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## NOTE

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Subject: MONTHLY SUMMARY OF COUNCIL ACTS - NOVEMBER 2017

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This document lists the acts adopted by the Council in November 2017.<sup>1 2</sup>

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.

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<sup>1</sup> 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.

<sup>2</sup> 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](#)

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**INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN NOVEMBER 2017**

**3571st meeting of the Council of the European Union (AGRICULTURE AND FISHERIES) held in Brussels on 6 November 2017**

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2017/2104 of 6 November 2017 on the position to be taken on behalf of the European Union within the United Nations Economic Commission for Europe — Working Party on Agricultural Quality Standards (UNECE-WP.7) concerning proposals on quality standards for fruit and vegetables OJ L 303, 18.11.2017, p. 1–5	13234/17
Council Conclusions on the European Legislation Identifier (ELI)	14172/17
Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2016 evaluation of Iceland on the application of the Schengen acquis in the field of the common visa policy	13351/17
Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2016 evaluation of France on the application of the Schengen acquis in the field of the common visa policy	13355/17
Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2016 evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of legislation on firearms	13359/17
Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2016 evaluation of Austria on the application of the Schengen acquis in the field of temporary reintroduction of border control at the internal border with Hungary and the absence of border control at the internal border with Italy	13367/17

Council Decision (EU) 2017/2083 of 6 November 2017 on the signing, on behalf of the Union, of the Agreement between the European Union and Antigua and Barbuda amending the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver OJ L 297, 15.11.2017, p. 1–2	12381/17
Council Decision (EU) 2017/2085 of 6 November 2017 on the signing, on behalf of the Union, of the Agreement between the European Union and the Commonwealth of the Bahamas amending the Agreement between the European Community and the Commonwealth of the Bahamas on the short-stay visa waiver OJ L 297, 15.11.2017, p. 5–6	12387/17
Council Decision (EU) 2017/2084 of 6 November 2017 on the signing, on behalf of the Union, of the Agreement between the European Union and Barbados amending the Agreement between the European Community and Barbados on the short-stay visa waiver OJ L 297, 15.11.2017, p. 3–4	12384/17
Council Decision (EU) 2017/2087 of 6 November 2017 on the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Mauritius amending the Agreement between the European Community and the Republic of Mauritius on the short-stay visa waiver OJ L 297, 15.11.2017, p. 9–10	12394/17
Council Decision (EU) 2017/2088 of 6 November 2017 on the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Seychelles amending the Agreement between the European Community and the Republic of Seychelles on the short-stay visa waiver OJ L 297, 15.11.2017, p. 11–12	12397/17

<p>Council Decision (EU) 2017/2086 of 6 November 2017 on the signing, on behalf of the Union, of the Agreement between the European Union and the Federation of Saint Kitts and Nevis amending the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver OJ L 297, 15.11.2017, p. 7–8</p>	12390/17
<p>Council Decision (EU) 2017/2060 of 6 November 2017 on the conclusion, on behalf of the European Union and its Member States, of the Third Additional Protocol to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, to take account of the accession of the Republic of Croatia to the European Union OJ L 295, 14.11.2017, p. 1–2</p>	6750/17
<p>Council Decision (EU) 2017/2422 of 6 November 2017 on the position to be taken on behalf of the European Union within the Association Council established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part with regard to the adoption of the EU-Georgia Association Agenda OJ L 343, 22.12.2017, p. 64–66</p>	9914/17
<p>Common Position of the European Union on the Second Meeting of the EU-Kosovo* Stabilisation and Association Council (Brussels, 17 November 2017) <i>* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.</i></p>	13020/17

**3572nd meeting of the Council of the European Union (ECONOMIC AND FINANCIAL AFFAIRS) held in Brussels on 7 November 2017**

## NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Decision (EU) 2017/2192 of the European Parliament and of the Council of 15 November 2017 on the mobilisation of the European Globalisation Adjustment Fund following an application from Italy — EGF/2017/004 IT/Almaviva OJ L 310, 25.11.2017, p. 47–48	13276/17
Council conclusions on Climate Finance	14148/17
Council Implementing Decision (EU) 2017/2012 of 7 November 2017 amending Implementing Decision 2012/232/EU authorising Romania to apply measures derogating from Article 26(1)(a) and Article 168 of Directive 2006/112/EC on the common system of value added tax OJ L 292, 10.11.2017, p. 57–58	12967/17
Council Implementing Decision (EU) 2017/2013 of 7 November 2017 authorising the Kingdom of the Netherlands to introduce a special measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax OJ L 292, 10.11.2017, p. 59–60	12968/17
Council Conclusions on the Way forward of Developing Customs IT Systems	13543/17
Council Conclusions on EU Statistics	14011/17

<b>Written procedures completed on 8 November 2017</b>			
NON-LEGISLATIVE ACTS			
ACT	DOCUMENT / STATEMENTS		
Council Implementing Decision (CFSP) 2017/2008 of 8 November 2017 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya OJ L 290, 9.11.2017, p. 22–23	13930/17		
Council Decision (EU) 2017/2007 of 8 November 2017 on the financial contributions to be paid by Member States to finance the European Development Fund, including the third instalment for 2017 OJ L 290, 9.11.2017, p. 19–21	13574/17		
<b>3573rd meeting of the Council of the European Union (FOREIGN AFFAIRS/TRADE) held in Brussels on 10 November 2017</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2017/2101 of the European Parliament and of the Council of 15 November 2017 amending Regulation (EC) No 1920/2006 as regards information exchange on, and an early warning system and risk assessment procedure for, new psychoactive substances OJ L 305, 21.11.2017, p. 1–7	26/17	Qualified majority	All Member States in favour
Regulation (EU) 2017/2092 of the European Parliament and of the Council of 15 November 2017 amending Regulation (EU) No 1380/2013 on the common fisheries policy OJ L 302, 17.11.2017, p. 1–2	48/17	Qualified majority	All Member States in favour
<b>Statement by Belgium, Denmark, Finland, France, Germany, Ireland, Italy, the Netherlands, Portugal, Slovenia and Spain</b>			
The following Member States: Belgium, Denmark, Finland, France, Germany, Ireland, Italy, the Netherlands, Portugal, Slovenia and Spain acknowledge this amendment aims to clarify Regulation 1380/2013. This amendment restricts the extension of discard plans to just three years, whereas these Member States wish to have a longer extension possibility. Because of time constraints the Member States decided to support the Commission proposal.			

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2017/2105 of 10 November 2017 on the position to be adopted on behalf of the European Union within the Trade Committee regarding the amendment of Annex XII of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, setting out the list of Colombian procuring entities in accordance with the provisions of Title VI ('Government Procurement') OJ L 303, 18.11.2017, p. 6–9	13045/17
Council Conclusions on the Union's facility providing medium-term financial assistance for Member States' balances of payments pursuant to Council Regulation (EC) No 332/2002	14201/17
Council Decision on the position to be adopted on behalf of the European Union in the relevant Committees of the United Nations Economic Commission for Europe as regards the proposals for amendments to UN Regulations Nos 12, 14, 16, 17, 43, 44, 46, 48, 49, 110, 121, 129 and 134, to UN Global Technical Regulations Nos 6 and 15, to the Rules of Procedure of WP.29 and to the General Guidelines for UN regulatory procedures and transitional provisions in UN Regulations, and as regards proposals for three new UN Regulations, one new UN Global Technical Regulation and a proposal for a new Mutual Resolution	13191/17
Council Decision (EU) 2017/2240 of 10 November 2017 on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems OJ L 322, 7.12.2017, p. 1–2	13074/17
Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems OJ L 322, 7.12.2017, p. 3–26	13073/17



**3575th meeting of the Council of the European Union (GENERAL AFFAIRS) held in Brussels on 15 November 2017**

## LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Council Decision (EU) 2017/2152 of 15 November 2017 amending Decision No 189/2014/EU authorising France to apply a reduced rate of certain indirect taxes on 'traditional' rum produced in Guadeloupe, French Guiana, Martinique and Réunion OJ L 304, 21.11.2017, p. 1–2	13338/17	Qualified majority	All Member States in favour

## NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Conclusions on "Synergies and Simplification for Cohesion Policy post-2020"	14263/17
Council Implementing Decision (EU) 2017/2170 of 15 November 2017 on subjecting N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide (furanylfentanyl) to control measures OJ L 306, 22.11.2017, p. 19–20	11212/17

**3577th meeting of the Council of the European Union (EDUCATION, YOUTH, CULTURE AND SPORT) held in Brussels on 20 and 21 November 2017**

## NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Decision on the position to be adopted on behalf of the European Union within the Council of Members of the International Olive Council with regard to certain matters concerning the International Agreement on Olive Oil and Table Olives, 2015	13778/17

Council Conclusions on Special Report No 7/2017 from the European Court of Auditors' entitled: "The certification bodies' new role on CAP expenditure: a positive step towards a single audit model but with significant weaknesses to be addressed"	14658/17
Council Decision (EU) 2018/104 of 20 November 2017 on the signing, on behalf of the Union, and provisional application of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part OJ L 23, 26.1.2018, p. 1–3	12542/17
Council Decision on the conclusion, on behalf of the Union, of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part	12543/17
Comprehensive and enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part OJ L 23, 26.1.2018, p. 4–466	12548/17
Council Decision approving the conclusion by the European Commission, on behalf of the European Atomic Energy Community, of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part	12547/17
<p><b>Statement by Portugal</b></p> <p>On the basis of the respect of the competences allocated between the European Union and its Member States, as defined by the Treaties, the Decision of the Council that authorizes the provisional application, by the EU, of the Comprehensive and Enhanced Partnership Agreement between the EU and the European Atomic Energy Community and their Member States and the Republic of Armenia shall not affect the autonomy of decision of Portugal on the issues of its national competence, whose decision to be bound by the Agreement depends on the conclusion of the internal ratification procedures, in accordance with the Constitutional principles and rules.</p>	

Council Decision (CFSP) 2017/2161 of 20 November 2017 amending Decision 2014/486/CFSP on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) OJ L 304, 21.11.2017, p. 48–49	13534/17
Council Decision (CFSP) 2017/2163 of 20 November 2017 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 304, 21.11.2017, p. 51–52	13788/17
Council Implementing Regulation (EU) 2017/2153 of 20 November 2017 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 304, 21.11.2017, p. 3–5	13791/17
Council Decision (CFSP) 2017/2162 of 20 November 2017 amending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) OJ L 304, 21.11.2017, p. 50–50	13536/17
Council Conclusions on smart youth work OJ C 418, 7.12.2017, p. 2–5	14205/17
Council Conclusions on school development and excellent teaching OJ C 421, 8.12.2017, p. 2–6	14206/17
Council Conclusions on a renewed EU agenda for higher education OJ C 429, 14.12.2017, p. 3–7	14207/17
Council Recommendation of 20 November 2017 on tracking graduates (Text with EEA relevance. ) OJ C 423, 9.12.2017, p. 1–4	13361/17
Council Conclusions on promoting access to culture via digital means with a focus on audience development OJ C 425, 12.12.2017, p. 4–6	14209/17

Conclusions of the Council and of the representatives of the Governments of the Member States, meeting within the Council, on the role of coaches in society OJ C 423, 9.12.2017, p. 6–10	14210/17		
Resolution of the Council and of the representatives of the Governments of the Member States, meeting within the Council, on further developing the EU Structured Dialogue on sport OJ C 425, 12.12.2017, p. 1–2	13432/17		
<b>3578th meeting of the Council of the European Union (GENERAL AFFAIRS) held in Brussels on 20 November 2017</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2017/2225 of the European Parliament and of the Council of 30 November 2017 amending Regulation (EU) 2016/399 as regards the use of the Entry/Exit System OJ L 327, 9.12.2017, p. 1–19	46/17	Qualified majority	All Member States in favour; except: Not participating: DK, IE, UK
<p><b>Statement by the Commission</b></p> <p>The Regulation establishing the Entry Exit System is consistent with the Kaliningrad Transit Scheme provided for in Regulation 693/2003<sup>(1)</sup> as presently designed.</p> <p>The Commission will ensure the legislative consistency between these legal acts in the event the Kaliningrad Transit Scheme would be amended in the future.</p> <p><sup>(1)</sup> Council Regulation (EC) 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual, OJ L 99, 17.04.2003, p.8.</p>			

**Statement by Austria**

Austria appreciates the intense efforts made by the Estonian Presidency to achieve a broad consensus among Member States on this important issue.

However, the law enforcement authorities still do not have sufficient authorisation to access data in order to identify third country nationals who have committed an offence, or indeed other groups of persons. It is hoped that a solution to this problem can be found by way of interoperability.

In the interest of effective cooperation between the asylum authorities in the Member States, it would also have been preferable for those authorities to have access to the entry-exit system. It is essential that tools like the EES - the development of which took a long time and involved considerable financial and human resources - can be used effectively. Access by the asylum authorities to the EES to identify third country nationals accurately, for the purpose of expediting proceedings and for enforced returns, would have been a major part of the added value of the EES.

**Statement by Croatia**

The Republic of Croatia supports the aim of this Regulation, since it should contribute to reinforcing and maintaining a favourable security situation in the entire territory of the European Union, the prerequisite for which is, inter alia, better and more operational control of external borders.

This aim should be considered as the highest interest of European Union citizens, and the Republic of Croatia finds it unacceptable that this Regulation, from the very beginning of its operational application, would not apply at the external borders of the European Union, thus unnecessarily, and without any grounds, diminishing its effect. It should be emphasised that by entry into force of the current Proposal for a Regulation, the existing provision of Article 6(1) of the Schengen Borders Code (SBC), and the existing provisions of the Accession Treaty of the Republic of Croatia as an integral part of the *acquis communautaire*, would be temporarily suspended. The Republic of Croatia would like to point out that, in the very title of the Proposal for a Regulation, the European Commission has foreseen the implementation of the Regulation precisely at the external borders of the Union and thereby the equal treatment of all Member States.

Failure to equally apply the Regulation to full Schengen members and those that are about to become full members, including the Republic of Croatia, would render the aim of this Regulation secondary and, apart from threatening the internal security of the European Union and the efficient fight against terrorism and serious crime, it would also send a negative message to the European general public.

From the operational aspect, failure to equally apply this Regulation would mean that, due to the lack of access to the VIS through the EES, it would be impossible to register the duration of stay of third country nationals on short-term stay in the EU, and thus impossible to verify the validity of a Schengen visa. Since the Republic of Croatia recognises this visa as equivalent to Croatian visas and due to its lack of access to the VIS through the EES, it could grant entry into its state territory to a holder of a non-valid visa travelling to a Schengen country. This additionally raises the question about the Member State responsible for bearing the costs of return of such persons.

Furthermore, the non-application of this Regulation in the Republic of Croatia would mean the inability to access other operational data on persons who frequently cross the external border of the European Union and the Schengen border, including potential terrorists and other suspicious persons in terms of security.

Such uneven application could redirect the movement of persons who pose threat to internal security of the European Union across those borders where this system would not be applied. As regards the Republic of Croatia, this would mean redirection to about 1350 km of the external border of the European Union, having also in mind third countries where a trend of increased intolerance, radicalism and violent extremism is present, also fostered by the phenomenon of foreign terrorist fighters returning from war zones to their home countries, which also increases the risk of terrorism for the Republic of Croatia.

Moreover, the unequal application of this Regulation would also have serious implications for the flow of cross-border traffic since, in addition to systematic checks that have been introduced, more time would be required for manual instead of automated processing of travel documents, thus undermining the appropriate security profiling of passengers by border guards.

Taking into consideration all the above said, being a Member State with a long external border, the Republic of Croatia is extremely interested in finding a way to apply this Regulation at all external borders of the European Union from its very adoption, thus optimising the very aim of the Regulation.

<p>Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 OJ L 327, 9.12.2017, p. 20–82</p>	<p>47/17</p>	<p>Qualified majority</p>	<p>All Member States in favour; except: Not participating: DK, IE, UK</p>
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**Statement by the Council and the Commission**

The Council and the Commission stress the importance, for the purpose of combatting identity fraud, accurately identifying applicants for international protection and verifying the declarations of the applicants, of enabling the direct access of the asylum authorities concerning the data of third country nationals stored in the EES when examining applications for international protection and determining the Member State responsible for the examination of such applications.

For this reason, both institutions agree that a legal provision should be introduced in order to ensure direct access by the asylum authorities to the EES in the relevant instruments of the asylum package and possible other relevant legislation, in particular the proposal on Asylum Procedure Regulation and Dublin Regulation currently discussed in the Council bodies, or in a future legislative initiative regarding interoperability. In this context, the specific situation of the Schengen and Dublin associated states should be taken into consideration.

**Statement by the Commission**

The Regulation establishing the Entry Exit System is consistent with the Kaliningrad Transit Scheme provided for in Regulation 693/2003 <sup>(1)</sup> as presently designed.

The Commission will ensure the legislative consistency between these legal acts in the event the Kaliningrad Transit Scheme would be amended in the future.

<sup>(1)</sup> Council Regulation (EC) 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual, OJ L99, 17.04.2003, p.8.

**Statement by Austria**

Austria appreciates the intense efforts made by the Estonian Presidency to achieve a broad consensus among Member States on this important issue.

However, the law enforcement authorities still do not have sufficient authorisation to access data in order to identify third country nationals who have committed an offence, or indeed other groups of persons. It is hoped that a solution to this problem can be found by way of interoperability.

In the interest of effective cooperation between the asylum authorities in the Member States, it would also have been preferable for those authorities to have access to the entry-exit system. It is essential that tools like the EES - the development of which took a long time and involved considerable financial and human resources - can be used effectively. Access by the asylum authorities to the EES to identify third country nationals accurately, for the purpose of expediting proceedings and for enforced returns, would have been a major part of the added value of the EES.

**Statement by Belgium**

Belgium has always supported the overarching goal to continue to work on the development of the EU's integrated border management strategy, including a better use of the modern technologies to improve management of border controls. The establishment of the Entry-Exit System will contribute to improve the efficiency of border control, by facilitating the border crossings of the majority of travelers while at the same time, the border security will be enhanced.

We therefore welcome the agreement on the Proposal for a Regulation establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) N° 767/2008 and Regulation (EU) N° 1077/2011.

The Entry-Exit System will also provide for a single automated calculator that indicates the maximum authorized duration of stay in the Member States that operate the EES. This will change significantly the way in which the calculation of authorized stay has been conducted until now. Current provisions of the Schengen acquis that are relevant to the calculation of the authorized stay give other indications on the way the authorized stay should be calculated.

In order to have a coherent approach on the calculation of the authorized stay, Belgium would like to call on the European Commission to examine all related provisions of the Schengen acquis and to propose amendments where necessary. In that way, a coherent and clear legal framework can be ensured from the moment the Entry-Exit System will enter into operation.

**Statement by Slovenia**

The Republic of Slovenia fully supports the efforts to strengthen control at the EU external borders, including the establishment of an Entry/Exit system, which is consistent with the requirements of the European Council and several EU strategic documents.

The goal of the system, i.e. improving the control over who is in the territory of Member States, was endorsed as early as in 2008, during the Slovenian presidency, when Member States' ministers proposed to the Commission, for the first time, that a proposal for such a system be prepared.

For this reason we regret that the proposal of the Regulation does not pursue this goal entirely as it restricts the use of the system to the Schengen area, which again makes a distinction between EU external borders and internal borders, for which decisions to abolish controls have not been adopted yet. This distinction is not only legal but will also have practical implications as the system will have a disproportionate effect on the flow of traffic at the border crossing points at the land border where it will be carried out, therefore also at some borders between EU Member States.



We would like to point out that the BCP infrastructure at the external land Schengen border in the Republic of Slovenia was adapted to the obligations at the time of the entry into the Schengen area. With ever increasing traffic at this border, changed control regime due to systematic checks of all passengers and obligatory use of a number of new border control systems, soon the infrastructure will no longer allow for a reasonable flow of traffic.

Therefore, the Republic of Slovenia calls on the European Commission to provide additional funding to make suitable adjustments to the infrastructure, given the restrictions on financing investment in infrastructure at border crossing points at temporary internal borders of the EU, which are included in the Multiannual Financial Framework 2014-2020. Control at external borders is in the common interest of all EU Member States, and with the establishment of an Entry/Exit system the Republic of Slovenia cannot and will not be responsible for any prolongation of waiting times at the external borders of the Schengen area and will not consider it a bilateral issue to be solved as part of relations with the neighbouring countries."

### **Statement by Croatia**

The Republic of Croatia supports the aim of this Regulation, since it should contribute to reinforcing and maintaining a favourable security situation in the entire territory of the European Union, the prerequisite for which is, inter alia, better and more operational control of external borders.

This aim should be considered as the highest interest of European Union citizens, and the Republic of Croatia finds it unacceptable that this Regulation, from the very beginning of its operational application, would not apply at the external borders of the European Union, thus unnecessarily, and without any grounds, diminishing its effect. It should be emphasised that by entry into force of the current Proposal for a Regulation, the existing provision of Article 6(1) of the Schengen Borders Code (SBC), and the existing provisions of the Accession Treaty of the Republic of Croatia as an integral part of the *acquis communautaire*, would be temporarily suspended. The Republic of Croatia would like to point out that, in the very title of the Proposal for a Regulation, the European Commission has foreseen the implementation of the Regulation precisely at the external borders of the Union and thereby the equal treatment of all Member States.

Failure to equally apply the Regulation to full Schengen members and those that are about to become full members, including the Republic of Croatia, would render the aim of this Regulation secondary and, apart from threatening the internal security of the European Union and the efficient fight against terrorism and serious crime, it would also send a negative message to the European general public.

From the operational aspect, failure to equally apply this Regulation would mean that, due to the lack of access to the VIS through the EES, it would be impossible to register the duration of stay of third country nationals on short-term stay in the EU, and thus impossible to verify the validity of a Schengen visa. Since the Republic of Croatia recognises this visa as equivalent to Croatian visas and due to its lack of access to the VIS through the EES, it could grant entry into its state territory to a holder of a non-valid visa travelling to a Schengen country. This additionally raises the question about the Member State responsible for bearing the costs of return of such persons.

Furthermore, the non-application of this Regulation in the Republic of Croatia would mean the inability to access other operational data on persons who frequently cross the external border of the European Union and the Schengen border, including potential terrorists and other suspicious persons in terms of security.

Such uneven application could redirect the movement of persons who pose threat to internal security of the European Union across those borders where this system would not be applied. As regards the Republic of Croatia, this would mean redirection to about 1350 km of the external border of the European Union, having also in mind third countries where a trend of increased intolerance, radicalism and violent extremism is present, also fostered by the phenomenon of foreign terrorist fighters returning from war zones to their home countries, which also increases the risk of terrorism for the Republic of Croatia.

Moreover, the unequal application of this Regulation would also have serious implications for the flow of cross-border traffic since, in addition to systematic checks that have been introduced, more time would be required for manual instead of automated processing of travel documents, thus undermining the appropriate security profiling of passengers by border guards.

Taking into consideration all the above said, being a Member State with a long external border, the Republic of Croatia is extremely interested in finding a way to apply this Regulation at all external borders of the European Union from its very adoption, thus optimising the very aim of the Regulation.

Regulation (EU) 2017/2401 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 575/2013 on prudential requirements for credit institutions and investment firms OJ L 347, 28.12.2017, p. 1–34	38/17	Qualified majority	All Member States in favour
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Regulation (EU) 2017/2402 of the European Parliament and of the Council of 12 December 2017 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation, and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012 OJ L 347, 28.12.2017, p. 35–80	39/17	Qualified majority	All Member States in favour
<p><b>Statement by the United Kingdom</b></p> <p>The UK supports adoption of the European framework for simple, transparent and standardised securitisation. The United Kingdom considers that the Securitisation Regulation contains obligations within Article 34(2) relating to cooperation and data sharing between law enforcement agencies, which fall within the scope of Title V of Part III of the Treaty on the Functioning of the European Union. Therefore, in relation to these provisions, the United Kingdom considers that Protocol (No. 21) to the Treaties applies.</p>			
<p><b>Statement by Latvia</b></p> <p>The Republic of Latvia draws attention to the use of the legal term 'veic uzņēmējdarbību' used in the Latvian language version of the Regulation. The term is used to describe the place of establishment of the entity that carries out securitisations. At the same time the term 'veic uzņēmējdarbību' means 'carries out entrepreneurship/business activity'.</p> <p>Consequently, such a translation of the term is substantially different from the legal meaning of the term 'to be established' used in the English and other language versions of the Regulation, and it is inaccurate in determination of the place of the registration for the entities within the scope of mentioned Regulation (in particular Recital 35, Article 4., Articles 5.1.a-d., Article 6.1., Article 6.4., Article 10.2., Articles 11.1. and 11.2., Article 18., Article 27.3, Article 29.4., Article 40.3.). It might seriously hamper correct application of the regulatory practises which are based on the assumption of the place of the establishment of particular entity.</p> <p>The Republic of Latvia notes that the term 'to be established' in analogous context appears in Article 49 of the Treaty on the Functioning of the European Union, where it is being translated into Latvian as 'izveidot'. The respective term 'izveidot' or its closest synonym 'dibināt' also was used in the initial Latvian language version of the European Commission's proposal for the Regulation published on 1 October 2015 (12601/15). Inconsistent or incorrect use of the legal term of such substantive importance leads to legal ambiguity and inter alia creates the risk of disrupting legal parallelism amongst the language versions of the Regulation and the Directive 2009/65/EC.</p> <p>The Republic of Latvia intends to initiate the corrigendum procedure regarding the Regulation in order to ensure consistent and correct use of terminology.</p>			

NON-LEGISLATIVE ACTS			
ACT	DOCUMENT / STATEMENTS		
Council Decision (EU) 2017/2182 of 20 November 2017 on the signing, on behalf of the European Union, 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 309, 24.11.2017, p. 1–2	13390/17		
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	13471/17		
Council Conclusions on the Joint Communication to the European Parliament and the Council: Resilience, Deterrence and Defence: Building strong cybersecurity for the EU	14435/17		
Council Decision (EU) 2017/2171 of 20 November 2017 on the financial contributions to be paid by Member States to finance the European Development Fund, including the ceiling for 2019, the annual amount for 2018, the first instalment for 2018 and an indicative and non-binding forecast for the expected annual amounts of contributions for the years 2020 and 2021 OJ L 306, 22.11.2017, p. 21–23	13588/17		
Council Conclusions on Digital for Development (D4D)	14542/17		
<b>Written procedure completed on 27 November 2017</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Council Decision of 27 November 2017 adopting the Council's position on draft amending budget No 6 of the European Union for the financial year 2017 OJ C 404, 29.11.2017, p. 1–1	14273/17	Qualified majority	All Member States in favour

**3580th meeting of the Council of the European Union (COMPETITIVENESS (INTERNAL MARKET, INDUSTRY, RESEARCH AND SPACE) held in Brussels on 30 November and 1 December 2017**

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
General budget of the European Union for the financial year 2018	14587/17	Qualified majority	All Member States in favour; except: Abstention: UK
Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (Text with EEA relevance) OJ L 345, 27.12.2017, p. 1–26	41/17	Qualified majority	All Member States in favour; except: Against: SE Abstention: AT

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Decision on the position to be adopted on behalf of the European Union within the Joint Committee set up by the Convention of 20 May 1987 on a common transit procedure as regards the proposals for amendments to that Convention	13644/17
Council Decision on the position to be adopted on behalf of the European Union within the Joint Committee set up by the Convention of 20 May 1987 on the simplification of formalities in trade in goods as regard the proposals for amendments to that Convention	13646/17

Council Conclusions on the European Court of Auditors' Special Report No 12/2017 entitled "Implementing the Drinking Water Directive: water quality and access to it improved in Bulgaria, Hungary and Romania, but investment needs remain substantial"	15131/17
Council Decision (EU) 2017/2242 of 30 November 2017 authorising the opening of negotiations to amend the International Sugar Agreement 1992 OJ L 322, 7.12.2017, p. 29–30	14282/17
Decision (EU) 2018/8 of the European Parliament and of the Council of 12 December 2017 on the mobilisation of the Flexibility Instrument to finance immediate budgetary measures to address the on-going challenges of migration, refugee inflows and security threats OJ L 3, 6.1.2018, p. 5–6	14588/17
Decision of the European Parliament and of the Council on the mobilisation of the European Union Solidarity Fund to provide for the payment of advances in the general budget of the Union for 2018	14589/17
Decision (EU) 2018/9 of the European Parliament and of the Council of 12 December 2017 amending Decision (EU) 2017/344 of the European Parliament and of the Council of 14 December 2016 on the mobilisation of the Contingency Margin in 2017 OJ L 3, 6.1.2018, p. 7–8	14669/17
Decision (EU) 2018/6 of the European Parliament and of the Council of 12 December 2017 on the mobilisation of the European Globalisation Adjustment Fund following an application from Greece — EGF/2017/003 GR/Attica retail OJ L 3, 6.1.2018, p. 1–2	14057/17
Decision (EU) 2018/7 of the European Parliament and of the Council of 12 December 2017 on the mobilisation of the European Globalisation Adjustment Fund following an application from Finland — EGF/2017/005 FI/Retail OJ L 3, 6.1.2018, p. 3–4	14058/17

Council Decision authorising the opening of negotiations with the CARIFORUM States for an agreement on the protection of geographic indications based on Article 145 of the CARIFORUM Agreement	14072/17 + ADD 1
Council Decision (EU) 2017/2261 of 30 November 2017 on the position to be adopted, on behalf of the Union in the Joint Ministerial Committee and the Joint Cooperation Committee established by the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Canada of the other part, as regards the adoption of the Rules of Procedure of the Joint Ministerial Committee, and the Terms of Reference of the Joint Cooperation Committee and sub-committees OJ L 324, 8.12.2017, p. 41–49	14334/17
Council Decision (CFSP) 2017/2214 of 30 November 2017 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine OJ L 316, 1.12.2017, p. 20–21	14430/17
Council Regulation (EU) 2017/2212 of 30 November 2017 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine OJ L 316, 1.12.2017, p. 15–16	14432/17
Council Conclusions on "A renewed EU Industrial Policy Strategy"	15223/17
Council Conclusions on "The Mid-term Evaluation of the Copernicus Programme"	15299/17

**Joint statement by Croatia, Poland, Portugal, Romania, Slovenia and Spain, supported by Italy and Lithuania**

As explained in our joint position paper on “Harmonised rules to boost the global competitiveness of the European Union through research and innovation”, the experience in the current multiannual financial frameworks shows that effective synergies and coherence for R&I funding activities are still hampered in practice, by the different intervention logics and rules of the diverse funding schemes, and by the additional legal requirements, notably State Aid rules. It is essential to remove the discrepancies between EU programmes in order to make potential synergies operational and to maximise the impact of European R&I funding. The next financial perspective provides a unique opportunity to address these issues. In the spirit of Better Regulation, harmonised rules should be designed from the very beginning in order to bring an optimal impact.

Therefore, we invite the Commission to set up the necessary internal coordination of the relevant services to propose a revised framework and to set up appropriate mechanisms to discuss it with the Member States during the preparation phase of the next programming period post-2020. This revised framework should include at least the following measures:

1. Any R&I programme or project selected through an open, transparent and EU-wide competition should be exempted from State Aid rules, irrespectively of its source of funding (FP9, or alternatives like ESIF, or national or regional funds);
2. The same should apply to R&I projects included in the ESIF operational programmes;
3. Regional and national authorities should be entitled to use ESIF and national financial instruments to co-fund R&I partnerships and to co-fund research infrastructures, including their operational expenditure, in particular the staff costs;
4. Implementation rules for R&I activities, including definitions of eligible costs and control and audit procedures, should be harmonised to those of the Framework Programme when being co-funded by other EU funds (in particular ESIF);
5. Keeping in mind that R&I activities differ deeply from production activities, the EU State Aid rules should be simplified and made more innovation-friendly. The abovementioned position paper indicates a number of action lines for this reform of State Aid rules.



**Joint statement by Hungary, Lithuania, Poland, Romania and Slovenia, supported by Latvia, Italy and Slovakia**

It is important for us to have a constructive discussion, especially at this stage of our work on the Council conclusions. From our perspective the text that has been drafted does not contain sufficient commitment and measures that could help ensure significant improvement of the situation of the widening countries. Existing data only shows that even though widening participation was addressed by specific measures and recognized as a cross-cutting issue, the slight increase of EU-13 countries participation is far from the ambition of having excellent European RDI. Continuation of the current policy will with high probability not bring about changes that we would all expect and will certainly not bring us closer to achieving those goals.

There is an urgent need for a more profound analysis that would use existing good practices gathered in cross-cutting issues like gender or SMEs in order to help identify remedy measures for the next Framework Programme. Adequate actions coupled with national reforms and higher level of investments at national level should be the right mix for increasing participation.

We are ready to engage in a constructive dialogue with our colleagues and the Commission on this issue.