

Brussels, 23 October 2018  
(OR. en)

13470/18

**PUBLIC 70**  
**INF 195**

**NOTE**

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Subject: MONTHLY SUMMARY OF COUNCIL ACTS - JUNE 2018

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This document lists the acts<sup>1</sup> adopted by the Council in June 2018.<sup>2 3</sup>

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

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

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

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

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

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

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

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

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

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

**INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN JUNE 2018**

**3622nd meeting of the Council of the European Union (Justice and Home Affairs) held in Luxembourg on 4 and 5 June 2018**

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
<i>Council Decisions on the conclusion of Council Europe Terrorism Convention and Additional Protocol</i> Council Decision (EU) 2018/889 of 4 June 2018 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on the Prevention of Terrorism OJ L 159, 22.6.2018, p. 1–2	14494/1/17 REV 1
<i>Council Decisions on the conclusion of Council Europe Terrorism Convention and Additional Protocol</i> Council Decision (EU) 2018/890 of 4 June 2018 on the conclusion, on behalf of the European Union, of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism OJ L 159, 22.6.2018, p. 15–16	14498/1/17 REV 1
Council Conclusions on the Eurojust Annual Report 2017	9671/18
<i>Conclusions on combating domestic violence</i> Council Conclusions on improving police co-operation in combating domestic violence, including violence against women	9717/18
Council Conclusions on European integrated border management (EUIBM)	9000/18
<i>Schengen evaluation Recommendation - France management of the external border</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 management of the external border	9656/18

Council Conclusions on strengthening the cooperation and the use of the Schengen Information System (SIS) to deal with persons involved in terrorism or terrorism-related activities, including foreign terrorist fighters	9691/18
<i>Council Decisions on opening negotiations between EU and third countries on the exchange of personal data between Europol and related third countries for fighting serious crime and terrorism</i> Council Decision authorising the opening of negotiations with the Republic of Turkey for an agreement between the European Union and the Republic of Turkey on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Turkish competent authorities for fighting serious crime and terrorism	9320/18
<i>Council Decisions on opening negotiations between EU and third countries on the exchange of personal data between Europol and related third countries for fighting serious crime and terrorism</i> Council Decision authorising the opening of negotiations with the Lebanese Republic for an agreement between the European Union and the Lebanese Republic on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Lebanese competent authorities for fighting serious crime and terrorism	9330/18
<i>Council Decisions on opening negotiations between EU and third countries on the exchange of personal data between Europol and related third countries for fighting serious crime and terrorism</i> Council Decision authorising the opening of negotiations with the State of Israel for an agreement between the European Union and the State of Israel on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Israeli competent authorities for fighting serious crime and terrorism	9331/18
<i>Council Decisions on opening negotiations between EU and third countries on the exchange of personal data between Europol and related third countries for fighting serious crime and terrorism</i> Council Decision authorising the opening of negotiations with the Republic of Tunisia for an agreement between the European Union and the Republic of Tunisia on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Tunisian competent authorities for fighting serious crime and terrorism	9332/18

<p><i>Council Decisions on opening negotiations between EU and third countries on the exchange of personal data between Europol and related third countries for fighting serious crime and terrorism</i>  Council Decision authorising the opening of negotiations with the Kingdom of Morocco for an agreement between the European Union and the Kingdom of Morocco on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Moroccan competent authorities for fighting serious crime and terrorism</p>	9333/18
<p><i>Council Decisions on opening negotiations between EU and third countries on the exchange of personal data between Europol and related third countries for fighting serious crime and terrorism</i>  Council Decision authorising the opening of negotiations with the Arab Republic of Egypt for an agreement between the European Union and the Arab Republic of Egypt on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Egyptian competent authorities for fighting serious crime and terrorism</p>	9334/18
<p><i>Council Decisions on opening negotiations between EU and third countries on the exchange of personal data between Europol and related third countries for fighting serious crime and terrorism</i>  Council Decision authorising the opening of negotiations with the People's Democratic Republic of Algeria for an agreement between the European Union and the People's Democratic Republic of Algeria on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Algerian competent authorities for fighting serious crime and terrorism</p>	9339/18
<p><i>Council Decisions on opening negotiations between EU and third countries on the exchange of personal data between Europol and related third countries for fighting serious crime and terrorism</i>  Council Decision authorising the opening of negotiations with the Hashemite Kingdom of Jordan for an agreement between the European Union and the Hashemite Kingdom of Jordan on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Jordanian competent authorities for fighting serious crime and terrorism</p>	9342/18

*Council Decisions on opening negotiations between EU and third countries on the exchange of personal data between Europol and related third countries for fighting serious crime and terrorism*

**Statement by Cyprus**

This is to express also before the COREPER our strong reservations on this politically very sensitive issue. As this is the first time that the EU is about to open such negotiations, based on the new Europol Regulation, we consider it appropriate and useful to allow for a discussion at the political/Council level as well, as these cases will set a precedent for the future.

From the launch of the discussion on the Commission's proposals, we voiced our concerns, not because we do not appreciate the significance of these agreements for the EU and our citizens, but due to the very fact that we have no safeguard that this agreement (as many others) will be, in the case of Turkey, implemented towards all m-s. Any Agreement has to be mutually beneficial for the contracting parties. Turkey maintains a very negative track record of non-implementation of Agreements towards the Republic of Cyprus. To name a few, the Additional Protocol to the EC-Turkey Customs Union (2005), the Readmission Agreement (2012), the Visa Roadmap (2015), etc. In all cases, and after their endorsement, Turkey had issued unilateral declarations that it does not intend to implement its obligations with respect to the Republic of Cyprus. Therefore, how can we consent to the opening of negotiations on the international agreement in question, unless satisfactory explanations and/or safeguards are provided on how the situation is going to be rectified, given the inflexible stance of Turkey?

In the course of the discussions that took place since last January, Cyprus has retained its strong reservation regarding the opening of negotiations with Turkey in the same package with the other seven third countries. We supported detaching the discussion on Turkey from the rest of the package. Obviously, the case of Turkey differs from the rest. As a candidate country, Turkey has to comply with its obligations, stemming from the negotiating framework for its accession to the EU and the Visa Liberalization Roadmap. In the absence of progress in this respect, we consider it paradoxical to decide the opening of negotiations for signing an agreement on the exchange of personal data with Turkey. The 2018 Commission's Report on Turkey reaffirms our strong reservations pertaining to the serious and continued backslidings in the country and the need for Turkey to align its personal data protection legislation and its anti-terror legislation with the EU acquis.

Turkey continues to refuse any cooperation with the Republic of Cyprus across the board of JHA issues, which is also a horizontal obligation included in the Visa Liberalization Road Map. This is evident through Turkey's unilateral declarations (Readmission Agreement, Road Map), as well as from its refusal to cooperate with Cyprus on JHA related fields (Europol, Interpol, judicial cooperation in criminal matters). In addition, Turkey has taken no steps towards fulfilling the relevant benchmarks of the Visa Liberalization Road Map, especially those pertaining to cooperation with EU m-s. Thus, we continue to believe that it is of utmost importance to include all necessary safeguards, including a monitoring mechanism for the implementation of these agreements so as to ensure their full, effective and non-discriminatory implementation.

We have recorded our vote against this file and we request that this statement be attached to the minutes of COREPER and the Council.

### Statements by the Commission

While the Commission maintains its views that Article 218(3) and (4) TFEU provide a sufficient legal basis for the Decisions, without any substantive legal basis being necessary, it also considers that the choice of substantive legal basis does not affect the Council's voting rules.

With regard to Article 3 of the Council Decision, the Commission notes that the insertion of "subject to any directives which the Council may subsequently issue to the Commission" is not in line with the case law of the Court of Justice in Case C-425/13 Commission v Council (Australia greenhouse gas emissions trading system), at paragraph 90, and should therefore be deleted.

<i>Iran non-proliferation restrictive measures - review - Decision and Implementing Regulation</i> Council Decision (CFSP) 2018/833 of 4 June 2018 amending Decision 2010/413/CFSP concerning restrictive measures against Iran OJ L 140, 6.6.2018, p. 87–88	7619/18
<i>Iran non-proliferation restrictive measures - review - Decision and Implementing Regulation</i> Council Implementing Regulation (EU) 2018/827 of 4 June 2018 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran OJ L 140, 6.6.2018, p. 3–4	7621/18
<i>Council Decision on opening negotiations for the conclusion of a Sustainable Fisheries Partnership Agreement and a Protocol with Madagascar</i> Council Decision authorising the opening of negotiations with the Republic of Madagascar for the conclusion of a Sustainable Fisheries Partnership Agreement and a Protocol implementing that Agreement	8710/18
<i>Council Decision on opening negotiations for the renewal of the Protocol to the Fisheries Partnership Agreement with Cabo Verde</i> Council Decision authorising the opening of negotiations with the Republic of Cape Verde for the conclusion of a Protocol implementing the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde	9007/18
Council Conclusions on Victims of terrorism	9719/18

**3623rd meeting of the Council of the European Union (Transport, Telecommunications, and Energy) held in Luxembourg on 7, 8 and 11 June 2018**

NON-LEGISLATIVE ACTS

ACT

DOCUMENT / STATEMENTS

*Council Decision on the EU position on UNECE (June 2018)*

9187/18

Council Decision on the position to be taken on behalf of the European Union in the relevant Committees of the United Nations Economic Commission for Europe as regards the proposals for amendments to UN Regulations Nos 13, 13-H, 14, 16, 22, 44, 49, 51, 54, 75, 83, 85, 89, 96, 106, 108, 109, 120, 129, 137, 139 and 140, to UN Global Technical Regulations Nos 15 and 19, and as regards the proposals for two new UN Regulations and two new listings in the Compendium of Candidate Global Technical Regulations

*Conclusions on the implementation of the EU-NATO common set of proposals*

9849/18

Council Conclusions on the Third Progress Report on the implementation of the common set of proposals endorsed by the EU and NATO Councils on 6 December 2016 and 5 December 2017

*European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) - extension - Decision*

8575/18

Council Decision (CFSP) 2018/856 of 8 June 2018 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.) (EULEX KOSOVO)  
OJ L 146, 11.6.2018, p. 5–7



<b>Written procedure completed on 14 June 2018</b>			
NON-LEGISLATIVE ACTS			
ACT	DOCUMENT / STATEMENTS		
Council Implementing Decision (CFSP) 2018/872 of 14 June 2018 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya OJ L 152, 15.6.2018, p. 22–28	9907/18		
Council Implementing Regulation (EU) 2018/870 of 14 June 2018 implementing Article 21(1) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya OJ L 152, 15.6.2018, p. 1–4	9914/18		
<b>3624th meeting of the Council of the European Union (Agriculture and Fisheries) held in Luxembourg on 18 June 2018</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
<i>Regulation amending the Baltic Sea multi-annual plan</i> Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/1139 as regards fishing mortality ranges and safeguard levels for certain herring stocks in the Baltic Sea	23/18	Qualified majority	All Member States in favour
<i>Regulation on the North Sea multi-annual plan</i> Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 OJ L 179, 16.7.2018, p. 1–13	14/18	Qualified majority	All Member States in favour; except: Against: DK

**Joint statement by the European Parliament and the Council****on prohibited species**

The Regulation to be adopted on the basis of the Commission proposal on the conservation of fishery resources and the protection of marine ecosystems through technical measures (2016/0074(COD)) should contain provisions, inter alia, on the species for which fishing is prohibited. For that reason the two institutions have agreed not to include a list concerning the North Sea in this Regulation (2016/0238(COD)).

**Joint statement by the European Parliament and the Council****on control**

The European Parliament and the Council will include the following control provisions in the upcoming review of the Control Regulation (Regulation (EC) No 1224/2009) where relevant to the North Sea: prior notifications, logbook requirements, designated ports, and other control provisions.

**Statement by the Commission**

The Commission will request the ranges of FMSY and other biological reference points from the International Council for the Exploration of the Sea (ICES). The Commission considers that, as a general rule, the fishing opportunities should be based on the best available scientific advice provided by ICES. In the unlikely event that ICES is either unable to provide the ranges of FMSY and other biological reference points or where there are serious reasons to believe that the advice issued by ICES does not meet the requirement for the best available scientific advice, the fishing opportunities will be based on the best available scientific advice that has either been issued or reviewed by an independent scientific body that is recognised at the Union or international level.

**Statement by Belgium, Denmark, France, Latvia and Spain**

Belgium, Denmark, France, Latvia and Spain consider that the mechanism proposed for the updating of ranges of FMSY is a new tool that could represent a real improvement in the managing of the multi-annual plan and its flexibility. Nevertheless, this new tool also raised some concerns regarding the respect of institutional prerogative of each institution. In this regard, Belgium, Denmark, France, Latvia and Spain ask for an annual interim-evaluation in the Council each first quarter of the year to assess whether this tool attains those objectives and whether intermediary solutions should be looked for.

## Statement by Denmark

Denmark welcomes the final compromise proposal for a multi-annual plan for the demersal stocks in the North Sea in which Denmark has considerable interests.

We are pleased to note the substantial improvements made to the proposal during the negotiations: These improvements have resulted in a final compromise proposal focussing on the relevant species. A solution has been found in order to take into account of the latest scientific advice on F-MSY ranges and reference points and the compromise refrains from including additional control measures and includes reference to management of stocks of common interest.

Throughout the negotiations on this proposal, Denmark has emphasized the need for a concrete reference to socio-economic concerns. Although, we would have preferred such a reference in the articles, we appreciate the reference in the recitals.

However, one issue of the utmost importance to Denmark remain:

It is crucial to allow for the necessary flexibility in the regulation in setting TACs, in particular making it possible for data limited stocks to take into account an increase in a stock and the fishery of this stock. This is to allow for the continued flexibility agreed by the European Parliament and the Council in the current long-term plan for cod stocks in the North Sea, Skagerrak and Kattegat among others (EU) 1342/2008, which has been applied for the specific circumstances in the case of cod in Kattegat. Denmark has proposed a provision in line with the current long-term plan for cod stocks to be included in the new North Sea multi-annual plan.

Since the compromise proposal does not include a specific reference in line with the flexibility in the cod plan, Denmark cannot support the final compromise to be adopted by the Council.

<i>Regulation on South Pacific Regional Fisheries Management Organisation (SPRFMO)</i> Regulation (EU) 2018/975 of the European Parliament and of the Council of 4 July 2018 laying down management, conservation and control measures applicable in the South Pacific Regional Fisheries Management Organisation (SPRFMO) Convention Area OJ L 179, 16.7.2018, p. 30–75	17/18	Qualified majority	All Member States in favour
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<i>Council position on draft amending budget No 2/2018</i> Council Decision of 18 June 2018 adopting the Council's position on draft amending budget No 2 of the European Union for the financial year 2018 OJ C 216, 20.6.2018, p. 1–1	9324/18	Qualified majority	All Member States in favour
<i>Regulation on statistics of goods transport by inland waterways (codification)</i> Regulation (EU) 2018/974 of the European Parliament and of the Council of 4 July 2018 on statistics of goods transport by inland waterways OJ L 179, 16.7.2018, p. 14–29	16/18	Qualified majority	All Member States in favour
NON-LEGISLATIVE ACTS			
ACT		DOCUMENT / STATEMENTS	
<i>Conclusions on the EU and its Member States' medium-term priorities for the Food and Agriculture Organization of the United Nations (FAO)</i> Council Conclusions on the EU and its Member States' medium term priorities for the Food and Agriculture Organization of the United Nations (FAO)	10227/18		
<i>Council Decision on the EU position in the International Olive Council (IOC)</i> Council Decision on the position to be taken on behalf of the European Union within the Council of Members of the International Olive Council (IOC) as regards the amendments to IOC methods or document	9414/18		
<i>Conclusions on "Renewable energy for sustainable rural development" (CoA SR No 5/2018)</i> European Court of Auditor's Special Report No 05/2018 "Renewable energy for sustainable rural development: significant potential synergies, but mostly unrealised"	9619/18		
<i>Council Decision Art. 241 TFEU on Aarhus Regulation</i> Council Decision (EU) 2018/881 of 18 June 2018 requesting the Commission to submit a study on the Union's options for addressing the findings of the Aarhus Convention Compliance Committee in case ACCC/C/2008/32 and, if appropriate in view of the outcomes of the study, a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1367/2006 OJ L 155, 19.6.2018, p. 6–7	9422/18		

**Joint statement by France, Luxembourg, Italy and Spain  
and supported by Latvia**

At the sixth session of the Meeting of the Parties to the Aarhus Convention (MoP 6) held in Budva (Montenegro) from 11 to 14 September 2017, the European Union and its Member States found themselves in a deadlock regarding draft decision VI/8f on communication ACCC/C/2008/32 concerning compliance by the European Union with its obligations on access to justice under the Aarhus Convention.

We welcome the Presidency's initiative of submitting a draft Council decision, based on

Article 241 TFEU, aimed at overcoming the deadlock encountered in Budva. The initial draft asked the European Commission to submit a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1367/2006 in order to bring it fully into line with Article 9(3) and (4) of the Aarhus Convention.

We regret, however, the lack of ambition in the final version of the draft decision, regarding two points in particular:

- The revision of Regulation (EC) No 1367/2006 no longer appears clearly as the objective of the decision but as one possible option among others;
- The deadline by which the European Commission is requested to submit its proposal (30 September 2020) seems too remote in light of the date of the next session of the Meeting of the Parties to the Aarhus Convention, scheduled for 2021.

The Aarhus Convention is an emblematic instrument for environmental democracy. We hope that the European Union and its Member States, historic supporters of the Convention, will continue to show a high level of ambition in this respect.

*Conclusions on EU support for productive investments in businesses (ECA SR No 8/2018)*

European Court of Auditors' Special Report No 8/2018: "EU support for productive investments in businesses - greater focus on durability needed"

10332/18

*Ukraine restrictive measures (Crimea and Sevastopol) - extension of measures - Decision*

Council Decision (CFSP) 2018/880 of 18 June 2018 amending Decision 2014/386/CFSP concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol

OJ L 155, 19.6.2018, p. 5–5

8971/18

<p><i>Council Decision within the EEA Joint Committee concerning an amendment to Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 to the EEA Agreement (General Data Protection Regulation)</i></p> <p>Council Decision (EU) 2018/893 of 18 June 2018 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment of Annex XI (Electronic communication, audiovisual services and information society) and Protocol 37 containing the list provided for in Article 101 to the EEA Agreement (General Data Protection Regulation) (Text with EEA relevance)</p> <p>OJ L 159, 22.6.2018, p. 31–36</p>		8562/18	
<p><i>Temporary reception by Member States of the European Union of certain Palestinians - Decision</i></p> <p>Council Decision (CFSP) 2018/882 of 18 June 2018 concerning the temporary reception of certain Palestinians by Member States of the European Union and amending Common Position 2002/400/CFSP</p> <p>OJ L 155, 19.6.2018, p. 8–9</p>		9496/18	
<p><b>3625th meeting of the Council of the European Union (Employment, Social Policy, Health and Consumer Affairs) held in Luxembourg on 21 and 22 June 2018</b></p>			
<p>LEGISLATIVE ACTS</p>			
ACT	DOCUMENT	VOTING RULE	VOTES
<p><i>Revision of Directive 96/71 on Posting of Workers</i></p> <p>Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (Text with EEA relevance)</p> <p>OJ L 173, 9.7.2018, p. 16–24</p>	18/18	Qualified majority	All Member States in favour; except: Against: HU, PL Abstention: HR, LV, LT, UK

### **Statement by the Commission**

Article 3(7), second subparagraph, of Directive 96/71/EC as amended by the Directive adopted today, lays down that allowances specific to the posting shall be considered to be part of remuneration, unless they are paid in reimbursement of expenditure actually incurred on account of the posting, such as expenditure on travel, board and lodging. It also provides that “[t]he employer shall, without prejudice to point (h) of the first subparagraph of paragraph 1, reimburse the posted worker for such expenditure in accordance with the national law and/or practice applicable to the employment relationship”.

The Commission understands that the “national law and/or practice applicable to the employment relationship” is in principle the national law and /or practice of the home Member State, unless otherwise determined in accordance with EU rules on private international law. In the light of the Court's judgment in Case C-396/13 (paragraph 59), reimbursement also covers the situation where the employer defrays costs of the workers without the latter having first to pay them and then seek to have them reimbursed.

The Commission notes that the Directive adopted today foresees that, because of the highly mobile nature of work in international road transport, the revised rules on posting will apply to that sector only from the date of application of a legislative act amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EC for posting drivers in the road transport sector.

The Commission calls on the European Parliament and the Council to adopt that act swiftly in order to adapt the rules to the specific needs of posted workers in the sector while ensuring proper functioning of the internal road transport market.

Until the date of application of the sector-specific legislative act, Directive 96/71/EC and Directive 2014/67/EU remain in force in road transport. These legislative acts do not apply to road transport operations which do not constitute posting.

The Commission will continue to closely monitor the proper enforcement of the current rules in particular in the road transport sector and where appropriate take action.

### **Statement by Croatia, Latvia and Lithuania**

Croatia, Latvia and Lithuania support the aim to improve the situation of posted workers. However, despite some improvements that have now been included in the *proposal for a Directive of the European Parliament and of the Council amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of service*, we consider that the text has not reached the right balance between the protection of workers and the freedom to provide services.

In addition to the concerns expressed in the statement annexed to *the minutes of the 3569<sup>th</sup> meeting of the Council of the European Union (Employment, Social Policy, Health and Consumer Affairs), held in Luxembourg on 23 October 2017*, on the concept of remuneration, the impact on competitiveness as well as potential adverse consequences of this proposal, we believe that the compromise text with the European Parliament contains several provisions which exceed the scope of the directive and cause legal uncertainty and consequently might lead to a restriction of freedom to provide cross-border services within the European Union.

Besides, we are of the opinion that the transposition period of 2 years without a proper transitional period fails to acknowledge the practical implications of adaptation to a substantially new set of rules, especially for SMEs.

### **Statement by the Czech Republic, Slovakia and Portugal**

The EPSCO Council, in its General Approach reached in October 2017 recognised that sufficient time was necessary for adaptation of companies (especially SMEs) to the new rules for posted workers (particularly to the newly introduced concept of remuneration) and agreed on 4 years of deferred applicability of the revised Directive. This was also accepted by the European Commission.

Being aware of the concessions that the co-legislators made in the process of negotiations, the final compromise reached in the trilogues resulted, regrettably, in a significant shortening of the period of deferred applicability to mere 2 years, making it identical with the period for transposition of the Directive.

In this respect, the Czech Republic, Slovakia, Portugal call on the Member States and the European Commission to take these circumstances (as well as the complexity of the issues that this revision aims to introduce) duly into consideration when making assessment if the new rules on posting of workers are observed and complied with and what sanctions are proportionate, primarily during the initial period after the revised Directive enters into effect in 2020.



### Statement by Hungary and Poland

We are committed to the protection of workers, to combatting fraud and abuses, as well as safeguarding the integrity of the Internal Market. We believe that Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (hereafter: Directive 96/71/EC) created a delicate balance between the protection of workers and the freedom to provide services. We regret that the modification of that Directive was proposed before the effects of the application of its Enforcement Directive (2014/67/EU<sup>(1)</sup>) could be seen.

We are of the opinion that the amendment of Directive 96/71/EC will restrict the freedom to provide services in an unjustified and disproportionate manner. Instead of being an instrument for the protection of workers it will likely be a tool for protectionist measures. With all likelihood it will render the legal institution of posting itself meaningless and will be highly detrimental to the competitiveness of the Union as a whole.

We are also concerned about the legal uncertainty of several provisions. In particular small and medium-sized enterprises (SMEs) will be affected negatively by the legal uncertainty and the increased administrative burden. The 2-year long transition period does not provide sufficient time to adapt to the new rules in particular for SMEs.

We are of the position that the amendment to Directive 96/71/EC and the separate proposal on laying down special posting rules in the road transport sector (*lex specialis*) should have been treated as a package. The negotiations on the *lex specialis* are still ongoing; therefore, the amendment to Directive 96/71/EC by definition cannot be considered as a balanced text. While only the Court of Justice of the European Union is entitled to interpret EU law, nevertheless we are of the view that application of the current posting rules to the road transport sector is doubtful. It is our understanding that this legal interpretation will be unaffected by the amendment to Directive 96/71/EC either.

<sup>(1)</sup> Directive 2014/67/EU on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System

<i>Directive on a proportionality test before adoption of new regulation of professions</i> Directive (EU) 2018/958 of the European Parliament and of the Council of 28 June 2018 on a proportionality test before adoption of new regulation of professions OJ L 173, 9.7.2018, p. 25–34	19/18	Qualified majority	All Member States in favour
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NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<p><i>Council Decision on the conclusion of the Protocol to the Partnership and Cooperation Agreement with Uzbekistan to take account of the accession of Croatia</i></p> <p>Council Decision (EU) 2018/1194 of 21 June 2018 on the conclusion, on behalf of the Union and of the Member States, of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part, to take account of the accession of the Republic of Croatia to the European Union</p> <p>OJ L 214, 23.8.2018, p. 1–2 (</p>	9021/17
Council Conclusions on Future of Work: a Lifecycle Approach	10134/18
Council Conclusions on the European Court of Auditors' Special Report No 6/2018 - "Free Movement of Workers - the fundamental freedom ensured but better targeting of EU funds would aid worker mobility"	10301/18
Council Conclusions on Integrated early childhood development policies as a tool for reducing poverty and promoting social inclusion	10306/18
Council Conclusions on Healthy nutrition for children: The healthy future of Europe	10355/18

**3626th meeting of the Council of the European Union (Economic and Financial Affairs) held in Luxembourg on 22 June 2018**

## LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
<i>Amendment to Directive 2006/112/EC as regards minimum standard VAT rate</i> Council Directive (EU) 2018/912 of 22 June 2018 amending Directive 2006/112/EC on the common system of value added tax as regards the obligation to respect a minimum standard rate OJ L 162, 27.6.2018, p. 1–2	7166/18	Unanimity	All Member States in favour
<i>Council position on draft amending budget No 3/2018</i> Council position on draft amending budget No 3 to the general budget for 2018: Extension of the Facility for Refugees in Turkey	9712/18	Qualified majority	All Member States in favour; except: Against: IT, PL Abstention: CZ, RO

**Statement by Italy**

Italy maintains its reservation on the decision to approve the draft amending budget No 3/2018 ("DAB 3/2018"), to the extent that a final agreement between Member States in COREPER on the overall financing modalities for the second tranche of the Facility for Refugees in Turkey ("Facility"), which requires unanimity, is still pending.

The decision to approve DAB 3/2018 attempts to create a de facto budgetary basis for the scheme of repartition between EU budget and Member States contributions related to the financing of the second tranche of the Facility.

Italy expresses concerns for a decision that could bypass, with an amendment to the annual budget of merely procedural nature, the general framework at the basis of the Facility.

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<i>Council Decision on the signing of amended Convention 108 on data protection</i> Council Decision authorising Member States to sign, 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	10130/18
<i>VAT derogation authorising Germany and Poland to derogate from the territoriality principle</i> Council Implementing Decision (EU) 2018/918 of 22 June 2018 authorising Germany and Poland to introduce a special measure derogating from Article 5 of Directive 2006/112/EC on the common system of value added tax OJ L 163, 28.6.2018, p. 17–18	9037/18
<i>EU-Norway agreement - Decision on conclusion on administrative cooperation in the field of VAT</i> Council Decision (EU) 2018/1089 of 22 June 2018 on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Kingdom of Norway on administrative cooperation, combating fraud and recovery of claims in the field of value added tax OJ L 195, 1.8.2018, p. 1–2	14381/17
<i>EU-Norway agreement - Decision on conclusion on administrative cooperation in the field of VAT</i> Agreement between the European Union and the Kingdom of Norway on administrative cooperation, combating fraud and recovery of claims in the field of value added tax OJ L 195, 1.8.2018, p. 3–22	14390/17

## Statement by the Council

The Council recognises that the European Union and the Kingdom of Norway are neighbours, dynamic trade partners and are also parties to the Agreement on the European Economic Area, which aims to promote a continuous and balanced strengthening of trade and economic relations between the Contracting Parties. Due to these close relations, the Agreement between the European Union and the Kingdom of Norway on administrative cooperation, combating fraud and recovery of claims in the field of value added tax must be regarded as specific and hence the Council declares that this Agreement will not constitute a precedent for future agreements in this area between the European Union and third countries. In particular, in any possible future agreement concerning exchange of targeted information through the Eurofisc network established under Chapter X of Council Regulation (EU) No. 904/2010 should be limited to what is strictly necessary and possible to combat cross-border fraud between the Union and the third country.

<i>Council Decision approving the external auditors of the Lietuvos bankas</i> Council Decision amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Lietuvos bankas	9602/18
<i>Post-Cotonou</i> Council Decision authorising the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations on, and to negotiate, on behalf of the European Union, the provisions that fall within the competence of the Union, of a Partnership Agreement between the European Union and its Member States, of the one part, and the countries of the African, Caribbean and Pacific Group of States, of the other part	8094/18
<i>Council Decisions and Recommendations on the implementation of the Stability and Growth Pact</i> Council Decision (EU) 2018/923 of 22 June 2018 establishing that no effective action has been taken by Romania in response to the Council Recommendation of 5 December 2017 OJ L 164, 29.6.2018, p. 42–43	9759/18

<p><i>Council Decisions and Recommendations on the implementation of the Stability and Growth Pact</i>  Council Recommendation of 22 June 2018 with a view to correcting the significant observed deviation from the adjustment path toward the medium-term budgetary objective in Hungary  OJ C 223, 27.6.2018, p. 1–2</p>		9760/18	
<p><i>Council Decisions and Recommendations on the implementation of the Stability and Growth Pact</i>  Council Recommendation of 22 June 2018 with a view to correcting the significant observed deviation from the adjustment path toward the medium-term budgetary objective in Romania  OJ C 223, 27.6.2018, p. 3–4</p>		9761/18	
<b>3627th meeting of the Council of the European Union (Environment) held in Luxembourg on 25 June 2018</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
<p><i>Regulation on monitoring and reporting of CO2 emissions for heavy duty vehicles</i>  Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO2 emissions from and fuel consumption of new heavy-duty vehicles (Text with EEA relevance)  OJ L 173, 9.7.2018, p. 1–15</p>	20/18	Qualified majority	All Member States in favour

## **Statements by the Commission**

### Proposal on HDV CO2 standards

As announced on the 8 November 2017 in the Communication "Delivering on low-emission mobility - A European Union that protects the planet, empowers its consumers and defends its industry and workers" (COM(2017) 675 final), the Commission intends to present the third mobility package in the first half of May 2018, including a proposal setting carbon dioxide emissions standards for lorries.

### Calendar of the development of VECTO/Certification Regulation

The Commission is pursuing the technical development of the Vehicle Energy Consumption Calculation Tool (VECTO) with a view of including new known technologies as of 2020 and other types of vehicles, i.e. remaining lorries, buses and coaches as of 2020 and trailers as of 2021.

Further information on the development of the VECTO tool as well as the amendment to Regulation (EU) 2017/2400 will be published on the relevant Commission websites to ensure that stakeholders and economic operators are regularly informed.

### Development of an on road verification test under the Certification Regulation

The Commission acknowledges the importance of having robust and representative data on CO2 emissions from and fuel consumption of heavy-duty vehicles.

Regulation (EU) 2017/2400 is therefore intended to be complemented by a procedure for verifying and ensuring the conformity of the VECTO operation as well as of the CO2 and fuel consumption related properties of the relevant components, separate technical units and systems. That verification procedure, which should include on-the-road testing of heavy-duty vehicles in production, is planned to be voted in the Technical Committee Motor Vehicles before the end of 2018.

The verification procedure is also intended to form the basis for a future test for verifying the in-service performance of vehicles by manufacturers and type approval authorities, or by independent third parties.

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<p><i>Regulation on Suspensions on certain agricultural and industrial products</i>  Council Regulation (EU) 2018/914 of 25 June 2018 amending Regulation (EU) No 1387/2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products  OJ L 162, 27.6.2018, p. 8–27</p>	9641/18
<p><i>Regulation on Quotas for certain agricultural and industrial products</i>  Council Regulation (EU) 2018/913 of 25 June 2018 amending Regulation (EU) No 1388/2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products  OJ L 162, 27.6.2018, p. 3–7</p>	9604/18
<p><i>Regulation amending Regulation (EU) 2018/120 as regards certain fishing opportunities</i>  Council Regulation (EU) 2018/915 of 25 June 2018 amending Regulation (EU) 2018/120 as regards certain fishing opportunities  OJ L 163, 28.6.2018, p. 1–5</p>	9618/18
<p><i>Council Decision to open negotiations to accede to the Convention for the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean</i>  Council Decision authorising the opening of negotiations on behalf of the European Union to accede to the Convention for the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean</p>	9731/18
<p><b>Statement by the Commission</b>  The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.</p>	



<p><i>Council Decision on full implementation of SIS in BG/RO</i>  Council Decision (EU) 2018/934 of 25 June 2018 on the putting into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania  OJ L 165, 2.7.2018, p. 37–39</p>	15820/17
<p><i>Council Decision on the conclusion of the EU-Swiss Confederation Agreement for financial support for external borders and visa (ISF 2014-2020)</i>  Council Decision (EU) 2018/929 of 25 June 2018 on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Swiss Confederation on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020  OJ L 165, 2.7.2018, p. 1–2</p>	6222/18
<p><i>Council Decision on the conclusion of the EU-Iceland Agreement for financial support for external borders and visa (ISF 2014-2020)</i>  Council Decision (EU) 2018/948 of 25 June 2018 on the conclusion on behalf of the European Union of the Agreement between the European Union and Iceland on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020  OJ L 167, 4.7.2018, p. 1–2</p>	9228/17
<p>Council Conclusions on delivering on the EU Action Plan for the Circular Economy</p>	10447/18

**3629th meeting of the Council of the European Union (Foreign Affairs) held in Luxembourg on 25 June 2018**

## NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Conclusions on the EU cooperation with cities and local authorities in third countries	10319/18
Council Conclusions on the Sahel / Mali	10026/18
<i>Council Decision on the signing of a Protocol to the Euro-Mediterranean agreement with Israel to take account of the accession of the Republic of Croatia to the EU</i> Council Decision on the signing, on behalf of the European Union and its Member States, and provisional application of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, to take account of the accession of the Republic of Croatia to the European Union	9546/18
Council Conclusions on Yemen	10369/18
<i>Myanmar/Burma restrictive measures - new listings - Decision and Implementing Regulation</i> Council Decision (CFSP) 2018/900 of 25 June 2018 amending Decision 2013/184/CFSP concerning restrictive measures against Myanmar/Burma OJ L 160I , 25.6.2018, p. 9–11	9551/18
<i>Myanmar/Burma restrictive measures - new listings - Decision and Implementing Regulation</i> Council Implementing Regulation (EU) 2018/898 of 25 June 2018 implementing Regulation (EU) No 401/2013 concerning restrictive measures in respect of Myanmar/Burma OJ L 160I , 25.6.2018, p. 1–4	9554/18
<i>EU Special Representative for Central Asia - mandate extension - Decision</i> Council Decision (CFSP) 2018/904 of 25 June 2018 extending the mandate of the European Union Special Representative for Central Asia OJ L 161, 26.6.2018, p. 12–15	8837/18

<p><i>EU Special Representative for the South Caucasus and the crisis in Georgia - mandate extension - Decision</i>  Council Decision (CFSP) 2018/907 of 25 June 2018 extending the mandate of the European Union Special Representative for the South Caucasus and the crisis in Georgia  OJ L 161, 26.6.2018, p. 27–31</p>	8849/18
<p><i>EU Special Representative in Bosnia and Herzegovina - mandate extension - Decision</i>  Council Decision (CFSP) 2018/908 of 25 June 2018 extending the mandate of the European Union Special Representative in Bosnia and Herzegovina  OJ L 161, 26.6.2018, p. 32–36</p>	8873/18
<p><i>EU Special Representative for the Horn of Africa - mandate extension - Decision</i>  Council Decision (CFSP) 2018/905 of 25 June 2018 extending the mandate of the European Union Special Representative for the Horn of Africa  OJ L 161, 26.6.2018, p. 16–21</p>	8840/18
<p><i>EU Special Representative for the Sahel - mandate extension - Decision</i>  Council Decision (CFSP) 2018/906 of 25 June 2018 extending the mandate of the European Union Special Representative for the Sahel  OJ L 161, 26.6.2018, p. 22–26</p>	8845/18
<p><i>Permanent Structured Cooperation (PESCO) - governance rules - Decision</i>  Council Decision (CFSP) 2018/909 of 25 June 2018 establishing a common set of governance rules for PESCO projects  OJ L 161, 26.6.2018, p. 37–41</p>	9660/18
<p><i>Venezuela restrictive measures - new listings - Decision and Implementing Regulation</i>  Council Decision (CFSP) 2018/901 of 25 June 2018 amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela  OJ L 160I , 25.6.2018, p. 12–15</p>	9741/18

<i>Venezuela restrictive measures - new listings - Decision and Implementing Regulation</i> Council Implementing Regulation (EU) 2018/899 of 25 June 2018 implementing Regulation (EU) 2017/2063 concerning restrictive measures in view of the situation in Venezuela OJ L 160I , 25.6.2018, p. 5–8		9743/18	
<i>Security and Defence</i> Council Conclusions on Security and Defence in the context of the EU Global Strategy		10246/18	
<i>Horn of Africa/Red Sea</i> Council Conclusions on the Horn of Africa/Red Sea		10027/18	
<b>3628th meeting of the Council of the European Union (General Affairs) held in Luxembourg on 26 June 2018</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
<i>Macro-financial assistance to Ukraine Decision</i> Decision (EU) 2018/947 of the European Parliament and of the Council of 4 July 2018 providing further macro-financial assistance to Ukraine OJ L 171, 6.7.2018, p. 11–17	27/18	Qualified majority	All Member States in favour; except: Against: HU

### **Joint Statement by the European Parliament, the Council, and the Commission**

The Parliament, the Council and the Commission recall that a pre-condition for granting macro-financial assistance is that the beneficiary country respects effective democratic mechanisms – including a multi-party parliamentary system – and the rule of law, and guarantees respect for human rights.

The Commission and the European External Action Service shall monitor the fulfilment of this pre-condition throughout the life-cycle of the Union's macro-financial assistance.

In light of the unfulfilled conditions on the fight against corruption and the related cancellation of the third instalment of the previous programme of macro-financial assistance under Decision (EU) 2015/601, the European Parliament, the Council and the Commission underline that further macro-financial assistance will be conditional on progress in the fight against corruption in Ukraine. To that effect, the economic policy and financial conditions of the Memorandum of Understanding to be agreed between the European Union and Ukraine shall include inter alia obligations to strengthen the governance, the administrative capacities and the institutional set-up in particular for the fight against corruption in Ukraine, notably regarding a verification system for asset declarations, the verification of companies' beneficial ownership data and a well-functioning specialised anti-corruption court in line with the recommendations of the Venice Commission. Conditions on combating money laundering and tax avoidance shall also be considered. In line with Article 4(4), where the conditions are not met, the Commission shall temporarily suspend or cancel the disbursement of the macro-financial assistance.

Further to regularly informing the European Parliament and the Council of developments relating to the assistance and providing them with relevant documents, the Commission shall, upon each disbursement, report publicly on the fulfilment of all economic policy and financial conditions linked to this disbursement, in particular those concerning the fight against corruption.

The European Parliament, the Council and the Commission recall that this macro-financial assistance to Ukraine shall contribute to values shared with the European Union, including sustainable and socially responsible development leading to employment creation and poverty reduction, and a commitment to a strong civil society. The Commission shall accompany the draft Commission Implementing Decision approving the Memorandum of Understanding with an analysis of the expected social impact of the macro-financial assistance. In accordance with Regulation (EU) No 182/2011 this analysis will be submitted to the Member State Committee and shall be made available to the Parliament and the Council through the register of committee proceedings.

<i>Insolvency Regulation - Amendment Annexes - BE/BG/HR/LV/PT</i> Regulation (EU) 2018/946 of the European Parliament and of the Council of 4 July 2018 replacing Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings OJ L 171, 6.7.2018, p. 1–10	25/18	Qualified majority	All Member States in favour; except: Against: SI
<p><b>Statement by Slovenia</b></p> <p>The Republic of Slovenia opposes to the inclusion of the Law for the Extraordinary Administration of Companies with Systemic Importance for the Republic of Croatia (hereinafter referred to as EA Law) to Annexes A and B to the Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings.</p> <p>On the 14 March 2018 the Supreme Court of the Republic of Slovenia declared that EA Law violates public order.</p> <p>When it comes to notification of EA Law the question arises as to whether it is possible to include in the Regulation a law which violates the fundamental principles of the civil law, insolvency law and EU law in general. EA Law is an expression of state interventionism or economic protectionism, as it is intended to rescue a company which has exceptional importance for the Croatian economy because of its size. Therefore it could be disputed from the aspect of sincere cooperation between the Member States as well as from the aspects of the internal market rules. EA Law violates the fundamental principle of equal treatment of creditors and strives for concentration, not the coordination of proceedings in cases of insolvency. We also have to highlight the dominant role of the state in the appointment of an extraordinary commissioner and the non-existence of effective legal remedy for creditors against a decision to launch insolvency proceedings.</p> <p>The Republic of Slovenia has presented all the arguments in the document WK 4276/2018.</p> <p>Moreover, the Republic of Slovenia calls on the Commission that future proposals for notification should be verified more thoroughly; especially any possible negative consequences for the functioning of the internal market should be assessed.</p>			

<p><i>EASA Basic Regulation</i>  Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (Text with EEA relevance)  OJ L 212, 22.8.2018, p. 1–122</p>	2/18	Qualified majority	All Member States in favour; except: Against: CY, MT Abstentions: CZ, PL, SK
<p><b>Commission Declaration regarding Air Traffic Management and Air Navigation Services (ATM/ANS)</b></p> <p>In the view of the Commission, services consisting of the emission of signals by satellites of core constellations of global navigation satellite systems (GNSS), such as the system established under the Galileo programme and other similar systems, are as such not to be considered as air traffic management and air navigation services (ATM/ANS) as defined in Article 3, read in conjunction with the corresponding recital, of new Regulation of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency and repealing Regulation (EC) No 216/2008 of the European Parliament and of the Council. This view is based, in particular, on the fact that those signals are not primarily or exclusively emitted for the purpose of air navigation, but are used for that purpose only through services that augment those signals, which are expressly covered by the definition of ATM/ANS.</p>			
<p><b>Statement by Cyprus and Malta</b></p> <p>The above-mentioned Member States have grave concerns on the implications of the regulation and are unable to support the adoption of the Regulation on common rules in the field of aviation and establishing the European Aviation Safety Agency.</p> <p>Despite the improvements made during the EP negotiations we consider that the text was not ready to be adopted. We are particularly concerned with the imbalance in delegated and implementing acts, the non-proportionate and inflexible threshold adopted for Drones, the great potential for disruption of the competences and responsibilities of the national authorities emanating from the Chicago Convention and finally market distortion through competition from the Agency.</p>			

### Statement by the Czech Republic

The Czech Republic had two main concerns relating to the text agreed between the Council and the European Parliament in December 2017. First, we did not agree with the extent of use of delegated acts and in particular with the use of delegated acts for provisions on drones, because we wanted to maintain control of Member States over the content of the regulation. Second, we were not happy with the use of kinetic energy as a limit for drone registration because such limit would be hard to measure. Even though, some of our concerns have been in meantime eliminated, in particular during the discussions in the Expert Group on drones, the Czech Republic still considers the use of delegated act throughout the text as excessive. In this respect we also call the Commission to further continue in deeper involvement of national experts during the preparation of the secondary legislation.

#### NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
<i>Conclusions on the revision of the EUMSS Action Plan</i> Council Conclusions on the revision of the European Union Maritime Security Strategy (EUMSS) Action Plan	10494/18
<i>European Council Decision on the composition of the European Parliament</i> European Council Decision (EU) 2018/937 of 28 June 2018 establishing the composition of the European Parliament OJ L 165I , 2.7.2018, p. 1–3	7/18



### Statement by Hungary

Hungary remains concerned about the clear contradiction between the wording of the report of the European Parliament and the wording of the Treaty on the European Union. Article 14 (2) of the Treaty on the European Union clearly states that the European Parliament shall be composed of representatives of the Union's citizens, whereas the proposal of the European Parliament calculates the number of seats on the basis of Member States' population.

Hungary highlights the fact that the number of citizens and the population of Member States may differ significantly. This disparity stemming from the population-based calculation clearly affects Member States that acceded after 2004 negatively, mostly due to the internal mobility of workforce within the Union. Moreover, non-citizen migrants in pre-2004 Member States may also be included in the population (according to Regulation 1260/2013 of 20 November 2013 on European demographic statistics) and thus constitute a basis for the allocation of seats, whereas the Treaties stipulate that members of the European Parliament represent citizens of the Union (Article 10 (2) TEU). In addition, only residents in Member States may participate in the EP elections, meaning that Member States receive mandates after non-nationals living in their territories, who may not even have the right to vote.

Therefore, Hungary is of the opinion that the only legally sound option would be to use the calculation method on the basis of Union's citizens present on the territory of the Member States which would be in line with the Treaty. It means that the seats of the European Parliament shall be allocated according to the number of citizens of the Member States.

*Decision on the mobilisation of the European Globalisation Adjustment Fund  
(EGF/2017/009 FR/Air France)*

Decision (EU) 2018/1093 of the European Parliament and of the Council of 4 July 2018 on the mobilisation of the European Globalisation Adjustment Fund following an application from France — EGF/2017/009 FR/Air France  
OJ L 200, 7.8.2018, p. 44–45

9302/18

*Conclusions on CoA SR No 10/2018 - Basic Payment Scheme*

Council Conclusions on European Court of Auditor's Special Report No 10/2018: "Basic Payment Scheme for farmers – operationally on track, but limited impact on simplification, targeting and the convergence of aid levels"

10505/18

Council Conclusions on EU external cyber capacity building guidelines	10496/18
Council Conclusions on EU coordinated response to large-scale cybersecurity incidents and crises	10086/18
<i>Council Decision on the signing of amended Convention 108 on data protection</i> Council Decision authorising Member States to sign, 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	10130/18
<i>Council Decision on opening Article XXVIII negotiations on the apportioning of the EU's TRQs in view of Brexit</i> Council Decision authorising the opening of negotiations with a view to apportioning the Union's WTO concessions on Tariff Rate Quotas annexed to the General Agreement on Tariffs and Trade 1994 in view of the withdrawal of the United Kingdom from the Union	8946/18
<b>Statement by the Commission</b>	
The Commission confirms that, throughout the negotiations with the WTO Members referred to in this Decision, it will act in the general interest of the Union in accordance with its obligations under Article 17 of the Treaty on European Union	
<i>Council Decision on the signing of the EU-Japan Strategic Partnership Agreement</i> Council Decision (EU) 2018/1197 of 26 June 2018 on the signing, on behalf of the European Union, and provisional application of the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Japan, of the other part OJ L 216, 24.8.2018, p. 1–3	8461/18
Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Japan, of the other part OJ L 216, 24.8.2018, p. 4–22	8463/18

**Statement by Portugal**

On the basis of the respect of the competences allocated between the European Union and its Member States, as defined by the Treaties, the Decision of the Council on the signing, on behalf of the European Union, and provisional application of the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Japan, of the other part, shall not affect the autonomy of decision of Portugal on the issues of its national competence, whose decision to be bound by the Agreement depends on the conclusion of the internal ratification procedures and on the entry into force of the Agreement in the international legal system, in accordance with the Constitutional principles and rules."

**Statement by the Commission**

The Commission welcomes the adoption of the Council Decision on the signing and provisional application of the EU-Japan Strategic Partnership Agreement (SPA).

However, the Commission maintains its view that the text introduced by the Council in Article 4(1) of the Council Decision is legally incorrect, in particular where it is premised on the understanding that the Articles to which it refers, cover areas of shared competence, and for that reason these Articles should be provisionally applied only to the extent that such shared competence has been exercised internally.

The SPA does not cover areas of shared but rather parallel competence. Its legal bases are Article 212(1) TFEU on economic, financial and technical cooperation with third countries, and Article 37 TEU on CFSP. The Council interpretation would produce an effect already declared in breach of the Treaties by the Court, by construing the agreement to "be based on another provision as well as on the provision relating to that policy whenever the agreement touches on a specific matter[; this] would in practice amount to rendering devoid of substance the competence and procedure [...]" under Article 212(1) TFEU. (see Case C-377/12 Commission v Council (Philippines agreement), ECLI:EU:C:2014:1903, para 38 and case law cited).

Moreover, the Council reconstructs the scope of the SPA in the context of provisional application by implying the existence of a multitude of underlying legal bases. This is again not in line with the case law of the Court (Philippines agreement, para 34 and case law cited).

The Commission reserves its right to make use, if necessary, of all the legal means at its disposal to ensure the respect of the provisions of the Treaties.

### Statement by the Council Legal Service

The Council Legal Service does not agree with the statement of the Commission on the provisional application of the Japanese SPA. In particular, it notes that:

- Under Article 218(5) TFEU it is fully within the discretion of the Council to decide whether, and to what extent, an agreement is to be provisionally applied by the Union.
- It is open to the Council to define this by reference to those matters for which the Union has, as matter of fact, already exercised its competence internally. It is equally open to the Council to make clear that articles are provisionally applied to the extent that the Union has competence under CFSP.
- This does not as the Commission claims imply "the existence of a multitude of underlying legal bases" and the elements cited from judgment C377/12 are not relevant.

*Council Decision within the EEA Joint Committee amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget Line 02.03.01 Internal Market and Budget line 02.03.04 Internal Market Governance Tools)*

Council Decision (EU) 2018/961 of 26 June 2018 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment of Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget Line 02 03 01: ‘Internal Market’ and Budget line 02 03 04: ‘Internal Market Governance Tools’) (Text with EEA relevance)

OJ L 169, 6.7.2018, p. 51–53

9267/18

*Council Decision within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget Line 33.02.03.01 Company Law)*

Council Decision (EU) 2018/952 of 26 June 2018 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment of Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (budget line 33 02 03 01: ‘Company Law’) (Text with EEA relevance.)

OJ L 168, 5.7.2018, p. 1–3

9270/18

<p><i>Council Decision within the EEA Joint Committee, concerning an amendment to Protocol 30 (on specific provisions on the organization of cooperation in the field of statistics) to the EEA Agreement</i>  Council Decision (EU) 2018/953 of 26 June 2018 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee, concerning the amendment of Protocol 30 to the EEA Agreement, on specific provisions on the organization of cooperation in the field of statistics  (Text with EEA relevance)  OJ L 168, 5.7.2018, p. 4–6</p>	9273/18
<p><i>Council Decision on the signature of an Agreement with China on civil aviation safety</i>  Council Decision (EU) 2018/1153 of 26 June 2018 on the signing on behalf of the Union of the Agreement on civil aviation safety between the European Union and the Government of the People's Republic of China  OJ L 210, 21.8.2018, p. 2–2</p>	9698/18
<p><i>Council Decision on the signing of the Agreement with China on certain aspects of air services</i>  Council Decision (EU) 2018/1152 of 26 June 2018 on the signing on behalf of the Union of the Agreement between the European Union and the Government of the People's Republic of China on certain aspects of air services  OJ L 210, 21.8.2018, p. 1–1</p>	9682/18
<p><i>Enlargement and Stabilisation and Association Process</i>  Council Conclusions on Enlargement and Stabilisation and Association Process</p>	10555/18

<b>Written procedure completed on 29 June 2018</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2018/943 of 29 June 2018 amending Joint Action 2005/889/CFSP on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) OJ L 166, 3.7.2018, p. 19–19	8977/18
Council Decision (CFSP) 2018/942 of 29 June 2018 amending Decision 2013/354/CFSP on the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) OJ L 166, 3.7.2018, p. 17–18	8982/18