



Council of the
European Union

Brussels, 7 December 2023
(OR. en)

15006/1/23
REV 1

LIMITE

CO EUR-PREP 39

NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council
Subject: European Council meeting (14 and 15 December 2023)
– 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

1. The European Council reiterates its resolute condemnation of Russia's war of aggression against Ukraine, which constitutes a manifest violation of the UN Charter, and reaffirms the European Union's unwavering support for Ukraine's independence, sovereignty and territorial integrity within its internationally recognised borders and its inherent right of self-defence against the Russian aggression.
2. The European Council recalls its previous conclusions and confirms the European Union's unwavering commitment to continue to provide strong political, financial, economic, humanitarian, military and diplomatic support to Ukraine and its people for as long as it takes.
3. The European Union and its Member States will continue to address Ukraine's pressing military and defence needs. In particular, the European Council insists on the importance of timely, predictable and sustainable military support for Ukraine, notably through the European Peace Facility and the EU Military Assistance Mission, as well as through direct bilateral assistance by Member States. The European Council stresses the urgent need to accelerate the delivery of missiles and ammunition, notably under the one million rounds of artillery ammunition initiative, and to provide Ukraine with more air defence systems.

The European Council invites the Council to intensify work on the "Ukraine Assistance Fund" under the European Peace Facility including on a further increase of the overall financing ceiling [by EUR 5 billion] with a view to reaching an agreement no later than March 2024. The Council is also invited to adopt the relevant implementation modalities at the same time.

The European Union and its Member States remain committed to contributing, for the long-term and together with partners, to security commitments to Ukraine, which will help Ukraine to defend itself, resist destabilisation efforts and deter acts of aggression in the future.

Following the report by the High Representative, the European Council discussed the EU's future security commitments to Ukraine. It invites the High Representative and Member States to take work forward in the Council. The European Council will remain seized of the matter.

Military support and security commitments will be provided in full respect of the security and defence policy of certain Member States and taking into account the security and defence interests of all Member States.

4. In the face of continued Russian attacks against Ukraine's civil and critical infrastructure, the European Union and its Member States will intensify the provision of further humanitarian and civil protection assistance to Ukraine, as well as assistance to ensure the resilience of its energy sector through the winter. Moreover, the European Union remains committed to supporting Ukraine's repair, recovery and reconstruction, in coordination with international partners, including the demining process and psychosocial rehabilitation.
5. The European Union and its Member States will continue their intensive global outreach efforts and cooperation with Ukraine and partners from all regions of the world to ensure the widest possible international support for a comprehensive, just and lasting peace and the key principles and objectives of Ukraine's Peace Formula, with a view to a future Global Peace Summit.
6. The European Council reiterates its call for decisive progress, in coordination with partners, on how extraordinary revenues held by private entities stemming directly from Russia's immobilised assets could be directed to support Ukraine and its recovery and reconstruction, consistent with applicable contractual obligations, and in accordance with EU and international law. *[p.m.: proposals on extraordinary revenues stemming from immobilised Russian assets]*

7. Russia and its leadership must be held fully accountable for waging a war of aggression against Ukraine and for other most serious crimes under international law, as well as for the massive damage caused by its war. The European Council encourages further efforts, including in the Core Group, to establish a tribunal for the prosecution of the crime of aggression against Ukraine that would enjoy the broadest cross-regional support and legitimacy, and a future compensation mechanism. It also calls on all signatories to ratify rapidly the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes. The European Council also reiterates its support for the work of the International Criminal Court and condemns Russia's continued attempts to undermine its international mandate and functioning.
8. The European Council reiterates its urgent call on Russia and Belarus to immediately ensure the safe return to Ukraine of all unlawfully deported and transferred Ukrainian children and other civilians.
9. The European Union is determined to further weaken Russia's ability to wage its war of aggression, including by further strengthening its sanctions, and through their full and effective implementation and the prevention of their circumvention, especially for high-risk goods, in close cooperation with partners and allies. [*p.m.: 12th package of sanctions*] The European Council condemns the continued military support for Russia's war of aggression provided by Iran, Belarus and the DPRK. It also urges all countries not to provide material or other support for Russia's war of aggression. The European Union will continue its intensive work with partners to counter false Russian narratives and disinformation about the war.

10. The European Council stresses the importance of security and stability in the Black Sea. It is vital that Ukraine's grain exports are sustainable and reach world markets. The European Council supports all efforts to facilitate exports of Ukraine's grain and other agricultural products to the countries most in need, notably in Africa and the Middle East. The European Council also underlines the importance of using the EU's Solidarity Lanes to their full potential, and invites the Commission to speed up work with Member States in order to propose new measures with a view to further developing the capacity of the Solidarity Lanes on all routes.
11. The European Union will continue to support the Republic of Moldova in addressing the challenges it faces as a consequence of Russia's war of aggression against Ukraine.

II. MIDDLE EAST

12. *p.m.*

III. ENLARGEMENT

13. Recalling the Granada Declaration, the European Council underlines that enlargement is a geo-strategic investment in peace, security, stability and prosperity. It is a driver for improving the economic and social conditions of European citizens, reducing disparities between countries, and must foster the values on which the Union is founded.
Looking ahead to the prospect of a further enlarged Union, both future Member States and the EU need to be ready. Work on both tracks should advance in parallel. Aspiring members need to step up their reform efforts, notably in the area of rule of law, in line with the merit-based nature of the accession process and with the assistance of the EU.

Ukraine and the Republic of Moldova

14. The European Council decides to open accession negotiations with Ukraine and with the Republic of Moldova.
15. [It invites the Council to adopt the respective negotiating frameworks once the measures set out in the Council conclusions of 12 December 2023 are taken.]

Georgia

16. The European Council also decides to grant the status of candidate country to Georgia, on the understanding that the steps set out in the Council conclusions of 12 December 2023 are taken.

Bosnia and Herzegovina

17. The European Council is ready to open EU accession negotiations with Bosnia and Herzegovina, once the necessary degree of compliance with the membership criteria is achieved.
18. [*p.m.: endorsement of Council conclusions on enlargement of 12 December 2023*]

Western Balkans

19. Reaffirming its full and unequivocal commitment to the EU membership perspective of the Western Balkans, the European Council calls for the acceleration of their accession process.
20. The European Council takes note of the Commission's Communication on a New Growth Plan for the Western Balkans, which aims to accelerate the socio-economic convergence between the Western Balkans and the European Union and encourages the region to step up the pace of EU-related reforms and to advance regional economic integration through the Common Regional Market, based on EU rules and standards.

21. The European Council remains committed to advancing the gradual integration between the European Union and the region already during the enlargement process itself in a reversible and merit-based manner.

Reforms

22. As enlargement must take into account the capacity of the Union to absorb new members, the European Council recalls the Granada Declaration and underlines the need for the Union to lay the necessary internal groundwork and undertake the relevant reforms. As the Union enlarges, successful European integration requires that Union policies be fit for the future and financed in a sustainable manner, based on the values on which the Union is founded, and that the EU institutions function effectively. This will make the EU stronger and will enhance European sovereignty.

The European Council will address internal reforms at its upcoming meetings with a view to adopting by summer 2024 conclusions on a strategic framework setting the course of action for the Union.

IV. MULTIANNUAL FINANCIAL FRAMEWORK 2021-2027

23. *p.m.*

V. SECURITY AND DEFENCE

24. In the context of global instability, strategic competition and security threats, the European Council underlines the importance of strengthening European security and defence to deliver an ambitious geopolitical Union. The Union needs to take more responsibility for its own security and defence, pursue a strategic course of action and increase its capacity to act autonomously.

25. Having taken stock of work carried out to implement its previous conclusions, the Versailles Declaration and the Strategic Compass, the European Council underlines that more needs to be done to fulfil the Union's objectives of increasing defence readiness, enhancing defence investment and capability development, and to achieve an effective Single Market for defence. In particular, the European Council:
- a) calls for the existing measures to be implemented as a matter of urgency to facilitate and coordinate joint procurement and to increase the European defence industry's interoperability and production capacity in order to replenish Member State stocks, notably in light of the support to be provided to Ukraine;
 - b) calls on the High Representative and the Commission, in coordination with the European Defence Agency, to swiftly present a European Defence Industrial Strategy (EDIS), including a proposal for a European Defence Investment Programme (EDIP), in light of the need to strengthen the European defence technological and industrial base, including SMEs, and to make it more innovative, competitive and resilient;
 - c) underlines the importance of further developing a Single Market in the field of defence to reinforce supply chains, ensure critical technologies and improve the competitiveness of the European defence industry. To that end, the EU's regulatory framework for the defence industrial sector should be adapted to enhance interoperability, standardisation, and harmonisation of certification processes and to allow for faster and more flexible action, in particular with regard to public procurement;

- d) in view of the next Annual Progress Report of the Strategic Compass and in line with the commitments undertaken by the participating Member States in the framework of the Permanent Structured Cooperation (PESCO), calls for work to be intensified to increase the defence readiness, resilience and security of the Union, including through defence investment, military mobility, regular live exercises, enhancing space security, countering cyber and hybrid threats, addressing Foreign Information Manipulation and Interference (FIMI) based on the recently established toolbox, and reinforcing the collaborative development of the capabilities necessary to conduct the full range of missions and operations, in particular through the implementation of the EU Rapid Deployment Capacity;
- e) calls for an enhanced role of the European Investment Bank Group in support of European security and defence, building on the bank's Strategic European Security Initiative.
26. A stronger and a more capable European Union in the field of security and defence will contribute positively to global and transatlantic security and is complementary to NATO, which remains the foundation of collective defence for its members.

VI. MIGRATION AND OTHER ITEMS

Migration

27. The European Council held a strategic discussion on migration.

Hybrid attacks

28. The European Council strongly condemns all hybrid attacks, including the instrumentalisation of migrants by third countries for political purposes, and remains determined to ensure effective control of the EU's external borders. The European Union is determined to counter the ongoing hybrid attacks at its external borders launched by the Russian Federation and by Belarus.

COP28

29. [p.m.: COP28 follow-up]

Fight against antisemitism, racism and xenophobia

30. Seriously concerned about recent incidents, the European Council reiterates its condemnation in the strongest possible terms of all forms of hate, intolerance, antisemitism, racism and xenophobia, including anti-Muslim hatred. It recalls in this context the European Union Anti-racism Action Plan and the European Strategy on combating antisemitism and fostering Jewish life.

VII. STRATEGIC AGENDA

31. Following the informal meeting in Granada and subsequent consultations, and taking into account the long-term objectives of making the Union stronger and ready to welcome new members, the European Council will continue its work on the new Strategic Agenda, defining the Union's priorities and ways to achieve them in the coming years and providing guidance for the Union during the next institutional cycle. It will adopt the next Strategic Agenda by summer 2024.