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NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS - MAY 2018

This document lists the acts¹ adopted by the Council in May 2018.^{2 3}

It provides information on the adoption of legislative acts, including:

- the date of adoption,
- the relevant Council session,
- the number of the document adopted,
- the Official Journal reference,
- applicable voting rules, voting results and, where appropriate, explanations of vote and statements published in the minutes of the Council.

¹ For easy reference, the "short titles" as mentioned in the Council's agendas are also indicated (see in *italics*).

² With the exception of certain acts of limited scope such as procedural decisions, appointments, decisions of bodies set up by international agreements, specific budgetary decisions, etc.

³ In the case of legislative acts adopted in the ordinary legislative procedure, there may be a difference between the date of the Council's meeting where the legislative act is adopted and the actual date of the act in question, since legislative acts adopted in the ordinary legislative procedure are only considered to have been adopted after signature by both the President of the Council and the President of the European Parliament and the Secretaries-General of the two institutions.

This document also contains information on the adoption of non-legislative acts that the Council has decided to make public.

This document is also available on the Council's website at:

[Monthly summaries of Council acts \(acts\) - Consilium](#)

Documents listed in the summary may be obtained from the public register of Council documents at: [Documents and publications - Consilium](#)

It should be noted that this document is exclusively for information purposes - only Council minutes are authentic. These are available on the Council's website at: [Council Minutes - Consilium](#)

INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN MAY 2018

Written procedures completed on 7 May 2018

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Implementing Decision (CFSP) 2018/694 of 7 May 2018 implementing Decision 2014/932/CFSP concerning restrictive measures in view of the situation in Yemen OJ L 117, 8.5.2018, p. 17–18	8522/18
Council Implementing Regulation (EU) 2018/689 of 7 May 2018 implementing Article 15(3) of Regulation (EU) No 1352/2014 concerning restrictive measures in view of the situation in Yemen OJ L 117, 8.5.2018, p. 1–2	8525/18

Written procedures completed on 8 May 2018

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Implementing Decision (CFSP) 2018/699 of 8 May 2018 implementing Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic OJ L 117I , 8.5.2018, p. 3–4	8584/18
Council Implementing Regulation (EU) 2018/698 of 8 May 2018 implementing Article 17(3) of Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic OJ L 117I , 8.5.2018, p. 1–2	8585/18

3615th meeting of the Council of the European Union (General Affairs) held in Brussels on 14 May 2018

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
<i>Council position on draft amending budget No 1/2018</i> Council position on draft amending budget No 1 to the general budget for 2018 accompanying the proposal to mobilise the EU Solidarity Fund to provide assistance to the Greece, Spain, France and Portugal	8107/18	Qualified majority	All Member States in favour, except: Abstention: UK
<i>Revision of the Fourth Anti-Money Laundering Directive</i> Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (Text with EEA relevance) OJ L 156, 19.6.2018, p. 43–74	72/17	Qualified majority	All Member States in favour

Statement by the Commission

The Commission regrets that the revised Directive does not provide the same level of transparency on beneficial ownership of profit-making trusts as it does for companies and other legal entities.

The Commission underlines that, in the light of general principles of EU law and of the duty to state reasons, it is of the utmost importance for Union legislation to include sufficient, specific, adequate and legally sound motivation as to the access to the information of beneficial owners included in central registers. The statement of reasons must disclose, clearly and unequivocally, the reasoning of the author of the measure, in such a way as to enable the persons concerned to ascertain the reasons for it and to enable the competent courts to exercise their power of review. The Commission considers that granting public access to beneficial ownership information of companies and firms is justified in light of the general need for transparency of corporate affairs in order to protect the interests of third parties and that this aspect of the Directive pertains to Article 50 TFEU. It regrets that Parliament and Council have considered that this aspect should only be regarded as a positive side effect and does not require citing Article 50 TFEU as an additional legal basis.

However, considering that the choice of Article 114 TFEU as the sole legal basis does not imply legal consequences in this case, the Commission can accept the final version of the Directive.

Statement by the Commission

The Commission underlines the need for identification and verification of beneficial owners, bearing in mind that the specific shareholding or ownership interest threshold specified in the Directive is merely indicative and constitutes one evidential factor among others to be taken into account. In light of the inherent risk posed by non-financial entities which do not engage in an active business activity, obliged entities should therefore apply a lower threshold with respect to establishing their Beneficial Ownership. This should in particular be the case of Passive Non-Financial Entities that are a subset of all Reportable Entities, as defined in the Directive on Administrative Cooperation and referred to in the Global Standard on Automatic Exchange of Information (AEOI) developed by the OECD.

Statement by Austria

Austria is strongly concerned that the current text does not enhance transparency on beneficial ownership necessary to avoid the abuse of trusts for the purpose of money laundering and terrorist financing. There is a clear need to establish mandatory central and public beneficial owner registries for trusts in the Member State by whose laws trusts are governed (Art. 31 of Directive 2015/849). Unfortunately, the current text enhances this lack of transparency of beneficial ownership of trusts even more as it provides for the anonymity of beneficial owners of certain types of trusts. Therefore, Austria calls for remedying this apparent deficiency of the future EU AML/CFT framework.

Statement by the Netherlands

While supporting the Directive amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, the Netherlands is concerned about the transposition period of 20 months for Member States to set up a register with beneficial ownership information of trusts and similar legal arrangements. A swift transposition and implementation of the amendments in the individual Member States is important. However, in Member States – such as the Netherlands – where trusts and similar legal arrangements are not governed under national law and where there is no registration requirement for trusts in place yet, it seems highly ambitious to have operational registers with beneficial ownership information in place within 20 months after the entry into force of this amending Directive.

<p><i>Regulation on LULUCF</i> Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (Text with EEA relevance) OJ L 156, 19.6.2018, p. 1–25</p>	68/17	Qualified majority	All Member States in favour, except: Against: PL Abstention: LV
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Statement by Latvia and Lithuania

Latvia and Lithuania appreciate the Estonian Presidency's efforts to integrate land use, land use change and forestry (LULUCF) sector into the post 2020 climate change policy framework.

However, in noting the final compromise text, both countries have concerns about the mandatory accounting obligations for wetlands starting from 2026.

The importance of wetlands as effective ecosystems for carbon storage should be recognized.

However, geographical conditions determine a significantly higher proportion of wetlands in Northern Europe and in some Western European countries compared to the EU average.

This accordingly makes these lands especially important for setting climate targets (and the fulfilment of the no-debit rule) as well as for effective and sustainable resource management.

According to the United Nations Framework Convention on Climate Change (UNFCCC) framework, countries are encouraged to use the recent technical guidance from the "2013 Supplement to the 2006 IPCC Guidelines for National Greenhouse Gas Inventories: Wetlands" to report their emissions and removals from managed wetlands. Progress in the implementation of the 2013 Wetland Supplement Guidelines varies among the EU Member States.

The importance of countries' progress in implementing the 2013 Wetland Supplement increases when mandatory accounting for wetlands is applied since in this case the comparability of target achievement and financial implication issues are involved.

To secure a robust and transparent accounting system all Member States should use the same guidelines on wetlands before mandatory accounting is applied.

In addition, serious efforts and sufficient time has to be allowed for Member States in order:

To obtain precise national data on wetland management and to decrease uncertainties. Substantial work is still required in this regards; and

To obtain national factors for regions (temperate zone) especially because national factors in the 2013 Wetland Supplement Guidelines have high uncertainties. Appropriate EU level scientific and methodological support should be provided for Member States.

Considering the above-mentioned circumstances, we urge the European Commission during the forthcoming revisions of this Regulation to take into account the possible lack of precise data and national emission factors for estimating emissions and removals under wetland management as well as to ensure that Member States have sufficient time to improve them.

Statement by Poland

Poland expresses deep disappointment with the adopted version of the Regulation of the European Parliament and of the Council on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry into the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU. The fact that forest ecosystems are the largest and the most important carbon sink in Europe is not properly reflected in the proposed legislation. Setting the Forest Reference Level (FRL) for managed forest land on the basis of a short period between 2000 and 2009 is an arbitrary decision to the benefit of some countries and to the detriment of others as the period was not representative enough for the management of their forests. Furthermore, an inappropriate picture of forestry in Member States has been created since the accounting system is based on such a constructed FRL, and since the distribution key of the compensation mechanism uses the forest cover parameter as its basis, despite that this is only one of many parameters related to the forestry sector. The abovementioned accounting methodology may lead to generating debits despite the situation in which forest biomass resources will grow as a result of real net removals.

If the long-term climate benefits provided by forest ecosystems are not sufficiently recognized and are accounted as emissions, despite that the amount of harvested timber is much lower than the annual increment, the planned investments in the forestry and timber sector will be very limited. This places a question mark over the role of forests and timber in the future green economy in the EU. The EU should promote the use of EU forest resources as not only is it an environment-friendly solution, but also contributes to the increase of the role of forests in the bioeconomy and sustainable development of the region. Limiting harvesting in the EU will inevitably lead to the increase in the import of wood materials from outside the EU.

Furthermore, Poland is also deeply concerned with the current structure of the accounting framework regarding the compensation mechanism for managed forest land (Art. 11 para.1) as it will deprive a Member State of the possibility to use the flexibility mechanism between the LULUCF and ESR sectors, subject to Article 7 and the limits defined in Annex III ESR. The use of units from the compensation mechanism implies the resignation from the use of Article 7 of the ESR Regulation.

According to Poland's understanding, this contradicts the initial intention to strengthen the role of the forestry sector in the implementation of the EU climate policy, as there is a justified risk that the above-mentioned conditions for use of the compensation mechanism for managed forest land have been specified so as to reduce the scale of the use of individual limits in the ESR – LULUCF flexibility, which would then constitute an additional element of increasing the reduction target. The above-mentioned, along with the condition of achieving a no-debit rule on the EU level, causes great concern, because the fulfilment of this condition is largely beyond the control of a given Member State, which, in the view of Poland, should not be taking place.

Statement by Portugal

Portugal accepts the agreement reached between the Council of the European Union and the European Parliament. However we would like to stress that a number of concerns remain regarding the approach on this sector.

As we have underlined since the beginning of this debate, the LULUCF sector should be fully integrated in the climate policy in a way that addresses and provides incentives to deliver real emission reductions and promotes carbon sequestration. The LULUCF sector is crucial in delivering carbon neutrality foreseen in the Paris Agreement and to Portugal's own carbon neutrality objective by 2050.

We also highlighted from the start the multiple opportunities and avenues to improve a system that was developed under a Kyoto Protocol architecture and which has already demonstrated to be unnecessarily complex and very limited in promoting real action.

The final outcome resulted in enhanced ambiguity, namely in the calculation of the forest reference levels. It also goes beyond the international orientation on the isolated accounting of deadwood.

These two aspects introduce complexity in this regulation making it more difficult to explain and implement.

Portugal also underlines that the mandatory accounting of wetlands will pose a significant effort for a number of Member States for whom wetlands are a negligible source of emissions.

We believe that moving beyond 2030 it will be possible to significantly improve on this model, building on the experience from its implementation and on other sound approaches that are now being followed by other countries under the Paris Agreement.

<p><i>Regulation on effort sharing (ESR)</i> Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (Text with EEA relevance) OJ L 156, 19.6.2018, p. 26–42</p>	3/18	Qualified majority	All Member States in favour, except: Against: LT, MT Abstention: LV, PL
<p>Statement by Lithuania</p> <p>Lithuania stands firmly by the Paris agreement and common EU’s climate responsibilities. Lithuania will contribute to the implementation of the EU commitments and agrees to its national greenhouse gas emission reduction target by 2030 as proposed in the Regulation on effort sharing.</p> <p>The non-ETS sectors of Lithuania account for 66 % of the total greenhouse gas emissions, with the largest shares of emissions coming from transport and agriculture sectors, namely 38% and 35%. Lithuania has one of the lowest levels of greenhouse gas emissions per capita and achieved the highest 58.2% greenhouse gas emission reduction to compare with 1990 level between the EU Member States in 2015¹. Lithuania sees the mitigation of greenhouse gas emission as a long-term process and a task, which requires adequate preparation and resources.</p> <p>The final compromise text of the Regulation on effort sharing contains a number of elements that are acceptable to Lithuania. However, advancing the starting date of the linear greenhouse gas emission reduction trajectory to mid-2019 will oblige Lithuania to take on far more demanding obligations than it is ready to accept.</p> <p>The earlier starting date will impose on Lithuania additional mitigation commitments, which in practice will be counterproductive to achieving the 2030 target in the most cost efficient manner.</p> <p>The priority is to invest in the climate change mitigation measures rather than spend limited resources on buying annual emission allocations. Therefore, we see no reasonable justification for a very tight annual emission allocations budget already at the beginning of the next period.</p> <p>Lithuania had raised the above mentioned concerns during the entire negotiations, but they were not taken in to account. As a result, Lithuania is not in a position to support the final compromise text.</p> <p>¹ Sustainable development in the European Union MONITORING REPORT ON PROGRESS TOWARDS THE SDGS IN AN EU CONTEXT, Eurostat, 2017 Edition, p. 263 http://ec.europa.eu/eurostat/documents/3217494/8461633/KS-04-17-780-EN-N.pdf/f7694981-6190-46fb-99d6-d092ce04083f</p>			

Statement by Malta

Malta reaffirms its commitment to address climate issues to its full potential and to contribute to the goals of the Paris agreement and the EU's target to achieve an EU-wide reduction of greenhouse gas emissions, in sectors falling outside the scope of the EU emissions trading system, of 30% by 2030 compared to 2005 levels.

Malta appreciates the effort in recognition of its specific limitations in achieving a very steep trajectory to reduce its GHG emissions from non-ETS sectors from 2013 up to 2030, through the inclusion of Malta in Annex IV in Effort Sharing Regulation. Malta, however considers that the level of the adjustment included does not sufficiently address the reality that Malta will face in the post 2020 period due to it being the Member State with:

- the lowest greenhouse gases emissions per capita across the EU in the non-ETS sectors;
- the Member State with an economic structure that is not carbon intensive

The effort Malta is expected to make pursuant to this Regulation is considered disproportionate, also in view that Malta is the lowest emitter in absolute terms and on a per capita basis.

Malta has raised these concerns consistently during the negotiation process and thus in coherence with its previously held position, Malta cannot support adoption of this Regulation as it still leaves this Member State facing a very difficult trajectory till 2030.

<p><i>Decision on environmental reporting</i> Decision (EU) 2018/853 of the European Parliament and of the Council of 30 May 2018 amending Regulation (EU) No 1257/2013 and Directives 94/63/EC and 2009/31/EC of the European Parliament and of the Council and Council Directives 86/278/EEC and 87/217/EEC as regards procedural rules in the field of environmental reporting and repealing Council Directive 91/692/EEC OJ L 150, 14.6.2018, p. 155–161</p>	67/17	Qualified majority	All Member States in favour
<p>Statement by the Czech Republic, Lithuania, Belgium and Hungary</p> <p>The Czech Republic, Lithuania, Belgium and Hungary would like to raise a concern about the procedure applied regarding Article 4 of the Decision concerning the Ship Recycling Regulation. The proposed change in reporting obligations constitutes an extension of reporting obligations placed on Member States and goes beyond the necessary amendments arising from the repeal of Directive 91/692/EEC. This amendment is therefore a change in substance rather than a technical adjustment.</p> <p>A Ship Recycling Regulation Committee was established according to Article 25 of the Ship Recycling Regulation to assist the Commission. However, the Committee was neither notified of the proposal nor consulted on the proposed change.</p> <p>We regret that the Commission did not consult the designated experts on this matter and hopes that in the future such technical issues will be referred to the relevant committees.</p>			

<p><i>Directive on energy performance of buildings</i> Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency (Text with EEA relevance) OJ L 156, 19.6.2018, p. 75–91</p>	4/18	Qualified majority	All Member States in favour, except: Against: SK Abstention: HR, UK
<p>Statement by Sweden</p> <p>Buildings are playing an increasingly important role in the energy system and Sweden has been generally supportive of a revised Directive on the energy performance of buildings to integrate buildings into the energy system on market based conditions. In our view, electric vehicles should be a safe investment and obstacles to use electric vehicles should be cleared away, for example through an expansion of charging infrastructure.</p> <p>However, the compromise with the European parliament in article 8 2a that requires the installation of a minimum number of recharging points by 1 January 2025 risks to become very costly, while it is unclear how the requirement contributes to established goals or leads to other benefits. Sweden takes note that the provision has been widened considerably, not only to new and non-residential buildings undergoing major renovation with more than twenty parking spaces, but to all such non-residential buildings. Sweden deeply regrets that this provision has been included without allowing for an impact assessment of the costs and benefits.</p>			
<p>Statement by Germany</p> <p><u>Re. Article 10(6a) new:</u></p> <p>The provisions of the new Article 10(6a) do not impose any obligation to set up databases for energy performance certificates. This means that databases are voluntary. This is confirmed by recital 34.</p> <p><u>Re. Annex I No. 2</u></p> <p>Concerning the energy supplied through the energy carrier (distant energy sources), when calculating primary energy factors, Member States may take into account renewable sources in such a way that the share of renewable energy in the entire national grid (energy mix) is taken as a basis. Concerning the energy generated and consumed on-site or nearby, Member States may assess renewable energy sources individually when calculating primary energy factors for the energy carriers.</p>			

Statement by Luxembourg

Luxembourg welcomes the agreement on the Energy Performance of Buildings directive. Nevertheless, Luxembourg considers the installation of charging points for electric cars a necessary precondition for the development of this sector. Therefore Luxembourg regrets the overall lack of ambition concerning charging points for electric cars in existing and new, public as well as private buildings in the final text of the directive.

Statement by Croatia

The Republic of Croatia generally supports the objectives of the revised Directive on the energy performance of buildings, the vision of decarbonisation of buildings by 2050, and the increase in the use of smart technologies in the EU building stock, along with the integration of technological development and support of the promotion of electromobility.

However, we cannot support the provisions in Article 14 paragraph 4 and Article 15 paragraph 4 regarding installation of building automation and control systems for all non-residential buildings by 2025. We strongly believe this should be limited only to new non-residential buildings and to non-residential buildings undergoing major renovations with an effective heating rated output for heating systems or systems for combined space heating and ventilation of over 290 kW, as well as to new non-residential buildings and to non-residential buildings undergoing major renovations with an effective rated output for systems for air-conditioning or systems for combined air-conditioning and ventilation of over 290 kW, where technically and economically feasible.

Croatia deeply regrets that the above mentioned provisions have been included without taking into account the optimal level of ambition, the state of economy and the different levels of technological development in the Member States. Therefore, Croatia will abstain when it comes to the adoption of the revised Directive on the energy performance of buildings.

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<p><i>Decision on the mobilisation of the EU Solidarity Fund for Greece, Spain, France and Portugal</i> Decision (EU) 2018/846 of the European Parliament and of the Council of 30 May 2018 on the mobilisation of the European Union Solidarity Fund to provide assistance to Greece, Spain, France and Portugal OJ L 144, 8.6.2018, p. 3–4</p>	6496/18
<p><i>Mobilisation European Globalisation Adjustment Fund (EGF/2017/010 BE/Caterpillar)</i> Decision (EU) 2018/847 of the European Parliament and of the Council of 30 May 2018 on the mobilisation of the European Globalisation Adjustment Fund following an application from Belgium — EGF/2017/010 BE/Caterpillar OJ L 144, 8.6.2018, p. 5–6</p>	7858/18
<p><i>Mobilisation European Globalisation Adjustment Fund (EGF/2018/000 TA 2018)</i> Decision (EU) 2018/845 of the European Parliament and of the Council of 30 May 2018 on the mobilisation of the European Globalisation Adjustment Fund (EGF/2018/000 TA 2018 — Technical assistance at the initiative of the Commission) OJ L 144, 8.6.2018, p. 1–2</p>	7826/18
<p><i>Conclusions on "Rural Development Programming: less complexity and more focus on results needed" (CoA SR No 16/2017)</i> Council Conclusions on Special Report No 16/2017 from the European Court of Auditors entitled: "Rural Development Programming: less complexity and more focus on results needed"</p>	8755/18
<p><i>Conclusions on "Greening: a more complex income support scheme, not yet environmentally effective" (CoA SR No 21/2017)</i> Council Conclusions on Special Report No 21/2017 from the European Court of Auditors entitled: "Greening: a more complex income support scheme, not yet environmentally effective"</p>	8756/18

<p><i>Schengen evaluation Recommendation - Estonia management of the external land border</i> Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2016 evaluation of Estonia on the application of the Schengen acquis in the field of management of the external land border</p>	8790/18
<p><i>Schengen evaluation Recommendation - Portugal management of the external border</i> Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Portugal on the application of the Schengen acquis in the field of management of the external border</p>	8791/18
<p><i>Schengen evaluation Recommendation - Portugal data protection</i> Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Portugal on the application of the Schengen acquis in the field of data protection</p>	8792/18
<p><i>Schengen evaluation Recommendation - Portugal visa</i> Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Portugal on the application of the Schengen acquis in the field of the common visa policy</p>	8793/18
<p><i>Schengen evaluation Recommendation - Portugal return</i> Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Portugal on the application of the Schengen acquis in the field of return</p>	8795/18
<p><i>Schengen evaluation Recommendation - Malta data protection</i> Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2016 evaluation of the Republic of Malta on the application of the Schengen acquis in the field of data protection</p>	8796/18

<p><i>Schengen evaluation Recommendation - Sweden police cooperation</i> Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Sweden on the application of the Schengen acquis in the field of police cooperation</p>	8797/18
<p><i>Council Implementing Decision on subjecting ADB-CHMINACA to control measures</i> Council Implementing Decision (EU) 2018/747 of 14 May 2018 on subjecting the new psychoactive substance N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (ADB-CHMINACA) to control measures OJ L 125, 22.5.2018, p. 8–9</p>	5387/18
<p><i>Council Implementing Decision on subjecting CUMYL-4CN-BINACA to control measures</i> Council Implementing Decision (EU) 2018/748 of 14 May 2018 on subjecting the new psychoactive substance 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (CUMYL-4CN-BINACA) to control measures OJ L 125, 22.5.2018, p. 10–11</p>	5392/18
<p><i>Relations with the Republic of Iraq - Accession of Croatia to the EU-Iraq Partnership and Cooperation Agreement</i> <i>Decision on the signing</i> Council Decision on the signing, on behalf of the European Union and its Member States, and provisional application of the Protocol to the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part, to take account of the accession of the Republic of Croatia to the European Union</p>	15781/17

<p><i>European Security and Defence College - cyber security training: Decision</i> Council Decision (CFSP) 2018/712 of 14 May 2018 amending Decision (CFSP) 2016/2382 establishing a European Security and Defence College (ESDC) OJ L 119, 15.5.2018, p. 37–38</p>	7541/18
<p><i>The former Yugoslav Republic of Macedonia - Transition to the second stage of the Association</i> Council Decision (EU) 2018/751 of 14 May 2018 on the position to be adopted on behalf of the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, concerning the transition to the second stage of the Association between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, pursuant to Article 5(3) of the Agreement OJ L 126, 23.5.2018, p. 3–5</p>	7325/18
<p><i>Council Decision on the conclusion of the agreement between the EU and Norway on additional trade preferences in agricultural products</i> Council Decision (EU) 2018/760 of 14 May 2018 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway concerning additional trade preferences in agricultural products OJ L 129, 25.5.2018, p. 1–2</p>	13357/17
<p>Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway concerning additional trade preferences in agricultural products OJ L 129, 25.5.2018, p. 3–15</p>	13471/17

<p><i>Renewal of the Agreement between Euratom and KEDO</i> Council Decision authorising the Commission to negotiate the renewal of the Agreement between the European Atomic Energy Community (Euratom) and the Korean Peninsula Energy Development Organisation (KEDO)</p>	7884/18
<p><i>Council Decision on the EU position on the European Common Aviation Area (ECAA) Agreement</i> Council Decision on the position to be taken on behalf of the European Union within the Joint Committee established by the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo* on the establishment of a European Common Aviation Area as regards the adoption of the rules of procedure of the Joint Committee</p> <p>* This designation is without prejudice to positions on status, and is in line with UN Security Council Resolution 1244 (1999) and the Opinion of the International Court of Justice on Kosovo's declaration of independence.</p>	8054/18
<p><i>Council Decision on an EU position for the IMO Maritime Safety Committee (99th session) concerning passenger ship safety</i> Council Decision (EU) 2018/752 of 14 May 2018 on the position to be taken on behalf of the European Union at the International Maritime Organization during the 99th session of the Maritime Safety Committee, on the adoption of amendments to SOLAS Regulations II-1/1 and II-1/8-1, on the approval of associated guidelines on operational information for masters in case of flooding for passenger ships constructed before 1 January 2014 and on the adoption of amendments to the International Code for Application of Fire Test Procedures, 2010 OJ L 126, 23.5.2018, p. 6–7</p>	7361/18

<p><i>Council Decision denouncing the Partnership Agreement with the Union of the Comoros</i> Council Decision (EU) 2018/757 of 14 May 2018 denouncing the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros OJ L 128, 24.5.2018, p. 13–15</p>	14423/17
<p><i>Council Decision on the conclusion of a Fisheries Protocol between the European Union and the Republic of Mauritius</i> Council Decision (EU) 2018/754 of 14 May 2018 on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius OJ L 128, 24.5.2018, p. 1–3</p>	12476/17
<p><i>Democratic People's Republic of Korea restrictive measures - Decision and Implementing Regulation</i> Council Decision (CFSP) 2018/715 of 14 May 2018 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 120, 16.5.2018, p. 4–7</p>	6993/18
<p><i>Democratic People's Republic of Korea restrictive measures - Decision and Implementing Regulation</i> Council Implementing Regulation (EU) 2018/714 of 14 May 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 120, 16.5.2018, p. 1–3</p>	6995/18
<p><i>EUTM Mali - Decision</i> Council Decision (CFSP) 2018/716 of 14 May 2018 amending and extending Decision 2013/34/CFSP on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) OJ L 120, 16.5.2018, p. 8–9</p>	7500/18

<p><i>EUNAVFOR MED operation SOPHIA - Decision</i> Council Decision (CFSP) 2015/778 of 18 May 2015 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED) OJ L 122, 19.5.2015, p. 31–35</p>	7708/18
<p><i>Restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine - new listings - Decision and Implementing Regulation</i> Council Decision (CFSP) 2018/706 of 14 May 2018 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine OJ L 118I , 14.5.2018, p. 3–4</p>	7646/18
<p><i>Restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine - new listings - Decision and Implementing Regulation</i> Council Implementing Regulation (EU) 2018/705 of 14 May 2018 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine OJ L 118I , 14.5.2018, p. 1–2</p>	7648/18
<p><i>Libya restrictive measures UN transposition May 2018 - Implementing Decision</i> Council Implementing Decision (CFSP) 2018/713 of 14 May 2018 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya OJ L 119, 15.5.2018, p. 39–40</p>	8635/18

3617th meeting of the Council of the European Union (Education, Youth, Culture and Sport) held in Brussels on 22 and 23 May 2018

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
<p><i>Waste package: Directive on waste</i> Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste (Text with EEA relevance) OJ L 150, 14.6.2018, p. 109–140</p>	11/18	Qualified majority	All Member States in favour; except: Abstention: HU, PT

Declaration by the Commission on a policy framework for the circular economy

The Commission is committed to ensuring full implementation of the EU action plan for the Circular Economy¹. To keep track of progress towards the circular economy, the Commission has adopted a monitoring framework² building on the existing Resource Efficiency and Raw Materials Scoreboards. The Commission also draws attention to its ongoing work on a footprint indicator for products and organisations.

Actions undertaken under the EU action plan for the Circular Economy also contribute to fulfilling the Union's objectives on sustainable consumption and production, in the context of Sustainable Development Goal 12. This is the case, for example, of the strategy on plastics³ or the recently amended proposal on the legal guarantee for consumer goods⁴.

As regards consistency between the Union's regulatory frameworks, the Commission has also recently adopted a Communication setting out options to address the interface between chemical, product and waste legislation⁵. In 2018, the Commission will also examine options and actions for a more coherent policy framework of the different strands of work on EU product policy in their contribution to the circular economy. The interactions between legislation and industry cooperation on the use of by-products and the preparation for re-use and recycling of waste will also be considered in the framework of these initiatives and their follow-up.

As regards eco-design, the Commission, in line with the Eco-design Working Plan for the years 2016-2019⁶, confirms its strong commitment to ensuring that eco-design makes a more significant contribution to the circular economy, for example by more systematically tackling material efficiency issues such as durability and recyclability.

¹ COM(2015) 614 final
² COM(2018) 29 final
³ COM (2018) 28 final
⁴ COM(2017) 637 final
⁵ COM (2018) 32 final
⁶ COM(2016) 773 final

Declaration by the Commission on initiatives on the collaborative economy

In line with the Circular Economy Action Plan⁷, the Commission has launched a number of initiatives on the collaborative economy. As announced in its Communication on a European agenda for the collaborative economy⁸ in June 2016, the Commission will continue to monitor the economic and regulatory developments of the collaborative economy, in order to encourage the development of new and innovative business models, while ensuring adequate consumer and social protection.

⁷ COM(2015) 614 final

⁸ COM(2016) 356 final

Declaration by the Commission on micro-plastics

In the context of the recently adopted European Strategy for Plastics in the Circular Economy⁹, the Commission has presented an integrated approach to address concerns about micro-plastics, including micro-bead ingredients. It focuses on preventive actions and aims at reducing the release of micro-plastics from all main sources – whether from products in which they are intentionally added (such as personal care products and paints) or originating from the production or use of other products (such as oxo-plastics, tyres, plastic pellets, and textiles).

⁹ COM (2018) 28 final

Declaration by the Commission on the review of the waste shipment regulation and end-of-waste materials

In the context of the planned review of Regulation (EU) No 1013/2006 on shipments of waste to be conducted by the end of 2020, the Commission will consider the feasibility of providing for further measures regarding shipments of end-of-waste materials where end-of-waste criteria have not been set at Union level according to Article 6, paragraph 2, of the Waste Framework Directive.

Declaration by the Commission on measures to ensure treatment of waste prior to landfilling

In accordance with Article 6 (a) of Directive 1999/31/EC on the landfill of waste Member States shall take measures to ensure that only waste that has been subject to treatment is landfilled, while making sure that such measures do not compromise the achievement of the objectives of Directive 2008/98/EC on waste (Waste Framework Directive) as revised, notably with respect to the waste hierarchy, the separate collection of waste and the preparing for re-use and recycling targets as set out in that Directive.

Building on the exchange of views that took place during the Waste Framework Directive Experts' Group meeting held on 30 June 2017 and in the light of the ruling of the Court of Justice of the European Union in case C-323/13, in the coming months the Commission will step up its dialogue with Member States on the policy measures to be taken in this area.

Declaration by the Commission on the procedure of adoption of implementing acts

The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5§4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission *may* adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established in Article 5§4 recourse to subparagraph 2, point b), cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.

Declaration by the Commission on the availability of data and reporting obligations

In view of monitoring progress towards the new targets for municipal and packaging waste and in view of relevant review clauses, in particular to set targets for food waste prevention and for the recycling of waste oils, the Commission underlines the importance of the common understanding reached between the co-legislators that Member States will ensure that the reporting of data under Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste and 1999/31/EC on the landfill of waste as amended, will cover the year 2020.

Statement by Poland**Frequency of reporting by Member States**

Poland was disappointed to note the information concerning the increase in the frequency of reporting by Member States.

The draft directives increase the frequency of reporting by Member States from every two years to annually, which was never accepted in the mandate. The solutions put forward constitute a significant administrative burden for the Member States. Poland supported the mandate in May 2017 on condition that it took into account Poland's request regarding reporting frequency.

Statement by Portugal

Portugal is fully committed to the objectives of the circular economy, and recognises that increasingly upstream action is needed to promote it. In that respect, Portugal recognises the importance of this agreement for the environment and for the economy, as well as in confirming the EU's leading role in this field. However, it can only express its considerable dissatisfaction with the solution that has ultimately been chosen, in respect of the requirement for separate collection of bio-waste in 2023 and the corresponding phase-out of mechanical and biological treatments in 2027, which does not take account either of national circumstances or of investments made with EU backing, thus setting the stage for a potential breach of the adopted provisions given that the targets that have been set require strategic policy changes to be made and technology to be repurposed. The rolling out of separate bio-waste collection systems across the entire country, which increases the need for support from the public, will be very difficult within that time frame.

Compliance with such provisions will once again require a substantial financial effort, the impact of which will be greater the shorter the time frame given for making the associated adjustments. This issue should be duly taken into consideration in the definition of EU support for new investments associated with this type of intervention. Moreover, the consolidated text of the four legislative proposals goes beyond the provisional agreement in areas which are of key interest to Portugal, namely as regards the setting of new interim targets in 2024 and the possible revision of other targets for specific streams and fractions, such as construction and demolition waste (CDW), textiles, commercial waste and non-hazardous industrial waste, as well as targets for the reuse of municipal waste.

Furthermore, it provides for delegated acts adopted by the European Commission to define strategic matters relating to the application of the law, and uncertainty remains over the definition of treatment operations, with an impact on the calculation of targets relating to preparation for reuse and recycling and to recovery.

We therefore consider that the underlying objectives of harmonising procedures and promoting comparability of data, which are the pillars supporting the revision of these directives, are seriously undermined.

In view of the above, Portugal abstains from voting on the current legislative proposal.

Statement by Greece

Greece supports the overall compromise achieved during the negotiations for the “Waste Package”, acknowledging the painstaking efforts it took to reach an agreement, as well as the importance of the package within the Circular Economy Strategy.

However, a number of important provisions have been included in the course of the negotiations that are not legally coherent, or that have not been based on proper impact assessment, in particular:

Art. 9(1) indent nine & Art.9(1a) on the interface between REACH and waste, as well as the lack of reference to Art. 10(2) & 10(3) of WFD in:

Art. 11(1) on selective demolition,

Art. 18.3 on mixed hazardous waste,

Art. 20 on separate collection of household hazardous waste and

Art. 22(1) on biowaste

In our view, the implementation of the said provisions is likely to prove so challenging in practice for businesses, the public administration and for citizens, that it will even be counterproductive as to the overall objective of promoting circular economy in a sustainable manner.

Furthermore, we are of the opinion that the full financial responsibility shall be borne by the EPR systems and we note that the 10% landfill target of municipal waste by 2035/2040 does not sufficiently take into account the different social conditions or population density and characteristics between MSs and leads inevitably to increased incineration, which is a sub-optimal outcome.

Moreover, we encourage the Commission to address in a systematic and coherent manner the specific characteristics of small remote islands as part of the implementing measures of the package and notably of the revised Landfill Directive as well as of Art. 10(1) to 10(3) and the aforementioned related provisions.

Statement by Finland

Finland supports the aims and objectives as well as the overall compromise on the “Waste Package”, which paves the way for increased recycling and an enhanced circular economy.

However, Finland wishes to reiterate its concern about the inconsistency of the overall recycling targets for packaging waste with respect to its material-specific targets (Article 6, paragraph 1, point (f) and (h) of the Directive on Packaging and Packaging Waste).

More precisely, Finland considers that the reduction in material-specific targets were not sufficiently reflected in the overall recycling targets. Compared to the Commission’s proposal, for example, the recycling target for wood packaging waste was reduced by 35 percentage points (from 60% to 25%) in 2025 and by 45 percentage points (from 75% to 30%) in 2030. Despite this, the overall target for 2025 remained the same (65%) as in the Commission’s proposal, and the target for 2030 was decreased by only 5 percentage points (from 75% to 70%).

Finland also considers that the overall recycling targets for packaging waste do not sufficiently take into account the fact that Member States’ ability to attain the targets depends significantly on the proportion of certain packaging materials that are used. In this regard, the final deal is particularly unfavourable to those Member States where the use of wood packaging is widespread and where the proportion of wood packaging waste of the total amount of packaging waste is significant.

For these Member States, the overall recycling targets can only be achieved in practice if the recycling rates for wood packaging waste can be increased to levels clearly above the material-specific targets. Even extremely efficient recycling of other packaging waste materials (i.e. much higher than their material-specific recycling targets) could not compensate for the dominant impact of the lower recycling rate for wood packaging. This is contradictory given that the recycling targets for wood packaging waste were deliberately set at a lower level due to the limited recycling potential.

Consequently, and yet again stressing the commitment and support for the aims and objectives of the waste package, Finland regrets that the binding overall recycling targets for packaging waste treat Member States unequally according to the proportion of certain packaging materials used in relation to the total amount of all packaging materials.

Statements by Germany

Separate collection

1. Article 10(2) of the current Waste Framework Directive (WFD) stipulates that, to comply with the recovery requirement under Article 10(1), waste must be collected separately 'if technically, environmentally and economically practicable'. The amendment to Article 10(2) agreed on in the trilogue has removed this proviso and replaced it in the new Article 10(3) with a special derogation clause under which Member States may allow derogations from the separate collection requirement subject to certain conditions. This amendment to Article 10 of the Waste Framework Directive not only impacts direct obligations on producers and holders, it also affects Member States' obligation to ensure separate collection of certain wastes, achieve recycling quotas (Article 11 WFD) and collect bio-waste separately (Article 22 WFD).

Germany supports the objective pursued by the WFD of achieving a sustainable circular economy at both EU and national level. All those concerned should participate in efforts to achieve a circular economy; the circular economy therefore requires a sound legal basis. Germany would point out that, irrespective of the derogation clause in Article 10(3) of the WFD, both the Treaty on the Functioning of the European Union and German constitutional law stipulate that legally binding obligations such as, in particular, separate collection obligations may only be imposed on waste producers and holders if they are proportionate, i.e. suitable, necessary and appropriate with a view to improving recycling.

2. The same applies to the new ban on the incineration of separately collected waste pursuant to Article 10(3a) (new) of the WFD and the ban on landfilling such waste under the new point (f) of Article 5(3) of the Landfill Directive. These bans may only be imposed on waste producers and holders if they are proportionate. Furthermore, Article 13 of the WFD requires the management of such waste to be carried out without endangering human health and without harming the environment.

Regarding the obligation to provide the ECHA with information about articles (Article 9(1)(i) and Article 9(2) of the Waste Framework Directive)

The provision inserted in the ninth indent of Article 9(1)(i) and in Article 9(2) during the final phase of the trilogue negotiations, which provides that articles which contain substances of very high concern within the meaning of the REACH Regulation are to be included in a database at the European Chemicals Agency ECHA, raises a number of detailed questions that need to be clarified so that Member States can draw up regulations which are in keeping with the goals of the provision. For example, clarification is required as to how to identify the articles concerned in such a way that they can be entered into a central database in an easily retrievable form. Additionally, common provisions need to be drawn up to deal with the issue of the multiple submissions of data for one and the same article which are to be expected in large numbers as a result of extending the obligations to all suppliers along the supply chain.

Germany considers it regrettable that this provision, which will demand a considerable effort from all parties, was included in the draft without the appropriate preparation in terms of content or the appropriate impact assessment required for such a complex issue. Germany is only able to agree in view of the overall compromise achieved in the trilogue procedure. Germany requests that the Commission, in consultation with the ECHA as the body responsible for maintaining the database, specify the precise details necessary to enable the ECHA and Member States to implement the provision in an appropriate manner while limiting the workload to the necessary minimum. Should the Commission be of the opinion that this requires supplementary amendments to Union law, the Commission is requested to submit corresponding draft provisions.

<p><i>Waste package: Directive on ELV/Batteries/WEEE</i> Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment (Text with EEA relevance) OJ L 150, 14.6.2018, p. 93–99</p>	9/18	Qualified majority	All Member States in favour; except: Abstention: HU
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The Commission is committed to ensuring full implementation of the EU action plan for the Circular Economy¹⁰. To keep track of progress towards the circular economy, the Commission has adopted a monitoring framework¹¹ building on the existing Resource Efficiency and Raw Materials Scoreboards. The Commission also draws attention to its ongoing work on a footprint indicator for products and organisations.

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<p><i>Waste package: Directive on Landfill of waste</i> Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste (Text with EEA relevance) OJ L 150, 14.6.2018, p. 100–108</p>	10/18	Qualified majority	All Member States in favour; except: Abstention: HU
<p>Declaration by the Commission on a policy framework for the circular economy</p> <p>The Commission is committed to ensuring full implementation of the EU action plan for the Circular Economy¹⁹. To keep track of progress towards the circular economy, the Commission has adopted a monitoring framework²⁰ building on the existing Resource Efficiency and Raw Materials Scoreboards. The Commission also draws attention to its ongoing work on a footprint indicator for products and organisations.</p> <p>Actions undertaken under the EU action plan for the Circular Economy also contribute to fulfilling the Union's objectives on sustainable consumption and production, in the context of Sustainable Development Goal 12. This is the case, for example, of the strategy on plastics²¹ or the recently amended proposal on the legal guarantee for consumer goods²².</p> <p>As regards consistency between the Union's regulatory frameworks, the Commission has also recently adopted a Communication setting out options to address the interface between chemical, product and waste legislation²³. In 2018, the Commission will also examine options and actions for a more coherent policy framework of the different strands of work on EU product policy in their contribution to the circular economy. The interactions between legislation and industry cooperation on the use of by-products and the preparation for re-use and recycling of waste will also be considered in the framework of these initiatives and their follow-up.</p> <p>As regards eco-design, the Commission, in line with the Eco-design Working Plan for the years 2016-2019²⁴, confirms its strong commitment to ensuring that eco-design makes a more significant contribution to the circular economy, for example by more systematically tackling material efficiency issues such as durability and recyclability.</p> <p>¹⁹ COM(2015) 614 final ²⁰ COM(2018) 29 final ²¹ COM (2018) 28 final ²² COM(2017) 637 final ²³ COM (2018) 32 final ²⁴ COM(2016) 773 final</p>			

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Building on the exchange of views that took place during the Waste Framework Directive Experts' Group meeting held on 30 June 2017 and in the light of the ruling of the Court of Justice of the European Union in case C-323/13, in the coming months the Commission will step up its dialogue with Member States on the policy measures to be taken in this area.

Declaration by the Commission on the procedure of adoption of implementing acts

The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5§4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established in Article 5§4 recourse to subparagraph 2, point b), cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.

Declaration by the Commission on the availability of data and reporting obligations

In view of monitoring progress towards the new targets for municipal and packaging waste and in view of relevant review clauses, in particular to set targets for food waste prevention and for the recycling of waste oils, the Commission underlines the importance of the common understanding reached between the co-legislators that Member States will ensure that the reporting of data under Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste and 1999/31/EC on the landfill of waste as amended, will cover the year 2020.

Statement by Poland**Frequency of reporting by Member States**

Poland was disappointed to note the information concerning the increase in the frequency of reporting by Member States.

The draft directives increase the frequency of reporting by Member States from every two years to annually, which was never accepted in the mandate. The solutions put forward constitute a significant administrative burden for the Member States. Poland supported the mandate in May 2017 on condition that it took into account Poland's request regarding reporting frequency.

Statement by Greece

Greece supports the overall compromise achieved during the negotiations for the “Waste Package”, acknowledging the painstaking efforts it took to reach an agreement, as well as the importance of the package within the Circular Economy Strategy.

However, a number of important provisions have been included in the course of the negotiations that are not legally coherent, or that have not been based on proper impact assessment, in particular:

Art. 9(1) indent nine & Art.9(1a) on the interface between REACH and waste, as well as the lack of reference to Art. 10(2) & 10(3) of WFD in:

Art. 11(1) on selective demolition,

Art. 18.3 on mixed hazardous waste,

Art. 20 on separate collection of household hazardous waste and

Art. 22(1) on biowaste

In our view, the implementation of the said provisions is likely to prove so challenging in practice for businesses, the public administration and for citizens, that it will even be counterproductive as to the overall objective of promoting circular economy in a sustainable manner.

Furthermore, we are of the opinion that the full financial responsibility shall be borne by the EPR systems and we note that the 10% landfill target of municipal waste by 2035/2040 does not sufficiently take into account the different social conditions or population density and characteristics between MSs and leads inevitably to increased incineration, which is a sub-optimal outcome.

Moreover, we encourage the Commission to address in a systematic and coherent manner the specific characteristics of small remote islands as part of the implementing measures of the package and notably of the revised Landfill Directive as well as of Art. 10(1) to 10(3) and the aforementioned related provisions.

Statement by Finland

Finland supports the aims and objectives as well as the overall compromise on the “Waste Package”, which paves the way for increased recycling and an enhanced circular economy.

However, Finland wishes to reiterate its concern about the inconsistency of the overall recycling targets for packaging waste with respect to its material-specific targets (Article 6, paragraph 1, point (f) and (h) of the Directive on Packaging and Packaging Waste).

More precisely, Finland considers that the reduction in material-specific targets were not sufficiently reflected in the overall recycling targets. Compared to the Commission’s proposal, for example, the recycling target for wood packaging waste was reduced by 35 percentage points (from 60% to 25%) in 2025 and by 45 percentage points (from 75% to 30%) in 2030. Despite this, the overall target for 2025 remained the same (65%) as in the Commission’s proposal, and the target for 2030 was decreased by only 5 percentage points (from 75% to 70%).

Finland also considers that the overall recycling targets for packaging waste do not sufficiently take into account the fact that Member States’ ability to attain the targets depends significantly on the proportion of certain packaging materials that are used. In this regard, the final deal is particularly unfavourable to those Member States where the use of wood packaging is widespread and where the proportion of wood packaging waste of the total amount of packaging waste is significant.

For these Member States, the overall recycling targets can only be achieved in practice if the recycling rates for wood packaging waste can be increased to levels clearly above the material-specific targets. Even extremely efficient recycling of other packaging waste materials (i.e. much higher than their material-specific recycling targets) could not compensate for the dominant impact of the lower recycling rate for wood packaging. This is contradictory given that the recycling targets for wood packaging waste were deliberately set at a lower level due to the limited recycling potential.

Consequently, and yet again stressing the commitment and support for the aims and objectives of the waste package, Finland regrets that the binding overall recycling targets for packaging waste treat Member States unequally according to the proportion of certain packaging materials used in relation to the total amount of all packaging materials.

Statements by Germany

Separate collection

1. Article 10(2) of the current Waste Framework Directive (WFD) stipulates that, to comply with the recovery requirement under Article 10(1), waste must be collected separately 'if technically, environmentally and economically practicable'. The amendment to Article 10(2) agreed on in the trilogue has removed this proviso and replaced it in the new Article 10(3) with a special derogation clause under which Member States may allow derogations from the separate collection requirement subject to certain conditions. This amendment to Article 10 of the Waste Framework Directive not only impacts direct obligations on producers and holders, it also affects Member States' obligation to ensure separate collection of certain wastes, achieve recycling quotas (Article 11 WFD) and collect bio-waste separately (Article 22 WFD).

Germany supports the objective pursued by the WFD of achieving a sustainable circular economy at both EU and national level. All those concerned should participate in efforts to achieve a circular economy; the circular economy therefore requires a sound legal basis. Germany would point out that, irrespective of the derogation clause in Article 10(3) of the WFD, both the Treaty on the Functioning of the European Union and German constitutional law stipulate that legally binding obligations such as, in particular, separate collection obligations may only be imposed on waste producers and holders if they are proportionate, i.e. suitable, necessary and appropriate with a view to improving recycling.

2. The same applies to the new ban on the incineration of separately collected waste pursuant to Article 10(3a) (new) of the WFD and the ban on landfilling such waste under the new point (f) of Article 5(3) of the Landfill Directive. These bans may only be imposed on waste producers and holders if they are proportionate. Furthermore, Article 13 of the WFD requires the management of such waste to be carried out without endangering human health and without harming the environment.

Regarding the obligation to provide the ECHA with information about articles (Article 9(1)(i) and Article 9(2) of the Waste Framework Directive)

The provision inserted in the ninth indent of Article 9(1)(i) and in Article 9(2) during the final phase of the trilogue negotiations, which provides that articles which contain substances of very high concern within the meaning of the REACH Regulation are to be included in a database at the European Chemicals Agency ECHA, raises a number of detailed questions that need to be clarified so that Member States can draw up regulations which are in keeping with the goals of the provision. For example, clarification is required as to how to identify the articles concerned in such a way that they can be entered into a central database in an easily retrievable form. Additionally, common provisions need to be drawn up to deal with the issue of the multiple submissions of data for one and the same article which are to be expected in large numbers as a result of extending the obligations to all suppliers along the supply chain.

Germany considers it regrettable that this provision, which will demand a considerable effort from all parties, was included in the draft without the appropriate preparation in terms of content or the appropriate impact assessment required for such a complex issue. Germany is only able to agree in view of the overall compromise achieved in the trilogue procedure. Germany requests that the Commission, in consultation with the ECHA as the body responsible for maintaining the database, specify the precise details necessary to enable the ECHA and Member States to implement the provision in an appropriate manner while limiting the workload to the necessary minimum. Should the Commission be of the opinion that this requires supplementary amendments to Union law, the Commission is requested to submit corresponding draft provisions.

<p><i>Waste package: Directive on packaging waste</i> Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste (Text with EEA relevance) OJ L 150, 14.6.2018, p. 141–154</p>	12/18	Qualified majority	All Member States in favour; except: Abstention: HU
<p>Declaration by the Commission on a policy framework for the circular economy</p> <p>The Commission is committed to ensuring full implementation of the EU action plan for the Circular Economy²⁸. To keep track of progress towards the circular economy, the Commission has adopted a monitoring framework⁹ building on the existing Resource Efficiency and Raw Materials Scoreboards. The Commission also draws attention to its ongoing work on a footprint indicator for products and organisations.</p> <p>Actions undertaken under the EU action plan for the Circular Economy also contribute to fulfilling the Union's objectives on sustainable consumption and production, in the context of Sustainable Development Goal 12. This is the case, for example, of the strategy on plastics³⁰ or the recently amended proposal on the legal guarantee for consumer goods³¹.</p> <p>As regards consistency between the Union's regulatory frameworks, the Commission has also recently adopted a Communication setting out options to address the interface between chemical, product and waste legislation³². In 2018, the Commission will also examine options and actions for a more coherent policy framework of the different strands of work on EU product policy in their contribution to the circular economy. The interactions between legislation and industry cooperation on the use of by-products and the preparation for re-use and recycling of waste will also be considered in the framework of these initiatives and their follow-up.</p> <p>As regards eco-design, the Commission, in line with the Eco-design Working Plan for the years 2016-2019³³, confirms its strong commitment to ensuring that eco-design makes a more significant contribution to the circular economy, for example by more systematically tackling material efficiency issues such as durability and recyclability.</p> <p>²⁸ COM(2015) 614 final ²⁹ COM(2018) 29 final ³⁰ COM (2018) 28 final ³¹ COM(2017) 637 final ³² COM (2018) 32 final ³³ COM(2016) 773 final</p>			

Declaration by the Commission on initiatives on the collaborative economy

In line with the Circular Economy Action Plan³⁴, the Commission has launched a number of initiatives on the collaborative economy. As announced in its Communication on a European agenda for the collaborative economy³⁵ in June 2016, the Commission will continue to monitor the economic and regulatory developments of the collaborative economy, in order to encourage the development of new and innovative business models, while ensuring adequate consumer and social protection.

³⁴ COM(2015) 614 final

³⁵ COM(2016) 356 final

Declaration by the Commission on micro-plastics

In the context of the recently adopted European Strategy for Plastics in the Circular Economy³⁶, the Commission has presented an integrated approach to address concerns about micro-plastics, including micro-bead ingredients. It focuses on preventive actions and aims at reducing the release of micro-plastics from all main sources – whether from products in which they are intentionally added (such as personal care products and paints) or originating from the production or use of other products (such as oxo-plastics, tyres, plastic pellets, and textiles).

³⁶ COM (2018) 28 final

Declaration by the Commission on the review of the waste shipment regulation and end-of-waste materials

In the context of the planned review of Regulation (EU) No 1013/2006 on shipments of waste to be conducted by the end of 2020, the Commission will consider the feasibility of providing for further measures regarding shipments of end-of-waste materials where end-of-waste criteria have not been set at Union level according to Article 6, paragraph 2, of the Waste Framework Directive.

Declaration by the Commission on measures to ensure treatment of waste prior to landfilling

In accordance with Article 6 (a) of Directive 1999/31/EC on the landfill of waste Member States shall take measures to ensure that only waste that has been subject to treatment is landfilled, while making sure that such measures do not compromise the achievement of the objectives of Directive 2008/98/EC on waste (Waste Framework Directive) as revised, notably with respect to the waste hierarchy, the separate collection of waste and the preparing for re-use and recycling targets as set out in that Directive.

Building on the exchange of views that took place during the Waste Framework Directive Experts' Group meeting held on 30 June 2017 and in the light of the ruling of the Court of Justice of the European Union in case C-323/13, in the coming months the Commission will step up its dialogue with Member States on the policy measures to be taken in this area.

Declaration by the Commission on the procedure of adoption of implementing acts

The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5§4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission *may* adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established in Article 5§4 recourse to subparagraph 2, point b), cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.

Declaration by the Commission on the availability of data and reporting obligations

In view of monitoring progress towards the new targets for municipal and packaging waste and in view of relevant review clauses, in particular to set targets for food waste prevention and for the recycling of waste oils, the Commission underlines the importance of the common understanding reached between the co-legislators that Member States will ensure that the reporting of data under Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste and 1999/31/EC on the landfill of waste as amended, will cover the year 2020.

Statement by Poland

I. Frequency of reporting by Member States

Poland was disappointed to note the information concerning the increase in the frequency of reporting by Member States.

The draft directives increase the frequency of reporting by Member States from every two years to annually, which was never accepted in the mandate. The solutions put forward constitute a significant administrative burden for the Member States. Poland supported the mandate in May 2017 on condition that it took into account Poland's request regarding reporting frequency.

II. Plausibility and feasibility of certain recycling targets

As regards the recycling of plastic packaging waste, Poland notes that the target of 55 % in 2030 may be technically difficult to achieve given the properties of certain materials.

Statement by Greece

Greece supports the overall compromise achieved during the negotiations for the “Waste Package”, acknowledging the painstaking efforts it took to reach an agreement, as well as the importance of the package within the Circular Economy Strategy.

However, a number of important provisions have been included in the course of the negotiations that are not legally coherent, or that have not been based on proper impact assessment, in particular:

Art. 9(1) indent nine & Art.9(1a) on the interface between REACH and waste, as well as the lack of reference to Art. 10(2) & 10(3) of WFD in:

Art. 11(1) on selective demolition,

Art. 18.3 on mixed hazardous waste,

Art. 20 on separate collection of household hazardous waste and

Art. 22(1) on biowaste.

In our view, the implementation of the said provisions is likely to prove so challenging in practice for businesses, the public administration and for citizens, that it will even be counterproductive as to the overall objective of promoting circular economy in a sustainable manner.

Furthermore, we are of the opinion that the full financial responsibility shall be borne by the EPR systems and we note that the 10% landfill target of municipal waste by 2035/2040 does not sufficiently take into account the different social conditions or population density and characteristics between MSs and leads inevitably to increased incineration, which is a sub-optimal outcome.

Moreover, we encourage the Commission to address in a systematic and coherent manner the specific characteristics of small remote islands as part of the implementing measures of the package and notably of the revised Landfill Directive as well as of Art. 10(1) to 10(3) and the aforementioned related provisions.

Statement by Finland

Finland supports the aims and objectives as well as the overall compromise on the “Waste Package”, which paves the way for increased recycling and an enhanced circular economy.

However, Finland wishes to reiterate its concern about the inconsistency of the overall recycling targets for packaging waste with respect to its material-specific targets (Article 6, paragraph 1, point (f) and (h) of the Directive on Packaging and Packaging Waste).

More precisely, Finland considers that the reduction in material-specific targets were not sufficiently reflected in the overall recycling targets. Compared to the Commission’s proposal, for example, the recycling target for wood packaging waste was reduced by 35 percentage points (from 60% to 25%) in 2025 and by 45 percentage points (from 75% to 30%) in 2030. Despite this, the overall target for 2025 remained the same (65%) as in the Commission’s proposal, and the target for 2030 was decreased by only 5 percentage points (from 75% to 70%).

Finland also considers that the overall recycling targets for packaging waste do not sufficiently take into account the fact that Member States’ ability to attain the targets depends significantly on the proportion of certain packaging materials that are used. In this regard, the final deal is particularly unfavourable to those Member States where the use of wood packaging is widespread and where the proportion of wood packaging waste of the total amount of packaging waste is significant.

For these Member States, the overall recycling targets can only be achieved in practice if the recycling rates for wood packaging waste can be increased to levels clearly above the material-specific targets. Even extremely efficient recycling of other packaging waste materials (i.e. much higher than their material-specific recycling targets) could not compensate for the dominant impact of the lower recycling rate for wood packaging. This is contradictory given that the recycling targets for wood packaging waste were deliberately set at a lower level due to the limited recycling potential.

Consequently, and yet again stressing the commitment and support for the aims and objectives of the waste package, Finland regrets that the binding overall recycling targets for packaging waste treat Member States unequally according to the proportion of certain packaging materials used in relation to the total amount of all packaging materials.

Statements by Germany

Separate collection

1. Article 10(2) of the current Waste Framework Directive (WFD) stipulates that, to comply with the recovery requirement under Article 10(1), waste must be collected separately 'if technically, environmentally and economically practicable'. The amendment to Article 10(2) agreed on in the trilogue has removed this proviso and replaced it in the new Article 10(3) with a special derogation clause under which Member States may allow derogations from the separate collection requirement subject to certain conditions. This amendment to Article 10 of the Waste Framework Directive not only impacts direct obligations on producers and holders, it also affects Member States' obligation to ensure separate collection of certain wastes, achieve recycling quotas (Article 11 WFD) and collect bio-waste separately (Article 22 WFD).

Germany supports the objective pursued by the WFD of achieving a sustainable circular economy at both EU and national level. All those concerned should participate in efforts to achieve a circular economy; the circular economy therefore requires a sound legal basis. Germany would point out that, irrespective of the derogation clause in Article 10(3) of the WFD, both the Treaty on the Functioning of the European Union and German constitutional law stipulate that legally binding obligations such as, in particular, separate collection obligations may only be imposed on waste producers and holders if they are proportionate, i.e. suitable, necessary and appropriate with a view to improving recycling.

2. The same applies to the new ban on the incineration of separately collected waste pursuant to Article 10(3a) (new) of the WFD and the ban on landfilling such waste under the new point (f) of Article 5(3) of the Landfill Directive. These bans may only be imposed on waste producers and holders if they are proportionate. Furthermore, Article 13 of the WFD requires the management of such waste to be carried out without endangering human health and without harming the environment.

Regarding the obligation to provide the ECHA with information about articles (Article 9(1)(i) and Article 9(2) of the Waste Framework Directive)

The provision inserted in the ninth indent of Article 9(1)(i) and in Article 9(2) during the final phase of the trilogue negotiations, which provides that articles which contain substances of very high concern within the meaning of the REACH Regulation are to be included in a database at the European Chemicals Agency ECHA, raises a number of detailed questions that need to be clarified so that Member States can draw up regulations which are in keeping with the goals of the provision. For example, clarification is required as to how to identify the articles concerned in such a way that they can be entered into a central database in an easily retrievable form. Additionally, common provisions need to be drawn up to deal with the issue of the multiple submissions of data for one and the same article which are to be expected in large numbers as a result of extending the obligations to all suppliers along the supply chain.

Germany considers it regrettable that this provision, which will demand a considerable effort from all parties, was included in the draft without the appropriate preparation in terms of content or the appropriate impact assessment required for such a complex issue. Germany is only able to agree in view of the overall compromise achieved in the trilogue procedure. Germany requests that the Commission, in consultation with the ECHA as the body responsible for maintaining the database, specify the precise details necessary to enable the ECHA and Member States to implement the provision in an appropriate manner while limiting the workload to the necessary minimum. Should the Commission be of the opinion that this requires supplementary amendments to Union law, the Commission is requested to submit corresponding draft provisions.

<p><i>Regulation on organic farming</i> Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 OJ L 150, 14.6.2018, p. 1–92</p>	62/17	Qualified majority	All Member States in favour; except: Against: CZ, CY, LT, SK, FI Abstention: BE, HU, AT
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Statements by the Commission

Commission statement on temporary experiments for organic varieties

The Commission acknowledges the need to establish conditions under which organic varieties suitable for organic production shall be developed.

For the purpose of establishing criteria for the description of the characteristics of 'organic varieties suitable for organic production', as well as defining the conditions under which 'organic varieties suitable for organic production' may be produced with a view to marketing, the Commission will organise at the latest 6 months after the date of application of the present Regulation a temporary experiment.

This temporary experiment will establish criteria for describing the distinctness, uniformity, stability, and, where applicable, the value for cultivation and use of organic varieties suitable for organic production and address other marketing conditions such as labelling and packaging. These conditions and criteria will take into account the specific needs and aims of organic agriculture such as enhancing genetic diversity, disease resistance and adaptation to soil and climate conditions. Yearly reports will be produced to monitor the progress of the temporary experiment.

In the framework of such an experiment, which shall have a term of seven years and foresee sufficient quantities, Member States may be released from certain obligations laid down in Directive 66/401/EEC, Directive 66/402/EEC, Directive 68/193/EEC, Directive 2002/53/EC, Directive 2002/54/EC, Directive 2002/55/EEC, Directive 2002/56/EEC, Directive 2002/57/EEC, Directive 2008/72/EEC and Directive 2008/90/CE.

The Commission will assess the result of this experiment with a view to propose the amendment of the requirements of the horizontal legislation on the marketing of seeds and other plant reproductive materials to the characteristics of the 'organic varieties suitable for organic production'.

Commission statement on Article 55

The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5 § 4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5 § 4 recourse to subparagraph 2, point b), cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.

Statement by France

France had hoped for a more ambitious approach to the use of adjuvants, synergists and co-formulants in organic production. It can accept the final text bearing in mind that it will still be possible to prohibit the use of certain substances at national level if they fail to comply with the principles and objectives of organic production.

France would ask the Commission to monitor the implementation of Article 9(3) and its impact on organic production. If it becomes evident that the implementation of the second subparagraph of Article 9(3) is likely to affect the integrity of the organic sector, the Commission will need to propose to the Council and the European Parliament an appropriate amendment to the Regulation.

Finally, France would point out that it reaffirms its commitment to ensuring that implementation of the Regulation at European and national level complies fully with its objectives, in particular as regards the robustness of the control system. It would also recall its statements entered in the minutes of the meetings of the SCA on 27 February and 29 May 2017.

Statement by Sweden

Sweden supports the adoption of the new Regulation on organic production and labelling of organic products. The Regulation creates a long-term framework for the organic sector. However, Sweden regrets that parts of the Regulation will hinder the expansion of certain forms of production, for example the development of some greenhouse companies which will not be able to increase their acreage. The Regulation will also, in certain cases, hinder innovations, which could limit the long-term development of the sector. Sweden will continue to contribute to the positive development of the organic farming sector, and is looking forward to the Commission's report on the use of demarcated beds in organic production. Scientific facts which take into consideration Member States' geographical and climatic differences should constitute the basis of the rules for greenhouse companies.

Statement by the Czech Republic

The Czech Republic is concerned about the form of the final proposal for the organic Regulation. We are disappointed that the original intentions of the reform, namely to simplify and harmonise rules for organic operators all across the EU, were not fulfilled. Moreover, we are afraid that the inconsistencies in the resulting text may lead to the organic label losing credibility with consumers.

Furthermore, the Czech Republic deeply regrets the decision to defer a resolution of the question of the presence of the residues of pesticides in organic products, which was considered to be one of the essential issues in the current reform. This sends consumers the worrying message that their expectations that organic products should be free of pesticide residues may not necessarily be fulfilled.

We consider the agreement to be a backward step, undermining the further development of the sector.

Statement by Lithuania

Lithuania notes that the proposal still includes one inappropriate clause, which fails to meet consumers' expectations by providing for the postponement of a decision on the limit on non-authorised substances in organic production until a future date. The proposal as it stands would disappoint those consumers across the EU who opt for organic products owing to the specific nature of their production, i.e. as 'clean' products without pesticides.

We also note the proposal's failure to ensure EU-wide harmonisation of the requirements. Seeking an agreement at any cost, the proposal contains a number of derogations that are open for individual adoption by Member States, as well as some derogations that are provided only for specific Member States – this will lead to uneven competitive conditions on the market.

For the abovementioned reasons, Lithuania opposes the text of the proposal on organic production and labelling of organic products.

<p><i>Regulation on type approval</i> Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (Text with EEA relevance) OJ L 151, 14.6.2018, p. 1–218</p>	73/17	Qualified majority	All Member States in favour, except: Abstention: CZ, DE, LV, SK
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Declarations by the European Commission

The link between the different EU and national databases (Article 9a)

The Commission shares the views of the legislator that interconnection between the different databases used for type-approval and market surveillance should be ensured. As some databases are managed individually by Member States, successful interconnection will depend on the full cooperation of Member States.

The New Deal for Consumers

The Commission is concerned by mass harm situations affecting interests of consumers, as illustrated by the revelations in September 2015 about car manufacturers circumventing emissions standards for certain air pollutants, and sees the limits of existing national procedural means to secure appropriate consumer redress in such situations. The Commission has adopted a proposal on representative actions for the protection of the collective interests of consumers [COM(2018)184] as part of the New Deal for Consumers package on 11 April 2018, with the aim to empower qualified entities to launch representative actions on behalf of consumers and to introduce stronger sanctioning powers for Member States' consumer authorities. With this proposal, once adopted, victims of unfair commercial practices, such as misleading advertising by car manufacturers not in compliance with the Union regulatory framework for type approval of vehicles or environmental legislation, will be in a position to obtain remedies collectively.

The obligatory market checks on the market by the Commission (Article 9)

The Commission welcomes that the market checks to be carried out by the Commission were confirmed by the legislator. It is now essential that the legislator also ensures that this activity is properly financed in particular in the context of the Commission proposal for the next Multiannual Financial Framework.

The status quo for end of series (Article 47)

The Commission regrets that for end-of series, instead of an EU procedure, the future legislation will maintain the status quo of a national procedure which is burdensome for importers, vehicles manufacturers, national and regional authorities. The current procedure also has no value added for safety and environment and creates problems for the internal market of used vehicles. **The rules on the committee work**

For Committee rules; the Commission underlines that it is contrary to the letter and to the spirit of regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5§4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established in Article 5§4 recourse to subparagraph 2, point b), cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.

The deletion of the delegation to the Commission to regulate CO2 in-use testing defeat device (Article 91)

The Commission regrets that the initial Commission proposal to regulate in-service-conformity of CO₂ emissions through implementing legislation was not supported by the co-legislators. This will further delay the set-up of an in-service-conformity assessment procedure which is a core element for ensuring that the CO₂ emission and fuel consumption values attributed to individual vehicles are reliable. The Commission has included a similar mandate in its proposal for new Light Duty Vehicle CO₂ emission standards adopted on 8 November 2017 and calls on the co-legislators to support it.

Statement by the Czech Republic and Latvia

The Czech Republic and Latvia fully agree with the need for revision of the type-approval framework for motor vehicles, systems, components and separate technical units intended for such vehicles, with the view to ensure high level of safety and protection of health and the environment.

The Czech Republic and Latvia support the aims and principles of the new Regulation such as efficient market surveillance, clear and harmonised recall and safeguard procedures, proper functioning of technical services, closer coordination between national authorities and uniform application of type-approval rules. Efficient market surveillance system should be, first of all, based on a principle of risk assessment.

The Czech Republic and Latvia remain critical towards claimed added value of the additional oversight of the Commission over national type-approval authorities as agreed in the text of Article 9a resulting from the trialogues with the European Parliament. The assessment of type-approval authorities by the Commission cannot be considered as necessary and proportionate for achieving the aims of the Regulation. On the contrary, besides adding unnecessary bureaucracy into the system, such a mechanism undermines the very principles of EU type-approval system. The Article 9a interferes with the activities of national authorities that are in competence of Member States. By not respecting the competencies of national type-approval authorities confidence and respect of the EU type-approval system as such is being undermined. In addition such assessment will duplicate the peer-evaluation system and increase the already significant administrative burden for authorities.

Furthermore, the Czech Republic and Latvia are of the opinion that the text of Article 90 is of utmost importance as it sets EU fines mechanism that results in direct impact on manufacturers. Therefore, procedure, methods for the calculation and collection of administrative fines should be adopted by means of an implementing act.

Statement by Germany

The Federal Government would like to thank all stakeholders for this draft regulation on the type approval and market surveillance of motor vehicles and their trailers. Germany supports the revision of the Framework Directive on the type approval and market surveillance of motor vehicles and of systems, components and separate technical units with the objective of ensuring a high level of road safety and the protection of health and the environment. This applies in particular to the introduction of mandatory market surveillance, Member States' obligation to provide information and the stricter monitoring of technical services that carry out vehicle testing in the context of type approvals.

However, we are of the opinion that the draft regulation does not go far enough. The objective is that rules for type approvals and market surveillance be improved and that trust in European type approval legislation be restored. During the discussions, Germany submitted numerous proposals that go beyond the current proposal and would have contributed to its unambiguity, clarity and applicability. We regret that some of Germany's basic demands have not been included in the present draft regulation. This applies in particular to the following aspects:

- The specification of rules for type approval and market surveillance with a clearly defined procedure for non-compliant products.
- The Federal Government's proposal to establish a clearing house that, as an expert body, prepares a decision within clearly defined deadlines in the event of disputes.
- The introduction of a rotation system for technical services for the purposes of improving quality. In accordance with the 'four-eyes principle', a second technical service should carry out random checks and thereby enhance the quality of type approvals.
- The replacement of rules regarding end-of-series vehicles with certificates of conformity (CoC) for first registrations that, once issued, are valid for an unlimited period of time.
- Germany also continues to champion the administrative monitoring of CO₂ emissions and the monitoring of fuel consumption in real-world driving, as they have been deleted from the present proposal. We consider it important that this measure be implemented promptly.

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<p><i>Council Decision on the EU position at the OTIF-RID Committee (30 May 2018)</i> Council Decision (EU) 2018/768 of 22 May 2018 establishing the position to be adopted, on behalf of the European Union, at the 55th session of the Committee of Experts for the Carriage of Dangerous Goods of the Intergovernmental Organisation for International Carriage by Rail as regards certain amendments to Appendix C to the Convention concerning International Carriage by Rail OJ L 129, 25.5.2018, p. 77–79</p>	7209/18
<p><i>2019 EP Elections dates</i> Council Decision (EU, Euratom) 2018/767 of 22 May 2018 fixing the period for the ninth election of representatives to the European Parliament by direct universal suffrage OJ L 129, 25.5.2018, p. 76–76</p>	7162/18
<p><i>Revision of the Recommendation on key competences for lifelong learning</i> Council Recommendation of 22 May 2018 on key competences for lifelong learning (Text with EEA relevance) OJ C 189, 4.6.2018, p. 1–13</p>	9009/18
<p><i>Recommendation on promoting common values, inclusive education, and the European dimension of teaching</i> Council Recommendation of 22 May 2018 on promoting common values, inclusive education, and the European dimension of teaching OJ C 195, 7.6.2018, p. 1–5</p>	9010/18

Council Conclusions on moving towards a vision of a European Education Area	9012/18
Council Conclusions on the role of young people in building a secure, cohesive and harmonious society in Europe	9013/18
Council Conclusions on the role of youth in addressing the demographic challenges within the European Union	9014/18
Council Conclusions on the need to bring cultural heritage to the fore across policies in the EU	9015/18
Conclusions of the Council and of the Representatives of the Governments of the Member States meeting within the Council on promoting the common values of the EU through sport	9016/18
3618th meeting of the Council of the European Union (Foreign Affairs) held in Brussels on 22 May 2018	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<i>Council Conclusions on Court of Auditors' Special Report on Assistance to Myanmar/Burma</i> Council Conclusions on the Court of Auditors' Special Report No. 4/2018 on EU Assistance to Myanmar/Burma	8952/18
<i>Council Decision within the EEA Joint Committee amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget Line - Implementation and development of the single market for financial services)</i> Council Decision (EU) 2018/776 of 22 May 2018 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment of Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget line 12 02 01: 'Implementation and development of the single market for financial services') (Text with EEA relevance) OJ L 131, 29.5.2018, p. 12–13	8187/18

<p><i>Council Decision within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement (The Union's preparatory action on defence research)</i></p> <p>Council Decision (EU) 2018/777 of 22 May 2018 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment of Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (budget line 02 04 77 03: ‘Preparatory action on defence research’) (Text with EEA relevance)</p> <p>OJ L 131, 29.5.2018, p. 14–15</p>	8190/18
<p><i>Council Decision within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget Line 04 03 01 03 - Social Security)</i></p> <p>Council Decision (EU) 2018/786 of 22 May 2018 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment of Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget line 04 03 01 03: ‘Free movement of workers, co-ordination of social security schemes and measures for migrants including migrants from third countries’) (Text with EEA relevance)</p> <p>OJ L 132, 30.5.2018, p. 45–47</p>	8194/18
<p><i>Council Decision within the EEA Joint Committee concerning an amendment to Annex IX (Financial Services) to the EEA Agreement (EMIR Level 2 Acts)</i></p> <p>Council Decision (EU) 2018/817 of 22 May 2018 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment of Annex IX (Financial services) to the EEA Agreement (EMIR Level 2 Acts)</p> <p>OJ L 137, 4.6.2018, p. 7–22</p>	7438/18
<p>Council Conclusions on Energy and development</p>	8954/18

<p><i>Conclusions on Investing in Sustainable Development and 2018 Report on EU Development Aid Targets</i> Council Conclusions on "Investing in Sustainable Development" and Annual Report 2018 to the European Council on EU Development Aid Targets</p>	8959/18
<p><i>Conclusions on the Annual Report on the EU EFIs</i> Council Conclusions on the Annual Report on the implementation of the European Union's instruments for financing external actions in 2016</p>	8960/18
<p><i>Relations with Mexico - Accession of Croatia and provisional application of the Third Additional Protocol to the EU-Mexico Economic Partnership, Political Coordination and Cooperation Agreement</i> Council Decision on the signing, on behalf of the European Union and its Member States, and provisional application of the Third Additional Protocol to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, to take account of the accession of the Republic of Croatia to the European Union</p>	15380/17
<p><i>Relations with Mexico - Accession of Croatia and provisional application of the Third Additional Protocol to the EU-Mexico Economic Partnership, Political Coordination and Cooperation Agreement</i> Council Decision on the conclusion, on behalf of the European Union and its Member States, of the Third Additional Protocol to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, to take account of the accession of the Republic of Croatia to the European Union</p>	15383/17

<p><i>Council Decision on the position to be adopted within the EU-Mexico Joint Council established under the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States to take account of the accession of the Republic of Croatia to the European Union</i></p> <p>Council Decision on the position to be adopted, on behalf of the European Union, within the EU-Mexico Joint Council established under the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, as regards the amendment of Decisions No 2/2000 and No 2/2001 of the Joint Council to take account of the accession of the Republic of Croatia to the European Union</p>	15376/17
<p><i>Negotiations on Free Trade Agreements with Australia and New Zealand</i></p> <p>Council Decision authorising the opening of negotiations with Australia for a Free Trade Agreement</p>	7663/18
<p><i>Negotiations on Free Trade Agreements with Australia and New Zealand</i></p> <p>Council Decision authorising the opening of negotiations with New Zealand for a Free Trade Agreement</p>	7661/18
<p>Council Conclusions on the negotiation and conclusion of EU trade agreements</p>	9120/18

3619th meeting of the Council of the European Union (Economic and Financial Affairs) held in Brussels on 25 May 2018

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
<i>Amendment to Directive 2011/16/EU as regards exchange of information on reportable cross-border tax arrangements</i> Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements OJ L 139, 5.6.2018, p. 1–13	7160/18	Unanimity	All Member States in favour
Statement by the Council To ensure an adequate level playing field with regard to the effective exchange of information and full transparency regarding circumvention schemes of Common Reporting Standard (CRS), the Council expresses its firm political support to an action at the international level for a general implementation of the Mandatory Disclosure Rules for Addressing CRS Avoidance Arrangements and Opaque Structures.			
Statement by Germany In the understanding of the Federal Republic of Germany, the national legal professional privilege in Germany also applies to auditors, tax advisers and chartered accountants in the same way as for lawyers.			

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<p><i>Hungary VAT derogation for supplies of goods and services</i> Council Implementing Decision (EU) 2018/789 of 25 May 2018 authorising Hungary to introduce a special measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax OJ L 134, 31.5.2018, p. 10–11</p>	8045/18
<p><i>Conclusion on ECA report on Greece</i> Council Conclusions on the European Court of Auditors' Special Report No 17/2017: "The Commission's intervention in the Greek financial crisis"</p>	8665/18
<p><i>Conclusions on good governance in tax matters for agreements with third countries</i> Council Conclusions on the EU standard provision on good governance in tax matters for agreements with third countries</p>	9294/18
<p><i>European Semester 2018</i> Council Conclusions on 2018 In-depth reviews and implementation of the 2017 Country-Specific Recommendations</p>	9354/18
<p>Statement by Hungary</p> <p>Hungary is of the view that the Council conclusions on in-depth reviews and implementation of the 2017 Country Specific Recommendations should take into account the outcome of the debates of the European Council's meetings of December 2017 and March 2018 in relation to the social dimension of the EU.</p> <p>Since there was no consensus at these European Councils to integrate the European Pillar of Social Rights into the European Semester process, Hungary cannot accept a CONCLUSION CONTAINING that the Commission has incorporated the European Pillar of Social Rights within the country reports.</p> <p>As a consequence Hungary cannot agree with the wording of paragraph 17 of the Council Conclusions and abstains from its adoption.</p>	
<p>Council Conclusions on the sustainability of public finances in the light of ageing populations</p>	9356/18

3620th meeting of the Council of the European Union (Competitiveness (Internal Market, Industry, Research and Space)) held in Brussels on 28 and 29 May 2018

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
<p><i>Council Decision on the conclusion of the Agreement for scientific and technological cooperation with the Republic of Lebanon on the Partnership for Research and Innovation in the Mediterranean Area (PRIMA)</i> Council Decision (EU) 2018/826 of 28 May 2018 on the conclusion of the Agreement for scientific and technological cooperation between the European Union and the Republic of Lebanon setting out the terms and conditions for the participation of the Republic of Lebanon in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) OJ L 140, 6.6.2018, p. 1–2</p>	11967/17
<p><i>Council Decision on the EU position for the EU-Switzerland Joint Veterinary Committee</i> Council Decision on the position to be taken on behalf of the European Union within the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products in relation to Decision No 1/2017 regarding the amendment of Appendix 6 of Annex 11 to the Agreement</p>	14048/17

<p><i>Council implementing Decision imposing a fine on Austria</i> Council Implementing Decision (EU) 2018/818 of 28 May 2018 imposing a fine on Austria for the manipulation of debt data in Land Salzburg OJ L 137, 4.6.2018, p. 23–24</p>	<p>9140/17</p>
<p>Statement by the Commission</p> <p>The reliability of Member States' deficit and debt data is of utmost importance, for the sound economic governance of the Union, as recognised by the adoption of Regulation (EU) No 1173/2011. When imposing a fine the principle of equal treatment must be respected with reference to previous cases. Although the Commission appreciates that the Council contests neither the sole authority of the Commission to conduct the investigations nor the facts as established by the Commission, it regrets the circumstances under which the Council has reduced the fine. The Commission does not consider that the "difficulties ensuing from the high complexity of the facts" is a relevant justification for reducing the amount of the fine, in this case or possible future ones.</p>	
<p>Council Conclusions on the European Open Science Cloud (EOSC)</p>	<p>9291/18</p>
<p>Council Conclusions on Accelerating knowledge circulation in the EU</p>	<p>9507/18</p>

3621st meeting of the Council of the European Union (Foreign Affairs) held in Brussels on 28 May 2018

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
<i>Syria restrictive measures - review - Decision and Implementing Regulation</i> Council Decision (CFSP) 2018/778 of 28 May 2018 amending Decision 2013/255/CFSP concerning restrictive measures against Syria OJ L 131, 29.5.2018, p. 16–22	8200/18
<i>Syria restrictive measures - review - Decision and Implementing Regulation</i> Council Implementing Regulation (EU) 2018/774 of 28 May 2018 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria OJ L 131, 29.5.2018, p. 1–7	8201/18
Council Conclusions on Enhanced EU Security Cooperation in and with Asia	8941/18
<i>Conclusions on Election Observation Missions - Efforts made to follow up recommendations but better monitoring needed (CoA SR No 22/2017)</i> Council Conclusions on Special Report No 22/2017 by the European Court of Auditors: "Election Observation Missions – Efforts made to follow up recommendations but better monitoring needed"	9121/18
<i>Conclusions on an EU position on combatting the illicit trade in small arms and light weapons (SALW)</i> Council Conclusions on an EU position on combatting the illicit trade in small arms and light weapons, in light of the Third Review Conference to review the implementation of the UN Programme of Action on SALW (New York, 18-29 June 2018)	8978/18
Council Conclusions on strengthening civilian CSDP	9288/18
Council Conclusions on Venezuela	9167/18

Adoption of legislative acts following the European Parliament's Second Reading (Strasbourg, 28 to 31 May 2018)

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2018/825 of the European Parliament and of the Council of 30 May 2018 amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union OJ L 143, 7.6.2018, p. 1–18	24/18 (9475/18)	Not applicable	Not applicable