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NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS - FEBRUARY 2018

This document lists the acts¹ adopted by the Council in February 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 Councilw documents at: [Documents and publications - Consilium](#)

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INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN FEBRUARY 2018

Written procedures completed on 2 February 2018

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Implementing Decision (CFSP) 2018/168 of 2 February 2018 implementing Decision (CFSP) 2015/740 concerning restrictive measures in view of the situation in South Sudan OJ L 31, 3.2.2018, p. 86–87	5713/18
Council Implementing Regulation (EU) 2018/164 of 2 February 2018 implementing Article 22(1) of Regulation (EU) 2015/735 concerning restrictive measures in respect of the situation in South Sudan OJ L 31, 3.2.2018, p. 1–2	5717/18
Council Implementing Decision (CFSP) 2018/167 of 2 February 2018 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya OJ L 31, 3.2.2018, p. 84–85	5739/18

Written procedures completed on 9 February 2018

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Implementing Decision (CFSP) 2018/202 of 9 February 2018 implementing Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo OJ L 38, 10.2.2018, p. 19–22	5849/18

Council Implementing Regulation (EU) 2018/197 of 9 February 2018 implementing Article 9 of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo OJ L 38, 10.2.2018, p. 2–6	5851/18
Council Implementing Decision (CFSP) 2018/203 of 9 February 2018 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya OJ L 38, 10.2.2018, p. 23–24	5950/18
3595th meeting of the Council of the European Union (Education, Youth, Culture and Sport) held in Brussels on 15 February 2018	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<i>Partnership Agreement with the Republic of Côte d'Ivoire: opening negotiations</i> Council Decision authorising the opening of negotiations on behalf of the European Union for the renewal of the protocol to the Fisheries Partnership Agreement with the Republic of Côte d'Ivoire	5378/18
Statement 1 by the Commission	
The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.	
Statement 2 by the Commission	
<p>Following article 31(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, the Commission fully recognizes the importance of the sustainable exploitation of marine biological resources and the consequent need to ensure a proper implementation of the concept of surplus, as expressed in article 62(2) of the UNCLOS, particularly when Sustainable Fisheries Partnership Agreements and associated protocols rule the access of the EU external fleet to resources distributed in waters of the partner country.</p> <p>However, regarding article 64 of the UNCLOS and article 31(4) of the R(EU) N° 1380/2013, the Commission considers that the concept of surplus applies to a lesser degree to fishing activities exploiting highly migratory species, where management objectives and management measures – priority access rules, catch, capacity or effort limits, and sharing keys where relevant – have to be primarily fixed at regional or sub-regional levels by the Contracting Parties to competent Regional Fisheries Management Organisations, taking in due account the relevant scientific advice.</p>	

<p><i>Council Decision on the conclusion of the Marrakesh Treaty</i> Council Decision (EU) 2018/254 of 15 February 2018 on the conclusion on behalf of the European Union of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled OJ L 48, 21.2.2018, p. 1–2</p>	12629/17
<p>Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled OJ L 48, 21.2.2018, p. 3–11</p>	5905/15
<p><i>Council Decision concerning the external auditors of the Central Bank of Cyprus</i> Council Decision (EU) 2018/270 of 15 February 2018 amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Central Bank of Cyprus OJ L 51, 23.2.2018, p. 14–15</p>	5223/18
<p><i>Schengen evaluation Recommendation - France return</i> 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 return</p>	5554/18
<p><i>Schengen evaluation Recommendation - Denmark return</i> Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Denmark on the application of the Schengen acquis in the field of return</p>	5433/18
<p><i>EUSR Human Rights - Decision</i> Council Decision (CFSP) 2018/225 of 15 February 2018 amending Decision (CFSP) 2017/346 extending the mandate of the European Union Special Representative for Human Rights OJ L 43, 16.2.2018, p. 14–14</p>	5566/18

<p><i>EU-New Zealand - Partnership Agreement on Relations and Cooperation</i> Council Decision (EU) 2018/253 of 15 February 2018 on the position to be taken on behalf of the European Union within the Joint Committee established by the Partnership Agreement on Relations and Cooperation between the European Union and its Member States, of the one part, and New Zealand, of the other part, as regards the adoption of decisions on the rules of procedure of the Joint Committee and the adoption of the terms of reference of the subcommittees and working groups OJ L 46, 20.2.2018, p. 9–16</p>	5516/18
<p><i>EU Capacity Building Mission in Somalia (EUCAP Somalia) - extension - Decision</i> Council Decision (CFSP) 2018/226 of 15 February 2018 amending Decision 2012/389/CFSP on the European Union Capacity Building Mission in Somalia (EUCAP Somalia) OJ L 43, 16.2.2018, p. 15–15</p>	5568/18
<p><i>Zimbabwe restrictive measures - review</i> Council Decision (CFSP) 2018/224 of 15 February 2018 amending Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe OJ L 43, 16.2.2018, p. 12–13</p>	5493/18
<p><i>Zimbabwe restrictive measures - review</i> Council Implementing Decision (CFSP) 2018/227 of 15 February 2018 implementing Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe OJ L 43, 16.2.2018, p. 16–17</p>	5494/18

3596th meeting of the Council of the European Union (Agriculture and Fisheries) held in Brussels on 19 February 2018	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<p><i>Sugar levies for 1999/2000 and 2000/2001</i> Council Regulation (EU) 2018/264 of 19 February 2018 fixing the production levies and the coefficient for calculating the additional levy in the sugar sector for the 1999/2000 marketing year and fixing the production levies in the sugar sector for the 2000/2001 marketing year OJ L 51, 23.2.2018, p. 1–4</p>	5620/18
<p><i>Decision on Fisheries Partnership Agreement with the Kingdom of Morocco: opening negotiations</i> Council Decision authorising the opening of negotiations with the Kingdom of Morocco for the conclusion of a Protocol implementing the Fisheries Partnership Agreement between the European Communities and the Kingdom of Morocco</p>	5760/18
<p>Statement by the Commission The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.</p>	

Joint statement by Denmark, Germany and the Netherlands

Denmark, Germany and the Netherlands emphasize the importance of EU's contribution towards resource conservation and environmental sustainability through fishing only on surplus resources and preventing the overfishing of stocks within the sustainable fisheries partnership agreements. Generally, we believe that fisheries within fisheries agreements provide for improvement of sustainable fisheries.

Denmark, Germany and the Netherlands underline that the Union must promote the respect of human rights and democratic principles when entering into bilateral agreements. This is clearly stated in the negotiating mandate to the Commission and must be clear from the protocol.

We stress the importance of complying with EU law, of which international law may be considered an integral part, when negotiating a new protocol between EU and the Kingdom of Morocco.

Denmark, Germany and the Netherlands note the progress made during the current fisheries protocol to document the distribution of the financial support for the fishing sector, in particular in the regions of Western Sahara, and encourages furthering this work.

A future fisheries protocol between EU and the Kingdom of Morocco should respect the forthcoming judgement of the European Court of Justice in Case C-266/16 concerning the current fisheries agreement between EU and Morocco and its application to Western Sahara. Denmark, Germany and the Netherlands expect the Council to be consulted appropriately should the basis for the negotiating directives change in light of the judgement from the Court of Justice.

On this basis, Denmark, Germany and the Netherlands support the Council Decision to authorise the Commission to open negotiations on behalf of the European Union on a new protocol with the Kingdom of Morocco.

Statement by Sweden

As Western Sahara is not part of the territory of Morocco, international law requires that the exploitation of fisheries resources is carried out for the benefit of the people of Western Sahara and in accordance with their interest and wishes. The proposed directives for the negotiations of a new protocol do not safeguard the protocol's conformity with international law. In line with Sweden's previous actions with regards to the agreement, Sweden can therefore not endorse the mandate and will vote against it.

Decision on Western Balkans Transport Community Treaty

Council Decision on the position to be taken on behalf of the European Union within the Ministerial Council set up under the Treaty establishing the Transport Community as regards the adoption of the Rules of Procedure of the Ministerial Council

5438/18

3597th meeting of the Council of the European Union (Economic and Financial Affairs) held in Brussels on 20 February 2018

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
<i>Malta derogation on common system of value added tax</i> Council Implementing Decision (EU) 2018/279 of 20 February 2018 authorising Malta to apply a special measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax OJ L 54, 24.2.2018, p. 14–15	5610/18
<i>Council recommendations on the discharge to be given to the bodies set up under the TFEU and the Euratom Treaty in respect of the budget for 2016</i> Council recommendations on the discharge to be given to the bodies set up under the TFEU and the Euratom Treaty in respect of the implementation of the budget for the financial year 2016	5941/18
<i>Council recommendations on the discharge to be given to the executive agencies in respect of the budget for 2016</i> Council recommendations on the discharge to be given to the executive agencies in respect of the implementation of the budget for the financial year 2016	5942/18
<i>Council recommendations on the discharge to be given to the joint undertakings in respect of the budget for 2016</i> Council recommendations on the discharge to be given to the joint undertakings in respect of the implementation of the budget for the financial year 2016	5943/18

<p><i>Council Decision on the EU position in the EU-Moldova Association Committee in Trade configuration concerning the update of some Annexes to the Association Agreement</i></p> <p>Council Decision on the position to be taken on behalf of the European Union within the Association Committee meeting in Trade configuration established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part concerning the update of Annexes XXVIII-A (Rules applicable to financial services), XXVIII-B (Rules applicable to telecommunication services) and XXVIII-D (Rules applicable to international maritime transport) to the Agreement</p>	5362/18
<p><i>EDF discharge procedure: financial year 2016</i></p> <p>Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (eighth EDF) for the financial year 2016</p> <p>Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (ninth EDF) for the financial year 2016</p> <p>Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (tenth EDF) for the financial year 2016</p> <p>Council Recommendation concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (eleventh EDF) for the financial year 2016</p>	<p>5078/18</p> <p>5079/18</p> <p>5080/18</p> <p>5082/18</p>

<p><i>Council Recommendation on the discharge to be given to the Commission in respect of the budget for 2016</i></p> <p>Council recommendation on the discharge to be given to the Commission in respect of the implementation of the general budget of the European Union for the financial year 2016</p>	<p>5940/18 ADD 1</p>
<p>Statement by Sweden and the Netherlands</p> <p>With reference to:</p> <ul style="list-style-type: none"> – the European Court of Auditors' annual report on the implementation of the EU budget concerning the financial year 2016; – discharge to be given to the Commission in respect of the implementation of the EU budget for 2016; – Council recommendation on the discharge to be given to the Commission in respect of the implementation of the general budget of the European Union for the financial year 2016; <p>Sweden and the Netherlands:</p> <p>Appreciate that the overall estimated level of error has improved compared to last year, and that a qualified statement, rather than an adverse one, has been made by the European Court of Auditors regarding the legality and regularity of payments underlying the accounts;</p> <p>Regret that for the 23rd consecutive year, the European Court of Auditors has been unable to grant an unqualified Statement of Assurance on the EU budget as a whole and that the error rate for expenditure remains significantly above the acceptable 2 % threshold;</p> <p>Urge the Commission and Member States to fundamentally address the way the EU-budget is implemented and managed for the next MFF;</p>	

Regret that, for years, the implementation of the EU budget is not according to standards agreed upon. We cannot applaud marginal improvements in the overall error rate, while around half of the EU budget remains prone to high levels of error;

Highlight the difference between the estimated level of error for reimbursement payments (4,8%) and entitlement expenditures (1,3%) and stress that the reduction of error rates for reimbursement payments must be a top priority. The large difference in error rates highlights the need to reform the management of the EU budget, including by implementing less complex funding rules and by focusing more on results;

Urge the Commission to continue efforts to increase the focus on results and results-based management. To ensure trust and legitimacy it is essential that the EU-budget efficiently delivers true value to EU-citizens. Upcoming MFF discussions need to consider how the EU-budget can be re-designed to better support overall political priorities, generate results and react to unforeseen challenges;

Urge the Commission to continuously examine and identify those areas of spending in the EU-budget where sufficient results could not be achieved and to propose corrective action;

Strongly urge the Commission and Member States to identify further opportunities to simplify the complex rules and regulatory framework governing EU budget expenditure and delivery systems for shared management in order to improve compliance, as well as focussing on first level controls in order to help get payments right the first time. Simpler, more transparent and more predictable regulation is essential to ensure effective and correct management of EU-funds;

Invite the Commission and Member States to increase efforts to promote transparency and reliability of audits, in view of developments aiming at the application of the principle of cross reliance; and to make Member States' annual control reports publicly available; and

Strongly urge the Commission to preserve the unanimously agreed payment ceilings, in particular by: maintaining fiscal discipline in relation to commitments; effectively de-committing unused appropriations; increasing transparency by providing long-term forecasts, and ensuring a balance between commitments and payments.

Council Conclusions on the budget guidelines for 2019

6315/18

Written procedures completed on 23 February 2018	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2018/280 of 23 February 2018 amending Decision 2012/642/CFSP concerning restrictive measures against Belarus OJ L 54, 24.2.2018, p. 16–17	6265/18
Council Regulation (EU) 2018/275 of 23 February 2018 amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus OJ L 54, 24.2.2018, p. 1–3	6309/18
3598th meeting of the Council of the European Union (Foreign Affairs) held in Brussels 26 February 2018	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Conclusions on Special Report No. 9/2017 by the European Court of Auditors: "EU support to fight human trafficking in South/SouthEast Asia"	5707/18
Council Conclusions on Cambodia	6416/18
Council Conclusions on Myanmar/Burma	6418/18
Council Conclusions on the Maldives	6420/18
Council Conclusions on Climate Diplomacy	6125/18

<p><i>Al Qaida restrictive measures: Decision and Implementing Regulation</i> Council Decision (CFSP) 2018/283 of 26 February 2018 amending Decision (CFSP) 2016/1693 concerning restrictive measures against ISIL (Da'esh) and Al-Qaeda and persons, groups, undertakings and entities associated with them OJ L 54I , 26.2.2018, p. 6–7</p>	5955/18
<p><i>Al Qaida restrictive measures: Decision and Implementing Regulation</i> Council Implementing Regulation (EU) 2018/281 of 26 February 2018 implementing Regulation (EU) 2016/1686 imposing additional restrictive measures directed against ISIL (Da'esh) and Al-Qaeda and natural and legal persons, entities or bodies associated with them OJ L 54I , 26.2.2018, p. 1–2</p>	5961/18
<p><i>Democratic People's Republic of Korea restrictive measures - Transposition of UNSCR 2397 (2017) - Decision, Regulation and implementing Regulation</i> Council Decision (CFSP) 2018/293 of 26 February 2018 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 55, 27.2.2018, p. 50–57</p>	5191/18
<p><i>Democratic People's Republic of Korea restrictive measures - Transposition of UNSCR 2397 (2017) - Decision, Regulation and implementing Regulation</i> Council Regulation (EU) 2018/285 of 26 February 2018 amending Council Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 55, 27.2.2018, p. 1–14</p>	5209/18
<p><i>Democratic People's Republic of Korea restrictive measures - Transposition of UNSCR 2397 (2017) - Decision, Regulation and implementing Regulation</i> Council Implementing Regulation (EU) 2018/548 of 6 April 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 91, 9.4.2018, p. 2–10</p>	5875/18

<p><i>Support for think tanks in the area of non-proliferation and disarmament - Decision</i> Council Decision (CFSP) 2018/299 of 26 February 2018 promoting the European network of independent non-proliferation and disarmament think tanks in support of the implementation of the EU Strategy against proliferation of weapons of mass destruction OJ L 56, 28.2.2018, p. 46–59</p>	14391/17
<p><i>Organisation for the Prohibition of Chemical Weapons (OPCW) - implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction - Decision</i> Council Decision (CFSP) 2018/294 of 26 February 2018 amending Decision (CFSP) 2015/259 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction OJ L 55, 27.2.2018, p. 58–59</p>	5896/18
<p><i>Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) - support for the activities of the Preparatory Commission - Decision</i> Council Decision (CFSP) 2018/298 of 26 February 2018 on Union support for the activities of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction OJ L 56, 28.2.2018, p. 34–45</p>	5613/18
<p><i>Syria restrictive measures - new listings - Implementing Decision and Regulation</i> Council Implementing Decision (CFSP) 2018/284 of 26 February 2018 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria OJ L 54I , 26.2.2018, p. 8–10</p>	6129/18
<p><i>Syria restrictive measures - new listings - Implementing Decision and Regulation</i> Council Implementing Regulation (EU) 2018/282 of 26 February 2018 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria OJ L 54I , 26.2.2018, p. 3–5</p>	6132/18

Statement by Hungary

The adoption of the Programme of Action of the International Conference on Population and Development (ICPD) and the Beijing Platform for Action of the Fourth World Conference on Women marked a remarkable consensus. They placed the enjoyment of human rights at the heart of development and important gains in the fields of health, gender equality and education have been achieved since their adoption. These fields are at the core of the 2030 Agenda for Sustainable Development incorporating as founding principles the universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination.

Hungary remains dedicated to its human rights commitments, including the protection and promotion of women's rights and gender equality. Hungary is deeply committed to the implementation of the ICPD Programme of Action and Beijing Platform for Action as well as the 2030 Agenda, serving also as basic references in the fields of sexual and reproductive health and reproductive rights. Hungary notes, that the term of 'sexual and reproductive health and rights (SRHR)' and related issues, like 'sexual rights', 'comprehensive sexuality education', 'modern methods of contraception', 'emergency contraception', are lacking consensual definition at international level, including within the European Union. These issues are interpreted and promoted by Hungary in the context of the 2030 Agenda, the ICPD Programme of Action and the Beijing Declaration and Platform for Action and in line with its national legislation.

Statement by Poland

- The government of Poland strongly supports the EU Priorities in UN Human Rights Fora in 2018 insofar as they are consistent with Polish national law and binding to Poland International treaties. In particular we commend the Council for the strong, renewed commitment to the protection of the rights of the child, including in the context of armed conflict, children living in poverty, and the elimination of all forms of violence. We also affirm that in accordance with the UN Convention of the Rights of the Child, that every child needs special safeguards and care, including appropriate legal protection, before as well as after birth and that every child has the inherent right to life (CRC Article 6.1).
- Poland draws the EU attention that the human rights should be respected in relation to all human beings. One of the most vulnerable group are Christians especially in The Near and Far East and in Africa. The EU should support actions that defend Christians whose human rights are violated, in particular in the areas of armed conflicts or other situations.
- Poland strongly supports all EU commitments to fight against terrorism in all its forms as well as all efforts to achieve equality between girls and boys, and women and men and the promotion of women's empowerment, and the advancement of women's rights in accordance with the Beijing Platform for Action and the Programme of Action of the ICPD.
- Poland supports the implementation of the outcomes of the review conferences of ICPD and Beijing that were negotiated by all UN Member States and adopted by the UN General Assembly while asserting Poland's sovereign right not to be subject to regional or other outcome documents of ICPD or Beijing review conferences that Poland has not had the opportunity to negotiate or approve.
- Poland remains committed to advancing the basic and maternal health of women and girls, consistent with our national laws, noting that as per the UDHR (UDHR 25.2) motherhood is entitled to special care and assistance. Poland reserves that the sexuality education programs that compromise the health and innocence of children and term "sexual and reproductive health and rights" should be applied according to Polish law. Moreover, Poland will promote motherhood, fatherhood and parenting as essential and natural values.
- Poland supports human rights in education and initiatives, insofar as they advance universally agreed upon human rights that are consistent with Polish law and binding to Poland International treaties, reaffirming the prior rights of parents guide the education of their children as per article 26.3 of the Universal Declaration of Human Rights.
- Finally, Poland commends and supports the Council in condemning violence, genocide, crimes against humanity and war crimes, and enthusiastically supports the Council's commitment to protect and to advance the fundamental right to freedom of religion or belief.

Council Conclusions on the Republic of Moldova

6280/18

3599th meeting of the Council of the European Union (General Affairs) held in Brussels 27 February 2018

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
<i>EIB Guarantee Fund</i> Regulation (EU) 2018/409 of the European Parliament and of the Council of 14 March 2018 amending Council Regulation (EC, Euratom) No 480/2009 establishing a Guarantee Fund for external actions OJ L 76, 19.3.2018, p. 1–2	66/17	Qualified majority	All Member States in favour
<i>EIB External Lending Mandate</i> Decision (EU) 2018/412 of the European Parliament and of the Council of 14 March 2018 amending Decision No 466/2014/EU granting an EU guarantee to the European Investment Bank against losses under financing operations supporting investment projects outside the Union OJ L 76, 19.3.2018, p. 30–43	65/17	Qualified majority	All Member States in favour
<i>Regulation on geo-blocking</i> Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (Text with EEA relevance) OJ L 60I, 2.3.2018, p. 1–15	64/17	Qualified majority	All Member States in favour, except: Abstention: AT

Statement by the Commission

The Commission takes note of the text of Article 9 agreed by the European Parliament and the Council.

Without prejudice to its right of initiative pursuant to the Treaty, the Commission wishes in this context to affirm that, in accordance with Article 9, in its first evaluation of this Regulation, due within two years after the entry into force of the Regulation, it will thoroughly assess the way in which the Regulation has been implemented and has contributed to the effective functioning of the internal market. In so doing, it will take account of the increasing expectations of consumers, especially of those with no access to copyright-protected services.

As part of the evaluation, it will also perform a substantive analysis of the feasibility and potential costs and benefits arising from any changes to the scope of the Regulation, in particular with regard to the possible deletion from Article 4(1)(b) of the exclusion of electronically supplied services, the main feature of which is the provision of access to or use of copyright-protected works or other protected subject matter, where the trader has the required rights for the relevant territories, taking due account of the likely impacts any extension of the scope of the Regulation would have on consumers and businesses, and on the sectors concerned, across the European Union. The Commission will also carefully analyse whether in other sectors, including those not covered by Directive 2006/123/EC which are also excluded from the scope of the Regulation pursuant to Article 1(3) thereof, such as services in the field of transport and audiovisual services, any remaining unjustified restrictions based on nationality, place of residence or place of establishment should be eliminated.

If in the evaluation the Commission comes to the conclusion that the scope of the Regulation needs to be amended, the Commission will accompany it with a legislative proposal to that effect.

Statement by Luxembourg

In order to create a fully functioning Digital Single Market, there is a need to remove the current legal fragmentation. Otherwise businesses, in particular SMEs and micro-enterprises, will not sell throughout the Single Market because of legal uncertainty and disproportionate compliance costs. As a result, consumers will not have access to the goods and services they want to buy.

Luxembourg remains skeptical as to the added value of the Regulation, which does not provide for legal certainty and which confirms, rather than removes, existing barriers. It obliges traders to sell everywhere in the EU without providing for any improvements and clarifications as regards the determination of the applicable law and the competent court. Businesses will not be able to protect themselves against legal and economic risks by restricting their sales to their domestic market or a limited number of markets, as they can today.

However, Luxembourg appreciates the efforts of the Estonian Presidency to provide for more clarity, in particular through new provisions in the Regulation's review clause. Two years after the entry into force of the Regulation, the Commission will have to assess the additional costs faced by businesses when selling across borders and which are due to legal fragmentation, including with respect to the existing rules on applicable law.

The review clause also invites the Commission to consider ways of facilitating consumers' access to electronic services protected by copyright – the “geoblocking” of which is a major issue for consumers today.

Therefore, Luxembourg can support the compromise text resulting from the trilogues with the European Parliament. Luxembourg hopes that the review of the Regulation will provide for ambitious and concrete results as soon as possible.

Statement by Germany

In the German Federal Government's view, it should go without saying that any review of the scope will always be accompanied by a comprehensive impact assessment - particularly since the European Commission, in its statement, agrees to a review with regard to audiovisual services. We request that the following statement be entered in these minutes relating to Article 9, 'Review clause':

'Any review of the scope of this Regulation in accordance with Article 9 must be preceded by a detailed impact study by the European Commission.'

Statement by France

The French authorities support the statement by the German authorities on the Regulation addressing unjustified geoblocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC.

For the French authorities, it is essential that any proposal to amend the Regulation's scope of application be underpinned by a detailed impact study.

Directive on the ETS revision

Directive (EU) 2018/410 of the European Parliament and of the Council of 14 March 2018 amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments, and Decision (EU) 2015/1814 (Text with EEA relevance)
OJ L 76, 19.3.2018, p. 3–27

63/17

Qualified majority

All Member States in favour, except:
Abstention: HR, HU, PL

Statements by the Commission**Linear Reduction Factor (LRF)**

The EU ETS is the EU's key instrument to achieving the EU climate goal of limiting global average temperature increase to well below 2 degrees Celsius above pre-industrial level as also agreed in the context of the Paris Agreement. In line with this objective and the 2030 climate and energy policy framework, the revision of the EU ETS and the increase of the linear reduction factor from 1.74% to 2.2% are the first steps in delivering on the EU's target to reduce greenhouse gas emissions by at least 40% domestically by 2030. The Commission acknowledges that further efforts and more ambition are needed to achieve the EU's 2050 GHG objective to reduce GHG emissions in line with reaching the long-term targets of the Paris Agreement and its Impact Assessment accompanying the 2030 climate and energy framework states that the cap equal to this level would require a further increase of the linear reduction factor until 2050. As part of any future review of this Directive, the Commission undertakes to consider an increase of the linear reduction factor in the light of international developments calling for an increased stringency of Union policies and measures.

Maritime emissions

The Commission takes note of the European Parliament's proposal. In April 2018, the IMO is expected to decide on the initial GHG emission reduction strategy for ships. The Commission will swiftly assess and duly report on this outcome, in particular the emission reduction objectives and list of candidate measures to achieve them, including the timeline for adoption of such measures. When doing so it will consider which next steps are appropriate to ensure a fair contribution of the sector, including the way forward proposed by Parliament. In the context of new legislative measures on maritime greenhouse gas emissions, the Commission will duly consider amendments in this regard adopted by the European Parliament.

Just transition in coal and carbon-intensive regions

The Commission re-iterates the commitment to develop a dedicated initiative which will provide tailor made support for the just transition in coal and carbon-intensive regions in Member States concerned.

To this end, it will work in partnership with the stakeholders of these regions to provide guidance, in particular for the access to and use of relevant funds and programmes, and encourage exchange of good practices, including discussions on industrial roadmaps and re-skilling needs.

CCU

The Commission takes note of the European Parliament's proposal to exempt emissions verified as captured and used ensuring a permanent bound from surrender obligations under the EU ETS. Such technologies are currently insufficiently mature for a decision on their future regulatory treatment. In view of the technological potential of CO₂ Carbon Capture and Use (CCU) technologies, the Commission undertakes to consider their regulatory treatment in the course of the next trading period, with a view to considering whether any changes to the regulatory treatment are appropriate by the time of any future review of the Directive. In this regard, the Commission will give due consideration to the potential of such technologies to contribute to substantial emissions reductions while not compromising the environmental integrity of the EU ETS.

Statement by Slovenia and Portugal

Slovenia and Portugal support the reform of the EU emissions trading system (EU ETS) and recognize that the agreement on the Phase 4 (2021–2030) legislation significantly strengthens the functioning of the EU ETS.

The most important adjustments in the EU ETS, which are necessary to deliver the EU target of cutting greenhouse gas emissions by at least 40% by 2030, as agreed under the 2030 climate and energy framework, are the increase of the Linear Reduction Factor, as well as adjustments to the Market Stability Reserve and the distribution of free allocation. Slovenia and Portugal also welcome the agreement that provisions of the new ETS directive will be kept under regular review, including carbon leakage rules and the LRF, and that the Commission will assess the need for additional policies or measures in the context of each stock take under the Paris Agreement.

Despite the mentioned positive elements of reform of the EU ETS, the agreement reached in trialogue exceeds the agreement on the 2030 climate and energy framework in elements connected to the Modernisation Fund (MF). Slovenia and Portugal believe that the conditional increase of the MF beyond the 2% of total cap as agreed by the European Council in October 2014, is not justified as an element of solidarity, as the MF benefits only Member States with a GDP of less than 60% of the EU average. As other elements of the EU ETS also benefit exclusively these same Member States, the agreed conditional increase disrupts the balance of the agreement of the European Council.

Considering that the mentioned threshold is arbitrary and excludes other less developed Member States such as Slovenia and Portugal, with a GDP per capita quite under the EU average, which also have challenges in the transformation of the energy sector, we hope this increase will not be made, but moreover that any future reform of the EU ETS will restore the initially agreed balance as regards solidarity mechanisms included in the EU ETS.

Furthermore, in the final compromise the conditional increase of the MF was also meant to address the concerns of the European Parliament regarding just transition to low carbon societies. We would like to stress that such a transition will be challenging for the whole EU. Therefore, the future reviews of the legislation should address just transition in a wider scope and not only in the context of the least developed EU Member States.

Statement by Croatia

The Republic of Croatia supports the goals and objectives of the proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments, since we consider the proposal to be of crucial importance for the EU's climate policy and for the successful implementation of the Paris Agreement.

However, the Republic of Croatia considers that the current text of Directive 2003/87/EC and the current proposal on amendments to Directive 2003/87/EC put Croatia on an unequal footing as regards the total amount of allowances to be auctioned by Member States, and appropriate changes were therefore requested during negotiations.

The Republic of Croatia still considers it necessary to amend the second subparagraph of Article 10(2) of Directive 2003/87/EC, given that the current provision does not cover the calculation of the Croatian share of auctioning rights. The provision in question stipulates from which year verified emissions should be used for Member States which did not participate in the Community scheme in 2005. In this regard, at the Environment Council on 28 February 2017, the Republic of Croatia put forward a proposal to delete the wording 'under the Community scheme' from the second subparagraph of Article 10(2) of Directive 2003/87/EC.

We recall that in 2013, the European Commission calculated the Republic of Croatia's auctioning rights without taking into consideration all of the parameters agreed on during negotiations on the Republic of Croatia's accession to the European Union. To calculate the Republic of Croatia's auctioning rights, the European Commission used the Republic of Croatia's total amount of greenhouse gas emissions under the trading system, as fixed for inclusion in the total amount of EU emissions, rather than the verified emissions for 2007, as had been agreed during the negotiations. It should be stressed that the total amount for the Republic of Croatia is lower, and results in fewer auctioning rights for the Republic of Croatia. Furthermore, while the total amount is lower for all other Member States, all other Member States' auctioning rights were calculated based on verified emissions for either 2005 or 2007 or the 2005-2007 average, depending on which was more favourable to them.

We therefore proposed the above amendment so as to avoid potentially different interpretations as regards the application of the provisions of Directive 2003/87/EC to the Republic of Croatia and, accordingly, to ensure the consistent and uniform application of point (a) of Article 10(2) of the Directive in all Member States, including the Republic of Croatia. Since the above amendment was not included in the final compromise text, the Republic of Croatia will abstain in relation to the adoption of this legislative proposal.

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<p><i>Mobilisation of the European Globalisation Adjustment Fund (EGF/2017/007 SE/Ericsson)</i> Decision (EU) 2018/514 of the European Parliament and of the Council of 14 March 2018 on the mobilisation of the European Globalisation Adjustment Fund following an application from Sweden — EGF/2017/007 SE/Ericsson OJ L 84, 28.3.2018, p. 18–19</p>	5784/18
<p><i>Mobilisation of the European Globalisation Adjustment Fund (EGF/2017/006 ES/Galicia apparel)</i> Decision (EU) 2018/515 of the European Parliament and of the Council of 14 March 2018 on the mobilisation of the European Globalisation Adjustment Fund following an application from Spain — EGF/2017/006 ES/Galicia apparel OJ L 84, 28.3.2018, p. 20–21</p>	5783/18
<p><i>Council Decision on the EU position regarding the adoption of the common guidelines Joint Committee EU-Azerbaijan visa facilitation agreement (VFA)</i> Council Decision (EU) 2018/311 of 27 February 2018 establishing the position to be taken on behalf of the Union within the Joint Committee set up under the Agreement between the European Union and the Republic of Azerbaijan on the facilitation of the issuance of visas, with regard to the adoption of common guidelines for the implementation of that Agreement OJ L 60, 2.3.2018, p. 23–38</p>	5659/18
<p><i>Decision on the Union position at the OTIF Revision Committee (Berne, 27 February - 1 March 2018)</i> Council Decision (EU) 2018/319 of 27 February 2018 establishing the position to be adopted on behalf of the European Union at the 26th session of the Revision Committee of the Intergovernmental Organisation for International Carriage by Rail as regards certain amendments to the Convention concerning International Carriage by Rail and to the Appendices thereto OJ L 62, 5.3.2018, p. 10–17</p>	6046/18