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European Union

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NOTE

From: General Secretariat of the Council
To: Council

Subject: European Council meeting (20 and 21 October 2022)
– Draft conclusions

In accordance with Article 3(1) of the Rules of Procedure of the European Council, delegations will find attached the draft conclusions prepared by the President of the European Council, in close cooperation with the member of the European Council representing the Member State holding the six-monthly Presidency of the Council and with the President of the Commission.

I. UKRAINE/RUSSIA

Russia's escalating aggression

1. The European Council addressed Russia's escalating war of aggression against Ukraine, which is putting European and global peace and security at risk.
2. The European Council condemns in the strongest possible terms the recent indiscriminate Russian missile attacks targeting civilians, civilian objects and infrastructure in Kyiv and across Ukraine. It likewise condemns Russia's actions at Ukraine's Zaporizhzhia nuclear power plant and supports the International Atomic Energy Agency's efforts to ensure the safety, security and safeguards of the facility.
3. Recalling its statement of 30 September 2022, and in line with the UN General Assembly Resolution of 12 October 2022, the European Council reiterates its unequivocal condemnation and firm rejection of the illegal annexation by Russia of Ukraine's Donetsk, Luhansk, Zaporizhzhia and Kherson regions. As in the case of Crimea and Sevastopol, the European Union will never recognise this illegal annexation. Russia's unilateral decisions deliberately violate the UN Charter and blatantly disregard the rules-based international order. Russia has no legitimate basis for any action on the territory of Ukraine.
4. The European Council reaffirms its full support for Ukraine's independence, sovereignty and territorial integrity. In accordance with the UN Charter and international law, Ukraine is exercising its inherent right of self-defence against the Russian aggression. It has the right to liberate and regain full control of all occupied territories within its internationally recognised borders.
5. The European Council, like the UN General Assembly, demands that Russia immediately, completely and unconditionally withdraw all of its military forces from the entire territory of Ukraine within its internationally recognised borders, and that it stop all hybrid attacks against Ukraine.

6. War crimes committed against Ukrainians, of which there is growing evidence, and the continuous destruction of civilian infrastructure are a gross violation of international law. The European Union reiterates its firm commitment to holding Russia, and all perpetrators and accomplices, to account, and its strong support to the investigations of the Prosecutor of the International Criminal Court. The European Council notes Ukraine's efforts to secure accountability, including for the crime of aggression against Ukraine. It invites the High Representative and the Commission to explore options so that a fair and effective trial against perpetrators can be ensured.
7. The European Union has further reinforced its restrictive measures against Russia. The European Council stresses the importance of ensuring effective implementation, preventing circumvention and its facilitation, and calls on all countries to align with EU sanctions. The European Council discussed how to further increase collective pressure on Russia to end its war of aggression.
8. The European Union will stand with Ukraine for as long as it takes. It will continue to provide strong political, military and financial support to Ukraine, including for its liquidity needs, and step up its humanitarian response, in particular for winter preparedness. The European Council welcomes the agreement on the deployment of an EU military assistance mission in support of Ukraine and the further increase of the EPF assistance measures in support of the Ukrainian Armed Forces. It calls for the speedy provision of the remaining EUR 3 billion in macro-financial assistance for Ukraine. It invites the Commission to present, and the Council to work on, a more structural solution for providing assistance to Ukraine. The full potential of the Association Agreement and the Deep and Comprehensive Free Trade Agreement with Ukraine should be used to ease its access to the Single Market.
9. The European Union is determined to support Ukraine's relief, rehabilitation and reconstruction, together with international partners and financial institutions. Ahead of the International Expert Conference in Berlin on 25 October 2022, the European Council discussed the governance and financing of these efforts, including reforms.

10. Ukraine has stated its readiness for a just peace, which should include respecting its right to territorial integrity and sovereignty as guaranteed by the UN Charter; safeguarding Ukraine's ability to defend itself in the future; ensuring its recovery and reconstruction, including exploring avenues to do so with funds from Russia, and pursuing accountability for Russian crimes committed during the war.
11. The European Council calls on the Belarusian authorities to stop enabling the Russian war of aggression by permitting Russian armed forces to use Belarusian territory and by providing support to the Russian military. The Belarusian regime must fully abide by its obligations under international law. The European Union remains ready to move quickly with further sanctions against Belarus if needed.

Food security

12. Russia, by weaponising food in its war against Ukraine, is solely responsible for the global food security crisis it has provoked. Russia's war of aggression has triggered disruptions of agricultural production, supply chains and trade that have driven world food and fertiliser prices to unprecedented levels. The EU-Ukraine Solidarity Lanes have enabled the export of significant volumes of Ukrainian crops, agricultural products and fertilisers to the countries most in need. The European Union will continue to improve the efficiency of the Solidarity Lanes. The European Council supports the call by the United Nations Secretary-General for the extension of the UN Black Sea Grain Initiative beyond its current period ending in November. Nothing in the EU sanctions against Russia prohibits the export of agricultural and food products.

II. CRITICAL INFRASTRUCTURE

13. The European Council strongly condemns the acts of sabotage against critical infrastructure, such as those against the Nord Stream pipelines. The European Union will meet any deliberate disruption of critical infrastructure or other hybrid actions with a united and determined response. The European Council calls on the Council Presidency to step up efforts to facilitate cooperation among Member States for the protection of critical infrastructure, and invites Member States to strengthen their preparedness. It calls on the Council and the Member States to quickly take work forward on the early implementation of the Network and Information Security 2 (NIS2) Directive and the Directive on the resilience of critical entities [, as well as on the proposals for Council Recommendations on the protection of EU critical infrastructure].

III. ENERGY

14. In the face of Russia's weaponisation of energy, the European Union will remain united to protect its citizens and businesses and take the necessary measures as a matter of urgency.
15. In light of the ongoing crisis, efforts to reduce demand, to ensure security of supply, and to lower energy prices for households and businesses across the Union need to be accelerated and intensified. The European Council has agreed on the following set of measures:
- a) jointly purchase gas, starting with the re-filling of gas storage facilities, and speed up negotiations with reliable partners to seek mutually beneficial partnerships, making full use of the Union's collective market weight by using the EU Energy Platform;
 - b) develop a new benchmark that more accurately reflects conditions on the gas market;
 - c) explore a temporary dynamic price corridor on natural gas to limit prices until the benchmark is in place;

- d) explore a temporary EU framework to cap the price of gas in electricity generation at a level that helps bring down electricity prices without modifying the merit order and without leading to overall increased gas consumption;
- e) improve the functioning of energy markets to increase market transparency and eliminate factors that amplify the volatility of gas prices;
- f) fast-track the removal of regulatory barriers to accelerate the rollout of renewables and related grids.

The European Council invites the Council and the Commission to urgently take these measures forward.

- 16. The European Council reiterates the need to step up investments in future-ready energy infrastructure, including interconnections, and innovative renewable technologies.
- 17. The European Council invites the Commission to speed up work on the structural reform of the electricity market, as well as an impact assessment, and calls for further progress towards a full Energy Union serving the dual objective of European energy sovereignty and climate neutrality.

IV. ECONOMIC ISSUES

- 18. The European Council addressed the economic situation. The immediate priority is to protect households and businesses, in particular the most vulnerable in our societies, while preserving the Union's global competitiveness and maintaining the level playing field and the integrity of the Single Market. All relevant tools at national and EU level should be mobilised to enhance the resilience of our economies. The European Council is committed to close coordination of policy responses while remaining ready to develop common European level solutions.

V. EXTERNAL RELATIONS

19. The European Council held a strategic discussion on the European Union's relations with China.
 20. It also discussed preparations for the upcoming EU-ASEAN Commemorative Summit on 14 December 2022. The summit will be an opportunity to further deepen the European Union's Strategic Partnership with ASEAN and to underline our shared attachment to international law and internationally agreed norms and standards, as well as to emphasise the importance of common interests that bind our two regions in a longstanding partnership.
 21. The European Council took stock of preparations for the 2022 United Nations Climate Change Conference in Sharm el-Sheikh (COP27) and for the 15th Conference of the Parties to the Convention on Biological Diversity (Part Two) in Montreal. In the face of increasingly intense and frequent extreme weather events, including heat waves, wildfires and floods, and unprecedented biodiversity loss across the globe, it stressed the extreme urgency of strengthening the global response to the climate emergency and to the biodiversity crisis. In order to keep the 1.5°C objective within reach, the European Council calls on all Parties, in particular major economies, to revisit and strengthen their nationally-determined contributions in time for COP27. The European Council also calls for the adoption of an ambitious, comprehensive and transformative post-2020 global biodiversity framework to halt and reverse biodiversity loss.
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