit a proposal to <u>and</u> the Council to adopt an implementing act determining that the third country is applying a measure of economic coercion <u>should be based on facts. The Council should act expeditiously.</u>

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Recital 13a				
G	21a			<u>(13a) In order to ensure uniform conditions for the implementation of this Regulation, and in view of the unique nature of economic coercion affecting trade and investment, implementing powers should be conferred on the Council for the determination of the economic coercion and whether it is appropriate to request reparation for the injury to the Union. Conferring implementing powers on the Council is limited to and addresses the circumstances arising from the economic coercion and is not to be considered as a precedent.</u>
Recital 13b				
G	21b			<u>(13b) Following the Commission's examination and in the event that the Commission considers that the third-country measure constitutes economic coercion, the Commission should submit a proposal to the Council to adopt an implementing act determining that the third-country measure constitutes economic coercion. The Commission should also propose an indicative timeline for assessing</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
				<u>whether the conditions for the adoption Union responses measures are met. Where it considers it appropriate, the Commission should also submit a proposal to the Council to adopt an implementing act determining that the Union requests the third country to repair the injury to the Union. It is important that in the exercise of its implementing powers, the Council should act in accordance with the conditions and criteria set out in this Regulation. Furthermore, economic coercion falling under this Regulation may impact the Union or any Member State and thus create a need to act quickly under this Regulation and in line with the Union principles of solidarity between Member States and of sincere co-operation. As a consequence, in acting pursuant to this Regulation, the Council should act expeditiously and make all necessary efforts to adopt a decision within eight weeks of the submission of the proposal by the Commission.</u>
	Recital 13c			
g	21c		(13bis) In an effort to secure the cessation of economic coercion, the Union should seek an early	(13bis) In an effort to secure the cessation of economic coercion <u>and, where requested, reparation of</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
			and just settlement of the matter. Accordingly, the Commission should provide adequate opportunity for consultations with the third country concerned and, if that third country is ready to enter into consultations in good faith, engage with it expeditiously. In the course of such consultations, the Commission should endeavour to resort to means such as mediation, conciliation, good offices by a third party or submitting the matter to international adjudication, without prejudice to the division of competence between the Union and the Member States. In particular, when the third country suspends its actions and agrees to submit the matter to international adjudication, an international agreement with the third country should be concluded, as necessary. Such an international agreement could be concluded either by the Union, in accordance with the procedure laid down in Article 218 TFEU, or by the Member State concerned.	<u>injury</u>, the Union should seek an early and just settlement of the matter. Accordingly, the Commission should provide adequate opportunity for consultations with the third country concerned and, if that third country is ready to enter into consultations in good faith, engage with it expeditiously. In the course of such consultations, the Commission should endeavour to resort to means such as mediation, conciliation <u>direct negotiations, submitting the matter to international adjudication, or mediation, conciliation or good offices by a third party</u> good offices by a third party or submitting the matter to international adjudication, without prejudice to the division of competence between the Union and the Member States. In particular, when the third country suspends its actions and agrees to submit the matter to international adjudication, an international agreement with the third country should be concluded, as necessary. Such an international agreement could be concluded either by the Union, in accordance with the procedure laid down in Article 218 TFEU, or by the Member State concerned.

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
Recital 14				
22	(14) The Union should support and cooperate with third countries affected by the same or similar measures of economic coercion or other interested third countries. The Union should participate in international coordination in bilateral, plurilateral or multilateral fora that are geared towards the prevention or elimination of the economic coercion.	(14) The Union should support and cooperate with third countries <u>partners</u> affected by the same or similar measures of economic coercion or other interested third countries <u>partners</u> . The Union should participate in international coordination in <u>any</u> bilateral, plurilateral or multilateral fora that are geared towards <u>suitable for</u> the prevention or elimination of the economic coercion.	(14) The Union should support and cooperate with third countries affected by the same or similar measures of economic coercion or other interested third countries. The Union should participate in international coordination in bilateral, plurilateral or multilateral fora that are geared towards the prevention or elimination of economic coercion. The Commission should express the Union position after having consulted the Council in accordance with the Treaties, where appropriate, with the participation of the Member States the economic coercion.	(14) The Union should support and cooperate with third countries affected by the same or similar measures <u>cases</u> of economic coercion or other interested third countries. The Union should participate in international coordination in <u>any</u> bilateral, plurilateral or multilateral fora that are geared towards <u>suitable for</u> the prevention or elimination of economic coercion. The Commission should express the Union position after having consulted the Council in accordance with the Treaties <u>as applicable and</u> , where appropriate, with the participation of the Member States.
Recital 15				
23	(15) The Union should only impose countermeasures when other means such as negotiations, mediation or adjudication do not lead to the prompt and effective cessation of the economic coercion and to reparation of the injury it has caused to the Union or its Member States, and where action is necessary to protect the interests and rights of the Union and its Member States and it	(15) The Union should only impose countermeasures when other <u>is encouraged to use proactively all available means of engagement with the third country concerned</u> such as negotiations, <u>adjudication or mediation</u> or adjudication and <u>should impose measures in cases where such means</u> do not lead to the prompt and effective cessation of the economic coercion and to	(15) The Union should only impose countermeasures when response measures if other means such as negotiations, mediation or adjudication do not lead to the prompt and effective cessation of the economic coercion and, where appropriate and requested by the Union from the third country concerned, to the reparation of the injury it has caused to the Union	(15) <u>It is desirable that</u> the Union should only impose response measures if other means <u>use proactively all available means of engagement with the third country concerned</u> such as negotiations, <u>adjudication or mediation, and it should only impose response measures in cases where such means</u> or adjudication do not lead to the prompt and effective

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	is in the Union's interest. It is appropriate that the Regulation sets out the applicable rules and procedures for the imposition and application of Union response measures and permits expeditious action where necessary to preserve the effectiveness of any Union response measures.	reparation of the injury it has caused to the Union or its Member States, and where action is necessary to protect the interests and rights of the Union and its Member States and it is in the Union's interest. It is appropriate that the Regulation sets out the applicable rules and procedures for the imposition and application of Union response measures and permits expeditious action where necessary to preserve the effectiveness of any Union response measures.	or its Member States, and where action is necessary to protect the interests and rights of the Union and its Member States under international law and it is in the Union's interest to take such action . It is appropriate that the Regulation sets out the applicable rules and procedures for the imposition and application of Union response measures and permits expeditious action where necessary to preserve the effectiveness of any Union response measures.	cessation of the economic coercion and, where appropriate and requested by the Union from the third country concerned, to the reparation of the injury it has caused to the Union or its Member States , and where action is necessary to protect the interests and rights of the Union and its Member States under international law and it is in the Union's interest to take such action. It is appropriate that the Regulation sets out the applicable rules and procedures for the imposition and application of Union response measures and permits expeditious action where necessary to preserve the effectiveness of any Union response measures.
Recital 16				
24	(16) Union response measures adopted in accordance with this Regulation should be selected and designed on the basis of objective criteria, including: the effectiveness of the measures in inducing the cessation of coercion by the third country; their potential to provide relief to economic operators within the Union affected by the third-country measures of economic coercion; the aim of avoiding or	(16) Union response measures adopted in accordance with this Regulation should be selected and designed on the basis of objective criteria, including: <u>first and foremost</u> , the effectiveness of the measures in inducing the cessation of coercion by the third country; <u>the effectiveness of the measures in repairing the injury caused by the economic coercion; and</u> their potential to provide relief to	(16) Union response measures adopted in accordance with this Regulation should be selected and designed on the basis of objective criteria, including: the effectiveness of the measures in inducing the cessation of coercion by the third country; their the potential to provide relief to economic operators within the Union affected by the third-country measures of economic coercion; the aim of avoiding or	(16) Union response measures adopted in accordance with this Regulation should be selected and designed on the basis of objective criteria, including: the effectiveness of the measures in inducing the cessation of <u>the economic</u> coercion by the third country <u>and, where appropriate, the reparation of the injury it has caused to the Union;</u> the potential to provide relief to economic operators within the

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	minimising negative economic and other effects on the Union; and the avoidance of disproportionate administrative complexity and costs. It is also essential that the selection and design of Union response measures take account of the Union's interest. Union response measures should be selected from a wide array of options in order to allow the adoption of the most suitable measures in any given case.	economic operators within the Union affected by the third-country measures of economic coercion. <u><i>The Commission should also consider other relevant factors such as</i></u> the aim of avoiding or minimising negative economic and other effects on the Union; and the avoidance of disproportionate administrative complexity and costs. It is also essential that the selection and design of Union response measures take account of the Union's interest. Union response measures should be selected from a wide array of options in order to allow the adoption of the most suitable measures in any given case.	minimising negative economic and other effects on the Union; and the avoidance of disproportionate administrative complexity and costs. It is also essential that the selection and design of Union response measures take account of the Union's interest, which includes, inter alia, the interests of both upstream and downstream industries and final consumers in the Union. When the Commission is considering Union response measures it should prioritise measures that would not have a disproportionate impact on legal certainty and predictability of the measures for economic operators, and on the administration of relevant national regulations. When the Commission is considering Union response measures affecting authorisations, registrations, licenses or other rights for the purposes of commercial activities, it should prioritise measures valid throughout the Union and based on secondary legislation, or, where no such measures are appropriate, measures in areas where extensive Union legislation exists. Union response measures should be selected from a wide array of options in order to allow	Union affected by the third-country <u><i>measures of thirdcountry's</i></u> economic coercion; the aim of avoiding or minimising negative economic and other effects on the Union; and the avoidance of disproportionate administrative complexity and costs. <u><i>The investment environment and knowledge economy of the Union should be safeguarded.</i></u> It is also essential that the selection and design of Union response measures take account of the Union's interest, which includes, inter alia, the interests of both upstream and downstream industries and final consumers in the Union. When the Commission is considering Union response measures it should prioritise measures that would not have a disproportionate impact on legal certainty and predictability of the measures for economic operators, and on the administration of relevant national regulations. When the Commission is considering Union response measures affecting authorisations, registrations, licenses or other rights for the purposes of commercial activities, it should prioritise measures valid throughout the Union and based on secondary legislation, or, where no such measures are appropriate, measures

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
			the adoption of the most suitable measures in any given case.	in areas where extensive Union legislation exists. <u><i>It is important that Union response measures do not interfere with administrative decisions based on scientific evidence.</i></u> Union response measures should be selected from a wide array of options in order to allow the adoption of the most suitable measures in any given case.
Recital 16a				
24a			(16bis) The Union should be able to designate natural or legal persons connected or linked to the government of the third country engaging in economic coercion and thereby make them subject to Union response measures in order to induce the prompt cessation of economic coercion. Such targeted response measures can effectively avoid or minimise the negative effects of such coercion on Member States' economies and Union economic operators and final consumers.	(16bis 16a) The Union should be able to <u><i>adopt Union response measures which apply specifically to certain</i></u> designate natural or legal persons <u><i>who are</i></u> connected or linked to the government of the third country engaging in economic coercion and thereby make them subject to <u><i>and who engage or may engage in activities covered by Article 207 TFEU. Such targeted</i></u> Union response measures in order to can induce the prompt cessation of economic coercion. Such targeted response measures can, <u><i>whilst</i></u> effectively avoid or minimise <u><i>avoiding or minimising</i></u> the negative effects of such coercion on Member States' economies and Union economic operators and final consumers.

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
Recital 16b				
24b			(16ter) As part of the Union response in order to induce the cessation of economic coercion by third countries, the Commission could also adopt measures pursuant to other legal instruments that confer specific powers to the Commission, for example with regard to the granting of Union funding, following the applicable procedures set out therein. Measures adopted by the Commission pursuant to such other legal instruments should be synchronised with actions taken under this Regulation and be consistent with the Union's obligations under international law. In particular, such measures, together with Union response measures adopted under this Regulation, as the case may be, should be commensurate with the injury caused by the third countries' measures of economic coercion. This Regulation is without prejudice to rules and procedures under such other legal instruments.	(16ter) <u>16b</u>) As part of the Union response in order to induce the cessation of economic coercion by third countries, the Commission could also adopt measures pursuant to other legal instruments that confer specific powers to the Commission, for example with regard to the granting of Union funding <u>or possibilities to limit participation in Union framework programmes for research and innovation</u>, following the applicable procedures set out therein. <u>This Regulation is without prejudice to rules and procedures under</u> Measures adopted by the Commission pursuant to such other legal instruments. <u>The Commission should ensure coordination of adoption of measures set out in Annex I</u> with the Union's obligations under international law <u>measures it adopts pursuant to other Union legal acts</u>. In particular, such measures, together with Union response measures adopted under this Regulation, as the case may be, should be commensurate with the injury caused by the third countries'

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
				measures of economic coercion. This Regulation is without prejudice to rules and procedures <u>the Union's overall response should be proportionate and not exceed the injury caused by the third country's economic coercion. Without prejudice to any reporting obligations towards the European Parliament or the Council provided for under such other legal instruments, the Commission should keep the European Parliament and the Council informed of actions</u> under such other legal instruments <u>instruments synchronised with Union response measures.</u>
Recital 17				
25	(17) It is appropriate to set out rules on the origin or nationality of goods, services and service providers, investment and holders of intellectual property rights, for the purposes of determining the Union response measures. The rules of origin or of nationality should be determined in the light of the prevailing rules for non-preferential trade and investment that are applicable under Union law and the Union's international agreements.	(17) It is appropriate to set out rules on the origin or nationality of goods, services and service providers, investment and holders of intellectual property rights, for the purposes of determining the Union response measures. The rules of origin or of nationality should be determined in the light of the prevailing rules for non-preferential trade and investment that are applicable under Union law and the Union's international agreements.	(17) It is appropriate to set out rules on the origin or nationality of goods, services and service providers, investment and holders of intellectual property rights, for the purposes of determining the Union response measures. The rules of origin or and of nationality should be determined in the light of the prevailing rules for non-preferential trade and investment that are applicable under Union law and the Union's international agreements. This regulation does not affect the	(17) It is appropriate to set out rules on the origin or nationality of goods, services and service providers, investment and holders of intellectual property rights, for the purposes of determining the Union response measures. The rules of origin and of nationality should be determined in the light of the prevailing rules for non-preferential trade and investment that are applicable under Union law and the Union's international agreements. <u>[This regulation does not affect the</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
			division of competences between the Union and its Member States in the field of investment.	division of competences between the Union and its Member States in the field of investment. L
Recital 18				
26	(18) In pursuing the objective of obtaining the cessation of the measure of economic coercion, Union response measures consisting of restrictions on foreign direct investment or on trade in services should only apply with regard to services supplied, or direct investments made, within the Union by one or more legal persons established in the Union which are owned or controlled by persons of the third country concerned where necessary to ensure the effectiveness of Union response measures and in particular to prevent their avoidance. The decision to impose any such restrictions will be duly justified in implementing acts adopted pursuant to this Regulation in the light of the criteria specified in this Regulation.	(18) In pursuing the objective of obtaining the cessation of the measure of economic coercion <u>and, where appropriate, the reparation of the injury caused</u> , Union response measures consisting of restrictions on foreign direct investment or on trade in services should only apply with regard to services supplied, or direct investments made, within the Union by one or more legal persons established in the Union which are owned or controlled by persons of the third country concerned where necessary to ensure the effectiveness of Union response measures and in particular to prevent their avoidance. The decision to impose any such restrictions will be duly justified in implementing acts adopted pursuant to this Regulation in the light of the criteria specified in this Regulation.	(18) In pursuing the objective of obtaining the cessation of the a measure of economic coercion, Union response measures consisting of restrictions on foreign direct investment or on trade in services should only apply with regard to services supplied, or direct investments made, within the Union by one or more legal persons established in the Union and which are owned or controlled by persons of the third country concerned, where necessary to ensure the effectiveness of Union response measures and in particular to prevent their avoidance. The decision to impose any such restrictions will should be duly justified in implementing acts adopted pursuant to this Regulation in the light of the criteria specified in this Regulation.	(18) In pursuing the objective of obtaining <u>cessation of the economic coercion in a particular case, and, where appropriate, the reparation of the injury caused</u> cessation of a measure of economic coercion , Union response measures consisting of restrictions on foreign direct investment or on trade in services should only apply with regard to services supplied, or direct investments made, within the Union by one or more legal persons established in the Union and which are owned or controlled by persons of the third country concerned, where necessary to ensure the effectiveness of Union response measures and in particular to prevent their avoidance. The decision to impose any such restrictions should be duly justified in implementing acts adopted pursuant to this Regulation in the light of the criteria specified in this Regulation.
Recital 19				

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
27	(19) After the adoption of Union response measures, the Commission should continuously assess the situation in relation to the third-country measures of economic coercion, the effectiveness of the Union response measures and their effects, with a view to adjusting, suspending or terminating the response measures accordingly. It is therefore necessary to set out the rules and procedures for amending, suspending and terminating Union response measures and the situations in which these are appropriate.	(19) After the adoption of Union response measures, the Commission should continuously assess the situation in relation to the third-country measures of economic coercion, the effectiveness of the Union response measures and their effects, with a view to adjusting, suspending or terminating the response measures accordingly. It is therefore necessary to set out the rules and procedures for amending, suspending and terminating Union response measures and the situations in which these are appropriate.	(19) After the adoption of Union response measures, the Commission should continuously assess the situation in relation to the third-country measures of economic coercion, the effectiveness of the Union response measures and their effects, with a view to adjusting, suspending or terminating the response measures accordingly. It is therefore necessary to set out the rules and procedures for amending, suspending and terminating Union response measures and the situations in which these are appropriate.	(19) After the adoption of Union response measures, the Commission should continuously assess the situation in relation to the third-country measures of <u>third country's</u> economic coercion, the effectiveness of the Union response measures and their effects, with a view to adjusting, suspending or terminating the response measures accordingly. It is therefore necessary to set out the rules and procedures for amending, suspending and terminating Union response measures and the situations in which these are appropriate.
Recital 20				
28	(20) It is essential to provide for opportunities for stakeholder involvement for the purposes of adoption and amendment of Union response measures, and as relevant for the purposes of suspension and termination, in view of the potential impact on such stakeholders.	(20) It is essential to provide for opportunities for stakeholder involvement, <u>including businesses</u> , for the purposes of adoption and amendment of Union response measures, and as relevant for the purposes of suspension and termination, in view of the potential impact on such stakeholders.	(20) It is essential to provide for opportunities for stakeholder involvement for the purposes of the adoption and amendment of Union response measures; and, where as relevant, for the purposes of their suspension and termination, in view of the potential impact on such stakeholders.	(20) It is essential to provide for opportunities for stakeholder involvement, <u>among which businesses</u> , for the purposes of the adoption and amendment of Union response measures and, where relevant, for the purposes of their suspension and termination, in view of the potential impact on such stakeholders.
Recital 20a				
28a				

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
		<u>(20a) In light of the evident increase in the use of economic leverages by foreign countries against the Union and the likely increase of the frequency and severity of these practices in the future, the Chief Trade Enforcement officer (CTEO) should be overall responsible for the functioning and the implementation of this Regulation and including with a view to strengthening the preparedness for such instances, assessing Union's dependencies and assets, adopting the necessary coordinated measures and ultimately being able to react promptly when needed. Such a horizontal competence would provide necessary support to the Union in order to be able to better anticipate and effectively react to economic coercion.</u>		<u>(20a) In light of economic coercion by third countries against the Union and its Member States, and the frequency and severity of such practices, the Commission should, to ensure coherence, provide a single contact point for the functioning of this Regulation and should act with a view to ensuring that the Union is able to better anticipate and effectively react to economic coercion.</u>
Recital 21				
29	(21) It is important to ensure an effective communication and exchange of views and information between the Commission on the one hand and the European Parliament and the Council on the other, in particular on efforts to engage with the third country concerned to explore options with a view to	(21) It is important to ensure an effective communication and <u>regular dialogue</u> and exchange of views and information between the Commission on the one hand and the European Parliament and the Council on the other, in particular <u>regarding ongoing examinations or third country measures</u>, on efforts	(21) It is important to ensure an effective communication and an exchange of views and information between the Commission on the one hand, and the European Parliament and the Council, on the other, in particular on efforts to engage enter into consultations with the third country concerned to explore	(21) It is important to ensure effective communication and an exchange of views and information between the Commission on the one hand, and <u>that</u> the European Parliament and the Council, on the other, in particular on efforts to enter into consultations with the third country concerned to explore

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	obtaining the cessation of the economic coercion and on matters that may lead to the adoption of Union response measures under this Regulation.	to engage with the third country concerned to explore options with a view to obtaining the cessation of the economic coercion <u>or, where appropriate, reparation of the injury caused</u> and on matters that may lead to the adoption of Union response measures under this Regulation, <u>including the stages of examination of third-country measures and determination with regard to measures of economic coercion and on the effectiveness on Union response measures</u> .	options with a view to obtaining the cessation of the economic coercion and on matters that may lead to the adoption of Union response measures under this Regulation.	options with a view to obtaining the cessation of the economic coercion and on matters that may lead to the adoption of Union response measures under this Regulation. <u>are informed regularly and in a timely manner, of relevant developments in the application of this Regulation and where appropriate, to have opportunities for an exchange of views with the Commission.</u>
Recital 22				
30	(22) In order to allow the update of the range of Union response measures under this Regulation and the adjustment of the rules of origin or of other technical rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend the list of Union responses set out in Annex I and technical rules necessary for the application of the Regulation, including rules of origin laid down in Annex II. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work,	(22) In order to allow the update of the range of Union response measures under this Regulation and the adjustment of the rules of origin or of other technical rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend the list of Union responses set out in Annex I and technical rules necessary for the application of the Regulation, including rules of origin laid down in Annex II. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work,	(22) In order to allow the update adjustment of the range of Union response measures under this Regulation and the adjustment of the rules of origin or of other technical rules rules of origin or nationality to take account of relevant developments in international instruments , the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union TFEU should be delegated to the Commission to amend the list of Union responses set out in Annex I and technical rules necessary for the application of the Regulation, including rules of origin laid down	(22) In order to allow the adjustment of the rules of origin or nationality to take account of relevant developments in international instruments <u>and experience in the application of measures under this Regulation or other Union acts under this Regulation or other Union acts</u> , the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending Annex II. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making.¹ In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts. 1. OJ L 123, 12.5.2016, p. 1.	including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making.¹ In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts. 1. OJ L 123, 12.5.2016, p. 1.	in respect of amending Annex II. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making.¹ In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts. 1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).	conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making¹.⁺ In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts. <u>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).</u> 1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).
Recital 23				
31	(23) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should	(23) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should	(23) In order to ensure uniform conditions for the implementation of Union response measures under this Regulation, implementing powers should be	(23) In order to ensure uniform conditions for the implementation of Union response measures under this Regulation, implementing powers should be conferred on the

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	be exercised in accordance with Regulation (EU) No 182/2011.¹ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	be exercised in accordance with Regulation (EU) No 182/2011.¹ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.¹ ⁴ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.¹ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).
Recital 24				
32	(24) The examination procedure should be used for the adoption of Union response measures and their amendment, suspension or termination given that those acts determine the Union's responses to economic coercion falling within the scope of this Regulation.	(24) The examination procedure should be used for the adoption of Union response measures and their amendment, suspension or termination given that those acts determine the Union's responses to economic coercion falling within the scope of this Regulation.	(24) The examination procedure should be used for the adoption of Union response measures and their amendment, suspension or termination given that those actsmeasures determine the Union's responsesresponse to economic coercion falling within the scope of this Regulation and as determined by the Council. In exercising its implementing powers, special attention should be given by the Commission to solutions which command the widest possible support among Member States. Considering the specific nature of this Regulation and the particular sensitivity attached to the Union response measures, the Commission should	(24) The examination procedure should be used for the adoption of Union response measures and their amendment, suspension or termination given that those measures determine the Union's response to economic coercion falling within the scope of this Regulation and as determined by the Council. In exercising its implementing powers, special attention should be given by the Commission to solutions which command the widest possible support among Member States. Considering the specific nature of this Regulation and the particular sensitivity attached to the Union response measures, the Commission should not adopt a draft

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
			not adopt a draft implementing act on any Union response measures where the committee delivers a no opinion on that act. The particular sensitivity attached to the Union response measures necessitates finding a balanced solution at all times and solutions should avoid going against any predominant position which might emerge within the appeal committee against the appropriateness of a draft implementing act.	implementing act on any Union response measures where the committee delivers a no opinion on that act. The particular sensitivity attached to the Union response measures necessitates finding a balanced solution at all times and solutions should avoid going against any predominant position which might emerge within the appeal committee against the appropriateness of a draft implementing act.
Recital 25				
33	(25) The Commission should adopt immediately applicable implementing acts of limited duration where, in duly justified cases relating to the adoption, amendment, suspension or termination of Union response measures, imperative grounds of urgency so require.	(25) The Commission should adopt immediately applicable implementing acts of limited duration where, in duly justified cases relating to the adoption, amendment, suspension or termination of Union response measures, imperative grounds of urgency so require.	(25) The Commission should adopt immediately applicable implementing acts of limited duration where, in duly justified cases relating to the adoption, amendment, suspension or termination of Union response measures, imperative grounds of urgency so require expedited action to avoid irreparable damage or to ensure consistency with international law. Such expedited action could prevent the coercion from causing or worsening any economic damage, notably with a view to protecting acute and vital interests of the Union or a Member State.	(25) The Commission should adopt immediately applicable implementing acts of limited duration where, in duly justified cases relating to the amendment, suspension or termination <u>or suspension</u> of Union response measures, imperative grounds of urgency require <u>require</u> expedited action to avoid irreparable damage or to ensure consistency with international law. Such expedited action could prevent the coercion from causing or worsening any economic damage, notably with a view to protecting acute and vital interests of the Union or a Member State.

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	Recital 25a			
33a			(25bis) Any action taken under this Regulation, including Union response measures with regard to natural or legal persons, should respect the Charter of Fundamental Rights of the European Union. Moreover, any processing of personal data pursuant to this Regulation should be consistent with the applicable rules on the protection of personal data. Processing of personal data by Member States' officials obtaining information under this Regulation should be carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council¹. Processing of personal data by the Commission should be carried out in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council². 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General	(25bis)^{25a} Any action taken under this Regulation, including <u>the adoption of</u> Union response measures with regard to which <u>apply specifically to certain</u> natural or legal persons, should respect the Charter of Fundamental Rights of the European Union. Moreover, any processing of personal data pursuant to this Regulation should be consistent with the applicable rules on the protection of personal data. Processing of personal data by Member States' officials obtaining information under this Regulation should be carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council¹. Processing of personal data by the Commission should be carried out in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council². <u>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
			Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	<u>movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</u> <u>2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</u> <i>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</i> <i>2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</i>
Recital 26				

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
34	(26) The Commission should evaluate measures adopted under this Regulation as to their effectiveness and operation and as to possible conclusions for future measures. The Commission should also review this Regulation after gaining sufficient experience with the existence or application of this Regulation. This review should cover the scope, functioning, efficiency and effectiveness of this Regulation. The Commission should report on its assessment to the European Parliament and the Council,	(26) The Commission should evaluate measures adopted under this Regulation as to their effectiveness and operation and as to possible conclusions for future measures. The Commission should also review this Regulation after gaining sufficient experience with the existence or application of this Regulation, <u>and in particular in order to ensure complementarity with the upcoming review of the Blocking Statute^{1a}. The review of this Regulation.</u> This review should cover the scope, functioning, efficiency and effectiveness of this Regulation. The Commission should report on its assessment to the European Parliament and the Council, <u>^{1a} Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom, OJ L 309, 29.11.1996, p. 1.</u>	(26) The Commission should evaluate measures adopted under this Regulation as to their effectiveness and operation and as to possible conclusions for future measures. The Commission should also review this Regulation after gaining sufficient experience with the existence or application of this Regulation. This review should cover the scope, functioning, efficiency and effectiveness of this Regulation and also its relationship to other Union policies and existing legal instruments. The Commission should report on its assessment to the European Parliament and the Council,	(26) The Commission should evaluate measures adopted under this Regulation as to their effectiveness and operation and as to possible conclusions for future measures. The Commission should also review this Regulation after gaining sufficient experience with the existence or application of this Regulation <u>and also its relationship to other Union policies and existing legal instruments, including the Blocking Statute^{1a}. The review of this Regulation.</u> This review should cover the scope, functioning, efficiency and effectiveness of this Regulation. <u>The Commission should report on its assessment to the European Parliament and the Council</u> and also its relationship to other Union policies and existing legal instruments. <u>^{1a} Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom. OJ L 309</u> The Commission should report on its assessment to the European Parliament and the Council, <u>29.11.1996, p. 1.</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	Formula			
G	35	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:
	Article 1			
G	36	Article 1 Subject-matter	Article 1 Subject-matter	Article 1 Subject-matter
	Article 1(1)			
G	37	1. This Regulation lays down rules and procedures in order to ensure the effective protection of the interests of the Union and its Member States where a third country seeks, through measures affecting trade or investment, to coerce the Union or a Member State into adopting or refraining from adopting a particular act. This Regulation provides a framework for the Union to respond in such situations with the objective to deter, or have the third country desist from such actions, whilst permitting the Union, in the last resort, to counteract such actions.	1. This Regulation lays down rules and procedures in order to ensure the effective protection of the interests of the Union and its Member States where a third country seeks, through measures <u>any form of action, failure to act or threat thereof</u> affecting trade or investment, to coerce the Union or a Member State into adopting or refraining from adopting a particular act, <u>including a particular policy choice, legal act or a stance with regard to a policy choice</u> . This Regulation provides a framework for the Union to respond in such situations with the objective to deter, or have the third country desist from <u>of deterring, or obtaining the cessation of</u> such	1. This Regulation lays down rules and procedures to ensure the effective protection of the interests of the Union and its Member States where a third country seeks, through <u>any</u> measures affecting trade or investment, to coerce the Union or a Member State into adopting or refraining from adopting a particular act.

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
		actions <u>and, where appropriate, repairing the injury caused, thereby permitting the Union,</u> whilst permitting the Union, in the last resort, to counteract such actions.		
Article 1(1a)				
37a			2. This Regulation establishes a framework for the Union to respond to economic coercion with the objective of deterring, or having the third country desist from such coercion, whilst enabling the Union, as a last resort, to counteract such coercion.	21a. This Regulation establishes a framework for the Union to respond to economic coercion with the objective of deterring, or having the third country desist from such coercion, whilst enabling the Union, as a last resort, to counteract such coercion. <u>This Regulation also establishes a framework for the Union to seek reparation for the injury caused by such coercion, where appropriate.</u>
Article 1(2)				
38	2. Any action taken under this Regulation shall be consistent with the Union's obligations under international law and conducted in the context of the principles and objectives of the Union's external action.	2. Any action taken under this Regulation shall be consistent with the Union's obligations under international law and conducted in the context of the principles and objectives of the Union's external action.	23. Any action taken under this Regulation shall be consistent with the Union's obligations under international law and be conducted in the context of the principles and objectives of the Union's external action.	32. Any action taken under this Regulation shall be consistent with international law and be conducted in the context of the principles and objectives of the Union's external action.
Article 1(2a)				

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
Y	38a		4. This Regulation shall be without prejudice to other existing Union instruments and international agreements, as well as actions taken thereunder, in the area of the common commercial policy, and to other Union policies. This Regulation shall not affect the division of competences between the Union and its Member States as defined by the Treaties.	[4. This Regulation shall <ins>be/applies/shall be applied</ins> without prejudice to other existing Union instruments and international agreements, as well as actions taken thereunder, in the area of the common commercial policy, and to other Union policies. This Regulation shall <ins>[shall/does]</ins> not affect the division of competences between the Union and its Member States as defined by the Treaties.]
Article 1a				
G	38b	<u>Article 1a</u> <u>Definitions</u> <u>For the purposes of this Regulation, the following definitions apply:</u> <u>1. "coercion" means any third-country action or measure interfering in the legitimate sovereign choices of the Union or a Member State by seeking to prevent or obtain the cessation, modification or adoption of a particular act by the Union or a Member State;</u> <u>2. "third-country action or measure" means any type of action or measure, failure to act or threat thereof that is attributable to a</u>		<u>Article 1a</u> <u>Definitions</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
		<u>third country; 3. "particular act" means a particular policy choice, legal act or a stance with regard to a policy choice of the Union or a Member State;</u> <u>4. "failure to act" means failure by a third country to comply with its obligations under legally binding instruments of international law;</u> <u>5. "threat of coercion" means a substantiated threat of a third country action or measure that is credible, significant, and could be quickly and easily deployed;</u> <u>6. "economic coercion" means coercion through a third-country action or measure affecting trade or investment;</u> <u>7. "injury" means negative impact suffered by the Union or a Member State, including Union economic operators;</u> <u>8. "Union response measure" means any measure adhering to the Union's international obligations or permitted under international law vis-à-vis the third country responsible for economic coercion, which is commensurate with the injury suffered by the Union or a Member State and aims to obtain the cessation of economic coercion and, where appropriate, the reparation for the injury caused;</u>		

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
		<u>9. "Union interest" means first and foremost the need to preserve the policy space of the Union or its Member States to take legitimate sovereign choices in ensuring the social, political, and economic cohesion of the Union, and the upholding of its strategic and economic interests.</u>		
	Article 1a(1)			
G	38c			<u>1. For the purposes of this Regulation, the following definitions apply:</u>
	Article 1a(2)			
G	38d			<i>deleted</i>
	Article 1a(3)			
G	38e			<i>deleted</i>
	Article 1a(4)			
G	38f			<u>4. "third-country measure" means any action or omission attributable to a third country under international law;</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	Article 1a(5)			
G	38g			<u>5. "particular act" means any legal or other act, including an expression of a position, by an institution, body, office or agency of respectively, the Union or of a Member State, or of a third country;</u>
	Article 1a(6)			
G	38h			<u>6. "injury to the Union" means a negative impact, including economic damage, to the Union or a Member State, including to Union economic operators caused by economic coercion;</u>
	Article 1a(7)			
G	38i			<i>deleted</i>
	Article 1a(8)			
G	38j			<u>8. "third country" means any State, separate customs territory or other subject of international law, other than the Union or a Member State;</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	Article 1a(9)			
G	38k			<i>deleted</i>
	Article 1a(10)			
G	38l			<i>deleted</i>
G	38m			
	Article 2			
G	39	Article 2 Scope	Article 2 Scope	Article 2 Scope
	Article 2(1), first subparagraph			
G	40	1. This Regulation applies where a third country:	1. This Regulation applies <u>only in the event of economic coercion</u> where a third country:	1. This Regulation applies wherein <u>cases of economic coercion by</u> a third country. <u>For the purposes of this Regulation, economic coercion exists:</u>
	Article 2(1), first subparagraph, first indent			
G	41	- interferes in the legitimate sovereign choices of the Union or a	- interferes in the legitimate sovereign choices of the Union or a	- <u>where a third country</u> interferes in the legitimate sovereign choices

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)	
	Member State by seeking to prevent or obtain the cessation, modification or adoption of a particular act by the Union or a Member State	Member State by seeking to prevent or obtain the cessation, modification or adoption of a particular act by the Union or a Member State	Member State by seeking to prevent or obtain the cessation, modification or adoption of a particular act by the Union or a Member State	of the Union or a Member State by seeking to prevent or obtain the cessation, modification or adoption of a particular act by the Union or a Member State	
Article 2(1), first subparagraph, second indent					
G	42	- by applying or threatening to apply measures affecting trade or investment.	- by applying or threatening <u>applies or threatens</u> to apply measures affecting trade or investment.	- by applying or threatening to apply measures affecting trade or investment.	G
Article 2(1), second subparagraph					
G	43	For the purposes of this Regulation, such third-country actions shall be referred to as measures of economic coercion.	For the purposes of this Regulation, such third-country actions shall be referred to as measures of economic coercion. <u>deleted</u>	For the purposes of this Regulation, such third-country actions shall be referred to as 'measures of economic coercion'.	G
Article 2(2)					
Y	44	2. In determining whether the conditions set out in paragraph 1 are met, the following shall be taken into account:	2. In determining whether the conditions set out in paragraph 1 are met, the following <u>Commission</u> shall be taken <u>take</u> into account <u>the following</u> :	2. In determining whether the conditions set out in paragraph 1 are met, the following shall be taken into account:	Y
Article 2(2), point (a)					
G	45	(a) the intensity, severity, frequency, duration, breadth and magnitude of the third country's	(a) the intensity, severity, frequency, duration, breadth and magnitude of the third country's	(a) the intensity, severity, frequency, duration, breadth and magnitude of the third country's	G

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	measure and the pressure arising from it;	measure and <u>or failure to act or threat thereof as well as</u> the pressure arising from it; <u>the Commission shall assess whether such measures are part of a broader pattern of behaviour;</u>	measure, including its impact on trade or investment relations with the Union , and the pressure arising from it on the Union or a Member State ;	measure, including its impact on trade or investment relations with the Union, and the pressure arising from it on the Union or a Member State;
Article 2(2), point (b)				
46	(b) whether the third country is engaging in a pattern of interference seeking to obtain from the Union or from Member States or other countries particular acts;	(b) whether the third country is engaging in a <u>clear</u> pattern of interference seeking to obtain from the Union or from Member States or other countries particular acts;	(b) whether the third country is engaging in a pattern of interference seeking to obtain from the Union, a or from Member States State or other countries particular acts;	(b) whether the third country is engaging in a pattern of interference seeking to obtain from the Union, a Member State or other countries <u>!</u> particular acts;
Article 2(2), point (c)				
47	(c) the extent to which the third-country measure encroaches upon an area of the Union's or Member States' sovereignty;	(c) the extent to which the third-country measure <u>or failure to act or threat thereof</u> encroaches upon an area of the Union's or Member States' sovereignty;	(c) the extent to which the third-country measure encroaches upon an area of the Union's or a Member States State's sovereignty;	(c) the extent to which the third-country measure encroaches upon an area of the Union's or a Member State's sovereignty;
Article 2(2), point (d)				
48	(d) whether the third country is acting based on a legitimate concern that is internationally recognised;	(d) whether the third country is acting based on a legitimate concern that is internationally recognised <u>recognised as legitimate by international law and conventions</u> ;	(d) whether the third country is acting based on the basis of a legitimate concern that is internationally recognised;	(d) whether the third country is acting <u>-</u> on the basis of a legitimate concern that is internationally recognised;
Article 2(2), point (e)				

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
49	(e) whether and in what manner the third country, before the imposition of its measures, has made serious attempts, in good faith, to settle the matter by way of international coordination or adjudication, either bilaterally or within an international forum.	(e) whether and in what manner the third country, before the imposition of its measures, has made serious attempts, in good faith, to settle the matter by way of international coordination or adjudication, either bilaterally or within an international forum.	(e) whether and in what manner the third country, before the imposition application of its measures, has made serious attempts, in good faith, to settle the matter by way of international coordination or adjudication, either bilaterally or within an international forum.	(e) whether and in what manner the third country, before the <u>imposition or</u> application of its measures, has made serious attempts, in good faith, to settle the matter by way of international coordination or adjudication, either bilaterally or within an international forum.
Article 3				
50	Article 3 Examination of third-country measures	Article 3 Examination of third-country measures	Article 3 Examination of third-country measures	Article 3 Examination of third-country measures
Article 3(1)				
51	1. The Commission may examine any measure of a third country in order to determine whether it meets the conditions set out in Article 2(1). The Commission shall act expeditiously.	1. The Commission may <u>or, in the case of a duly substantiated complaint, shall</u> examine any measure of a third country, <u>failure to act or threat thereof</u> in order to determine whether it meets the conditions set out in Article 2(1). The Commission shall act expeditiously.	1. The Commission may, on its own initiative or upon a reasoned request of a Member State , examine any measure of a third country in order to determine whether it meets the conditions set out in Article 2(1). The Commission shall act expeditiously.	1. The Commission may, on its own initiative or upon a reasonable <u>duly substantiated</u> request of a Member State , examine any measure of a third country <u>third-country measure</u> in order to determine whether it meets the conditions set out in Article 2(1). <u>The Commission shall act expeditiously and its examination shall normally not exceed four months.</u>
Article 3(2)				

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
52	2. The Commission may carry out the examination referred to in paragraph 1 on its own initiative or following information received from any source. The Commission shall ensure the protection of confidential information in line with Article 12, which may include the identity of the supplier of the information.	2. The Commission may shall carry out the examination referred to in paragraph 1 <u>based on substantiated information collected</u> on its own initiative or following information received from any <u>reliable</u> source, <u>notably economic operators or trade unions. The European Parliament and a Member State may also provide such substantiated information to the Commission.</u> The Commission shall ensure the protection of confidential information in line with Article 12, which may include <u>concealing</u> the identity of the supplier of the information. <u>The Commission shall set up publicly available secure tools with a view to facilitating the submission of relevant and substantiated information from external sources.</u>	2. The Commission may shall carry out the examination referred to in paragraph 1 on its own initiative or following the basis of information received from any reliable source. The Commission shall ensure the protection of confidential information in line accordance with Article 12, which may include the identity of the supplier of the information.	2. The Commission shall carry out the examination referred to in paragraph 1 <u>based on substantiated information collected on its own initiative or on the basis of information</u> received from any reliable source, <u>including a Member State, the European Parliament, economic operators or trade unions.</u> The Commission shall ensure the protection of confidential information in accordance with Article 12, which may include <u>protecting</u> the identity of the supplier of the information. <u>The Commission shall set up publicly available secure tools with a view to facilitating the submission of information from external sources.</u>
Article 3(2a)				
52a			2bis. Where there are reasonable grounds to suspect that the measure of the third country concerned meets the conditions set out in Article 2(1), the Commission shall expeditiously inform Member States and keep them informed about developments.	2bis3. Where there are reasonable grounds to suspect that the measure of the third country concerned meets the conditions set out in Article 2(1), the Commission shall expeditiously inform Member States and keep them informed about developments <u>The Commission shall in a timely manner inform</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
				<u>the Member States of relevant developments as regards launched and ongoing examinations.</u>
Article 3(2b)				
52b			3. The Commission may request Member States to supply information on the impact of the measures of the third country concerned	deleted
Article 3(3), first subparagraph				
53	3. The Commission may seek information about the impact of the measures of the third country concerned.	3. The Commission may seek information about the impact of the measures of the third country concerned.	34. The Commission may shall seek information about the impact of the measures of the third country concerned.	43. The Commission shall seek information about the impact of the <u>third-country</u> measures, <u>where necessary. The Commission may request Member States to supply information on such impact and Member States shall act expeditiously</u> of the third country concerned.
Article 3(3), second subparagraph				
54	The Commission may publish a notice in the Official Journal of the European Union or through other suitable public communication means with an invitation to submit information within a specified time limit. In that event, the Commission	<u>The Commission shall inform duly, including in the form of an exchange of views, and in a timely manner the European Parliament and the Council of the launch of and of any development in the ongoing examination of third-</u>	5. The Commission may publish a notice in the <i>Official Journal of the European Union</i> and, where appropriate, Official Journal of the European Union or through other suitable public communication means with an invitation to	The Commission may publish a notice in the <u>the</u> Official Journal of the European Union -and, where appropriate, through other suitable public communication means with an invitation to stakeholders to submit information within a

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	shall notify the third country concerned of the initiation of the examination.	<u>country measures.</u> The Commission may publish a notice in the Official Journal of the European Union or <u>and</u> through other suitable public communication means with <u>of the launch of an examination procedure. The notice shall include</u> an invitation to submit information within a specified time limit <u>and an indication of the timeline for the determination referred to in Article 4, which shall not exceed four months.</u> In that event, the Commission shall notify the third country concerned of the initiation of the examination.	stakeholders to submit information within a specified time limit. In that event, the Commission shall notify the third country concerned of the initiation of the examination.	specified time limit <u>taking into account the timeline indicated in paragraph 1. In the</u> In that event <u>of the publication of a notice,</u> the Commission shall notify the third country concerned of the initiation <u>launch</u> of the examination.
Article 3(3a)				
54a			6. The Commission and Member States shall act expeditiously throughout the examination.	<i>deleted</i>
Article 4				
55	Article 4 Determination with regard to the third-country measure	Article 4 Determination with regard to the third-country measure	Article 4 Determination with regard to the third-country measure	Article 4 Determination with regard to the third-country measure
Article 4, first paragraph				
56	Following an examination carried out in accordance with Article 3, the	Following an examination carried out in accordance with Article 3, the	1. Following an examination carried out in accordance with	1. Following an examination carried out in accordance with

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	Commission shall adopt a decision determining whether the measure of the third country concerned meets the conditions set out in Article 2(1). The Commission shall act expeditiously.	Commission shall adopt a decision, determining whether the measure of the third country concerned meets the conditions set out in Article 2(1). <u>Where no notice was published pursuant to Article 3 and in the case of a positive determination, the decision shall include an indication of the timeline for the adoption of the implementing act referred to in Article 7, which shall not exceed six months. On duly justified imperative grounds in order to avoid irreparable damage to the Union or its Member States the Commission may extend that timeline by up to a further four months.</u> The Commission shall act expeditiously. <u>The Commission shall inform, including in the form of an exchange of views, the European Parliament and the Council about the decision and publish it in the Official Journal of the European Union and through other suitable public communication means.</u>	Article 3, in the event that the Commission considers that the measure of the third country concerned meets the conditions of Article 2(1), it shall submit a proposal to the Council to adopt a decision an implementing act determining whether that the measure of the third country concerned meets the conditions set out in Article 2(1). The Commission shall, where appropriate, propose that the country concerned repair the injury suffered by the Union or its Member States -act expeditiously.	Article 3, in the event that the Commission considers that the measure of the third country concerned <u>third-country measure</u> meets the conditions of Article 2(1), it shall submit a proposal to the Council to adopt <u>for</u> an implementing-act determining that the measure of the third country concerned <u>third-country measure</u> meets the conditions set out in Article 2(1). The Commission shall, where appropriate, propose that the country concerned repair the injury suffered by the Union or its Member States - <u>explain in the proposal how the conditions referred to in Article 2(1) are met.</u> <u>The proposal shall include an indicative timeline for assessing whether the conditions set out in Article 7(1) are met, which shall not exceed six months, unless a duly justified longer period is necessary in light of the specific circumstances of the case.</u>
Article 4, first paragraph a				
G 56a				<u>In the proposal referred to in paragraph 1 or as a subsequent proposal for a Council implementing act, the Commission</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
				<u>shall, where appropriate, propose that the Council determine that the third country concerned be requested to repair the injury to the Union.</u> <u>The assessment of whether it is appropriate to request that the third country concerned repair the injury to the Union shall be based on all circumstances of the particular case. In particular, the assessment shall be based on the nature and extent of the damage caused and the general obligation under customary international law to make full reparation for the injury caused through an internationally wrongful act.</u>
Article 4, second paragraph				
57	Prior to adopting its decision, the Commission may invite the third country concerned to submit its observations.	Prior to adopting its decision, the Commission may invite the third country concerned to submit its observations <u>within a reasonable and specified period of time that shall not unduly delay the Commission's decision.</u>	2. Prior to adopting its decision the proposal referred to in paragraph 1, where useful for the purposes of the determination referred to in that paragraph, the Commission may shall invite the third country concerned to submit its observations within a reasonable period of time, without prejudice to Article 5.	2. Prior to adopting<u>submitting</u> the proposal referred to in paragraph 1, where useful for the purposes of the determination referred to in that paragraph, the Commission shall, <u>without prejudice to the engagement with the third country concerned pursuant to Article 5,</u> invite the third country concerned to submit its observations within a reasonable<u>specified</u> period of time; without prejudice to Article 5. Such period shall be reasonable and

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
				<u>shall not unduly delay the Commission's proposal under paragraph 1.</u>
Article 4, third paragraph				
57a			3. The Council shall act expeditiously throughout the process set out in this Article. The Council shall adopt the implementing act referred to in paragraph 1, acting by a qualified majority. The Council, acting by a qualified majority, may amend the Commission's proposal.	3. The Council shall act expeditiously throughout the process set out in this Article. The Council shall adopt the implementing act <u>Prior to submitting the proposal</u> referred to in paragraph 1, acting by a qualified majority. The Council, acting by a qualified majority, may amend the Commission's proposal <u>the Commission shall inform the European Parliament of the outcome of its examination.</u>
Article 4, fifth paragraph				
57b				<u>4. The Council shall adopt the implementing acts referred to in paragraphs 1 and 1a, acting by a qualified majority. The Council, acting by a qualified majority, may amend the Commission's proposals.</u> <u>The Council shall act expeditiously throughout the process set out in</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
				<u>this Article. The Council shall act within eight weeks of the submission of the proposal by the Commission. By way of derogation, the Council may act after the eight-week period provided that it informs the Commission of the reasons for the delay. The total period of time for the Council to act shall normally not exceed ten weeks.</u> <u>In the exercise of its implementing powers, the Council shall apply the conditions laid down in Article 2(1) of this Regulation and the criteria in paragraph 1a, respectively and shall explain how these are applied</u>
	Article 4, sixth paragraph			
G	57c			<u>5. The implementing acts referred to in this Article shall be published in the Official Journal of the European Union.</u>
	Article 4, seventh paragraph			
G	57d			<u>6. The European Parliament shall be informed of any implementing acts proposed or adopted pursuant to this Article.</u>
	Article 4, fourth paragraph			

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
57e			4. The Council implementing act shall be published in the Official Journal of the European Union.	The Council implementing act shall be published in the Official Journal of the European Union. Deleted
Article 4, fifth paragraph				
58	Where the Commission decides that the measure of the third country concerned meets the conditions set out in Article 2(1), it shall notify the third country concerned of its decision and request it to cease the economic coercion and, where appropriate, repair the injury suffered by the Union or its Member States.	Where the Commission decides that the measure of the third country concerned meets the conditions set out in Article 2(1), it shall notify the third country concerned of its decision and request that third <u>country</u> to cease the economic coercion <u>immediately</u> and, where appropriate, repair the injury suffered by the Union or its Member States <u>within a reasonable and specified period of time</u> .	5. Where the Commission decides that the measure of the third country concerned meets the conditions set out in Article 2(1), it adopts the implementing act referred to in this Article, the Commission shall notify the third country concerned of that that decision and request it to cease the economic coercion and, where appropriate and so decided by the Council, request it to repair the injury suffered by the Union or its Member States.	57. Where the Council adopts the implementing act <u>acts</u> referred to in this Article <u>paragraphs 1 or 1a</u> , the Commission shall notify <u>inform</u> the third country concerned of that decision <u>accordingly</u> and request it to cease the economic coercion and, where appropriate and so decided by the Council, request it to repair the injury suffered by the Union or its Member States <u>immediately and to repair the injury to the Union within a reasonable period of time, respectively.</u>
58a				
Article 5				
59	Article 5 Engagement with the third country concerned	Article 5 Engagement with the third country concerned	Article 5 Engagement with the third country concerned	Article 5 Engagement with the third country concerned
Article 5, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
60	The Commission shall be open to engage on behalf of the Union with the third country concerned, to explore options with a view to obtaining the cessation of the economic coercion. Such options may include:	<u>Following the notice referred to in Article 4</u> , the Commission shall be open to engage on behalf of the Union with the third country concerned <u>and, provided that the country concerned also engages in good faith, in a proactive manner</u> , to explore options with a view to obtaining the cessation of the economic coercion <u>and, where appropriate, reparation of the injury it has caused to the Union or its Member States</u> . Such options <u>shall not unduly delay the procedure and</u> may include:	1. Following the adoption of an implementing act in accordance with Article 4, the Commission shall provide adequate opportunity for consultations The Commission shall be open to engage on behalf of the Union with the third country concerned, to explore options with a view to obtaining the cessation of the economic coercion. If the third country concerned enters into consultations with the Union in good faith the Commission shall expeditiously engage in such consultations. In the course of such consultations the Commission may explore options with the third country concerned including Such options may include:	Following the adoption of an implementing act in accordance with Article 4, the Commission shall provide adequate opportunity for consultations with the third country concerned with a view to obtaining the cessation of the economic coercion. <u>and, where [so decided]/so requested in accordance with Article 4], reparation of the injury to the Union</u> If the third country concerned enters into consultations with the Union in good faith, the Commission shall expeditiously engage in such consultations. In the course of such consultations, the Commission may, <u>[without unduly delaying the procedure,]</u> explore options with the third country concerned including:
Article 5, first paragraph, first indent				
61	- direct negotiations;	- direct negotiations;	- direct negotiations;	- direct negotiations;
Article 5, first paragraph, second indent				
62				

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	- mediation, conciliation or good offices to assist the Union and the third country concerned in these efforts;	- mediation, conciliation or good offices to assist the Union and the third country concerned in these efforts; <u>deleted</u>	- mediation, conciliation or good offices by a third party to assist the Union and the third country concerned in these efforts;	<i>deleted</i>
Article 5, first paragraph, third indent				
G	63	- submitting the matter to international adjudication.	- submitting, <u>also in parallel to the other options</u> , the matter to international adjudication.	- submitting the matter to international adjudication.
Article 5, first paragraph, fourth indent				
G	63a	- <u>mediation, conciliation or good offices to assist the Union and the third country concerned in those efforts;</u>		- <u>mediation, conciliation or good offices by a third party to assist the Union and the third country concerned in those efforts;</u>
Article 5, first paragraph a				
G	63b			<u>deleted</u>
Article 5, second paragraph				
Y	64	The Commission shall seek to obtain the cessation of the economic coercion by also raising the matter in any relevant international forum.	2. The Commission shall seek to obtain the cessation of the economic coercion by also by raising the matter in any relevant international forum, after having, in accordance with the Treaty, consulted the Council.	The Commission shall seek to obtain the cessation of the economic coercion also by raising the matter in any relevant international forum, after having <u>consulted the Council, [where applicable]</u> , in accordance

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
				with the Treaty, consulted the Council.
Article 5, second paragraph a				
64a				deleted
Article 5, third paragraph				
65	The Commission shall keep the European Parliament and the Council informed of relevant developments.	The Commission shall keep the European Parliament and the Council <u>fully</u> informed, <u>in a regular and timely manner, including in the form of an exchange of views, and shall notify them of any-of relevant developments in the engagement with the third country concerned.</u>	3. The Commission shall keep the European Parliament and the Council informed of any relevant developments pursuant to paragraphs 1 and 2.	<i>deleted</i>
Article 5, fourth paragraph				
66	The Commission shall remain open to engage with the third country concerned after the adoption of Union response measures pursuant to Article 7. The Commission may pursue these efforts, as the case may be, in conjunction with a suspension, pursuant to Article 10(2), of any Union response measures.	The Commission shall remain open to engage with the third country concerned after the adoption of Union response measures pursuant to Article 7. The Commission may pursue these efforts, as the case may be, in conjunction with a suspension, pursuant to Article 10(2), of any Union response measures.	4. The Commission shall remain open to engage enter into consultations with the third country concerned after the adoption of Union response measures pursuant to Article 7. The Commission may pursue these efforts and, as the case may be, in conjunction with a suspension, pursuant to Article 10(2), of any Union response measures pursuant to Article 10(2).	4. The Commission shall remain open to enter into consultations with the third country concerned after the adoption of Union response measures pursuant to Article 7 and, as the case may be, in conjunction with a suspension of any Union response measures pursuant to Article 10(2).

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	Article 6			
G	67	Article 6 International cooperation	Article 6 International cooperation	Article 6 International cooperation
	Article 6, first paragraph			
Y	68	The Commission shall enter into consultations or cooperation, on behalf of the Union, with any other country <u>and partner</u> affected by the same or similar measures of economic coercion or with any interested third country third country <u>and partner</u>, with a view to obtaining the cessation of the coercion. This may involve, where appropriate <u>coordination in sharing related information and experiences to facilitate a collective and coherent response to such coercive measures, and</u> coordination in relevant international fora and coordination in response to the coercion. <u>Such consultation or cooperation shall not unduly delay the application of this instrument. The Commission shall inform, including in the form of an exchange of views, the European Parliament and the Council about the consultation or cooperation.</u>	The Commission shall enter into consultations or cooperation, on behalf of the Union, with any other third country affected by the same or similar measures of economic coercion or with any interested third country, with a view to obtaining the cessation of the coercion, after having, in accordance with the Treaty, consulted the Council. This may involve, where appropriate, coordination in relevant international fora and coordination in response to the coercion. The Commission shall keep the European Parliament and the Council informed of any relevant developments and invite, where appropriate, Member States to participate in such consultation and cooperation.	The Commission shall enter into consultations or cooperation with any third country affected by the same or similar measures <u>cases</u> of economic coercion or with any interested third country, with a view to obtaining the cessation of the coercion, after having <u>consulted the Council, [where applicable]</u> in accordance with the Treaty, consulted the Council. This may involve, where appropriate, <u>sharing related information and experiences to facilitate a coherent response to such cases of economic coercion,</u> coordination in relevant international fora and coordination in response to the coercion. The Commission shall keep the European Parliament and the Council informed of any relevant developments and <u>[Such consultation or cooperation shall not unduly delay the procedure under this Regulation.] The Commission shall</u> invite, where

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
				appropriate, Member States to participate in such consultation and cooperation.
Article 7				
69	Article 7 Union response measures	Article 7 Union response measures	Article 7 Union response measures	Article 7 Union response measures
Article 7(1), first subparagraph				
70	1. The Commission shall adopt an implementing act determining that it shall take a Union response measure where:	1. The Commission shall adopt <u>take</u> <u>a Union response measure by means of</u> an implementing act determining that it shall take a Union response measure <u>from among the measures provided for in Annex I</u> where:	1. The Commission shall adopt an implementing act in accordance with the examination procedure referred to in Article 15(2) determining that it shall take a Union response measure under this Regulation , where:	1. The Commission shall <u>adopt</u> <u>Union response measures by means of</u> adopt an implementing act in accordance with the examination procedure referred to in Article 15(2) determining that it shall take a Union response measure under this Regulation, where: <u>where the following conditions are met:</u>
Article 7(1), first subparagraph, point (a)				
71	(a) action pursuant to the Articles 4 and 5 has not resulted in the cessation of the economic coercion and reparation of the injury it has caused to the Union or a Member State within a reasonable period of time;	(a) action pursuant to the Articles 4 and 5 has not resulted in the cessation of the economic coercion and, <u>where appropriate, in the</u> reparation of the injury it has caused to the Union or its <u>Member State</u> <u>States</u> within a reasonable <u>the</u> period of time <u>set in the decision referred to in Article 4</u> ;	(a) action pursuant to the Articles 4 and 5 has not resulted in the cessation of the economic coercion and, where appropriate, the reparation of the injury it has caused to the Union or a Member State within a reasonable period of time;	(a) action pursuant to the Articles 4 and 5 has not resulted in the cessation of the economic coercion and, where appropriate, <u>requested,</u> <u>in</u> the reparation of the injury it has caused to the Union, <u>or a Member State</u> within a reasonable period of time; <u>wich does not exceed any time period indicated in the</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
				<u>implementing act pursuant to Article 4].</u>
	Article 7(1), first subparagraph, point (b)			
G	72 (b) action is necessary to protect the interests and rights of the Union and its Member States in that particular case, and	(b) action is necessary to protect the interests and rights of the Union and its Member States in that particular case, and	(b) action is necessary to protect the interests and rights of the Union and its Member States in that particular case; in light of the options available; and	(b) action <u>the adoption of Union response measures</u> is necessary to protect the interests and rights of the Union and its Member States in that particular case in light of the options available; and
	Article 7(1), first subparagraph, point (ba)			
G	72a			<i>deleted</i>
	Article 7(1), first subparagraph, point (c)			
G	73 (c) action is in the Union's interest.	(c) action is in the Union's interest <u>in the particular case of economic coercion under examination.</u>	(c) action is in the Union's interest in accordance with Article 7bis.	(c) action <u>the adoption of Union response measures</u> is in the Union's interest, <u>as determined</u> in accordance with Article 7bis.
	Article 7(1), second subparagraph, point (a)			
Y	73a			<u>2. Where the third country has ceased the economic coercion but has not repaired in full the injury as requested, the assessment of whether the condition referred to in point (b) of the first</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
				<u>subparagraph is met shall be based on all circumstances of the particular case. In particular, the assessment should be based on the nature and extent of the damage caused and the general obligation under customary international law to make full reparation for the injury caused through an internationally wrongful act.</u>
Article 7(1), second subparagraph				
74	In the implementing act, the Commission shall also determine the appropriate Union response from among the measures provided for in Annex I. Such measures may also apply with regard to natural or legal persons designated in accordance with Article 8. The Commission may also adopt measures which it can take pursuant to other legal instruments.	In the implementing act <u>referred to in the first subparagraph</u> , the Commission shall also determine the appropriate Union response from among the measures provided for in Annex I <u>justify that the conditions referred to in points (a), (b) and (c) are met. It shall also determine and justify the appropriate Union response</u> . Such measures may also apply with regard to natural or legal persons designated in accordance with Article 8. The Commission may also adopt measures which it can take pursuant to other legal instruments.	In the implementing act referred to in the first subparagraph , the Commission shall also determine the appropriate Union response from among the measures provided for in Annex I consisting in one or more measures provided for in pursuant to Annex I. Such measures may also apply with regard to natural or legal persons designated in accordance with Article 8. The Commission may also adopt measures which it can take pursuant to other legal instruments.	<u>The Commission shall determine which Union response measures set out in Annex I is appropriate on the basis of the criteria for selection and design set out in Article 9.</u> <u>Such measures may be adopted as measures of general application or measures which apply to certain natural or legal persons which engage or may engage in activities covered by Article 207 TFEU and are connected or linked to the government of the third country concerned.</u> <u>Union response measures of general application may be designated in such a way that they affect particular sectors, regions or operators of the third country</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
				<u>concerned in accordance with the rules of origin in Annex II.</u> In the implementing act referred to in the first subparagraph, the Commission shall also determine the appropriate Union response consisting in one or more measures pursuant to Annex I. Such measures may apply with regard to natural or legal persons designated in accordance with <u>set out the reasons why it considers that the conditions referred to in that subparagraph are met and that the Union response measures are appropriate in light of the criteria referred to in Article 82.</u>
Article 7(1), third subparagraph				
75	The implementing act shall be adopted in accordance with the examination procedure referred to in Article 15(2).	The implementing act <u>referred to in the first subparagraph</u> shall be adopted in accordance with the examination procedure referred to in Article 15(2). <u>The Commission shall inform, including in the form of an exchange of views, the European Parliament and the Council of the implementing act and publish it in the Official Journal of the European Union and through other suitable public communication means.</u>	Insofar as the measures of the third country concerned constitute an internationally wrongful act, Union response measures The implementing act shall be adopted in accordance with the examination procedure referred to in Article 15(2) under this Regulation may consist of measures implying the non-performance of international obligations towards the third country concerned.	Insofar as the measures of the third country concerned constitute an internationally wrongful act, Union response measures adopted under this Regulation may consist of measures implying the non-performance of international obligations towards the third country concerned.

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
Article 7(1a)				
75a		<u>The Commission may also adopt measures that are not listed in Annex I pursuant to other legal instruments. Any such adoption shall be coordinated and consistent with action under this Regulation.</u>		<u>1a. The Commission shall ensure coordination of the adoption of Union response measures with the measures it adopts pursuant to other Union legal acts for the purpose of responding to economic coercion in the particular case.</u>
Article 7(2)				
76	2. The Union response measures shall apply from a specified date after the adoption of the implementing act referred to in paragraph 1. The Commission shall set this date of application, taking into account the circumstances, to allow for the notification of the third country concerned pursuant to paragraph 3 and for it to cease the economic coercion.	2. The Union response measures shall apply from a specified date after the adoption of the implementing act referred to in paragraph 1 <u>and in any case within three months from its adoption.</u> The Commission shall set this date of application, taking into account the circumstances, to allow for the notification of the third country concerned pursuant to paragraph 3 and for it to cease the economic coercion <u>and, where appropriate, to repair the injury caused.</u>	2. The Union response measures shall apply from a specified date after the adoption of the implementing act referred to in paragraph 1. The Commission shall set this specify the date of application of the Union response measures , taking into account the circumstances, to allow for the notification of the third country concerned pursuant to paragraph 3 and for it to cease the economic coercion.	2. The Union response measures shall apply from a specified date after the adoption of the implementing act referred to in paragraph 1. The <u>specified date for application shall not be later than three months from the adoption of the implementing act, unless the implementing act specifies a later date in light of the specific circumstances.</u> The Commission shall specify the date of application of the Union response measures, taking into account the circumstances, to allow for the notification of the third country concerned pursuant to paragraph 3 and for it to cease the economic coercion <u>and, where requested, to repair the injury caused.</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
Article 7(3)				
77	3. The Commission shall, upon adoption of the implementing act, notify the third country concerned of the Union response measures adopted pursuant to paragraph 1. In the notification, the Commission shall, on behalf of the Union, call on the third country concerned to promptly cease the economic coercion, offer to negotiate a solution, and inform the third country concerned that the Union response measure will apply, unless the economic coercion ceases.	3. The Commission shall, upon adoption of the implementing act, notify the third country concerned of the Union response measures adopted pursuant to paragraph 1. In the notification, the Commission shall, on behalf of the Union, call on the third country concerned to promptly <u>immediately</u> cease the economic coercion, offer to negotiate a solution <u>including, where appropriate, with regard to the reparation of the injury caused by the third country to the Union or its Members States</u> , and inform the third country concerned that the Union response measure will apply, unless the economic coercion ceases <u>or, where appropriate, that third country repairs the injury caused.</u>	3. The Commission shall, Upon adoption of the implementing act, notify the third country concerned of the Union response measures adopted pursuant to paragraph 1. In the notification, the Commission shall, on behalf of the Union, call on <u>notify the third country concerned referred to in paragraph 1. In the notification, the Commission shall, on behalf of the Union, call on</u> notify the third country concerned to promptly cease the economic coercion, offer to negotiate a solution, and inform the third country concerned that the Union response measure will apply, unless the economic coercion ceases thereof and:	3. Upon adoption of the implementing act referred to in paragraph 1, the Commission shall notify the third country concerned thereof and:
Article 7(3), point (a)				
77a			(a) <i>call on the third country concerned to promptly cease the economic coercion;</i>	(a) <i>call on the third country concerned to promptly cease the economic coercion;</i> <u><i>call on the third country concerned to immediately cease the economic coercion and, where appropriate, and where requested, to repair the injury caused;</i></u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	Article 7(3), point (b)			
G	77b		(b) offer the third country concerned to negotiate a solution; and	(b) offer the third country concerned to negotiate a solution; and
	Article 7(3), point (c)			
G	77c		(c) inform the third country concerned that the Union response measures will apply, unless the economic coercion ceases.	(c) inform the third country concerned that the Union response measures will apply, unless the economic coercion ceases. <u>inform the third country concerned that the Union response measures will apply, unless the economic coercion ceases and, where appropriate, and where requested, the third country repairs the injury to the Union.</u>
	Article 7(4)			
G	78	4. The implementing act referred to in paragraph 1 shall state that the application of the Union response measures shall be deferred, <u>but only for a period that is necessary for the Commission to verify the actual cessation of the coercion or threat thereof and that needs to be</u> specified in that implementing act, where the Commission has credible information that the third country has ceased <u>taken concrete steps to</u>	4. The implementing act referred to in paragraph 1 shall state that the <u>provide for a deferred</u> application of the Union response measures shall be deferred for a period of time specified in that implementing act, where the Commission has credible information that the third country has ceased the economic coercion before the start <u>date</u> of application	4. The implementing act referred to in paragraph 1 shall provide for a deferred application of the Union response measures, <u>but only for a period that is necessary for the Commission to verify the actual cessation of the coercion and which needs to be</u> of time specified in that implementing act, where the Commission has credible information that the third country has ceased <u>or has taken concrete</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	publish a notice in the Official Journal of the European Union indicating that there is such information and the date from which the deferral shall apply. If the third country ceases the economic coercion before the Union response measures start to apply, the Commission shall terminate the Union response measures in accordance with Article 10.	<u>cease</u> the economic coercion <u>or the threat thereof or, where appropriate, has repaired the injury caused</u> before the start of application of the adopted Union response measures. In that event, the Commission shall publish a notice in the Official Journal of the European Union indicating that there is such information and the date from which the deferral shall apply. If the third country ceases the economic coercion <u>or, where appropriate, repairs the injury caused</u> before the Union response measures start to apply, the Commission shall terminate the Union response measures in accordance with Article 10.	of the adopted Union response measures. In that In the event, that the Commission has the information referred to in the first subparagraph, it shall publish a notice in the <i>Official Journal of the European Union</i> Official Journal of the European Union indicating that there is such information and the date from which the deferral shall apply. If the third country ceases the economic coercion before the Union response measures start to apply date of application of the Union response measures , the Commission shall terminate the Union response measures in accordance with Article 10.	<u>steps to cease</u> the economic coercion <u>and, where appropriate, has repaired the injury caused</u> before the date <u>start</u> of application of the adopted Union response measures. In the event that the Commission has the information referred to in the first subparagraph, it shall publish a notice in the <i>Official Journal of the European Union</i> indicating that there is such information and the date from which the deferral shall apply. If the third country ceases the economic coercion <u>and, where appropriate, repairs the injury caused</u> before the date of application of the Union response measures, the Commission shall terminate the Union response measures in accordance with Article 10.
Article 7(5)				
79	5. Notwithstanding paragraphs 2, 3 and 4, the Union response measures may apply without the Commission, on behalf of the Union, first calling, once more, on the third country concerned to cease the economic coercion or without the Commission	5. Notwithstanding paragraphs 2, 3 and 4, The Union response measures may apply without the Commission, on behalf of the Union, first calling, once more <u>again</u> , on the third country concerned to cease the economic	5. Notwithstanding paragraphs 2, 3 and 4, the implementing act referred to in paragraph 1 may provide that Union response measures may shall apply without the Commission, on behalf of the Union, first calling, once more, on	5. Notwithstanding paragraphs 2, 3 and 4, the implementing act referred to in paragraph <u>paragraph</u> 1 may provide that Union response measures shall apply without the Commission first calling, once more <u>again</u> , on the third country

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	first notifying it that Union response measure will apply, where this is necessary for the preservation of the rights and interests of the Union or Member States, notably of the effectiveness of Union response measures.	coercion or without the Commission first notifying it that Union response measure will apply <u>pursuant to paragraph 3</u> , where this is necessary for the preservation of the rights and interests of the Union or Member States, notably of the effectiveness of Union response measures.	the third country concerned to cease the economic coercion or without the Commission first notifying it the third country concerned that Union response measure will apply, where in duly justified cases , this is necessary for the preservation of the rights and interests of the Union or a Member States State , notably of the effectiveness of Union response measures.	concerned to cease the economic coercion or, <u>where appropriate, repair the injury caused, or</u> without the Commission first notifying the third country concerned that Union response measure will apply <u>pursuant to paragraph 3</u> , where in duly justified cases, this is necessary for the preservation of the rights and interests of the Union or a Member State, notably of the effectiveness of Union response measures.
Article 7(5a)				
79a			5bis. Notwithstanding paragraphs 2 and 4, where economic coercion consists in a threat to apply measures affecting trade or investment in accordance with Article 2(1), the date of application of the Union response measures shall be the date when the third country starts applying such measures. The Commission shall specify such date of application in the implementing act referred to in paragraph 1. If the third country delays to a specific date the application of its measures, the Commission shall publish a notice in the Official Journal of the European Union indicating that the Union	5bis 5a. Notwithstanding paragraphs 2 and 4, where <u>the</u> economic coercion consists in a threat to apply measures affecting trade or investment in accordance with Article 2(1), the date of application of the Union response measures <u>implementing act referred to paragraph 1</u> shall be the date when the third country starts applying such measures. The Commission shall specify such date of application in the implementing act referred to in paragraph 1. If the third country delays to a specific date the application of its measures, <u>apply from the date on which the third-country measures affecting trade or investment at</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
			response measures shall apply on that date.	<u>stake start applying.</u> The Commission shall publish a notice in the <u>Official Journal of the European Union</u> indicating that the Union response measures shall apply on that date <u>the date of application of the implementing act as referred to in paragraph 1.</u>
Article 7(6)				
80	6. On duly justified imperative grounds of urgency to avoid irreparable damage to the Union or its Member States by the measures of economic coercion the Commission shall adopt immediately applicable implementing acts imposing Union response measures, in accordance with the procedure referred to in Article 15(3). The requirements set out in paragraphs 2 to 5 shall apply. Those acts shall remain in force for a period not exceeding three months.	6. On duly justified imperative grounds of urgency to avoid irreparable damage to the Union or its Member States by the measures of economic coercion the Commission shall adopt <u>take a Union response measure by means of an implementing act referred to in Article 7(1) as</u> immediately applicable implementing acts imposing Union response measures, in accordance with the procedure referred to in Article 15(3). The requirements set out in paragraphs 2 to 5 shall apply <u>and the conditions listed in paragraph 5 are considered to be met.</u> Those acts shall remain in force for a period not exceeding three months <u>after which the measures may be adopted by means of an implementing act referred to in Article 7(1) may be adopted as</u>	6. On duly justified imperative grounds of urgency to avoid irreparable damage to the Union or its Member States by the measures of economic coercion the Commission shall adopt immediately applicable implementing acts imposing Union response measures, in accordance with the procedure referred to in Article 15(3). The requirements set out in paragraphs 2 to 5 shall apply. Those acts shall remain in force for a period not exceeding three months.	<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
		<u>appropriate. The Commission shall inform, including in the form of an exchange of views, the European Parliament and the Council about the implementing acts and publish them in the Official Journal of the European Union and through other suitable public communication means.</u>		
Article 7(7)				
81	7. The Commission is empowered to adopt delegated acts in accordance with Article 14 to amend the list provided for in Annex I in order to provide additional types of measures to respond to a third country's measure. The Commission may adopt such delegated acts where the types of response measures would:	7. The Commission is empowered to adopt delegated acts in accordance with Article 14 to amend the list provided for in Annex I in order to provide additional types of measures to respond to a third country's measure, <u>after having informed the European Parliament and the Council of the delegated acts.</u> The Commission may adopt such delegated acts where the types of response measures would:	<i>deleted</i>	<i>deleted</i>
Article 7(7), point (a)				
82	(a) be as effective or more effective than the response measures already provided for in terms of inducing the cessation of measures of economic coercion;	(a) be as effective or more effective than the response measures already provided for in terms of inducing the cessation of measures of economic coercion;	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
Article 7(7), point (b)				
83	(b) provide as effective or more effective relief to economic operators within the Union affected by the measures of economic coercion;	(b) provide as effective or more effective relief to economic operators within the Union affected by the measures of economic coercion;	deleted	deleted
Article 7(7), point (c)				
84	(c) avoid or minimise the negative impact on affected actors; or	(c) avoid or minimise the negative impact on affected actors; or	deleted	deleted
Article 7(7), point (d)				
85	(d) avoid or minimise administrative complexity and costs.	(d) avoid or minimise administrative complexity and costs.	deleted	deleted
Article 7bis				
85a			Article 7bis Union's interest	Article 7bis <u>7a</u> <u>Determination of the</u> Union's interest
Article 7a(1)				
85b			1. A determination as to whether it is in the Union's interest to act under this Regulation shall be based on an appreciation of all	<u>1. A</u> The determination as to whether it is in the Union's interest to act under this Regulation <u>of the Union interest in taking,</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
			the various interests taken as a whole, including the interests of Member States, Union economic operators, including upstream and downstream industries, and final consumers. The general objective of deterring or having the third country desist from measures of economic coercion, whilst enabling the Union as a last resort to counteract such actions, shall be given special consideration. The determination shall be made on the basis of all the information available. Union response measures under this Regulation shall be taken where the Commission concludes that it is in the Union's interest to take such measures.	<u>suspending, amending or terminating Union response measures</u> shall be based on <u>consist in</u> an appreciation of all the various interests <u>at stake</u>, taken as a whole, including the <u>The various</u> interests of Member States, Union economic operators, including upstream and downstream industries, and final consumers. The general objective of deterring or having the third country desist from measures of <u>shall include, primarily, the preservation of the ability of the Union and its Member States to make legitimate sovereign choices free from</u> economic coercion, whilst enabling the Union as a last resort to counteract such actions, shall be given special consideration. The determination shall be made on the basis of all the information available. Union response measures under this Regulation shall be taken where the Commission concludes that it is in the Union's interest to take such measures <u>as well as all other interests of the Union or the Member States specific to the particular case at stake, interests of Union economic operators, including upstream and downstream industries, and of final Union consumers, affected, or potentially affected, by the economic coercion or by Union</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
				<u>response measures. The determination shall be based on all information available.</u>
Article 8				
86	Article 8 Union response measures with regard to natural or legal persons	Article 8 Union response measures with regard to natural or legal persons	Article 8 Union response measures with regard to natural or legal persons Article for discussion (separate proposal)	Article 8 Union response measures with regard to <u>Conditions for applying Union response measures to certain</u> natural or legal persons
Article 8(1), first subparagraph				
87	1. The Commission may provide, in the implementing act referred to in Article 7(1), or in a separate implementing act, that:	1. The Commission may provide, in the implementing act referred to in Article 7(1), or in a separate implementing act, that:	1. The Commission may provide, in the implementing act referred to in Natural or legal persons which engage, or may engage in activities covered by Article 7(1), or in a separate implementing act, that: 207 TFEU and are connected or linked to the government of the third country concerned may be subject to Union response measures pursuant to Annex I.	1. Natural or legal persons which engage, or may engage in activities covered by Article 207 TFEU and are connected or linked to the government of the third country concerned may be subject to Union response measures pursuant to Annex I. <u>deleted</u>
Article 8(1), first subparagraph, point (a)				
88	(a) legal or natural persons designated in accordance with paragraph 2 point (a) shall be	(a) legal or natural persons designated in accordance with paragraph 2 point (a) shall be	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	subject to Union response measures; or	subject to Union response measures; or		
<i>Article 8(1), first subparagraph, point (b)</i>				
89	(b) without prejudice to the responsibility of the third country under international law, Union natural or legal persons affected by the third country's measures of economic coercion shall be entitled to recover, from persons designated pursuant to paragraph 2, point (b), any damage caused to them by the measures of economic coercion up to the extent of the designated persons' contribution to such measures of economic coercion.	(b) without prejudice to the responsibility of the third country under international law, Union natural or legal persons affected by the third country's measures of economic coercion shall be entitled to recover, from persons designated pursuant to paragraph 2, point (b), any damage caused to them by the measures of economic coercion up to the extent of the designated persons' contribution to such measures of economic coercion.	<i>deleted</i>	<i>deleted</i>
<i>Article 8(1), second subparagraph</i>				
90	Those measures shall apply as of the same date of application as the Union response measures adopted pursuant to Article 7, or as of a later date specified in the implementing act pursuant to this paragraph.	Those measures shall apply as of the same date of application as the Union response measures adopted pursuant to Article 7, or as of a later date specified in the implementing act pursuant to this paragraph.	<i>deleted</i>	<i>deleted</i>
<i>Article 8(1), third subparagraph</i>				
91	Those implementing acts shall be adopted in accordance with the	Those implementing acts shall be adopted in accordance with the	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	examination procedure referred to in Article 15(2).	examination procedure referred to in Article 15(2).		
Article 8(2)				
G	92	2. The Commission may designate a natural or legal person where it finds:	deleted	deleted
Article 8(2), point (a)				
G	93	(a) that such person is connected or linked to the government of the third country concerned; or,	deleted	deleted
Article 8(2), point (b)				
G	94	(b) that such person is connected or linked to the government of the third country concerned and has additionally caused or been involved in or connected with the economic coercion.	deleted	deleted
Y	94a		3. Paragraph 1 shall only apply to natural or legal persons designated in accordance with this Article.	

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
Y	94b		4. For the purposes of this Article, the Commission shall adopt implementing acts in accordance with the examination procedure referred to in Article 15(2). Such implementing acts shall designate persons falling under paragraph 1, and specify the Union response measures applicable to such persons.	
Y	94c		5. The implementing act referred to in paragraph 4 of this Article may be adopted simultaneously with the implementing act referred to in Article 7(1), or subsequently.	
Article 8(2), point (ba)				
G	94d		6. A natural or legal person may be considered as connected or linked to the government of the third country concerned pursuant to paragraph 1 where:	6. (ba) A natural or legal person may be considered as connected or linked to the government of the third country concerned pursuant to paragraph 1 where: <u>A natural or legal person may be considered as connected or linked to the government of the third country concerned for the purposes of the fourth subparagraph of Article 7(1) where:</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	Article 8(2), point (bb)			
94e			(a) <i>that government beneficially owns more than 50 % of the equity interest in such legal person, exercises directly or indirectly more than 50 % of the voting rights in it, or has the power to appoint a majority of its directors or otherwise to legally direct its actions;</i>	(a) that government beneficially owns more than 50 % of the equity interest in such legal person, exercises directly or indirectly more than 50 % of the voting rights in it, or has the power to appoint a majority of its directors or otherwise to legally direct its actions; <u>that government beneficially owns more than 50 % of the equity interest in such legal person, exercises directly or indirectly more than 50 % of the voting rights in it, or has the power to appoint a majority of its directors or otherwise to legally direct its actions;</u>
	Article 8(2), point (bc)			
94f			(b) <i>such person benefits from exclusive or special rights or privileges granted in law or in fact by the government of the third country concerned, if it operates in a sector where that government limits to one or more the number of suppliers or buyers, or if it is allowed directly or indirectly by that government to exercise</i>	(b) such person benefits from exclusive or special rights or privileges granted in law or in fact by the government of the third country concerned, if it operates in a sector where that government limits to one or more the number of suppliers or buyers, or if it is allowed directly or indirectly by that government to exercise practices which prevent, restrict or

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
			<i>practices which prevent, restrict or distort competition; or</i>	distort competition; or <u>such person benefits from exclusive or special rights or privileges granted in law or in fact by the government of the third country concerned, if it operates in a sector where that government limits to one or more the number of suppliers or buyers, or if it is allowed directly or indirectly by that government to exercise practices which prevent, restrict or distort competition; or</u>
Article 8(2), point (bd)				
94g			(c) <i>such person effectively acts on behalf of, or at the direction or instigation of the government of the third country concerned.</i>	(c) such person effectively acts on behalf of, or at the direction or instigation of the government of the third country concerned. <u>such person effectively acts on behalf of, or at the direction or instigation of the government of the third country concerned.</u>
Article 8(3)				
95	3. In making this designation the Commission shall examine all relevant criteria and available information, including whether the persons concerned are known to effectively act on behalf of, or are beneficially owned or otherwise	3. In making this designation the Commission shall examine all relevant criteria and available information, including whether the persons concerned are known to effectively act on behalf of, or are beneficially owned or otherwise	<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	effectively controlled by the government of the third country.	effectively controlled by the government of the third country.		
Article 8(4)				
96	4. Where the Commission has grounds to consider that persons should be designated pursuant to paragraph 2, point (a) or point (b) it shall publish a provisional list of persons and, where relevant, the possible measures pursuant to Annex I that they would be subject to. Before deciding on designation, it shall give any persons provisionally designated and other interested parties the opportunity to submit comments on the possible designation, in particular whether they fall under the conditions of paragraph 2, point (a) or point (b). The Commission may also seek additional information it considers pertinent concerning the potential designation.	4. Where the Commission has grounds to consider that persons should be designated pursuant to paragraph 2, point (a) or point (b) it shall publish a provisional list of persons and, where relevant, the possible measures pursuant to Annex I that they would be subject to. Before deciding on designation, it shall give any persons provisionally designated and other interested parties the opportunity to submit comments on the possible designation, in particular whether they fall under the conditions of paragraph 2, point (a) or point (b). The Commission may also seek additional information it considers pertinent concerning the potential designation.	48. Where the Commission has grounds to consider that personsbelieve that a person should be designated pursuant to on the basis of paragraph 2, point (a) or point (b) it shall publish a provisional list of persons1, it shall inform such person of its intention, including the grounds for designation, and, where relevant, the possible measures pursuant to Annex I that that person that they would be subject to. Before deciding on designation, it shall give any persons provisionally designated and other interested parties the opportunity to submit comments on the possible designation, in particular whether they fall under the conditions of paragraph 2, point (a) or point (b). The Commission may also seek additional information it considers pertinent concerning the potential designationThe Commission shall publish a notice in the Official Journal of the European Union to this effect and, whenever possible, notify directly the person concerned.	84. Where the Commission has grounds <u>reason</u> to believe that a <u>natural or legal</u> person <u>meets the criteria set out in the fourth subparagraph of Article 7(1) and the Commission is considering to adopt Union response measures that would apply with regard to that person</u>should be designated on the basis of paragraph 1, it shall inform such<u>that</u> person of its intention, including the grounds for designation, and, where relevant, the possible<u>the following:</u> <u>(a) the reasons why the Commission considers that that person meets the criteria set out in the fourth subparagraph of Article 7(1);</u> <u>(b) the Union response measures that the Commission is considering to apply to that person;</u> <u>(c) the possibility for that person to submit, within a reasonable period of time, observations on whether pursuant to Annex I that that person would be subject to</u><u>meets the criteria set out in the fourth subparagraph of Article 7(1).</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
			PUBLIC	The Commission shall publish a notice in the Official Journal of the European Union to this effect and, whenever <u>and, where</u> possible, notify <u>the person concerned</u> directly. <u>In the notice referred to in the second subparagraph, the Commission shall give other interested parties the opportunity to submit observations.</u> <u>The Commission may seek, including by requesting from Member States, any information it considers relevant</u> the person concerned.
Article 8(4a)				
G	96a		4a. Before deciding on the designation, the Commission shall give:	<i>deleted</i>
Article 8(4a), point (a)				
G	96b		(a) <i>any persons referred to in the first subparagraph the opportunity to submit observations on the possible designation, in particular on whether they fall under the conditions established in</i>	<i>deleted</i>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
			<i>paragraph 1; within a reasonable period of time; and</i>	
	Article 8(4a), point (b)			
G	96c		(b) other interested parties the opportunity to submit observations on the possible designation.	<i>deleted</i>
	Article 8(4b)			
G	96d		4b. The Commission may also seek information it considers relevant concerning the potential designation under this Article, including by requesting such information from Member States.	<i>deleted</i>
	Article 8(4c)			
Y	96e		9. Without prejudice to Article 10, the Commission shall review designations under this Article when new substantial evidence is submitted to the Commission and inform the designated natural or legal persons concerned accordingly.	94c. Without prejudice to Article 10, <u>where new substantial evidence is submitted to the Commission after Union response measures [pursuant to Article 7(1)] have been [adopted specifically to certain legal or natural persons],</u> the Commission shall review designations under this Article when new substantial evidence is submitted to the Commission and <u>whether those natural or legal</u>

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				<u>persons continue to meet the criteria set out in the fourth subparagraph of Article 7(1) and shall</u> inform the designated natural or legal persons concerned accordingly.
Article 9				
97	Article 9 Criteria for selecting and designing Union response measures	Article 9 Criteria for selecting and designing Union response measures	Article 9 Criteria for selecting and designing Union response measures	Article 9 Criteria for selecting and designing Union response measures
Article 9(1)				
98	1. Any Union response measure shall not exceed the level that is commensurate with the injury suffered by the Union or a Member State due to the third country's measures of economic coercion, taking into account the gravity of the third country's measures and the rights in question.	1. Any Union response measure shall not exceed <u>be commensurate to</u> the level that is commensurate with <u>to</u> the injury suffered by the Union or a Member State due to the third country's measures of economic coercion, taking into account the gravity of the third country's measures and the <u>economic impact that those measures are having on the Union or a Member State and shall be effective in preserving the Union and its Member States'</u> rights in question <u>making legitimate sovereign choices with regard to particular acts, policies or stances.</u>	1. Any Union response measure shall not exceed the level that is commensurate with the injury suffered by the Union or a Member State due to the third country's measures of economic coercion, taking into account the gravity of the third country's measures of economic coercion and the rights in question of the Union or a Member State.	1. Any Union response measure <u>[shall not exceed</u> the level that is commensurate with <u>/shall be commensurate to]</u> <u>the level of</u> the injury suffered by <u>to</u> the Union or a Member State <u>due to the third country's</u> measures of <u>economic coercion,</u> <u>[taking into account the gravity of the third country's</u> measures of <u>economic coercion]</u> <u>economic impact that the economic coercion is having on the Union or a Member State</u> and the rights of the Union or a <u>and its</u> Member State <u>States.</u>
Article 9(2)				

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99	2. The Commission shall select and design an appropriate response measure taking into account the determination made pursuant to Article 4, the criteria set out in Article 2(2) and the Union's interest, on the basis of available information, including as collected pursuant to Article 11, and the following criteria:	2. The Commission shall select and design an appropriate response measure taking into account the determination made pursuant to Article 4, the criteria set out in Article 2(2) and the Union's interest ² , on the basis of available information, including as collected pursuant to Article 11, and the following criteria:	2. The Commission shall select and design an appropriate response measure taking into account the determination made pursuant to Article 4, the criteria set out in Article 2(2) and the Union's interest pursuant to Article 7bis , on the basis of available information, including as collected pursuant to Article 11, and the following criteria:	2. The Commission shall select and design an appropriate response measure taking into account the determination made pursuant to Article 4, the criteria set out in Article 2(2)- and , the Union's interest <u>determination</u> pursuant to Article 7bis, on the basis of available information, including as collected pursuant to Article 11, <u>and any relevant action pursuant to the Union's common foreign and security policy</u> and the following criteria:
Article 9(2), point (a)				
100	(a) the effectiveness of the measures in inducing the cessation of the economic coercion;	(a) the effectiveness of the measures in inducing the cessation of the economic coercion <u>and, where appropriate, reparation of the injury caused to the Union and its Member States</u> ;	(a) the effectiveness of the Union response measures in inducing the cessation of the economic coercion;	(a) the effectiveness of the Union response measures in inducing the cessation of the economic coercion <u>and, where requested, reparation of the injury to the Union</u> ;
Article 9(2), point (aa)				
100a			(abis) the avoidance or minimisation of negative impacts	(abisaa) the avoidance or minimisation of negative impacts
Article 9(2), point (ab)				
100b				

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			- on Union actors affected by Union response measures, including the availability of alternatives for such affected actors, for example alternative sources of supply for goods or services,	-(ab) on Union actors affected by Union response measures, including the availability of alternatives for such affected actors, for example alternative sources of supply for goods or services,
	Article 9(2), point (ac)			
G	100c		- on the investment environment in the Union or a Member State, including the impact on employment and regional development policy;	- on the investment environment in the Union or a Member State, including the impact on employment and regional development policy;
	Article 9(2), point (ad)			
G	100d			- on the promotion of economic growth and employment through the protection of intellectual property rights as a means to spur innovation and a knowledge economy in the Union or a Member State;
	Article 9(2), point (b)			
G	101	(b) the potential of the measures to provide relief to economic operators within the Union affected by the economic coercion;	(b) the potential of the measures to provide relief to economic operators within the Union affected by the economic coercion;	(b) The potential of the Union response measures to provide relief to Union economic operators within the Union affected by the economic coercion;

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	Article 9(2), point (c)			
102	(c) the avoidance or minimisation of negative impacts on affected actors by Union response measures, including the availability of alternatives for affected actors, for example alternative sources of supply for goods or services;	(c) the avoidance or minimisation of negative impacts on affected actors by Union response measures, including the availability of alternatives for affected actors, for example alternative sources of supply for goods or services;	(c) the avoidance or minimisation of negative impacts on affected actors by Union response measures, including the availability of alternatives for affected actors, for example alternative sources of supply for goods or services;	<i>deleted</i>
	Article 9(2), point (d)			
103	(d) the avoidance or minimisation of negative effects on other Union policies or objectives;	(d) the avoidance or minimisation of negative effects on other Union policies or objectives;	(d) the avoidance or minimisation of negative effects on other Union policies or objectives by Union response measures ;	(d) the avoidance or minimisation of negative effects on other Union policies or objectives by Union response measures;
	Article 9(2), point (da)			
103a			(dbis) any relevant action in the Union's common foreign and security policy;	<i>deleted</i>
	Article 9(2), point (e)			
104	(e) the avoidance of disproportionate administrative complexity and costs in the application of the Union response measures;	(e) the avoidance of disproportionate administrative complexity and costs in the application of the Union response measures;	(e) the avoidance of disproportionate administrative complexity and costs in the application of the Union response measures;	(e) the avoidance of disproportionate administrative complexity and costs in the application of the Union response measures;

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Article 9(2), point (f)				
G	105	(f) the existence and nature of any response measures enacted by other countries affected by the same or similar measures of economic coercion, including where relevant any coordination pursuant to Article 6;	(f) the existence and nature of any response measures enacted by other third countries affected by the same or similar measures of economic coercion, including where relevant any coordination pursuant to Article 6;	(f) the existence and nature of any response measures enacted by third countries affected by the same or similar measures <u>cases</u> of economic coercion, including where relevant any coordination pursuant to Article 6;
Article 9(2), point (g)				
G	106	(g) any other relevant criteria established in international law.	(g) any other relevant criteria established in international law.	(g) any other relevant criteria established in international law.
Article 9(2) second subparagraph				
G	106a		2a. In selecting Union response measures, the Commission shall give predominant weight to measures which most effectively ensure compliance with criteria (a) and (abis).	2a. In selecting Union response measures, the Commission shall give predominant weight to measures which most effectively ensure compliance with criteria (a) and (abis).
Article 9(2b)				
G	106b		2bis. Without prejudice to paragraph 2, when selecting and designing an appropriate response measure that affects a procedure whereby a public authority in the Union grants authorisations, registrations,	2bis <u>2b</u> . Without prejudice to paragraph 2, when selecting and designing an appropriate response measure that affects a procedure whereby a public authority in the Union grants authorisations, registrations, licenses or other rights

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			licenses or other rights to a natural or legal person for the purposes of their commercial activities, the Commission shall always consider measures according to the following hierarchy of steps:	to a natural or legal person for the purposes of their commercial activities, the Commission shall always consider measures according to the following hierarchy of steps:
	Article 9(2b), point (a)			
Y	106c		(a) measures affecting procedures duly initiated after the entry into force of the implementing act referred to in Article 7(1) or 8(1), respectively, or where no such measures are available	(a) measures affecting procedures duly initiated after the entry into force of the implementing act referred to in Article 7(1) or 8(1), respectively, or where no such measures are available
	Article 9(2b), point (b)			
Y	106d		(b) measures affecting procedures not yet completed upon the entry into force of the implementing act referred to in Article 7(1) or 8(1), respectively.	(b) measures affecting procedures not yet completed upon the entry into force of the implementing act referred to in Article 7(1) or 8(1), respectively,
	Article 9(2c)			
Y	106e		2c. Where none of the measures referred to in points (a) and (b) of the first subparagraph are available, the Commission may, in exceptional circumstances	2c. Where none of the measures referred to in points (a) and (b) of the first subparagraph are available, the Commission may, in exceptional circumstances consider other

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
			consider other response measures, where it has been demonstrated, in light of the information-gathering exercise conducted pursuant to Article 11, that those other measures would not disproportionately affect the upstream industries, downstream industries or final consumers within the Union or impose a disproportionate burden on the process of administration of relevant national regulations, whilst ensuring effectiveness.	response measures, where it has been demonstrated, in light of the information-gathering exercise conducted pursuant to Article 11, that those other measures would not disproportionately affect the upstream industries, downstream industries or final consumers within the Union or impose a disproportionate burden on the process of administration of relevant national regulations, whilst ensuring effectiveness.
	Article 9(2d)			
Y	106f		2d. In conjunction with the first subparagraph, when selecting and designing a response measure, the Commission shall always take into account the level of harmonisation while preferring measures affecting procedures applied on a Union-wide basis or measures affecting procedures applied in an area where extensive Union legislation exists.	2d. In conjunction with the first subparagraph, when selecting and designing a response measure, the Commission shall always take into account the level of harmonisation while preferring measures affecting procedures applied on a Union-wide basis or measures affecting procedures applied in an area where extensive Union legislation exists.
	Article 9(2e)			
Y	106g			<u>2e. Union response measures taken according to the first subparagraph shall not interfere</u>

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				<u>with administrative decisions of Union and Member State authorities that are based on the evaluation of scientific evidence.</u>
	Article 9(2f)			
G	106h			deleted
	Article 9(3), first subparagraph			
Y	107	3. The Commission may decide to apply Union response measures under Articles 7 or 8 consisting of restrictions on foreign direct investment or on trade in services also with regard to services supplied, or direct investments made, within the Union by one or more legal persons established in the Union and owned or controlled by persons of the third country concerned where necessary to achieve the objectives of this Regulation. The Commission may decide on such application where Union response measures not covering such situations would be insufficient to effectively achieve the objectives of this Regulation, in particular where such measures could be avoided. In assessing whether to adopt such a decision the	3. The Commission may decide to apply Union response measures under Articles 7 or 8 consisting of restrictions on foreign direct investment or on trade in services supplied, or direct investments made, within the Union by one or more legal persons established in the Union and owned or controlled by persons of the third country concerned where necessary to achieve the objectives of this Regulation. The Commission may decide on such application where Union response measures not covering such situations would be insufficient to effectively achieve the objectives of this Regulation, in particular where <u>the effect of</u> such measures could be avoided <u>or circumvented</u> . In assessing whether	3. Where necessary to achieve the objectives of this Regulation, the Commission may decide to apply Union response measures under Articles 7 or 8 consisting of restrictions on foreign direct investment or on trade in services supplied, or direct investments made, within the Union by one or more legal persons established in the Union and owned or controlled by persons of the third country concerned where necessary to achieve the objectives of this Regulation. The Commission may decide on such the application whereof such Union response measures where not covering such situations would be insufficient to effectively achieve the objectives of this Regulation, in particular where
				3. Where necessary to achieve the objectives <u>objective</u> of this Regulation, the Commission may decide to apply Union response measures under Articles <u>Article/s</u> 7 or 8 <u>consisting of restrictions</u> on <u>access to</u> on foreign direct investment or on trade in services supplied, or direct investments made, within the Union by one or more legal persons established in the Union and owned or controlled by persons of the third country concerned. The Commission may decide on the application of such Union response measures where not covering such situations would be insufficient to effectively achieve the objectives of this Regulation, in particular where <u>the effect of</u> such measures could be avoided <u>or</u>

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	Commission shall consider, in addition to the criteria in paragraphs 1 and 2, amongst other things:	to adopt such a decision the Commission shall consider, in addition to the criteria in paragraphs 1 and 2, amongst other things:	such measures could be avoided- by the third country or the person concerned. In assessing whether to adopt such a decision the decision referred to in the first subparagraph , the Commission shall consider, in addition to the criteria in under paragraphs 1 and 2, amongst other things:	<u>circumvented</u> by the third country or the person concerned. In assessing whether to adopt the decision referred to in the first subparagraph, the Commission shall consider, in addition to the criteria under paragraphs 1 and 2, amongst other things:
Article 9(3), first subparagraph, point (a)				
108	(a) the patterns of trade in services and investment in the sector targeted by the envisaged Union response measures and the risk of avoidance of any Union response measures not applying to services supplied, or direct investments made, within the Union;	(a) the patterns of trade in services and investment in the sector targeted by the envisaged Union response measures and the risk of avoidance of any Union response measures not applying to services supplied, or direct investments made, within the Union;	(a) the patterns of trade in services and investment in the sector targeted by the envisaged Union response measures and the risk of avoidance by the third country or the person concerned of any Union response measures not applying to services supplied, or direct investments made, within the Union;	(a) the patterns of trade in services and investment in the sector targeted by the envisaged Union response measures and the risk of avoidance by the third country or the person concerned of any Union response measures not applying to services supplied, or direct investments made, within the Union;
Article 9(3), first subparagraph, point (b)				
109	(b) the effective contribution of such intra-Union restrictions to the objective of obtaining the cessation of the measure of economic coercion;	(b) the <u>possible</u> effective contribution of such intra-Union restrictions to the objective of obtaining the cessation of the measure of economic coercion;	(b) the effective contribution of such intra-Union restrictions referred to in the first subparagraph to the objective of obtaining the cessation to the objective of obtaining the cessation	(b) the <u>possible</u> effective contribution of such intra-Union restrictions referred to in the first subparagraph to the objective of obtaining the cessation of economic coercion <u>and obtaining the</u>

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			of the measure of economic coercion;	<u>reparation of the injury to the Union</u> ;
	Article 9(3), first subparagraph, point (c)			
Y	110 (c) the existence of alternative measures capable of achieving the objective of obtaining the cessation of the measure of economic coercion that are reasonably available and less restrictive of trade in services or investment within the Union.	(c) the existence of alternative measures capable of achieving the objective of obtaining the cessation of the measure of economic coercion that are reasonably available and less restrictive of trade in services or investment within the Union.	(c) the existence of alternative measures capable of achieving the objective of obtaining the cessation of the measure of economic coercion that are reasonably available and less restrictive of trade in services or investment within the Union.	(c) the existence of alternative measures capable of achieving the objective of obtaining the cessation of the <u>economic coercion [and obtaining the reparation of the injury to the Union]</u> measure of economic coercion that are reasonably available and less restrictive of trade in services or investment within the Union.
	Article 9(3), second subparagraph			
G	111 Any decision to apply restrictions with regard to services supplied, or direct investments made, within the Union by one or more legal persons established in the Union shall be duly justified in the implementing act referred to in paragraph 1 of Article 7 in light of the above criteria.	Any decision to apply restrictions with regard to services supplied, or direct investments made, within the Union by one or more legal persons established in the Union shall be duly justified in the implementing act referred to in paragraph 1 of Article 7 in light of the above criteria.	Any decision to apply restrictions with regard to services supplied, or direct investments made, within the Union by one or more legal persons established in the Union shall be duly justified in the implementing act referred to in paragraph 1 of Article 7(1) and in Article 78(1) in light of the above criteria criteria referred to in the third paragraph of this Article.	Any decision to apply restrictions with regard to services supplied, or direct investments made, within the Union by one or more legal persons established in the Union shall be duly justified in the implementing act referred to in Article 7(1) and in Article 8(1) in light of the criteria referred to in the third paragraph of this Article.
	Article 9(3a)			
G	111a			

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		<u>The Commission shall inform the European Parliament and the Council about the criteria for selecting and designing the Union response measures.</u>		<i>deleted</i>
Article 10				
112	Article 10 Amendment, suspension and termination of Union response measures	Article 10 Amendment, suspension and termination of Union response measures	Article 10 Amendment, suspension and termination of Union response measures	Article 10 Amendment, suspension and termination of Union response measures
Article 10(1)				
113	1. The Commission shall keep under review the measures of economic coercion deployed by a third country that have triggered the Union response measures, the effectiveness of the Union response measures adopted and their effects on the Union's interests and shall keep the European Parliament and the Council informed thereof.	1. The Commission shall keep under review the measures of economic coercion deployed by a third country that have triggered the Union response measures, the effectiveness of the Union response measures adopted and their effects on the Union's interests and shall keep the European Parliament and the Council <u>regularly</u> informed thereof.	1. The Commission shall keep under review the measures of economic coercion deployed by a third country that have triggered the Union response measures, the effectiveness of the Union response measures adopted and their effects on the Union's interests and shall keep the European Parliament and the Council informed thereof.	1. The Commission shall keep under review the measures of economic coercion deployed by a <u>the</u> third country that have <u>has</u> triggered the Union response measures, the effectiveness of the Union response measures adopted and their effects on the Union's interests and shall keep the European Parliament and the Council informed thereof <u>interest</u> .
Article 10(2)				
114	2. Where the third country concerned suspends the economic coercion, or where it is necessary in the Union's interest, the	2. Where the third country concerned <u>entirely</u> suspends the economic coercion, or where it is necessary in the Union's interest,	2. Where the third country concerned suspends the measures of economic coercion, or where it is necessary in the Union's interest	2. <u>Where</u> the third country concerned suspends the measures of economic coercion, or where it is necessary in the Union's interest

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	Commission may suspend the application of the respective Union response measure for the duration of the third country's suspension, or as long as necessary in light of the Union's interest. The Commission shall suspend the Union response measures if the third country concerned has offered, and the Union has concluded, an agreement to submit the matter to binding international third-party adjudication and the third country is also suspending its measures of economic coercion. The Commission shall, by means of an implementing act, decide to suspend the Union response measure. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).	the Commission may<u>shall</u> suspend the application of the respective Union response measure for the duration of the third country's suspension; or, where it is as long as <u>where it is as long as</u> necessary in light of <u>light of</u> the Union's interest, the Commission may suspend the application of Unions response measures for as long as necessary. <u>the Commission may suspend the application of Unions response measures for as long as necessary.</u> The Commission shall suspend the Union response measures if the third country concerned has offered, and the Union has concluded, an agreement to submit the matter to binding international third-party adjudication <u>as referred to in Article 5 and if</u> and the third country is also suspending <u>has also discontinued</u> its measures of economic coercion <u>and commits to support and abide by the third-party adjudication.</u> The Commission shall, by means of an implementing act, decide to suspend the Union response measure. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).	referred to in Article 7bis, the Commission may<u>shall</u> suspend the application of the respective Union response measure for the duration of the suspension of the measures of economic coercion by the third country's suspension, or as long as necessary in light of the Union's interest. The Commission shall suspend the Union response measures if Where the third country concerned has offered, and the Union or the Member State concerned has concluded, an agreement to submit the matter to binding international third-party adjudication and the third country is also suspending also suspends its measures of economic coercion, the Commission shall, by means of an implementing act, decide to suspend the Union response measure. These implementing acts shall be suspend the Union response measures for the duration of the proceedings. The Commission shall, by means of an implementing act adopted in accordance with the examination procedure referred to in Article 15(2), decide to suspend the Union response measure under this paragraph.	referred to in Article 7bis, the Commission shall suspend the application of the respective Union response measure for the duration of the suspension of the measures of economic coercion by the third country, or as long as necessary in light of the Union's interest. <u>'s suspension.</u> Where the third country concerned has offered, and the Union or the Member State concerned has concluded, an agreement to submit the matter to binding international third-party adjudication and the third country also suspends its measures of economic coercion, the Commission shall suspend the Union response measures for the duration of the proceedings. <u>Where adjudication or a settlement with the third country concerned requires implementation by the third country,</u> the Commission shall, by means of an implementing act adopted in accordance <u>suspend the Union response measures as long as the third country remains engaged in implementation in line with the</u> examination procedure referred to in <u>settlement or the adjudication.</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
				<u>The Commission shall suspend or resume the Union response measures where necessary in light of the Union interest determined pursuant to Article 15(2), decide to suspend the 7bis, or where necessary to facilitate continued engagement after the adoption of Union response measure under this paragraph measures pursuant to Article 5(4).</u> <u>The Commission shall act by means of an implementing act, in accordance with the examination procedure referred to in Article 15(2).</u>
Article 10(3)				
115	3. Where it is necessary to make adjustments to Union response measures taking into account the conditions and criteria laid down in Articles 2 and 9(2), or further developments, including the third country's reaction, the Commission may, as appropriate, amend Union response measures adopted in accordance with Article 7, by means of an implementing act, in accordance with the examination procedure referred to in Article 15(2).	3. Where it is necessary to make adjustments to Union response measures taking into account the conditions and criteria laid down in Articles 2 and 9(2), or further developments, including the third country's reaction, the Commission may<u>shall</u>, as appropriate, <u>swiftly</u> amend Union response measures adopted in accordance with Article 7, by means of an implementing act, in accordance with the examination procedure referred to in Article 15(2).	3. Where it is necessary to make adjustments to Union response measures taking into account the conditions and criteria laid down in ArticlesArticle 2 and paragraphs 2 and 9(2)3 of Article 9, or further developments, including the third country's reaction, the Commission may, as appropriate, amend Union response measures adopted in accordance with Article 7Articles 7 and 8, by means of an implementing act, in accordance	3. Where it is necessary to make adjustments to Union response measures taking into account the conditions and criteria laid down in ArticleArticles 2 and paragraphs 2 and 3 of Article9, or further developments, including the third country's reaction, the Commission may<u>shall</u>, as appropriate, amend Union response measures adopted in accordance with Articles 7 and 8Article 7, by means of an implementing act, in accordance

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
			with the examination procedure referred to in Article 15(2).	with the examination procedure referred to in Article 15(2).
	Article 10(4), first subparagraph			
G	116	4. The Commission shall terminate Union response measures under any of the following circumstances:	4. The Commission shall terminate Union response measures under any of the following circumstances:	4. The Commission shall terminate Union response measures under any of the following circumstances:
	Article 10(4), first subparagraph, point (a)			
G	117	(a) where the economic coercion has ceased;	(a) where the economic coercion has ceased;	(a) where the economic coercion has ceased <u>and the injury caused has been repaired;</u>
	Article 10(4), first subparagraph, point (aa)			
G	117a			<u>(aa) where the Council has decided pursuant to Article 4 to request reparation and the third country ceased the economic coercion but has not repaired the injury, unless it is necessary to achieve the objective of this Regulation, taking into account all circumstances of the particular case, to maintain the measures;</u>
	Article 10(4), first subparagraph, point (b)			
G	118			

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	(b) where a mutually agreed solution has otherwise been reached;	(b) where a mutually agreed solution has otherwise been reached;	(b) where a mutually agreed solution has otherwise been reached;	(b) where a mutually agreed solution has otherwise been reached;
Article 10(4), first subparagraph, point (c)				
119	(c) where a binding decision in international third-party adjudication in a dispute between the third country concerned and the Union or a Member State requires the withdrawal of the Union response measure;	(c) where a binding decision in international third-party adjudication in a dispute between the third country concerned and the Union or a Member State requires the withdrawal of the Union response measure <u>provided that the third country has taken concrete steps to implement the decision; or</u>	(c) where a binding decision in international third-party adjudication in a dispute between the third country concerned and the Union or a Member State requires the withdrawal of the Union response measure;	(c) where a binding decision in international third-party adjudication in a dispute <u>covering the matter of the economic coercion</u> between the third country concerned and the Union or a Member State requires the withdrawal of the Union response measure; <u>or</u>
Article 10(4), first subparagraph, point (d)				
120	(d) where it is appropriate in light of the Union's interest.	(d) where it is appropriate in light of the Union's interest.	(d) where it is appropriate in light of the Union's interest referred to in Article 7bis.	(d) where it is appropriate in light of the Union's interest <u>referred to in as determined pursuant to</u> Article 7bis.
Article 10(4), second subparagraph				
121	The termination of Union response measures adopted in accordance with Article 7 shall be decided, by means of an implementing act, in accordance with the examination procedure referred to in Article 15(2).	The termination of Union response measures adopted in accordance with Article 7 shall be decided, by means of an implementing act, in accordance with the examination procedure referred to in Article 15(2).	The termination of Union response measures adopted in accordance with Article 7 Articles 7 and 8 shall be decided, by means of an implementing act, in accordance with the examination procedure referred to in Article 15(2).	The termination of Union response measures adopted in accordance with Articles 7 and 8 <u>Article 7</u> shall be decided, by means of an implementing act, in accordance with the examination procedure referred to in Article 15(2).

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Article 10(5)				
122	5. On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts suspending, amending or terminating Union response measures adopted in accordance with Article 7. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 15(3) and they shall remain in force for a period not exceeding two months.	5. On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts suspending, amending or terminating or <u>amending</u> Union response measures adopted in accordance with Article 7. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 15(3) and they shall remain in force for a period not exceeding two months, <u>after which an implementing act referred to in paragraphs 2, 3 or 4 may be adopted as appropriate. The Commission shall keep the European Parliament informed without delay about the decision and its justification.</u>	5. On duly justified imperative grounds of urgency, such as avoiding irreparable damage to the Union or a Member State or continuing to ensure consistency with the Union's obligations under international law pursuant to the suspension or cessation of measures of economic coercion from the third country concerned, the Commission shall adopt immediately applicable implementing acts suspending, amending or terminating Union response measures adopted in accordance with Article 7 Articles 7 and 8 . Those implementing acts shall be adopted in accordance with the procedure referred to in Article 15(3) and they shall remain in force for a period not exceeding two months.	5. On duly justified imperative grounds of urgency, such as avoiding irreparable damage to the Union or a Member State or continuing to ensure consistency with the Union's obligations under international law pursuant to the suspension or cessation of measures of the economic coercion from of <u>of the</u> the third country concerned, the Commission shall adopt immediately applicable implementing acts suspending, amending or terminating or <u>amending</u> Union response measures adopted in accordance with Articles 7 and 8 <u>Article 7</u> . Those implementing acts shall be adopted in accordance with the procedure referred to in Article 15(3) and they shall remain in force for a period not exceeding two months.
Article 11				
123	Article 11 Information gathering related to Union response measures	Article 11 Information gathering related to Union response measures	Article 11 Information gathering related to Union response measures	Article 11 Information gathering related to Union response measures
Article 11(1)				
124				

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	1. Before the adoption of Union response measures or the amendment of such measures, the Commission shall, and before the suspension or termination of such measures, respectively, the Commission may, seek information and views regarding the economic impact on Union operators and Union's interest, through a notice published in the Official Journal of the European Union or through other suitable public communication means. The notice shall indicate the period within which the input is to be submitted.	1. Before the adoption of Union response measures or the amendment of such measures, the Commission shall, and before the suspension or termination of such measures, respectively, the Commission may, seek information and views regarding the economic impact on Union operators and Union's interest <i>as necessary</i> , through a notice published in the Official Journal of the European Union or through other suitable public communication means. The notice shall indicate the period within which the input is to be submitted.	1. Before the adoption of Union response measures or the amendment of such Union response measures, the Commission shall, and before the suspension or termination of such measures, respectively, the Commission may, seek information and views regarding the economic impact on Union economic operators and Union's interest, through a notice published in the Official Journal of the European Union and, where appropriate, Official Journal of the European Union or through other suitable public communication means. The notice shall indicate the period within which the input is to be submitted.	1. Before the adoption or amendment of Union response measures, the Commission shall, and before the suspension or termination of such measures, respectively, the Commission may, seek information and views regarding the economic impact on Union economic operators and Union's interest , through a notice published in the <i>Official Journal of the European Union</i> -and, where appropriate, through other suitable public communication means. The notice shall indicate the period within which the input is to be submitted.
Article 11(2)				
125	2. The Commission may start the information gathering at any time it deems appropriate.	2. The Commission may start the information gathering at any time it deems appropriate.	2. The Commission may start the information gathering at any time it deems appropriate.	2. The Commission may start the information gathering at any time it deems appropriate.
Article 11(3)				
126	3. In conducting the information gathering under paragraph 1, the Commission shall inform and consult stakeholders, in particular industry associations, affected by possible Union response measures,	3. In conducting the information gathering under paragraph 1, the Commission shall inform and consult stakeholders, in particular industry associations <i>and Union social partners</i> , affected by possible	3. In conducting the information gathering under paragraph 1, the Commission shall inform and consult stakeholders, in particular industry associations associations acting on behalf of Union	3. In conducting the information gathering under paragraph 1, the Commission shall inform and consult stakeholders, in particular associations acting on behalf of Union economic operators, <i>and</i>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	and Member States involved in the preparation or implementation of legislation regulating the affected fields.	Union response measures, and Member States involved in the preparation or implementation of legislation regulating the affected fields.	economic operators , affected by possible Union response measures, and Member States' authorities involved in the preparation or implementation of legislation regulating the affected fields.	<u>trade unions</u> , affected by possible Union response measures, and Member States' authorities involved in the preparation or implementation of legislation regulating the affected fields.
Article 11(4)				
127	4. Without unduly delaying the adoption of Union response measures, the Commission shall, in particular, seek information on:	4. Without unduly delaying the adoption of Union response measures, the Commission shall, in particular, seek information on:	4. Without unduly delaying the adoption of Union response measures, the Commission shall identify possible options for Union response measures and , in particular, seek information and views on:	4. Without unduly delaying the adoption of Union response measures, the Commission shall identify possible options for Union response measures and, in particular, seek information and views on:
Article 11(4), point (a)				
128	(a) the impact of such measures on third-country actors or Union competitors, users or consumers or on Union employees, business partners or clients of such actors;	(a) the impact of such measures on third-country actors or Union competitors, users or consumers or on Union employees, business partners or clients of such actors;	(a) the impact of such measures on third-country actors or Union economic operators' competitors, users or consumers or on Union employees, business partners or clients of such actors;	(a) the impact of such measures on third-country actors or Union <u>economic operators'</u> competitors <u>and their competitors in the Union</u> , users, <u>consumers or employees in the</u> or consumers or on Union employees , business partners or clients of such <u>third-country</u> actors <u>in the Union</u> ;
Article 11(4), point (b)				
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	(b) the interaction of such measures with relevant Member State legislation;	(b) the interaction of such measures with relevant <u>Union and</u> Member State legislation;	(b) the interaction of such measures with relevant Member State legislation;	(b) the interaction of such measures with relevant Member State legislation;
Article 11(4), point (c)				
130	(c) the administrative burden which may be occasioned by such measures;	(c) the administrative burden which may be occasioned by such measures;	(c) the administrative burden which may be occasioned by such measures;	(c) the administrative burden which may be occasioned by such measures;
Article 11(4), point (d)				
131	(d) the Union's interest.	(d) the Union's interest <u>effect of such measures on diminishing the negative impact of the third country's coercive measures.</u>	(d) the Union's interest referred to in Article 7bis.	
Article 11(5)				
132	5. The Commission shall take utmost account of the information gathered during the information gathering exercise. An analysis of the envisaged measures shall accompany the draft implementing act when submitted to the committee in the context of the examination procedure referred to in Article 15(2).	5. The Commission shall take utmost account of the information gathered during the information gathering exercise. An analysis of the envisaged measures <u>and their potential impacts</u> shall accompany the draft implementing act when submitted to the committee in the context of the examination procedure referred to in Article 15(2). <u>The Commission shall inform the European Parliament of such analysis in accordance</u>	5. The Commission shall take utmost account of the information gathered during the information gathering exercise. An analysis of the envisaged measures shall accompany the draft implementing act when submitted to the committee in the context of the examination procedure referred to in Article 15(2). That analysis shall include a thorough assessment of impact on both upstream and downstream industries and final consumers	5. The Commission shall take utmost account of the information gathered during the information gathering exercise. An analysis of the envisaged measures <u>and their potential impacts</u> shall accompany the draft implementing act when submitted to the committee in the context of the examination procedure referred to in Article 15(2). That analysis shall include a thorough assessment of impact on both upstream and downstream industries and final consumers

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
		<u>with Article 10 of Regulation (EU) No 182/2011.</u>	within the Union and, if relevant, point out any potential disproportionate effects.	within the Union and, if relevant, point out any potential disproportionate effects.
Article 11(6)				
133	6. Prior to the adoption of an implementing act in accordance with Article 7(6) or Article 10(5), the Commission shall seek information and views from relevant stakeholders in a targeted manner, unless the imperative grounds of urgency are such that information seeking and consultations are not possible or not needed for objective reasons, for instance to ensure compliance with international obligations of the Union.	6. <u>The Commission shall seek information and views from relevant stakeholders especially the economic operators affected by the economic coercion, as a general principle</u> prior to the adoption of an implementing act in accordance with Article 7(6) or Article 10(5), the Commission shall seek information and views from relevant stakeholders in a targeted manner, unless the <u>exceptional situation of</u> imperative grounds of urgency are such that information seeking and consultations are not possible or not needed for objective reasons, for instance to ensure compliance with international obligations of the Union.	6. Prior to the adoption of an implementing act in accordance with Article 7(6) or Article 10(5), the Commission shall seek information and views from relevant stakeholders in a targeted manner, unless the imperative grounds of urgency are such that information seeking and consultations are not possible or not needed for objective reasons, for instance to ensure compliance with international obligations of the Union.	6. Prior to the adoption of an implementing act in accordance with Article 10(5), the Commission shall seek information and views from relevant stakeholders in a targeted manner <u>The Commission shall seek information and views in a targeted manner from relevant stakeholders prior to the adoption of an implementing act in accordance with Article 10(5), unless the exceptional situation of</u> imperative grounds of urgency are such that information seeking and consultations are not possible or not needed for objective reasons, for instance to ensure compliance with international obligations of the Union.
Article 11a				
133a		<u>Article 11a</u> <u>The Chief Trade Enforcement Officer</u> <u>The Chief Trade Enforcement Officer (CTEO) shall be responsible for the implementation</u>		<u>Article 11a</u> <u>Single contact point</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
		<u>of this Regulation and its coordination with other tools related to anti-coercion such as the Blocking Statute^{1a}. For the purposes of this Regulation, the CTEO shall:</u> <u>(a) gather information and provide cost and data analyses with a view to determining the nature of economic coercion measures;</u> <u>(b) act, in full compliance with the principle of confidentiality, as the main contact point for EU businesses and private sector stakeholders affected by economic coercion measures, including with regard to assistance to be provided in the context of ongoing economic coercion;</u> <u>^{1a} Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom (OJ L 309, 29.11.1996, p. 1.) (57).</u>		
	Article 11a(1)			
G	133b			<u>1. There shall be a single contact point within the Commission in relation to the application of this</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)	
				<u>Regulation and its coordination with any relevant acts.</u>	
	Article 11a(2)				
G	133c			<u>2. For the purposes of this Regulation, the Commission shall:</u>	G
	Article 11a(2), point (a)				
G	133d			<u>(a) gather information and provide cost and data analyses with a view to determining the nature of the economic coercion ;</u>	G
	Article 11a(2), point (b)				
G	133e			<u>(b) act, in full compliance with the principle of confidentiality, as the main contact point for Union businesses and private stakeholders affected by the economic coercion at stake, including with regard to assistance to be provided in the context of ongoing economic coercion;</u>	G
	Article 12				
G	134	Article 12	Article 12	Article 12	G

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	Confidentiality	Confidentiality	Confidentiality	Confidentiality
Article 12(1)				
135	1. Information received pursuant to this Regulation shall be used only for the purpose for which it was requested.	1. Information received pursuant to this Regulation shall be used only for the purpose for which it was <u>supplied</u> , requested, <u>or obtained</u> .	1. Information received pursuant to this Regulation shall be used only for the purpose for which it was requested.	1. Information received pursuant to this Regulation shall be used only for the purpose for which it was <u>supplied</u> , requested, <u>or obtained</u> .
Article 12(2)				
136	2. The supplier of information may request that information supplied be treated as confidential. In such cases, it shall be accompanied by a non-confidential summary or a statement of the reasons why the information cannot be summarised. The Commission, the Council, the European Parliament, Member States or their officials shall not reveal any information of a confidential nature received pursuant to this Regulation, without specific permission from the supplier of such information.	2. The supplier of information may request that information supplied be treated as confidential. In such cases, it shall be accompanied by a non-confidential <u>but meaningful</u> summary or a statement of the reasons why the information cannot be summarised. The Commission, the Council, the European Parliament, Member States or their officials shall not reveal <u>are prohibited from revealing</u> any information of a confidential nature received pursuant to this Regulation, without specific permission from the supplier of such information.	2. The supplier of information may request that such information supplied be treated as confidential. In such cases, it shall be accompanied by a non-confidential summary of the information concerned or a statement of the reasons explaining why the information concerned cannot be summarised. The Commission, the Council, the European Parliament, Member States or their officials shall not reveal any information of a confidential nature received pursuant to this Regulation, without specific permission from the supplier of such information.	2. The supplier of information may request such information be treated as confidential. In such cases, it shall be accompanied by a non-confidential <u>and meaningful</u> summary of the information concerned or a statement of the reasons explaining why the information concerned cannot be summarised. The Commission, the Council, the European Parliament, Member States or their officials shall not reveal any information of a confidential nature received pursuant to this Regulation, without specific permission from the supplier of such information.
Article 12(3)				
137	3. Paragraph 2 shall not preclude the Commission to disclose general	3. Paragraph 2 shall not preclude the Commission to disclose general	3. Paragraph 2 shall not preclude the Commission to disclose from	3. Paragraph 2 shall not preclude the Commission from disclosing

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	information in a summary form, which does not contain information allowing to identify the supplier of the information. Such disclosure shall take into account the legitimate interest of the parties concerned in not having confidential information disclosed.	information in a summary <i>but meaningful</i> form, which does not contain information allowing to identify the supplier of the information. Such disclosure shall take into account the legitimate interest of the parties concerned in not having confidential information disclosed.	disclosing general information in a summary form, which provided that such disclosure does not contain information allowing to identify the identity of the supplier of the information to be known . Such disclosure shall take into account the legitimate interest of the parties concerned in not having confidential information disclosed.	general information in summary <i>but meaningful</i> form, provided that such disclosure does not contain information allowing the identity of the supplier of the information to be known. Such disclosure shall take into account the legitimate interest of the parties concerned in not having confidential information disclosed.
Article 12(3a)				
137a				<i><u>3a. Member States officials obtaining information under this Regulation shall be subject to a duty of professional secrecy with regard to any confidential information which has come to their knowledge in the course of the performance of their official duties. A secure and encrypted system shall be provided by the Commission to support direct cooperation and exchange of information with Member States officials.</u></i>
Article 13				
138	Article 13 Rules of origin	Article 13 Rules of origin	Article 13 Rules of origin and nationality	Article 13 Rules of origin and nationality
Article 13(1)				

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
G	139	1. The origin or nationality of a good, service, service provider, investment or intellectual property rightholder shall be determined in accordance with Annex II.	1. The origin or nationality of a good, service, service provider, investment or intellectual property rightholder shall be determined in accordance with Annex II.	1. The origin or nationality of a good, service, service provider, investment or intellectual property rightholder shall be determined in accordance with Annex II.
Article 13(2)				
Y	140	2. The Commission is empowered to adopt delegated acts in accordance with Article 14 to amend points 2 to 4 of Annex II in order to amend the rules of origin and add any other technical rules necessary for the application of the Regulation, to ensure its effectiveness and to take account of relevant developments in international instruments and experience in the application of measures under this Regulation or other Union acts.	2. The Commission is empowered to adopt delegated acts in accordance with Article 14 to supplement or amend points 2 to 4 and 3 of Annex II in order to amend the rules of origin and add any other technical rules necessary for the application of the Regulation, to ensure its effectiveness and to take account of relevant developments in international instruments and experience in the application of measures under this Regulation or other Union acts.	2. The Commission is empowered to adopt delegated acts in accordance with Article 14 to supplement or amend <u>[points 2 and 3 to 4]</u> of Annex II to take account of relevant developments in international instruments and <u>experience in the application of this Regulation or other Union acts.</u>
Article 14				
G	141	Article 14 Delegated Acts	Article 14 Delegated Acts	Article 14 Delegated Acts
Article 14(1)				
G	142			

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
Article 14(2)				
143	2. The power to adopt delegated acts referred to in Articles 7(7) and 13(2) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force].	2. The power to adopt delegated acts referred to in Articles 7(7) and 13(2) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force].	2. The power to adopt delegated acts referred to in Articles 7(7) and Article 13(2) shall be conferred on the Commission for an indeterminate five years from [date of entry into force of this Regulation]. Such delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in - Article 13(2) shall be conferred on the Commission for a period of five years from the the date of entry into force of this Regulation . Such delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
Article 14(3)				
144	3. The delegation of power referred to in Articles 7(7) and 13(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European	3. The delegation of power referred to in Articles 7(7) and 13(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European	3. The delegation of power referred to in Articles 7(7) and Article 13(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European	3. The The delegation of power referred to in - Article 13(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <u>Official Journal of the European</u>

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	Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	Union <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
Article 14(4)				
145	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
Article 14(5), first subparagraph				
146	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
Article 14(5), second subparagraph				
147	A delegated act adopted pursuant to Articles 7(7) and 13(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to	A delegated act adopted pursuant to Articles 7(7) and 13(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to	A delegated act adopted pursuant to Articles 7(7) and Article 13(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to	A delegated act adopted pursuant to Article 13(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.
Article 15				
148	Article 15 Committee procedure	Article 15 Committee procedure	Article 15 Committee procedure	Article 15 Committee procedure
Article 15(1)				
149	1. The Commission shall be assisted by a Committee. That committee shall be a committee within the meaning of Article 3 of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a Committee. That committee shall be a committee within the meaning of Article 3 of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a Committee. That committee shall be a committee within the meaning of Article 3 of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a Committee. That committee shall be a committee within the meaning of Article 3 of Regulation (EU) No 182/2011.
Article 15(2)				
150	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
			Article 5(4) of Regulation (EU) No 182/2011 shall apply.	Article 5(4) of Regulation (EU) No 182/2011 shall apply.
Article 15(3)				
G	151	3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 in conjunction with Article 5 thereof, shall apply.	3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 in conjunction with Article 5 thereof, shall apply.	3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 in conjunction with Article 5 thereof, shall apply.
Article 15a				
G	151a		Article 15bis --	Article 15bis deleted
Article 15a(1)				
G	151b		1. Member States officials obtaining information under this Regulation shall be subject to a duty of professional secrecy with regard to any confidential information which has come to their knowledge in the course of the performance of their official duties. A secure and encrypted system shall be provided by the Commission to support direct cooperation and exchange of information with Member States officials.	deleted

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Article 16				
152	Article 16 Review	Article 16 <u>Reporting and</u> Review	Article 16 Review	Article 16 <u>Reporting and</u> Review
Article 16(1)				
153	1. The Commission shall evaluate any Union response measure adopted pursuant to Article 7 six months after its termination, taking into account stakeholder input and any other relevant information. The evaluation report shall examine the effectiveness and operation of the Union response measure, and draw possible conclusions for future measures.	1. The Commission shall evaluate any Union response measure adopted pursuant to Article 7 six months after its termination, taking into account stakeholder input, <u>and information provided by the European Parliament and the Council</u>, and any other relevant information. The <u>Commission shall publish every year an</u> evaluation report <u>shall examine in which it examines</u> the effectiveness and operation of the Union response measure, and draw possible conclusions for future measures. <u>The Commission shall present such report to the European Parliament and the Council.</u>	1. The Commission shall evaluate any Union response measure adopted pursuant to Article 7 Articles 7 and 8 six months after its termination, taking into account stakeholder input and any other relevant information. The and shall report to the European Parliament and the Council. In this evaluation report the Commission shall examine the effectiveness and operation of the Union response measure, and, where appropriate, draw draw possible conclusions for future Union response measures and the review of this regulation pursuant to paragraph 2.	1. The Commission shall evaluate any Union response measure adopted pursuant to Articles 7 and 8 six months after its termination, taking into account stakeholder input and any other relevant information and shall report to the European Parliament and the Council. In this evaluation the Commission shall examine the effectiveness and operation <u>keep the European Parliament and the Council informed, regularly and in a timely manner, of relevant developments in the application of this Regulation at the stage of examination, including its launch, of engagement with the third country concerned and international cooperation, and in the period during which Union response measures are in force. In light of the Union response measure information received, the European Parliament or the Council may invite the Commission for an exchange of</u>

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
				<u>views where appropriate. The European Parliament may express its views via any appropriate means</u> and, where appropriate, draw conclusions for future Union response measures and the review of this regulation pursuant to paragraph 2.
Article 16(1a)				
Y	153a			<u>1a. The Commission shall evaluate Union response measures adopted pursuant to Article 7 six months after their termination, taking into account stakeholder input, and information provided by the European Parliament and the Council, and any other relevant information, and shall report to the European Parliament and the Council. In this evaluation report the Commission shall examine the effectiveness and operation of the Union response measure, and, where appropriate, draw possible conclusions for future Union response measures and the review of this regulation pursuant to paragraph 2.</u>
Article 16(2)				
G	154			

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	2. No later than three years after the adoption of the first implementing act under this Regulation or six years after the entry into force of this Regulation, whichever is earlier, the Commission shall review this Regulation and its implementation and shall report to the European Parliament and the Council.	2. No later than three years after the adoption of the first implementing act under <u>entry into force of</u> this Regulation, <u>and at the latest every four years thereafter</u> or six years after the entry into force of this Regulation, whichever is earlier , the Commission shall review this Regulation and its implementation, <u>in particular, in ensuring complementarity with the review of the Blocking Statute</u> and shall report to the European Parliament and the Council <u>notably in the relevant reporting of the Chief Trade Enforcement Officer</u> .	2. No later than three years after the adoption of the first implementing act under this Regulation or six <u>five</u> years after the date of entry into force of this Regulation, whichever is earlier, and every five years thereafter , the Commission shall review this Regulation and its implementation and shall report to the European Parliament and the Council. In the course of such review, the Commission shall give particular consideration to any issues which may arise as regards the relationship of this Regulation to other existing Union instruments.	2. No later than three years after the adoption of the first implementing act under this Regulation <u>pursuant Article 4</u> or five years after the date of entry into force of this Regulation, whichever is earlier, and every five years thereafter, the Commission shall review this Regulation and its implementation and shall report to the European Parliament and the Council. In the course of such review, the Commission shall give particular consideration to any issues which may arise as regards the relationship of this Regulation to other existing Union instruments.
	Article 17			
G	155	Article 17 Entry into force	Article 17 Entry into force	Article 17 Entry into force
	Article 17, first paragraph			
G	156	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
	Article 17, second paragraph			
G	157			

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)	
	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	
	Formula				
G	158	Done at Brussels,	Done at Brussels,	Done at Brussels,	G
	Formula				
G	159	For the European Parliament	For the European Parliament	For the European Parliament	G
	Formula				
G	160	The President	The President	The President	G
	Formula				
G	161	For the Council	For the Council	For the Council	G
	Formula				
G	162	The President	The President	The President	G
	Annex I				
	162.1	Annex I			
	Annex I, first paragraph				

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G	163	Union response measures pursuant to Articles 7 and 8	Union response measures pursuant to Articles 7 and 8	Union response measures pursuant to Articles 7 and 8	G
Annex I, second paragraph					
Y	164	Measures which may be adopted pursuant to Articles 7 and 8 are:	Measures which may be adopted pursuant to Articles 7 and 8 are:	Measures which may be adopted pursuant to Articles 7 and 8 <u>are: Article 7 are:</u>	Y
Annex I, second paragraph, point (a)					
G	165	(a) the suspension of any tariff concessions, as necessary, and the imposition of new or increased customs duties, including the re-establishment of customs duties at the most-favoured-nation level or the imposition of customs duties beyond the most-favoured-nation level, or the introduction of any additional charge on the importation or exportation of goods;	(a) the suspension of any tariff concessions, as necessary, and the imposition of new or increased customs duties, including the re-establishment of customs duties at the most-favoured-nation level, or the introduction of any additional charge on the importation or exportation of goods;	(a) the suspension of non-performance of applicable international obligations as regards any tariff concessions, as necessary, and the imposition of new or increased customs duties, including the re-establishment of customs duties at the most-favoured-nation level or the imposition of customs duties beyond the most-favoured-nation level, or the introduction of any additional charge on the importation or exportation of goods;	G
Annex I, second paragraph, point (b)					
G	166	(b) the suspension of applicable international obligations, as necessary, and the introduction or increase of restrictions on the	(b) the suspension non-performance of applicable international obligations, as necessary, and the introduction or	(b) the non-performance of of applicable international obligations, as necessary, and the introduction or increase of restrictions on the	G

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	importation or exportation of goods, whether made effective through quotas, import or export licences or other measures, or on the payment for goods;	importation or exportation of goods, whether made effective through quotas, import or export licences or other measures, or on the payment for goods;	increase of restrictions on the importation or exportation of goods, whether made effective through quotas, import or export licences or other measures, or on the payment for goods;	importation or exportation of goods, <u>including, where appropriate, on export control goods</u> , whether made effective through quotas, import or export licences or other measures, or on the payment for goods;
Annex I, second paragraph, point (c)				
G 167	(c) the suspension of applicable international obligations, as necessary, and the introduction of restrictions on trade in goods made effective through measures applying to transiting goods or internal measures applying to goods.	(c) the suspension of applicable international obligations, as necessary, and the introduction of restrictions on trade in goods made effective through measures applying to transiting goods or internal measures applying to goods.	(c) the suspension non-performance of applicable international obligations, as necessary, and the introduction of restrictions on trade in goods made effective through measures applying to transiting goods or internal measures applying to goods.	(c) the non-performance of applicable international obligations, as necessary, and the introduction of restrictions on trade in goods made effective through measures applying to transiting goods or internal measures applying to goods.
Annex I, second paragraph, point (d)				
G 168	(d) the suspension of applicable international obligations concerning the right to participate in tender procedures in the area of public procurement, as necessary, and:	(d) the suspension of applicable international obligations concerning the right to participate in tender procedures in the area of public procurement, as necessary, and:	(d) the suspension non-performance of applicable international obligations concerning the right to participate in tender procedures in the area of public procurement, as necessary, and:	(d) the non-performance of applicable international obligations concerning the right to participate in tender procedures in the area of public procurement, as necessary, and:
Annex I, second paragraph, point (d)(i)				
Y 169	(i) the exclusion from public procurement of goods, services or suppliers of goods or services of the third country concerned or the	(i) the exclusion from public procurement of goods, services or suppliers of goods or services of the third country concerned or the	(i) the exclusion from public procurement of goods, services or suppliers of goods or services of the third country concerned or the	(i) the exclusion from public procurement of goods, services or suppliers of goods or services of the third country concerned or the

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	exclusion of tenders the total value of which is made up of more than a specified percentage of goods or services of the third country concerned; and/or	exclusion of tenders the total value of which is made up of more than a specified percentage of goods or services of the third country concerned; and/or	exclusion of tenders the total value of which is made up of more than a specified percentage 50 % of goods or services of originating in the third country concerned; and/or	exclusion of tenders the total value of which is made up of more than 50 % a [50%] [specified percentage] of goods or services originating in the third country concerned; and/or
Annex I, second paragraph, point (d)(ii)				
170	(ii) the imposition of a mandatory price evaluation weighting penalty¹ on tenders of goods, services or suppliers of goods or services of the third country concerned. 1. Mandatory price evaluation weighting penalty means an obligation for contracting authorities or entities conducting public procurement procedures to increase, subject to certain exceptions, the price of goods or services falling under this paragraph that have been offered in contract award procedures.	(ii) the imposition of a mandatory price evaluation weighting penalty¹ on tenders of goods, services or suppliers of goods or services of the third country concerned. 1. Mandatory price evaluation weighting penalty means an obligation for contracting authorities or entities conducting public procurement procedures to increase, subject to certain exceptions, the price of goods or services falling under this paragraph that have been offered in contract award procedures.	(ii) the imposition of a mandatory price evaluation weighting penalty score adjustment¹ on tenders of goods, services or suppliers of goods or services of the third country concerned. 1. Mandatory price evaluation weighting penalty Score adjustment means an obligation for contracting authorities or entities conducting public procurement procedures to increase relatively diminish, subject to certain exceptions, the price of goods or services falling under this paragraph that have been offered in score of a tender resulting from its evaluation, on the basis of the contract award criteria defined in the relevant public procurement documents, by a given percentage. In cases where price or cost is the only contract award procedures criterion, the score adjustment means the relative increase, for the purpose of the evaluation of tenders, by a given percentage of the price offered by a tenderer.	(ii) the imposition of a score adjustment¹ on tenders of goods, services or suppliers of goods or services of the third country concerned. <u>1. Score adjustment means an obligation for contracting authorities or entities conducting public procurement procedures to increase relatively diminish, subject to certain exceptions, the score of a tender resulting from its evaluation, on the basis of the contract award criteria defined in the relevant public procurement documents, by a given percentage. In cases where price or cost is the only contract award criterion, the score adjustment means the relative increase, for the purpose of the evaluation of tenders, by a given percentage of the price offered by a tenderer.]</u> <i>1. Score adjustment means an obligation for contracting authorities or entities</i>

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				<i>conducting public procurement procedures to increase relatively diminish, subject to certain exceptions, the score of a tender resulting from its evaluation, on the basis of the contract award criteria defined in the relevant public procurement documents, by a given percentage. In cases where price or cost is the only contract award criterion, the score adjustment means the relative increase, for the purpose of the evaluation of tenders, by a given percentage of the price offered by a tenderer.</i> Text Origin: COM compromise proposal 27/4
Annex I, third paragraph				
G	171	Origin shall be determined on the basis of Annex II;	Origin shall be determined on the basis of Annex II;	Origin shall be determined on the basis of Annex II;
Annex I, fourth paragraph				
G	172	(e) the suspension of applicable international obligations, as necessary, and the imposition of restrictions on the exportation of goods falling under the Union export control regime;	(e) the suspension of applicable international obligations, as necessary, and the imposition of restrictions on the exportation of goods falling under the Union export control regime;	<i>deleted</i>
Annex I, fifth paragraph				
G	173	(f) the suspension of applicable international obligations regarding trade in services, as necessary, and	(f) the suspension-non-performance of applicable international obligations regarding	(f) the non-performance of applicable international obligations regarding trade in services, as

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	the imposition of measures affecting trade in services;	the imposition of measures affecting trade in services;	trade in services, as necessary, and the imposition of measures affecting trade in services;	necessary, and the imposition of measures affecting trade in services;
Annex I, sixth paragraph				
174	(g) the suspension of applicable international obligations, as necessary, and the imposition of measures affecting foreign direct investment;	(g) the suspension of applicable international obligations, as necessary, and the imposition of measures affecting foreign direct investment;	(g) the suspension non-performance of applicable international obligations, as necessary, and the imposition of measures affecting the access of foreign direct investment to the Union;	(g) the non-performance of applicable international obligations, as necessary, and the imposition of measures affecting the access of foreign direct investment to the Union;
Annex I, seventh paragraph				
175	(h) the suspension of applicable international obligations with respect to trade-related aspects of intellectual property rights, as necessary, and the imposition of restrictions on the protection of such intellectual property rights or their commercial exploitation, in relation to right-holders who are nationals of the third country concerned;	(h) the suspension of applicable international obligations with respect to trade-related aspects of intellectual property rights, as necessary, and the imposition of restrictions on the protection of such intellectual property rights or their commercial exploitation, in relation to right-holders who are nationals of the third country concerned;	(h) the suspension non-performance of applicable international obligations with respect to trade-related aspects of intellectual property rights granted by a Union institution or agency and valid throughout the Union, as necessary, and the imposition of restrictions on the protection of such intellectual property rights or their commercial exploitation, in relation to right-holders who are nationals of the third country concerned;	(h) the non-performance of applicable international obligations with respect to trade-related aspects of intellectual property rights granted by a Union institution or agency and valid throughout the Union, as necessary, and the imposition of restrictions on the protection of such intellectual property rights or their commercial exploitation, in relation to right-holders who are nationals of the third country concerned;
Annex I, eighth paragraph				
176				

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	(i) the suspension of applicable international obligations with respect to financial services, as necessary, and the imposition of restrictions for banking, insurance, access to Union capital markets and other financial service activities;	(i) the suspension of applicable international obligations with respect to financial services, as necessary, and the imposition of restrictions for banking, insurance, access to Union capital markets and other financial service activities;	(i) the suspension non-performance of applicable international obligations with respect to financial services, as necessary, and the imposition of restrictions for banking, insurance, access to Union capital markets and other financial service activities;	(i) the non-performance of applicable international obligations with respect to financial services, as necessary, and the imposition of restrictions for banking, insurance, access to Union capital markets and other financial service activities;
Annex I, ninth paragraph				
177	(j) the suspension of applicable international obligations with respect to the treatment of goods, as necessary, and the imposition of restrictions on registrations and authorisations under the chemicals legislation of the Union;	(j) the suspension of applicable international obligations with respect to the treatment of goods, as necessary, and the imposition of restrictions on registrations and authorisations under the chemicals legislation of the Union;	<i>deleted</i>	(j) <u>the non-performance of applicable international obligations, as necessary, and the introduction or increase of restrictions on the possibility to place on the market goods falling under the Union's chemicals legislation;</u>
Annex I, tenth paragraph				
178	(k) the suspension of applicable international obligations with respect to the treatment of goods, as necessary, and the imposition of restrictions on registrations and authorisations related to the sanitary and phytosanitary legislation of the Union;	(k) the suspension of applicable international obligations with respect to the treatment of goods, as necessary, and the imposition of restrictions on registrations and authorisations related to the sanitary and phytosanitary legislation of the Union;	<i>deleted</i>	(k) <u>the non-performance of applicable international obligations, as necessary, and the introduction or increase of restrictions on the possibility to place on the market goods falling under the Union's sanitary and phytosanitary legislation;</u>
Annex I, eleventh paragraph				
179				

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	(l) the suspension of applicable international obligations, as necessary, and the imposition of restrictions on access to Union-funded research programmes or exclusion from Union-funded research programmes.	(l) the suspension of applicable international obligations, as necessary, and the imposition of restrictions on access to Union-funded research programmes or exclusion from Union-funded research programmes.	<i>deleted</i>	<i>deleted</i>
<i>Annex II</i>				
179.1	<i>Annex II</i>			
<i>Annex II, first paragraph</i>				
180	Rules of Origin	Rules of Origin	Rules of Origin and Nationality	Rules of Origin and Nationality
<i>Annex II, point 1.</i>				
181	1. The origin of a good shall be determined in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council.¹ ¹ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).	1. The origin of a good shall be determined in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council.¹ ¹ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).	1. The origin of a good shall be determined in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council.¹ ¹ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).	1. The origin of a good shall be determined in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council.¹ ¹ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).
<i>Annex II, point 2.</i>				
182	2. The origin of a service, including a service supplied in the area of	2. The origin of a service, including a service supplied in the area of	2. The origin of a service, including a service supplied in the area of	2. The origin of a service, including a service supplied in the area of

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	public procurement, shall be determined on the basis of the origin of the natural or legal person providing it. The origin of the service provider shall be deemed to be:	public procurement, shall be determined on the basis of the origin of the natural or legal person providing it. The origin of the service provider shall be deemed to be:	public procurement, shall be determined on the basis of the origin of the natural or legal person providing it. The origin nationality of the service provider shall be deemed to be:	public procurement, shall be determined on the basis of the origin of the natural or legal person providing it. The nationality of the service provider shall be deemed to be:
Annex II, point 2.(a)				
183	(a) in the case of a natural person, the country of which the person is a national or where the person has a right of permanent residence;	(a) in the case of a natural person, the country of which the person is a national or where the person has a right of permanent residence;	(a) in the case of a natural person, the country of which the person is a national or where the person has a right of permanent residence;	(a) in the case of a natural person, the country of which the person is a national or where the person has a right of permanent residence;
Annex II, point 2.(b)				
184	(b) in the case of a legal person any of the following:	(b) in the case of a legal person any of the following:	(b) in the case of a legal person any of the following:	(b) in the case of a legal person any of the following:
Annex II, point 2.(b)(i)				
185	(i) if the service is provided other than through a commercial presence within the Union, the country where the legal person is constituted or otherwise organised under the laws of that country and in the territory of which the legal person is engaged in substantive business operations;	(i) if the service is provided other than through a commercial presence within the Union, the country where the legal person is constituted or otherwise organised under the laws of that country and in the territory of which the legal person is engaged in substantive business operations;	(i) if the service is provided other than through a commercial presence within the Union, the country where the legal person is constituted or otherwise organised under the laws of that country and in the territory of which the legal person is engaged in substantive business operations;	(i) if the service is provided other than through a commercial presence within the Union, the country where the legal person is constituted or otherwise organised under the laws of that country and in the territory of which the legal person is engaged in substantive business operations;
Annex II, point 2.(b)(ii)				
186				

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	(ii) if the service is provided through a commercial presence within the Union,	(ii) if the service is provided through a commercial presence within the Union,	(ii) if the service is provided through a commercial presence within the Union,	(ii) if the service is provided through a commercial presence within the Union,
Annex II, second paragraph				
187	(a) if the legal person is engaged in substantive business operations in the territory of the Member State where the legal person is established such that it has a direct and effective link with the economy of that Member State the origin of that legal person shall be deemed to be that of the Member State in which it is established	(a) if the legal person is engaged in substantive business operations in the territory of the Member State where the legal person is established such that it has a direct and effective link with the economy of that Member State the origin of that legal person shall be deemed to be that of the Member State in which it is established	(a) if the legal person is engaged in substantive business operations in the territory of the Member State where the legal person is established such that it has a direct and effective link with the economy of that Member State the origin of that legal person shall be deemed to be that of the Member State in which it is established	(a) if the legal person is engaged in substantive business operations in the territory of the Member State where the legal person is established such that it has a direct and effective link with the economy of that Member State the origin of that legal person shall be deemed to be that of the Member State in which it is established
Annex II, third paragraph				
188	(b) if the legal person providing the service is not engaged in substantive business operations such that it has a direct and effective link with the economy of the Member State in which it is established, the origin of that legal person shall be deemed to be the origin of the natural or legal persons which own or control it. The legal person shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a	(b) if the legal person providing the service is not engaged in substantive business operations such that it has a direct and effective link with the economy of the Member State in which it is established, the origin of that legal person shall be deemed to be the origin of the natural or legal persons which own or control it. The legal person shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a	(b) if the legal person providing the service is not engaged in substantive business operations such that it has a direct and effective link with the economy of the Member State in which it is established, the origin of that legal person shall be deemed to be the origin of the natural or legal persons which own or control it. The legal person shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a	(b) if the legal person providing the service is not engaged in substantive business operations such that it has a direct and effective link with the economy of the Member State in which it is established, the origin of that legal person shall be deemed to be the origin of the natural or legal persons which own or control it. The legal person shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
	given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions.	given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions.	given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions.	given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions.
Annex II, fourth paragraph				
189	(iii) By derogation from subparagraph (ii)(a), if it is decided that Union response measures should apply to legal persons falling under subparagraph (ii)(a), the origin of that person shall be the nationality or the place of permanent residence of the natural or juridical person or persons who own or control the legal person in the Union. The legal person shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions.	(iii) By derogation from subparagraph (ii)(a), if it is decided that Union response measures should apply to legal persons falling under subparagraph (ii)(a), the origin of that person shall be the nationality or the place of permanent residence of the natural or juridical person or persons who own or control the legal person in the Union. The legal person shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions.	(iii) By derogation from subparagraph (ii)(a), if it is decided that Union response measures should apply to legal persons falling under subparagraph (ii)(a), the origin of that person shall be the nationality or the place of permanent residence of the natural or juridical legal person or persons who own or control the legal person in the Union. The legal person shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions.	(iii) By derogation from subparagraph (ii)(a), if it is decided that Union response measures should apply to legal persons falling under subparagraph (ii)(a), the origin of that person shall be the nationality or the place of permanent residence of the natural or legal person or persons who own or control the legal person in the Union. The legal person shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions.
Annex II, point 3.				
190	3. The nationality of an investment shall be:	3. The nationality of an investment shall be:	3. The nationality of an investment shall be:	3. The nationality of an investment shall be:
Annex II, point 3.(a)				

	Commission Proposal	EP Mandate	Council Mandate (compared to COM original proposal)	Draft Agreement (compared to Council mandate)
191	(a) if the investment is engaged in substantive business operations in the territory of the Member State where the investment is established such that it has a direct and effective link with the economy of that Member State the nationality of the investment shall be deemed to be that of the Member State in which it is established;	(a) if the investment is engaged in substantive business operations in the territory of the Member State where the investment is established such that it has a direct and effective link with the economy of that Member State the nationality of the investment shall be deemed to be that of the Member State in which it is established;	(a) if the investment is engaged in substantive business operations in the territory of the Member State where the investment is established such that it has a direct and effective link with the economy of that Member State the nationality of the investment shall be deemed to be that of the Member State in which it is established;	(a) if the investment is engaged in substantive business operations in the territory of the Member State where the investment is established such that it has a direct and effective link with the economy of that Member State the nationality of the investment shall be deemed to be that of the Member State in which it is established;
Annex II, point 3.(b)				
192	(b) if the investment is not engaged in substantive business operations such that it has a direct and effective link with the economy of the Member State in which it is established, the nationality of the investment shall be deemed to that of the natural or legal persons which own or control it. The investment shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions;	(b) if the investment is not engaged in substantive business operations such that it has a direct and effective link with the economy of the Member State in which it is established, the nationality of the investment shall be deemed to that of the natural or legal persons which own or control it. The investment shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions;	(b) if the investment is not engaged in substantive business operations such that it has a direct and effective link with the economy of the Member State in which it is established, the nationality of the investment shall be deemed to that of the natural or legal persons which own or control it. The investment shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions;	(b) if the investment is not engaged in substantive business operations such that it has a direct and effective link with the economy of the Member State in which it is established, the nationality of the investment shall be deemed to that of the natural or legal persons which own or control it. The investment shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions;

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Annex II, point 3.(c)				
193	(c) by derogation from subparagraph (a), if it is decided that Union response measures should apply to legal persons falling under subparagraph (a), the nationality of the investment shall be the nationality or the place of permanent residence of the natural or juridical person or persons who own or control the investment in the Union. The investment shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions.	(c) by derogation from subparagraph (a), if it is decided that Union response measures should apply to legal persons falling under subparagraph (a), the nationality of the investment shall be the nationality or the place of permanent residence of the natural or juridical person or persons who own or control the investment in the Union. The investment shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions.	(c) by derogation from subparagraph (a), if it is decided that Union response measures should apply to legal persons falling under subparagraph (a), the nationality of the investment shall be the nationality or the place of permanent residence of the natural or juridical legal person or persons who own or control the investment in the Union. The investment shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions.	(c) by derogation from subparagraph (a), if it is decided that Union response measures should apply to legal persons falling under subparagraph (a), the nationality of the investment shall be the nationality or the place of permanent residence of the natural or legal person or persons who own or control the investment in the Union. The investment shall be considered to be "owned" by persons of a given country if more than 50 % of the equity interest in it is beneficially owned by persons of that country and "controlled" by persons of a given country if such persons have the power to name a majority of its directors or otherwise to legally direct its actions.
Annex II, point 4.				
194	4. Regarding trade-related aspects of intellectual property rights, the term “nationals” shall be understood in the same sense as it is used in the paragraph 3 of Article 1 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights.	4. Regarding trade-related aspects of intellectual property rights, the term “nationals” shall be understood in the same sense as it is used in the paragraph 3 of Article 1 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights.	4. Regarding trade-related aspects of intellectual property rights, the term "nationals" shall be understood in the same sense as it is used in the paragraph 3 of Article 1 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) .	4. Regarding trade-related aspects of intellectual property rights, the term “nationals” shall be understood in the same sense as it is used in the paragraph 3 of Article 1 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

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194a				
194b				