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NOTE

Subject:	MONTHLY SUMMARY OF COUNCIL ACTS - APRIL 2019

This document lists the acts[1] adopted by the Council in April 2019.[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.

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

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

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

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

This document is also available on the Council's website at:
Monthly summaries of Council acts (acts) - Consilium

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

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INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN APRIL 2019			
3685th meeting of the Council of the European Union (General Affairs) held in Brussels on 9 April 2019			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Amendment of Protocol No 3 on the Statute of the Court of Justice of the European Union Regulation (EU, Euratom) 2019/629 of the European Parliament and of the Council of 17 April 2019 amending Protocol No 3 on the Statute of the Court of Justice of the European Union OJ L 111, 25.4.2019, p. 1–3	1/19	Qualified majority	All Member States in favour
Regulation amending Regulation (EU) No 1303/2013 as regards the resources for the specific allocation for the Youth Employment Initiative Regulation (EU) 2019/711 of the European Parliament and of the Council of 17 April 2019 amending Regulation (EU) No 1303/2013 as regards the resources for the specific allocation for the Youth Employment Initiative OJ L 123, 10.5.2019, p. 1–3	66/19	Qualified majority	All Member States in favour, except: UK: abstaining

European Citizens' Initiative Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative (Text with EEA relevance.) OJ L 130, 17.5.2019, p. 55–81	92/18	Qualified majority	All Member States in favour

STATEMENT BY THE COMMISSION

The Commission welcomes the overall agreement reached by the co-legislators on the proposal for a new Regulation on the European Citizens' Initiative. The new Regulation delivers on the calls for action from citizens and stakeholders to make the European Citizens' Initiative more accessible, less burdensome and easier to use for organisers and supporters. It creates the conditions for significant progress towards achieving the full potential of the European Citizens' Initiative as an instrument to foster debate and participation at European level and bring the EU closer to its citizens.

The Commission remains convinced of the importance of lowering the age of support for the European Citizens' Initiative to 16 years. Allowing younger European citizens to contribute their ideas on what the EU should do would enrich the public debate on EU matters and help bring the Union closer to young generations. The minimum age for supporting a European Citizens' Initiative, which is a non-binding instrument, can be different from the minimum age for voting. The Commission regrets, therefore, that the agreement reached does not lower the age of support to 16 years across the EU as foreseen in its original proposal. The Commission nevertheless welcomes the fact that the proposal includes the possibility for Member States to lower the age should they so wish, and calls on them to do so as soon as possible. The Commission will monitor developments on this issue in its regular review of how the initiative is functioning.

On individual online collection systems, the Commission remains convinced of the importance for organisers of having the possibility to use their own online collection systems, to ensure flexibility and diversity of collection systems. It regrets that the agreement does not ensure the continued existence of the individual online collection systems in spite of the engagement and support for these systems by stakeholders. The Commission will ensure that stakeholders are consulted on the developments and improvements the new central online collection system for the European Citizens' Initiative to take into account their suggestions and concerns.

NPL Prudential backstop - Regulation Regulation (EU) 2019/630 of the European Parliament and of the Council of 17 April 2019 amending Regulation (EU) No 575/2013 as regards minimum loss coverage for non-performing exposures (Text with EEA relevance.) OJ L 111, 25.4.2019, p. 4–12	2/19 REV 1	Qualified majority	All Member States in favour
Non cash fraud Directive Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA OJ L 123, 10.5.2019, p. 18–29	89/18 REV 3	Qualified majority	All Member States in favour, except: Not participating: DK, IE, UK

Statement by the Czech Republic

"The Czech Republic supports the aim of the Directive of the European Parliament and of the Council on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA (hereinafter referred to as "the Directive") to strengthen the fight against criminal activities in the area of non-cash payment instruments. Nevertheless, the Czech Republic would like to highlight its concerns regarding Article 16 of the Directive on assistance and support to victims.

In our view, rights, support and protection of victims of crime are sufficiently and comprehensively covered by the Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime (hereinafter referred to as "Victims Directive"). The Victims Directive defines the term "victim" as a natural person.

However, under Article 16 of the Directive Member States shall provide assistance and support not only to natural persons but also to legal persons who have suffered harm as a result of any of the offences referred to in Articles 3 to 8 of the Directive, therefore requesting the Member States to ensure that legal persons aggrieved by criminal offences pursuant to this Directive are awarded the same level of protection as the natural persons.

It shall be noted that unlike natural persons who might also be regarded as particularly vulnerable (e.g. elderly people), legal persons have at least a minimum extent of proficiency, knowledge, experience and they are also supposed to be acquainted with possible risks related to their business activities. Therefore the Czech Republic considers that there is no need to provide legal persons with specific advice and information going beyond criminal proceedings, e.g. how to protect themselves against the negative consequences of the offences, such as reputational damage as this is typically the subject of civil proceedings.

Similarly, the obligation to provide legal persons with specific information without undue delay after their first contact with a competent authority seems unjustified and disproportionate. The Czech Republic considers that it would be sufficient to inform legal persons about their procedural rights in criminal proceedings, such as the right to receive information about the case, in accordance with national law. The Czech Republic also considers an approach introduced by this Directive as a non-systematic and partial broadening of legal persons' rights and protection as it only applies to the criminal activity in the area of non-cash means of payment. If there is a need at EU level to regulate rights of legal persons who have suffered harm as a result of criminal offences, these rights should be regulated in a systematic way within a single general legal instrument. Moreover, the approach introduced by the Directive causes a terminological problem. The Czech Republic is of a view that the term "victim" should be used consistently within all EU legal instruments."			
ECRIS Directive Directive (EU) 2019/884 of the European Parliament and of the Council of 17 April 2019 amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third-country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA OJ L 151, 7.6.2019, p. 143–150	87/18 REV 1	Qualified majority	All Member States in favour, except: Not participating: DK, IE
Statement by the Commission "The Commission underlines that it is contrary to the letter and to the spirit of Regulation (EU) No 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke point b) of the second subparagraph of Article 5(4) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle, which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5(4), recourse to point b) of the second subparagraph of that Article cannot be simply seen as a discretionary power of the legislator, but must be interpreted in a restrictive manner and thus must be justified."			

Joint statement by the Commission, Austria, Belgium, Bulgaria, Cyprus, Croatia, The Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden And The United Kingdom

"1. The Member States bound by the Directive amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third-country nationals and as regards ECRIS, and replacing Council Decision 2009/316/JHA, will in the future use ECRIS on the sole basis of Council Framework Decision 2009/315/JHA, while Denmark will continue using ECRIS also on the basis of Council Decision 2009/316/JHA.

2. However, the Directive does not amend the obligations of the convicting Member State and of the Member State of the person's nationality with regard to the exchange of information between central authorities and to the storage of information. Furthermore, the Directive does not change the architecture of the ECRIS system that remains a decentralised information technology system based on the criminal record databases in each Member State. For those reasons, the core obligations of ECRIS remain essentially the same as before the adoption of the Directive and can thus continue to serve as a basis for the exchange of information between Denmark and the other Member States.

3. In view of the declaration of Denmark on ECRIS, taking into account the fact that the obligations with regard to ECRIS are essentially the same as before the adoption of the Directive and that Denmark commits to ensuring that it will continue to be able to exchange criminal records information with the other Member States using appropriate software tools, Austria, Belgium, Bulgaria, Cyprus, Croatia, the Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom commit themselves to continue exchanging criminal records information through ECRIS with Denmark. The Commission will monitor this exchange of information."

Statement by Denmark

"1. Denmark is bound by and applies Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from the criminal record between Member States and by Council Decision 2009/316/JHA on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA, and exchanges criminal record information using the European Criminal Records Information System established by Council Decision 2009/316/JHA.

2. In accordance with Articles 1 and 2 of Protocol 22 on the position of Denmark, annexed to the Treaties, Denmark has not taken part in the adoption of the Directive amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third-country nationals and as regards ECRIS, and replacing Council Decision 2009/316/JHA.

3. As that Directive replaces Council Decision 2009/316/JHA and includes the elements of that Decision in Council Framework Decision 2009/315/JHA, the Member States bound by the Directive will in the future use ECRIS on the sole basis of Council Framework Decision 2009/315/JHA, while Denmark will continue using ECRIS also on the basis of Council Decision 2009/316/JHA. However, the Directive does not amend the obligations of the convicting Member State and of the Member State of the person's nationality with regard to the exchange of information between central authorities and to the storage of information, and Denmark should be able to continue to exchange information with the other Member States.

4. In order to facilitate continued cooperation through ECRIS, and in view of the declaration on ECRIS of the other Member States, Denmark commits itself to continuing to comply with the technical obligations and standards regarding the exchange of criminal records information as set forth in and on the basis of the Framework Decision as amended by the Directive. Denmark commits itself, in particular, to ensuring that it will continue to be able to exchange criminal records information with the other Member States using appropriate software tools. Denmark will inform the Commission accordingly."

ECRIS-TCN Regulation Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726 OJ L 135, 22.5.2019, p. 1–26	88/18 REV 1	Qualified majority	All Member States in favour, except: Not participating: DK, IE
Statement by the Commission "The Commission regrets that the co-legislators have decided to limit the inclusion of fingerprints of convicted third country nationals and dual EU/third country nationals in the ECRIS-TCN system. Since fingerprints are currently the most reliable form of identification of individuals, the Commission regrets these limitations on the inclusion of fingerprints, which in its view will make the ECRIS-TCN system less effective in achieving its aim of ensuring that criminal records information is reliably made available for the purposes of criminal procedures, preventing child abuse, granting licences and other legitimate purposes laid down in national law in line with the Directive."			
Amending Regulation 2018/1806 to prepare for Brexit - visa Regulation (EU) 2019/592 of the European Parliament and of the Council of 10 April 2019 amending Regulation (EU) 2018/1806 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, as regards the withdrawal of the United Kingdom from the Union OJ L 103I , 12.4.2019, p. 1–4	71/19 REV 1	Qualified majority	All Member States in favour, except: Not participating: DK, IE

Statement by the United Kingdom

"The United Kingdom (UK):
– welcomes the fact that this measure provides certainty for British nationals, including those in Gibraltar.
– rejects the way it has been presented and any characterisation of Gibraltar as a colony.
– is clear the Constitution of Gibraltar provides for a modern and mature relationship between the UK and Gibraltar. This is a political status which has been freely determined by the people of Gibraltar, and as such the referendum on that Constitution in 2006 represented an exercise of the right of self-determination.
– reiterates its certainty of its sovereignty over the whole of Gibraltar and rejects this instrument's characterisation of there being a 'controversy' over the 'sovereignty of Gibraltar' which is not its position and is inconsistent with statements made in any previous EU instrument.
– disagrees that the language should reference UN decisions in relation to Gibraltar which have nothing to do with the important issue of visa-free travel, while setting an unhelpful precedent for inappropriately 'importing' disagreements that belong in the UN space.
– notes furthermore that the language does not actually properly reflect the annual decisions of the UN General Assembly which are agreed with the consensus of the UK and Spain, the most recent of which is included below for reference[4] .
– believes it would have been more appropriate to use language adapted from the draft Withdrawal Agreement's Gibraltar Protocol, which both the UK and EU (including Spain) have agreed to: "This is without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to sovereignty and jurisdiction"
– regrets that its approaches to Spain to develop more appropriate wording were not reciprocated."

[4] Annual decision of the UN General Assembly (2018):

The General Assembly, recalling its decision 72/520 of 7 December 2017:

a) Urges the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland, while listening to the interests and aspirations of Gibraltar that are legitimate under international law, to reach, in the spirit of the Brussels Declaration of 27 November 1984, a definitive solution to the question of Gibraltar, in the light of the relevant resolutions of the General Assembly and applicable principles, and in the spirit of the Charter of the United Nations;

b) Takes note of the desire of the United Kingdom to continue with the trilateral Forum for Dialogue;

c) Takes note of the position of Spain that the trilateral Forum for Dialogue does not exist any longer and should be replaced with a new mechanism for local cooperation in which the people of the Campo de Gibraltar and Gibraltar are represented;

Welcomes the efforts made by all to resolve problems and advance in a spirit of trust and solidarity, in order to find common solutions and move forward in areas of mutual interest towards a relationship based on dialogue and cooperation.

Directive on unfair trading practices in the agricultural and food supply chain Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain OJ L 111, 25.4.2019, p. 59–72	4/19 REV 2	Qualified majority	All Member States in favour, except: Abstaining: UK

Joint statement by the European Parliament, the Council and the Commission

"The European Parliament, the Council and the Commission stress that the transparency of agricultural and food markets is a key element of a well-functioning agricultural and food supply chain, in order to better inform the choices of economic operators and public authorities as well as to facilitate the understanding of operators on market developments. The Commission is encouraged to continue its ongoing work to enhance market transparency at EU level. This may include the strengthening of the work on EU market observatories and improving the collection of statistical data necessary for the analysis of price formation mechanisms along the agricultural and food supply chain."

Statement by Denmark

"Denmark supports the compromise reached on the directive on unfair trading practices in the food supply chain with the following considerations in mind.

Firstly, Denmark recognizes the importance of strengthening the position of farmers in the food supply chain. In Denmark, the high level of organization of farmers in cooperatives is key to ensure this. Therefore, Denmark has during the negotiations strived to ensure that the directive is compatible with the cooperative model. It is the Danish understanding that the final compromise protects the cooperative as a model since it addresses the specificities of cooperatives in relation to payment deadlines and written contracts.

Secondly, in relation to the scope of the directive, Denmark has continuously supported the Commission proposal to protect small and medium-sized enterprises since this closely corresponds to the legal basis of the directive in the Treaty and the objective to ensure a fair standard of living for the agricultural community.

Thirdly, it is essential that fighting unfair trading practices does not compromise the well-functioning of the internal market nor a continued market orientation of the agricultural policy. Therefore, Denmark stresses the importance of ensuring that national rules going beyond the directive should respect the rules of the internal market."

Joint statement by Germany nd Luxemburg

"Germany and Luxembourg assume that the second sentence of Article 5(1) does not give rise to any powers of intervention for the authorities of one Member State in the territory of another Member State."

Statement by the Czech Republic

"As part of a constructive approach, the Czech Republic supports the compromise text of the proposal for a Directive on unfair trading practices in business-to-business relationships in the food supply chain. **However, it continues to regard the scope of the Directive, based on the 'dynamic model'** under Article 1(2) of the proposal for a Directive, as **a flaw in the proposal**.

In the Czech Republic's view, the proposed scope of the Directive does not contribute significantly to improving the functioning of the European Union's internal market. Among other things, the proposal submitted does not resolve the issue of the proliferation of economic activities, their territorial extension, or interconnection or partnerships between economic operators. As regards the implementation of this proposal in practice, compliance with the principle of simplification and reducing the administrative burden also cannot be guaranteed.

Unfair trading practices, which have a domino effect throughout the food supply chain, remain unfair regardless of the size of the operator adversely affected by them.

They have a negative impact on employment and lead to a loss of competitiveness and a reduction in investment and innovation.

In the Czech Republic's view, nothing prevents the proposal for a Directive being expanded to cover all buyers. The Directive can also protect all suppliers without changing the legal basis (Article 43(2) TFEU). The Court of Justice has stated that the Treaty on the Functioning of the EU does not define the type of entity which may be regulated under the CAP provisions of the Treaty. In fact, automatically excluding entities which are not small and medium-sized enterprises would violate the prohibition of discrimination under Article 40(2) TFEU, which forbids the unequal treatment of producers which are in a similar situation.

The case-law of the Court of Justice of the European Union also indicates that agricultural measures which have the specific objective of safeguarding the standard of living of the agricultural community, such as the current proposal on unfair trading practices, may also regulate entities which are not small and medium-sized enterprises (judgment of 23 March 2006 in Case C-535/03, Unitymark and North Sea Fishermen's Organisation, judgment of 13 November 1990 in

Case C-331/88, Fedesa and others). Expanding the scope to include large suppliers would therefore ensure that protecting all agricultural producers continues to take priority.

An unfair trading practice is unfair regardless of the size of the supplier or buyer adversely affected by it. In the interests of a sustainable and well-functioning food supply chain, the Directive should protect all suppliers against all buyers, irrespective of the size of their turnover. Only then will the EU have a food supply chain which is fair for suppliers and buyers. Accordingly, the Czech Republic requests the European Commission to monitor the functioning of the proposed Directive in practice and, if appropriate, propose expanding the scope of the Directive to cover all entities."

Regulation on spirit drinks Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 OJ L 130, 17.5.2019, p. 1–54	75/18 REV 1	Qualified majority	All Member States in favour, except: Against: EL Abstaining: HU
Statement by the Commission on labelling rules "The Commission declares that, should the empowerments provided for in Articles 19(1) and 50(3) be used, careful consideration will be given in particular to transparency of information for consumers for all spirit drinks placed on the market in the European Union." **Statement by the Commission on the unbundling clause** "The Commission recalls that point 31 of the Interinstitutional Agreement on Better Law-making provides that empowerments may be bundled on condition that the Commission provides objective justifications based on the substantive link between two or more empowerments contained in a single legislative act, and unless the legislative act provides otherwise. The Commission notes that the co-legislators have agreed to exclude bundling of empowerments in the present case, which may cause additional administrative burden and make it less easy for those affected by the legal framework to have access to a simple and comprehensive set of legal instruments. The Commission considers that this cannot be seen as creating a precedent for other ongoing legislative negotiations." **Joint Statement by Germany, Denmark and Finland** "The German, Danish and Finnish delegations assume that the European Commission, in coordination with the EFSA, will on its own initiative and in good time review the permissible hydrocyanic acid and ethyl carbamate contents in stone fruit spirits and stone fruit marc spirits and, if necessary, adopt measures to reduce these contents, to ensure the best possible preventive health protection for consumers in the European Union."			

Statement by Greece "Greece would like to thank the Commission and the Council Presidency for their efforts throughout the negotiations on the creation of a new Regulation on spirit drinks. In spite of these efforts, Greece cannot support the proposal for a Regulation, since we think that in its final form it does not meet the particular characteristics and practical needs of the sector, given the importance of spirit drinks in both the export trade and the cultural heritage of the EU. More specifically, we think that on particularly important issues such as the regime, and the procedure for the recognition, of geographical indications, account has not been taken of the particular characteristics of the sector, while the specific regime of established geographical indications resulting from the original Regulation 1576/89, by which they were recognised as the outcome of political agreement in the Council, has been neglected. Lastly, the proposed Regulation raises issues concerning the transparency and effectiveness of intervention by the Member States, insofar as it provides for Commission delegated acts to govern matters which are fundamental for the sector and of major political and economic importance."			
Regulation to prolong transitional use of means other than the electronic data-processing techniques provided for in the Union Customs Code (Article 278) Regulation (EU) 2019/632 of the European Parliament and of the Council of 17 April 2019 amending Regulation (EU) No 952/2013 to prolong the transitional use of means other than the electronic data-processing techniques provided for in the Union Customs Code OJ L 111, 25.4.2019, p. 54–58	44/19 REV 1	Qualified majority	All Member States in favour, except: Abstaining: LT, NL

Joint Statement by the European Parliament and the Council

"The European Parliament and the Council welcome the European Court of Auditors' Special Report No 26/2018 entitled "A series of delays in Customs IT systems: what went wrong?" and other recent relevant reports in the area of customs, which have given the co-legislators a better overview of the causes for the delays in the implementation of the IT systems necessary for improving customs operations in the EU.
The European Parliament and the Council consider that any future audit by the European Court of Auditors assessing the reports prepared by the Commission on the basis of Article 278a of the Union Customs Code could positively contribute to the avoidance of further delays.
The European Parliament and the Council call on the Commission and the Member States to take full account of such audits."

Statement by the Commission

"The Commission welcomes the agreement by the European Parliament and the Council on the proposal to prolong the deadline for the transitional use of means other than the electronic data processing techniques provided for in the Union Customs Code.
The Commission acknowledges the joint statement of the European Parliament and of the Council which notes that any future work by the European Court of Auditors assessing the reports prepared by the Commission on the basis of Article 278a of the Union Customs Code could positively contribute to the avoidance of further delays.
Should the Court of Auditors decide to assess the Commission's reports, the Commission will, as required by Article 287(3) of the Treaty on the Functioning of the European Union, fully collaborate with the European Court of Auditors and take full account of such findings."

Joint Statement by the Netherlands and Lithuania

"The Netherlands and Lithuania recognise the importance of the abovementioned file and greatly appreciate the progress achieved during the negotiations on the file. However, the Netherlands and Lithuania remain concerned regarding the deadline of 2022 for the implementation of national IT systems.
The final compromise text that will be submitted to Coreper on 14 February 2019 for confirmation with a view to agreement states that Trans European Systems (TES) may be used on a transitional basis until 31 December 2025 whereas national systems may be used until 31 December 2022 at the latest. For the Netherlands and Lithuania the distinction between TES and national systems, with different deadlines applied, will lead to unnecessary extra costs for customs authorities. Since the national systems are strongly linked to the TES, the transitional period for the TES and the national systems should have therefore been the same in the final text.
The Netherlands expressed its concerns on this matter in a declaration submitted and included in the minutes of Coreper (14 November 2018; agenda item I-27).
It is therefore with regret that the Netherlands and Lithuania will have to abstain."

Joint Statement by Germany, Denmark and Spain "The Federal Republic of Germany, Denmark and Spain attach considerable importance to the further implementation of the Union Customs Code and recognise that exceptionally great efforts had to be made to achieve a compromise. We are only able to agree to the proposal against this background. As regards content, however, we continue to have reservations and these have repeatedly been voiced by other Member States in the course of the negotiations. The proposal provides for a period up to 31 December 2025 for certain systems to be developed by the EU, while the Member States must already have completed their national systems by 31 December 2022. This distinction will most probably lead to unnecessary costs for economic operators and customs authorities, as numerous adjustments to the national systems are likely on account of the close connection between the EU's and national systems. For the reasons set out above, the fact that different deadlines apply entails the specific risk that the Member States may not be able to carry out the adaptation of the national systems in due time."			
Regulation on the import of cultural goods Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and the import of cultural goods OJ L 151, 7.6.2019, p. 1–14	82/18 REV 1	Qualified majority	All Member States in favour
Directive on the accessibility requirements for products and services Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance) OJ L 151, 7.6.2019, p. 70–115	81/18 REV 1	Qualified majority	All Member States in favour, except: Abstaining: UK
Regulation on the Cybersecurity Act Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) (Text with EEA relevance) OJ L 151, 7.6.2019, p. 15–69	86/18 REV 1	Qualified majority	All Member States in favour, except: Abstaining: HR

Statement by the United Kingdom

"The United Kingdom wishes to record its support for the Regulation on ENISA, the "EU Cybersecurity Agency", and repealing Regulation (EU) 526/2013, and on Information and Communication Technology cybersecurity Certification. The UK is committed to promoting security and stability in cyberspace through enhanced international cooperation.
The United Kingdom however wishes to record its view that it does not recognise the term 'public core' (of the open internet) as referenced in Article 5(3) and Recital 23. As it is a network of networks, the UK does not recognise the internet as having a 'core'. The UK considers this language could be used to promote fragmentation of the internet, which would be harmful to positions taken by the EU and Member States who seek to avoid this. The term 'public' can be interpreted as meaning government responsibility for the Internet, which is contrary to the multi-stakeholder model of internet governance which the EU and its Member States support. The UK considers that further discussions are needed to define how we talk about the core functions that underpin the normal operation of the internet.
The United Kingdom continues to believe that the multi-stakeholder approach is the best way to manage the complexities of governing the internet and it will continue to look to work with its international partners to safeguard the long-term future of a free, open, peaceful and secure cyberspace."

Statement by the Croatia

"The Republic of Croatia would like to express its support for the Regulation of the European Parliament and of the Council on ENISA (the European Agency for Cybersecurity) and on information and communication technology cybersecurity certification and repealing Regulation (EU) 526/2013 (Cybersecurity Act).
However, the Republic of Croatia wishes to record its discontent with the current Croatian version of the Regulation, i.e. with the Croatian equivalent of the English term "cyber" and its derivatives into the Croatian language, an issue that we have raised on several levels within the Council. The Republic of Croatia is seriously concerned that the current Croatian version of the Regulation may lead to legal uncertainty.
The Republic of Croatia considers that the terminology used by the EU institutions should be aligned with already existing national legal terminology to ensure legal certainty.
The Republic of Croatia remains committed to promoting open, free, stable and secure cyberspace and supports all efforts to enhance European cybersecurity capacities and resilience.
Therefore, the Republic of Croatia will abstain when it comes to the voting and the adoption of the Cybersecurity Act."

Regulation on safeguarding competition in air transport Regulation (EU) 2019/712 of the European Parliament and of the Council of 17 April 2019 on safeguarding competition in air transport, and repealing Regulation (EC) No 868/2004 OJ L 123, 10.5.2019, p. 4–17	77/18 REV 1	Qualified majority	All Member States in favour, except: Against: EL

Statement by the Greece

"Greece would like to thank the Presidency for its efforts to reach an agreement with the European Parliament, but, unfortunately, cannot support the final compromise text and will vote against. The outcome of the negotiations diverges significantly from the General Approach, which was already not acceptable to Greece, and does not take into account our concerns, which were consistently raised at all stages of the discussions on this file.
The reasons for Greece's position are, among others:

- The vagueness of the subject matter and the lack of clarity regarding certain important definitions (such as 'threat of injury', 'Union interest', 'irreversible damage') as well as regarding the proceedings, lead to legal uncertainty.
- The practices distorting competition are not explicitly mentioned and the operational redressive measures provided for in the proposal are not exhaustively listed, causing further ambiguity. In addition, there is no 'escalation' of these measures depending on the extent of the injury, and therefore no legal predictability, nor a link between a specific practice and the respective 'remedy'.
- The Regulation may have a strong impact on bilateral relations of Member States with third parties, in the field of aviation; this is due, inter alia, to the apparent incompatibility of the proposed text with the dispute settlement provisions contained in bilateral air transport agreements. Thus, the implementation of the said Regulation may impede Member States from fulfilling their international obligations."

Directive on port reception facilities Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (Text with EEA relevance) OJ L 151, 7.6.2019, p. 116–142	85/18 REV 1	Qualified majority	All Member States in favour, except: Against: DE

Statement by the Commission

"Directive 2005/35/EC on ship-source pollution complements the Union legal framework governing the ship-source discharges of polluting substances, which also includes the Directive on port reception facilities for the delivery of waste from ships ('the PRF Directive'), by providing the Union legal mechanisms for implementing and enforcing the discharge regulations under the MARPOL Convention. To this end, Directive 2005/35/EC should take into account the scope of the PRF Directive, in particular as regards the polluting substances and waste streams.

Considering that the current Directive 2005/35/EC only covers the substances and discharge regulations falling under MARPOL Annexes I and II, and as such is not fully aligned with the PRF Directive in terms of scope (the new PRF Directive will cover waste as defined in MARPOL Annexes I, II, IV, V and VI, and also refers to the discharge norms of those MARPOL Annexes), the Commission takes note of the co-legislators' call to assess the need of reviewing Directive 2005/35/EC in order to provide for an adequate legislative framework to address ship-source pollution.

Therefore, in reference to recital 23a of the future PRF Directive, the Commission would consider undertaking, as appropriate, the process of reviewing Directive 2005/35/EC."

Statement by Germany

"In principle, the Federal Republic of Germany supports the revision of Directive 2000/59/EC and the aims thereof. We welcome in particular the necessary alignment of EU law with the international legal framework in order to improve the protection of the marine environment against waste from ships.

However, the Federal Republic of Germany opposes the introduction of compulsory arrangements for cost recovery systems rather than voluntary arrangements, as Article 8(4b) of the revised Directive provided for in the original proposal. The compromise does not take sufficient account of differences in the size and structure of ports. We would underline that such decisions on port fees fall within the competence of the Member States. Overall, therefore, the Federal Republic of Germany cannot support the agreement reached at the third trilogue."

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Conclusions on including the Republic of North Macedonia in EUSAIR Council Conclusions on including the Republic of North Macedonia in EUSAIR	7793/19 REV 1
Council Decision on the establishment of a High-level Group of Wise Persons on the European financial architecture for development COUNCIL DECISION on the establishment of a High-level Group of Wise Persons on the European financial architecture for development OJ L 103, 12.4.2019, p. 26–28	6559/19
European Semester 2019 – Recommendation on the economic policy of the euro area COUNCIL RECOMMENDATION on the economic policy of the euro area OJ C 136, 12.4.2019, p. 1–4	5643/19
Status Agreement with Bosnia Herzegovina on actions carried out by EBCG Agency in Bosnia Herzegovina Council Decision (EU) 2019/634 of 9 April 2019 on the signing, on behalf of the Union, of the Status Agreement between the European Union and Bosnia and Herzegovina on actions carried out by the European Border and Coast Guard Agency in Bosnia and Herzegovina OJ L 109, 24.4.2019, p. 1–3	7195/19
Council Decision on the ratification of amended Convention 108 on data protection Council Decision (EU) 2019/682 of 9 April 2019 authorising Member States to ratify, in the interest of the European Union, the Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data OJ L 115, 2.5.2019, p. 7–8	10923/18

EPPO: Implementing Decision on the transitional rules for the appointment of European Prosecutors Council Implementing Decision (EU) 2019/598 of 9 April 2019 on the transitional rules for the appointment of European Prosecutors for and during the first mandate period, provided for in Article 16(4) of Regulation (EU) 2017/1939 OJ L 103, 12.4.2019, p. 29–30	
Council Decision authorising Member States to become party to the Convention on an Integrated Safety at Football Matches and Other Sports Events (CETS n°218) Council Decision (EU) 2019/683 of 9 April 2019 authorising Member States to become parties, in the interest of the European Union, to the Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (CETS No 218) OJ L 115, 2.5.2019, p. 9–10	12527/18
Council Decision on the EU position to be taken within the Joint Committee under the EU-Japan Economic Partnership Agreement as regards the adoption of Rules of Procedure Council Decision (EU) 2019/614 of 9 April 2019 on the position to be taken on behalf of the European Union within the Joint Committee established under the Agreement between the European Union and Japan for an Economic Partnership, as regards the adoption of the Rules of Procedure of the Joint Committee, the Rules of Procedure of a Panel, the Code of Conduct for Arbitrators and the Mediation Procedure OJ L 105, 16.4.2019, p. 11–24	7605/19
Recommendation on small passenger ship guide Council Recommendation on safety goals and non-binding functional requirements for passenger ships below 24 meters in length Adoption Statement by Ireland	7824/19

Statement by Ireland

"Ireland has consistently raised safety concerns regarding the current proposal for a Recommendation on safety goals and functional requirements for passenger ships below 24 meters in length. Ireland has actively engaged in the work on this Recommendation at the expert level and at the Shipping Working Party seeking to improve the proposed safety levels. We welcome that some of our comments have been included. However, some of our more substantive comments on safety have not been included. In particular, Ireland considers that the safety levels as currently outlined in the Recommendation and its Annex are very low and much lower than those which currently apply in Ireland and at the EU and international level.
Small passenger ship safety is a key national safety issue for Ireland as vessels operating off our coast are operating in some of the most hostile marine environments in the world with severe weather and exposed coast lines. It is the view of Ireland that the proposed safety levels in the Recommendation are too low and would expose EU citizens to unacceptable transport safety risks. On this basis, Ireland considers that there should be a binding standard for passenger ship safety in the EU and that a Recommendation is not a suitable means to achieve passenger safety. Furthermore, Ireland has consistently recommended that the standard of the vessel should be separated from the operation of the vessel. This means that while there would be a binding EU standard for the vessels that the operational issues and plying limits would be regulated by the port state and host state at member state level. This is because the Member State is best placed to assess these using local knowledge of routes, weather and harbours. Additionally, Ireland has raised concerns regarding the verification and implementation measures. As passenger ships are required to be registered and subject to flag state, port state and host state control, it is essential to the safety of such vessels that such controls continue.
Ireland welcomes that further studies in this area will be carried out and we will actively engage with these. However, Ireland considers that the safety levels to be achieved in these studies for passenger carriage in the EU should not be reduced or diluted in any manner and that the safety levels to be achieved should be in-line with the existing passenger ship safety standards at EU and international and national level."

Towards an ever more sustainable Union by 2030 Conclusions on the Reflection Paper "Towards a sustainable Europe by 2030"	8071/19

Written procedure completed on 1 April 2019	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2019/538 of 1 April 2019 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 93, 2.4.2019, p. 3–14	7039/19
Council Decision (CFSP) 2019/539 of 1 April 2019 amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya OJ L 93, 2.4.2019, p. 15–15	7346/19
Written procedure completed on 13 April 2019	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2019/642 of 13 April 2019 amending Decision (EU) 2019/274 on the signing, on behalf of the European Union and of the European Atomic Energy Community, of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Text with EEA relevance.) OJ L 110I , 25.4.2019, p. 1–3	21027/19
Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community OJ C 144I , 25.4.2019, p. 1–184	21028/19
Council Decision on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community	21105/19 REV 2

3686th meeting of the Council of the European Union (Agriculture and Fisheries) held in Luxembourg on 15 April 2019			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation on CO2 standards for cars and vans Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO2 emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 (Text with EEA relevance.) OJ L 111, 25.4.2019, p. 13–53	6/1/18 REV 1	Qualified majority	All Member States in favour, except: Against: HU Abstaining: BG

Statement by the Commission

"During the review provided for in Article 15 and when proposing, if appropriate, a legislative amendment to this Regulation, the Commission will carry out the relevant consultations in accordance with the Treaties. It will, in particular, consult the European Parliament and the Member States in that context.

As part of that review, the Commission will also examine the appropriateness of the cap of 5% specified in point 6.3 of Part A of Annex I in view of the need to accelerate the promotion of zero- and low-emission vehicles in the concerned Member States."

Joint Statement by Luxembourg and Belgium

"Luxembourg and Belgium welcome the fact that the co-legislators have reached an agreement before the end of the current parliamentary term on the proposal for a Regulation setting emission performance standards for passenger cars and light commercial vehicles, thus providing for continuity in the EU's legislation in a key emitting sector and ensuring clarity for investors, vehicle manufacturers, public authorities and citizens.

Nevertheless, we regret that the agreed level of ambition has been set well below the level needed to bring CO_2 emissions from road transport in the EU into line with the objectives set by the Paris Agreement or to enable Member States to meet the national emission reduction targets for CO_2 laid down in the Effort Sharing Regulation, despite the fact that a higher level of ambition would have been technically feasible and could have brought many benefits to the EU's economy, to its industrial policy and to the environmental integrity of its policies.

We also regret that some of the provisions agreed as part of the incentive mechanism for zero- and low-emission vehicles (ZLEVs) will lessen the actual reduction in CO_2 emissions achieved through this Regulation, and we are concerned that manufacturers may exploit them in a manner that could distort the internal market.

We therefore call on the Commission and the co-legislators to put in place additional European measures and instruments, and particularly funding, to promote the swiftest possible transition to zero-emission vehicles in the EU. We also call on the Commission to monitor closely how manufacturers comply with the new Regulation and to take steps to address any instances of abuse."

Revision of the Gas Directive Directive (EU) 2019/692 of the European Parliament and of the Council of 17 April 2019 amending Directive 2009/73/EC concerning common rules for the internal market in natural gas (Text with EEA relevance.) OJ L 117, 3.5.2019, p. 1–7	58/1/19 REV 1	Qualified majority	All Member States in favour, except: Abstaining: BG
Directive on Copyright in the Digital Single Market Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (Text with EEA relevance.) OJ L 130, 17.5.2019, p. 92–125	51/1/19 REV 1	Qualified majority	All Member States in favour, except: Against: IT, LU, NL, PL, FI, SE Abstaining: BE, EE, SI

Joint Statement by the Netherlands, Luxembourg, Poland, Italy and Finland

"The objectives of this Directive were to enhance the good functioning of the internal market and to stimulate innovation, creativity, investment and production of new content, also in the digital environment. The signatories support these objectives. Digital technologies have radically changed the way content is produced, distributed and accessed. The legislative framework needs to reflect and guide these changes.

However, in our view, the final text of the Directive fails to deliver adequately on the above-mentioned aims. We believe that the Directive in its current form is a step back for the Digital Single Market rather than a step forward.

Most notably we regret that the Directive does not strike the right balance between the protection of right holders and the interests of EU citizens and companies. It therefore risks to hinder innovation rather than promote it and to have a negative impact the competitiveness of the European Digital Single Market.

Furthermore, we feel that the Directive lacks legal clarity, will lead to legal uncertainty for many stakeholders concerned and may encroach upon EU citizens' rights.

We therefore cannot express our consent with the proposed text of the Directive".

Statement by Estonia

"Estonia has always supported the objective of the Directive, namely better access to content online, the functioning of key exceptions in the digital and cross-border environment and the better and balanced functioning of the copyright marketplace.

However, Estonia considers that the final text of the Directive does not strike a sufficient balance between different interests in all aspects.

Furthermore, Estonia has recently had parliamentary elections and our new government and parliament have not been able to give their position on the final compromise text."

Statement by Germany

"1. The German Federal Government agrees with the proposed Directive on copyright and related rights in the Digital Single Market (hereinafter: 'the Directive') in the version set out in the trilogue compromise of 13 February 2019, because the reform as a whole achieves urgently needed adjustments to the outdated European legal framework, such as the provisions on text and data mining, out-of-commerce works and contract law for performers.

2. At the same time, the German Federal Government regrets that it was not possible to agree on a concept for the copyright responsibility of upload platforms that could be broadly supported by all parties. There is widespread consensus that creatives should participate in the exploitation of their content through upload platforms. However, in particular the obligation provided for in Article 17 of the Directive to ensure the permanent 'stay down' of protected content and the algorithm-based solutions ('upload filters') likely to be used in this context have met with serious reservations and widespread criticism from the German public. The vote in the European Parliament on 26 March 2019 also revealed the huge gulf between supporters and critics.

3. The focus of our efforts is on performers, authors and ultimately all creatives who naturally make use of the new tools that digitisation and connectivity provide for creative work. The German Federal Government is of course not questioning the need to protect creative work on the internet, and to ensure creatives receive appropriate remuneration for such work.

4. Under Article 17(10), the European Commission is required to conduct a dialogue with all interest groups concerned in order to develop guidelines for the application of Article 17. The provision explicitly calls for a balance to be maintained between fundamental rights and the possibility of using protected content on upload platforms within the framework of legal authorisations. The German Federal Government therefore assumes that this dialogue is based on a spirit of guaranteeing appropriate remuneration for creatives, preventing 'upload filters' wherever possible, ensuring freedom of expression and safeguarding user rights. The German Federal Government assumes that uniform implementation throughout the Union will be agreed on in this dialogue, because fragmentary implementation with 27 national variants would not be compatible with the principles of a European Digital Single Market. On the basis of this declaration, the German Federal Government will participate in this dialogue.

5. Where technical solutions are used at all in that connection, the data protection requirements of the General Data Protection Regulation must be adhered to and the EU should encourage the development of open-source technologies with open interfaces (APIs). Open-source software guarantees transparency, while open interfaces ensure interoperability and standardisation. This can prevent market-dominant platforms from further consolidating their market power by means of their established filtering technology. At the same time, the EU must develop concepts that counteract a de facto copyright register in the hands of dominant platforms by means of public, transparent notification procedures.

6. First of all, the requirements laid down in Article 2(6) of the Directive must be addressed and clarified, since the rules are aimed solely at those market-dominant platforms which make large quantities of copyright-protected uploads accessible and which base their commercial business model on such a practice, i.e. services such as YouTube or Facebook. At the same time, we will make it clear that services such as Wikipedia, university repositories, blogs and forums, software platforms such as Github, special-interest offers without any connection to the creative industry, messenger services such as WhatsApp, sales portals or cloud services are not platforms within the meaning of Article 17. In addition, we will ensure an exemption for start-ups.
7. Furthermore, it is clear that upload platforms should continue to be available as free, uncensored communication channels for civil society in the future. Article 17 (7) and (8) stipulate in that connection that protective measures for upload platforms must not impede the permitted use of protected content. We are particularly committed to this because upload platforms are also a springboard for creatives, enabling them to reach a worldwide audience without a publisher or a label.
8. The aim must be to make the 'uploadfilter' instrument largely superfluous. Each permanent 'stay down' mechanism ('uploadfilter') must comply with the principle of proportionality. Procedural guarantees, in particular, could be considered, for example when users notify that they are lawfully uploading content from third parties. In these cases the deletion could not be performed automatically, but only after a check by a person. At the same time, the proprietorship of any content that has to be removed should be sufficiently proven, unless the information comes from a 'trusted flagger'. In all events the platforms must guarantee easy access to a complaint mechanism for solving contentious cases effectively and as rapidly as possible.
9. In addition, the use of protected content on upload platforms for criticism or reviews, for caricatures, parodies or pastiches, or even in the context of the 'quotation barrier', is permitted and free of charge. In such cases the rightholder does not suffer any economic loss anyway. For all other uses platforms should acquire licences, if available relatively easily and for a fair tariff. We will examine how the fair participation of creatives in this licence revenue can be guaranteed through direct payment claims, including in those cases where the label, publisher or producer have the exclusive rights. It is also necessary to guarantee an appropriate remuneration for any new content created on upload platforms and used for commercial purposes. Above all, the proceeds from uses on upload platforms that are desired for political reasons must also reach the creatives themselves.

10. Article 17 aims to monetise the use of protected content on upload platforms and to ensure appropriate and fair remuneration for authors and performers. The German Federal Government shares this goal. In the European compromise, licensing is the method chosen to achieve this. Article 17(4) provides that, in order to fulfil their responsibilities, upload platforms must have 'made best efforts' to obtain licences. This will be crucial in the implementation of this provision. Workable solutions for obtaining licences must be found. Although requirements which are unreasonable in practice cannot be imposed on platforms, it is necessary to ensure that efforts to obtain licences are combined with fair offers of remuneration.
11. In order to resolve this issue – of how licences can, as far as possible, be concluded for all content on upload platforms – copyright law provides for many other mechanisms besides 'traditional' individual licensing (e.g. exceptions and limitations, possibly combined with remuneration rights; the option of converting exclusive rights into remuneration rights; the obligation to conclude contracts on reasonable terms; and the involvement of associations of creative artists such as collecting societies).
12. The Federal Government will examine all of these models. Should it appear that the implementation has led to a restriction of freedom of expression or should the guidelines set out above encounter obstacles in EU law, the Federal Government will work to ensure that the shortcomings identified in EU copyright law are corrected."

Directive on SatCab Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes, and amending Council Directive 93/83/EEC (Text with EEA relevance.) OJ L 130, 17.5.2019, p. 82–91	7/1/19/REV/1	Qualified majority	All Member States in favour, except: Abstaining: SI
Statement by the Commission "The Commission takes note that the text adopted by the European Parliament and the Council of the Directive laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes and amending Council Directive 93/83/EEC replaces the legal basis retained in its proposal (Article 114 of the Treaty on the Functioning of the European Union, TFEU) with the combined legal basis of Articles 53(1) and 62 TFEU. The Commission considers that Articles 53(1) and 62 TFEU provide a specific legal basis, and can thus be considered 'lex specialis', for directives concerning access to activities of self-employed persons. Legislation exceeding that scope should more properly be based on the general legal basis related to the achievement of the internal market (Article 114 TFEU). The two legal bases (Article 114, and Articles 53(1) and 62 TFEU) could also have been used in conjunction, if necessary. In a spirit of compromise and with a view to the immediate adoption of the proposal by the Union, the Commission supports the final text. However, it regrets the removal of Article 114 TFEU as the legal basis of the Directive and reaffirms that that provision of the TFEU shall be used in future internal market legislation concerning issues other than access to activities of self-employed persons."			
Directive on Digital Content (DCD) Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services (Text with EEA relevance.) OJ L 136, 22.5.2019, p. 1–27	26/1/19/REV/1	Qualified majority	All Member States in favour, except: Abstaining: UK

Statement by United Kingdom "We support the principle of harmonisation of remedies under the Sale of Goods and Digital Content Directives. However, the United Kingdom would like to clarify and state its interpretation of the Sale of Goods Directive regarding the regulation of remedies that are not specific to consumer law. Consumers in the UK have access to non-statutory remedies (judge-made case law and 'equitable' remedies) that are not specific to consumer law, in addition to the statutory remedies that were introduced as a result of the Sales of Consumer Goods and Associated Guarantees Directive (1999/44/EC). UK non-statutory remedies pre-date the statutory remedies resulting from the current Directive. They serve an important function in complementing statutory remedies. We acknowledge that there has been an active attempt to accommodate this within the text of the directive, particularly in reference to Recital 14 of the Sale of Goods Directive. These provisions indicate that there will be aspects of national law that Member States are free to regulate. It is the view of the United Kingdom that non-statutory remedies that are aspects of national law, not specific to consumer law, when made available in addition to the statutory remedies required under this Directive, are compatible with the aims of the Directive. We would therefore like to reserve our position regarding the regulation of non-statutory remedies that are not specific to consumer law."			
Directive on Contracts for the Sales of Goods (DSG) Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (Text with EEA relevance.) OJ L 136, 22.5.2019, p. 28–50	27/1/19/REV/1	Qualified majority	All Member States in favour, except: Abstaining: UK
Statement by United Kingdom "We support the principle of harmonisation of remedies under the Sale of Goods and Digital Content Directives. However, the United Kingdom would like to clarify and state its interpretation of the Sale of Goods Directive regarding the regulation of remedies that are not specific to consumer law. Consumers in the UK have access to non-statutory remedies (judge-made case law and 'equitable' remedies) that are not specific to consumer law, in addition to the statutory remedies that were introduced as a result of the Sales of Consumer Goods and Associated Guarantees Directive (1999/44/EC). UK non-statutory remedies pre-date the statutory remedies resulting from the current Directive. They serve an important function in complementing statutory remedies. We acknowledge that there has been an active attempt to accommodate this within the text of the directive, particularly in reference to Recital 14 of the Sale of Goods Directive. These provisions indicate that there will be aspects of national law that Member States are free to regulate. It is the view of the United Kingdom that non-statutory remedies that are aspects of national law, not specific to consumer law, when made available in addition to the statutory remedies required under this Directive, are compatible with the aims of the Directive. We would therefore like to reserve our position regarding the regulation of non-statutory remedies that are not specific to consumer law."			

Council Decision concerning the dock dues in the French outermost regions Council Decision (EU) 2019/664 of 15 April 2019 amending Decision No 940/2014/EU as regards products eligible for exemption from or a reduction in dock dues OJ L 112, 26.4.2019, p. 21–25	5975/19	Qualified majority	All Member States in favour
Council Decision amending the Protocol on the Statute of the European Investment Bank Council Decision (EU) 2019/654 of 15 April 2019 amending Protocol No 5 on the Statute of the European Investment Bank OJ L 110, 25.4.2019, p. 36–38	6518/19	Qualified majority	All Member States in favour
Statement by Poland "Following the statement of 9 April 2019 by the Board of Directors of the EIB that Member States confirmed their commitment to timely implement the package of decisions taken in July and December 2018, which were adopted later unanimously by the Board of Governors, Poland supports the Decision amending the Protocol on the Statute of the EIB as the first of two step approach that Member States agreed to. As a second step, the Statute of the EIB will be amended to implement asymmetric increase of the EIB's capital, namely an increase of the capital in the EIB subscribed by Poland and Romania and corresponding amendment of the Statute. This procedure shall be finalised as swiftly as possible, including the adoption of a Decision by the Council after obtaining opinions from the European Parliament and the European Commission. Both amendments to the Statute of the EIB shall be adopted and await for their entry into force upon the withdrawal of the UK from the UE."			

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision on the conclusion of the Voluntary Partnership Agreement between the EU and Viet Nam on forest law enforcement, governance and trade Council Decision (EU) 2019/854 of 15 April 2019 on the conclusion of the Voluntary Partnership Agreement between the European Union and the Socialist Republic of Viet Nam on forest law enforcement, governance and trade OJ L 147, 5.6.2019, p. 1–2	10861/18
Council Decision authorising the opening of negotiations on an agreement between EU and each individual European Neighbourhood Policy South country for the extension of EGNOS COUNCIL DECISION authorising the opening of negotiations on an agreement between the European Union and each individual European Neighbourhood Policy South country for the purpose of agreeing the terms and conditions for extending the provision of the European Geostationary Navigation Overlay Service (EGNOS) over European Neighbourhood Policy	7050/19

Amended proposal for a Council Decision on the conclusion of the Air Transport Agreement between the EU and Canada Council Decision (EU) 2019/702 of 15 April 2019 on the conclusion, on behalf of the Union, of the Air Transport Agreement between the European Community and its Member States, of the one part, and Canada, of the other part OJ L 120, 8.5.2019, p. 1–2	6730/18
Statement by the Commission "The Commission fully supports the adoption by the Council of the intended Council decision. However, as regards the procedure, the Commission would like to underline that the adoption of the Decision cannot be conditioned upon the agreement of the Representatives of the Governments of the Member States meeting within the Council (see judgment of the ECJ in case C-28/12). Such an additional procedural step, of intergovernmental nature, is not provided for in Article 218 TFEU and would be incompatible with that provision. However, the Commission understands that such a step is not mentioned in the draft Decision and that it is not part of the present adoption procedure."	
Statement by Spain "Spain hereby declares that the adoption of this Decision does not affect its legal position on the sovereignty dispute concerning the territory in which Gibraltar airport is situated. Spain notes that on 20 November 2012 it informed the Commission that it no longer considered the Córdoba Statement to be in force and therefore, as from that date, it did not consider it acceptable to continue making reference to the Ministerial Statement of 18 September 2006 on Gibraltar Airport (Córdoba Statement) in European Union civil aviation legislation and accordingly requested a return to the situation prior to 18 September 2006 in any proposals for new legislation."	

Council Decision on the conclusion of a Protocol amending the Agreement on Air Transport between Canada and the EU on the accession of the Republic of Croatia Council Decision (EU) 2019/704 of 15 April 2019 on the conclusion, on behalf of the Union and its Member States, of a Protocol amending the Agreement on Air Transport between Canada and the European Community and its Member States, to take account of the accession to the European Union of the Republic of CroatiaOJ L 120, 8.5.2019, p. 4–4	12256/14
Statement by Spain "Spain hereby declares that the adoption of this Decision does not affect its legal position on the sovereignty dispute concerning the territory in which Gibraltar airport is situated. Spain notes that on 20 November 2012 it informed the Commission that it no longer considered the Córdoba Statement to be in force and therefore, as from that date, it did not consider it acceptable to continue making reference to the Ministerial Statement of 18 September 2006 on Gibraltar Airport (Córdoba Statement) in European Union civil aviation legislation and accordingly requested a return to the situation prior to 18 September 2006 in any proposals for new legislation."	
Schengen evaluation Recommendation - Latvia return policy Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2018 evaluation of Latvia on the application of the Schengen acquis in the field of return	8622/19
Schengen evaluation Recommendation - Finland visa policy Council Implementing Decision setting out a Recommendation on addressing the serious deficiencies identified in the 2018 evaluation of Finland on the application of the Schengen acquis in the field of the common visa policy	8623/19
Schengen evaluation Recommendation - Finland external border Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2018 evaluation of Finland on the application of the Schengen acquis in the field of management of the external border	8624/19

EU-US trade relations a) Council Decision on opening negotiations on the elimination of tariffs for industrial goods and related negotiating directives	6052/19
EU-US trade relations b) Council Decision on opening negotiations on conformity assessment and related negotiating directives	6053/19
Council Decision on decommitted funds from the 10th EDF to replenish the African Peace Facility Council Decision (EU) 2019/640 of 15 April 2019 concerning the allocation of funds decommitted from projects under the 10th European Development Fund for the purpose of replenishing the African Peace Facility OJ L 109, 24.4.2019, p. 24–25	7921/19
Council Decision on Union support for activities leading up to the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Council Decision (CFSP) 2019/615 of 15 April 2019 on Union support for activities leading up to the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) OJ L 105, 16.4.2019, p. 25–30	7988/19
Council Decision on the EU position at COP 9 to the Rotterdam Convention on amendments of Annex III Council Decision (EU) 2019/668 of 15 April 2019 on the position to be taken on behalf of the European Union at the ninth meeting of the Conference of the Parties as regards the listing of certain chemicals in Annex III to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade OJ L 113, 29.4.2019, p. 4–5	7103/19

Council Decision on the EU position at the 14th COP to the Basel Convention on amendments of Annexes II, VIII and IX Council Decision (EU) 2019/638 of 15 April 2019 on the position to be taken on behalf of the European Union at the fourteenth meeting of the Conference of the Parties with regard to certain amendments to Annexes II, VIII and IX to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their DisposalOJ L 109, 24.4.2019, p. 19–21	7863/19
Council Decision on the EU position at COP 9 to the Stockholm Convention on amendments of Annexes A and B Council Decision (EU) 2019/639 of 15 April 2019 on the position to be taken on behalf of the European Union at the ninth meeting of the Conference of the Parties as regards amendments to Annexes A and B to the Stockholm Convention on Persistent Organic Pollutants OJ L 109, 24.4.2019, p. 22–23	7893/19

Written procedures completed on 29 April 2019	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Notice for the attention of the persons subject to the restrictive measures provided for in Council Decision 2013/184/CFSP, as amended by Council Decision (CFSP) 2019/678, and in Council Regulation (EU) No 401/2013, as implemented by Council Implementing Regulation (EU) 2019/672 concerning restrictive measures against Myanmar/Burma OJ C 149, 30.4.2019, p. 1–1	8540/19