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NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS - JULY AND AUGUST 2018

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

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

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

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

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

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

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

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

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

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

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

INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN JULY AND AUGUST 2018

Written procedure completed on 5 July 2018

NON-LEGISLATIVE ACTS

ACT

DOCUMENT / STATEMENTS

Council Decision (CFSP) 2018/964 of 5 July 2018 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine
OJ L 172, 9.7.2018, p. 3–3

10515/18

Written procedures completed on 6 July 2018

NON-LEGISLATIVE ACTS

ACT

DOCUMENT / STATEMENTS

Council Decision on the submission, on behalf of the European Union, of a proposal for amending Annexes 2 and 3 to the Agreement on the Conservation of African-Eurasian Migratory Waterbirds

10326/18

Statement by Denmark

Denmark believes that hunting and taking of birds and eggs of the populations of Shag (*Phalacrocorax aristotelis*), Atlantic Puffin (*Fratercula arctica*) and Razorbill (*Alca torda*) occurring in the Faroes should remain legal and not be subject to the regulation of Agreement on the Conservation of African-Eurasian Migratory Waterbirds, because Denmark supports that the Faroes should take the relevant decisions regarding bird management at the Faroes on the basis of local interests and local traditions. The Faroes are monitoring and taking initiatives to secure a sustainable management of the local bird populations.

Denmark therefore does not support the proposal for a Council Decision on the submission, on behalf of the European Union, of a proposal for amending Annex 2 of the Agreement by adding the Shag (*Phalacrocorax aristotelis*). Furthermore, Denmark does not support to move all populations of Atlantic Puffin (*Fratercula arctica*) to Column A of Table 1 of Annex 3 of the Agreement, and Denmark does not support to move all populations of Razorbill (*Alca torda*) to Column A of Table 1 of Annex 3 of the Agreement.

Denmark's position in international relations is characterised by the fact that Denmark, in addition to its membership of the EU, has an independent role as the State responsible for the Faroes and Greenland, which are not members of the EU and therefore not bound by EU law.

If the EU proposal will be put to vote under the Agreement on the Conservation of African-Eurasian Migratory Waterbirds, Denmark intends not to support such a proposal. Denmark will make it clear that Denmark is acting on behalf of Faroes and not as an EU Member State.

Statement by Bulgaria

Bulgaria supports the proposal for a Council Decision as set out in document 10326/18 and can agree to the adoption of the above mentioned Decision.

The species *Phalacrocorax aristotelis* and *Calidris ferruginea* are subject to protection according to the National Biological Diversity Act, therefore, all forms of taking, killing, chasing, disturbance, and destruction of the breeding and staging sites are prohibited. Exceptions are permissible in certain cases prescribed in the national legislation.

Bulgaria believes that the species Atlantic Puffin (*Fratercula arctica*) and Razorbill (*Alca torda*) also should be subject to international protection under the Agreement on the Conservation of African-Eurasian Migratory Waterbirds and therefore supports their listing.

| Council Decision (EU) 2018/965 of 6 July 2018 on the financial contributions to be paid by Member States to finance the European Development Fund, including the second instalment and a revised annual amount for 2018 OJ L 172, 9.7.2018, p. 4–6 | | 10289/18 | |
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| Council Decision (EU) 2018/966 of 6 July 2018 on the signing, on behalf of the European Union, of the Agreement between the European Union and Japan for an Economic Partnership OJ L 174, 10.7.2018, p. 1–1 | | 7963/18 | |
| 3631st meeting of the Council of the European Union (Economic and Financial Affairs) held in Brussels on 13 July 2018 | | | |
| LEGISLATIVE ACTS | | | |
| ACT | DOCUMENT | VOTING RULE | VOTES |
| <i>Reform of the Electoral Act</i> Council Decision (EU, Euratom) 2018/994 of 13 July 2018 amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 OJ L 178, 16.7.2018, p. 1–3 | 9425/18 | Unanimity | All Member States in favour, except: Abstention: BE, UK |
| Statement by Portugal | | | |
| Portugal declares that its favourable vote is based on the presupposition that the threshold established by article 3 does not apply to Portugal because it has less than 35 seats in the European Parliament, according to the current allocation. However, if the distribution of seats in the European Parliament is changed, the Constitution of the Portuguese Republic would not allow the application of a threshold such as that foreseen in article 3, inasmuch as it would limit the conversion of votes into seats by establishing a minimum percentage. | | | |

| NON-LEGISLATIVE ACTS | |
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| ACT | DOCUMENT / STATEMENTS |
| <i>Council Recommendations on the National Reform Programmes 2018 to each Member State, delivering Council Opinions on the updated Stability or Convergence Programmes</i> | 9454/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Belgium and delivering a Council opinion on the 2018 Stability Programme of Belgium OJ C 320, 10.9.2018, p. 1–6 | 9428/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Bulgaria and delivering a Council opinion on the 2018 Convergence Programme of Bulgaria OJ C 320, 10.9.2018, p. 7–11 | 9429/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of the Czech Republic and delivering a Council opinion on the 2018 Convergence Programme of the Czech Republic OJ C 320, 10.9.2018, p. 12–15 | 9432/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Denmark and delivering a Council opinion on the 2018 Convergence Programme of Denmark OJ C 320, 10.9.2018, p. 16–18 | 9433/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Germany and delivering a Council opinion on the 2018 Stability Programme of Germany OJ C 320, 10.9.2018, p. 19–23 | 9437/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Estonia and delivering a Council opinion on the 2018 Stability Programme of Estonia OJ C 320, 10.9.2018, p. 24–26 | 9434/19 |

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| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Ireland and delivering a Council opinion on the 2018 Stability Programme of Ireland OJ C 320, 10.9.2018, p. 27–32 | 9439/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Spain and delivering a Council opinion on the 2018 Stability Programme of Spain OJ C 320, 10.9.2018, p. 33–38 | 9451/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of France and delivering a Council opinion on the 2018 Stability Programme of France OJ C 320, 10.9.2018, p. 39–43 | 9436/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Croatia and delivering a Council opinion on the 2018 Convergence Programme of Croatia OJ C 320, 10.9.2018, p. 44–47 | 9430/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Italy and delivering a Council opinion on the 2018 Stability Programme of Italy OJ C 320, 10.9.2018, p. 48–54 | 9440/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Cyprus and delivering a Council opinion on the 2018 Stability Programme of Cyprus OJ C 320, 10.9.2018, p. 55–59 | 9431/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Latvia and delivering a Council opinion on the 2018 Stability Programme of Latvia OJ C 320, 10.9.2018, p. 60–63 | 9441/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Lithuania and delivering a Council opinion on the 2018 Stability Programme of Lithuania OJ C 320, 10.9.2018, p. 64–67 | 9442/18 |

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| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Luxembourg and delivering a Council opinion on the 2018 Stability Programme of Luxembourg OJ C 320, 10.9.2018, p. 68–71 | 9443/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Hungary and delivering a Council opinion on the 2018 Convergence Programme of Hungary OJ C 320, 10.9.2018, p. 72–75 | 9438/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Malta and delivering a Council opinion on the 2018 Stability Programme of Malta OJ C 320, 10.9.2018, p. 76–79 | 9444/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of the Netherlands and delivering a Council opinion on the 2018 Stability Programme of the Netherlands OJ C 320, 10.9.2018, p. 80–83 | 9445/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Austria and delivering a Council opinion on the 2018 Stability Programme of Austria OJ C 320, 10.9.2018, p. 84–87 | 9427/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Poland and delivering a Council opinion on the 2018 Convergence Programme of Poland OJ C 320, 10.9.2018, p. 88–91 | 9446/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Portugal and delivering a Council opinion on the 2018 Stability Programme of Portugal OJ C 320, 10.9.2018, p. 92–97 | 9447/18 |

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| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Romania and delivering a Council opinion on the 2018 Convergence Programme of Romania OJ C 320, 10.9.2018, p. 98–102 | 9448/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Slovenia and delivering a Council opinion on the 2018 Stability Programme of Slovenia OJ C 320, 10.9.2018, p. 103–106 | 9450/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Slovakia and delivering a Council opinion on the 2018 Stability Programme of Slovakia OJ C 320, 10.9.2018, p. 107–111 | 9449/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Finland and delivering a Council opinion on the 2018 Stability Programme of Finland OJ C 320, 10.9.2018, p. 112–115 | 9435/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of Sweden and delivering a Council opinion on the 2018 Convergence Programme of Sweden OJ C 320, 10.9.2018, p. 116–118 | 9452/18 |
| Council Recommendation of 13 July 2018 on the 2018 National Reform Programme of the United Kingdom and delivering a Council opinion on the 2018 Convergence Programme of the United Kingdom OJ C 320, 10.9.2018, p. 119–121 | 9453/18 |

Statement by Croatia

Croatia fully accepts recommendations that were made in the European Commission's Recommendation for a Council Recommendation on the 2018 National Reform Programme of Croatia and delivering a Council opinion on the 2018 Convergence Programme of Croatia (COM(2018) 410 final) that correspond with the Government of Croatia's policies.

Croatia is not in a position to accept recommendations that do not correspond to the Government of Croatia's declared policies, i.e. most notably to "introduce a recurrent property tax".

The fact that introduction of property tax will no longer be the policy of the Government of Croatia was made clear already in September 2017, when the introduction of property tax was abolished by virtue of amendments to the Local Tax Act. Consequently, this measure was not included in the 2018 National Reform Programme of Croatia submitted to the Commission one month ahead of the adoption of COM(2018) 410 final.

This notwithstanding, Croatia is aware of the weak fiscal capacity of its local self-government units and is taking measures to strengthen it. As a matter of example, the new Act on the Financing of Units of Local and Regional Self-Government, in force since January 2018, introduces a higher quality fiscal equalization model, as well as a fairer and more transparent model of redistribution of revenues between local self-government units. As a result, the entire revenue from the income tax was transferred to local and regional self-governments. Also, the Government of Croatia is continuously undertaking activities aimed at updating the real estate records and those lead to an increase in revenues from existing fees, which are also the income of local and regional self-governments.

Given the fact that Council recommendations are purely focused on Member States' national reform programmes and convergence programmes – documents that contain measures in ownership of the Member States, as repeatedly confirmed in different fora by both the Member States and Commission – Croatia strongly believes that this rule and practice should continue to be followed. Measures whose undertaking is the discretion of Member States and which Member States have themselves explicitly opted not to undertake should not be part of Council's recommendations. Country specific recommendations should provide Member States with guidance for national reforms and not impose specific solutions.

With this in mind, while it accepts recommendations made in COM(2018) 410 final that are in line with the Government of Croatia's declared policies, Croatia cannot accept those recommendations that run against them.

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| <p><i>EPPO Regulation: selection panel operation Decision</i> Council Implementing Decision (EU) 2018/1696 of 13 July 2018 on the operating rules of the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO')</p> <p>OJ L 282, 12.11.2018, p. 8–12</p> | 10413/18 |
| <p><i>Status Agreement with Albania</i> <i>Decision on the signing of the status agreement with Albania on actions carried out by EBCG Agency in Albania</i> Council Decision (EU) 2018/101 of 13 July 2018 on the signing, on behalf of the Union, of the Status Agreement between the European Union and the Republic of Albania on actions carried out by the European Border and Coast Guard Agency in the Republic of Albania</p> <p>OJ L 185, 23.7.2018, p. 6–8</p> | 10285/18 |
| <p><i>EUCAP Sahel Niger Mission - no-cost extension - Decision</i> Council Decision (CFSP) 2018/997 of 13 July 2018 amending Decision 2012/392/CFSP on the European Union CSDP mission in Niger (EUCAP Sahel Niger)</p> <p>OJ L 178, 16.7.2018, p. 7–8</p> | 9668/18 |
| <p><i>Council Decision on the conclusion of a Protocol to the Framework between the EU and Republic of Korea- Accession of Croatia</i> Council Decision (EU) 2018/1041 of 13 July 2018 on the conclusion, on behalf of the European Union and its Member States, of a Protocol to the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, to take account of the accession of the Republic of Croatia to the European Union</p> <p>OJ L 188, 25.7.2018, p. 1–2</p> | 7817/16 |

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| <p><i>Council Decision on the conclusion of the EU - New Zealand Agreement pursuant to Articles XXIV:6 and XXVIII of the GATT 1994</i></p> <p>Council Decision (EU) 2018/1030 of 13 July 2018 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union</p> <p>OJ L 185, 23.7.2018, p. 1–2</p> | | 10670/17 | |
| <p><i>Council Decision on the conclusion of the EU - New Zealand Agreement pursuant to Articles XXIV:6 and XXVIII of the GATT 1994</i></p> <p>Agreement in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union</p> <p>OJ L 185, 23.7.2018, p. 3–5</p> | | 10672/17 | |
| 3632nd meeting of the Council of the European Union (Agriculture and Fisheries) held in Brussels on 16 July 2018 | | | |
| LEGISLATIVE ACTS | | | |
| ACT | DOCUMENT | VOTING RULE | VOTES |
| <p><i>Integrated farm statistics (IFS) regulation</i></p> <p>Regulation (EU) 2018/1091 of the European Parliament and of the Council of 18 July 2018 on integrated farm statistics and repealing Regulations (EC) No 1166/2008 and (EU) No 1337/2011 (Text with EEA relevance)</p> <p>OJ L 200, 7.8.2018, p. 1–29</p> | 26/1/18 REV 1 | Qualified majority | All Member States in favour, except: Abstentions: DK, DE, NL |

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| <p><i>Regulation establishing the European Defence Industrial Development Programme (EDIDP)</i> Regulation (EU) 2018/1092 of the European Parliament and of the Council of 18 July 2018 establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovation capacity of the Union's defence industry OJ L 200, 7.8.2018, p. 30–43</p> | <p>28/1/18 REV 1</p> | <p>Qualified majority</p> | <p>All Member States in favour</p> |
| <p>Joint Statement on financing of the European Defence Industrial Development Programme</p> <p>The European Parliament and the Council agree, without prejudice to the prerogatives of the budgetary authority in the framework of the annual budgetary procedure, that the financing of the European Defence Industrial Development Programmes will be covered in the years 2019-2020 as follows:</p> <ul style="list-style-type: none"> – EUR 200 million from the unallocated margin; – EUR 116,1 million from CEF; – EUR 3,9 million from Egnos; – EUR 104,1 million from Galileo; – EUR 12 million from Copernicus; – EUR 63,9 million from ITER. | | | |
| <p>Declaration from the Commission with support of the European Parliament concerning the implementation of the programme</p> <p>In order to implement the European Defence Industrial Development Programme efficiently and ensure full consistency with other Union initiatives, the Commission intends to implement the programme under direct management in accordance with Article 62(1)(a) of the Financial Regulation.</p> | | | |
| <p>Declaration from the Commission concerning the preparation and adoption of the EDIDP work programme</p> <p>In accordance with article 188 of Regulation N°1268/2012, the Commission is responsible for the preparation of the work programme. In this context, the Commission notes that the list of priorities identified in the Regulation establishing the European Defence Industrial Development Programme should not be exhaustive and therefore, does not believe that the present case should constitute a precedent as to the margins of implementing powers granted to the Commission.</p> | | | |

Declaration from the Commission on the selection of experts for the evaluation of proposals under the programme in the context of the award procedure

The Commission will ensure that the experts selected in the database of independent experts referred to in Article 15 have the necessary skills, experience and knowledge to duly perform their tasks. The Commission may use any relevant source including any information Member States may possess in this regard to this effect while respecting fully to the Financial Regulation.

The Commission will ensure that Member States' feedback with regard to the credentials of the experts in the database of independent experts will be taken into account to the greatest possible extent.

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| <i>Omnibus proposal (financial rules)</i> Regulation of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, EURATOM) No 966/2012 | 13/18 | Qualified majority | All Member States in favour |
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Joint Statement on the discharge procedure and the date of adoption of the final EU accounts

The European Parliament, the Council and the Commission will – in cooperation with the European Court of Auditors – set out a pragmatic calendar for the discharge procedure.

In that context, the Commission confirms that it will strive to adopt the EU consolidated annual accounts for the financial year 2017 by 30 June 2018 provided that the European Court of Auditors transmits all findings concerning the reliability of these EU accounts, and all consolidated entities' accounts, by 15 May 2018, and its draft annual report by 15 June 2018.

The Commission also confirms that it will strive to provide its replies to the European Court of Auditors' Annual report for the financial year 2017 by 15 August 2018 provided that the European Court of Auditors transmits its draft observations to the Commission by 1 June 2018.

Statements by the Commission

Statement in relation to Article 38 Publication of information on recipients and other information

The Commission will support through networks with the Member States the exchange of good practices as regards the publication of information on recipients of Union funds implemented under shared management. The Commission will take into due consideration the lessons learnt in view of preparing the next Multiannual Financial Framework.

Statement of the Commission on MFF (single set of rules)

The Commission underlines the importance of making progress in the post-2020 multiannual financial framework towards a single set of rules governing the same type of operations irrespective of the way these operations are implemented.

Declaration of the Commission in relation to Article 234(1) regarding the creation of thematic Trust funds

Despite the concerns expressed by the Commission during negotiations, Article 234(1) of the Financial Regulation requires that any decision to establish thematic EU Trust-Funds be submitted to the approval of the European Parliament and the Council. The Commission considers that such a decision falls within the scope of Article 317 TFEU, since it concerns budgetary implementation. The envisaged control by the European Parliament and the Council of the exercise of the Commission's implementing powers is not provided for in Regulation (EU) 182/2011¹, and would be contrary both to Article 291 TFEU and to this regulation. The Commission therefore reserves its rights.

Statement of the Commission on Article 247 *Integrated financial and accountability reporting*

The Commission will strive to provide the long-term forecast of future inflows and outflows covering the next five years within the budgetary procedure, together with the Amending Letter to the Draft Budget.

Statement in relation to Article 266 *Specific provisions regarding building projects*

The Commission and the EEAS will inform the European Parliament and the Council, in the context of the working document referred to in Article 266, on any sale and acquisition of building, including those below the threshold set in that Article.

¹ Regulation (EU) 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55 of 28.2.2011, p. 13).

Statement of the Commission on future revisions of the Financial Regulation (impact assessment)

The Commission underlines that the Financial Regulation provides the general rules and the toolbox for the implementation of the spending programmes. There are therefore no direct economic, environmental or social impacts that result from revisions of the legislation and that could usefully be analysed in an impact assessment. The value added of impact assessments comes when making policy choices on specific spending programmes, which have to comply with the regulatory framework provided by the Financial Regulation. The Commission confirms that the required impact assessments will be carried out when preparing these programmes.

The Commission will also continue with its practice of targeted and public consultations of all stakeholders and the broader public. In addition to the results of these consultations, the Commission will also indicate in the explanatory memorandum of future revisions how it has taken into account relevant evaluations of programmes implementing rules or tools provided in the Financial Regulation that it proposes to modify.

Statement by the European Commission on Article 272(8)

The Commission considers that, where a local action group carries out the tasks set out in points (a) to (g) of the first subparagraph of Article 34(3) of Regulation No. 1303/2013 as amended by this Regulation, that local action group need not be designated as an intermediate body. However, in such cases, the final verification of eligibility of operations before their approval shall remain the task of the managing authority, unless that task is formally delegated to the local action group. In that case, the local action group must be designated as an intermediate body and must carry out that task under the final responsibility of the managing authority in line with Article 123(6) of Regulation No. 1303/2013 in the case of the Funds and the EMFF, or in line with Article 66(2) of Regulation No. 1305/2013 in the case of the EAFRD.

Statement by the European Commission on Article 272(14) point (a)

The Commission confirms that the rules on management and control, as set out in paragraphs 1 and 2 of Article 40 of Regulation No. 1303/2013 applicable at the moment of signature of the funding agreements, shall continue to apply to financial instruments referred to in Article 39 of Regulation No. 1303/2013 which were established by a funding agreement signed before the entry into force of this Regulation. This derogation is already enshrined in the legal framework through Article 40(2a) of Regulation No. 1303/2013 and covers the entire life span of these instruments, including any amendments to the initial funding agreement, which may include additional contributions.

Statement by the European Commission on Article 272(16) point (a)

The Commission regrets the modification of Article 42(3) of Regulation No. 1303/2013 as it will lead to increased amounts of the EU budget being paid into escrow accounts. Any eligible expenditure not used in the programming period and paid into an escrow account implies a significant exception to cohesion policy rules as it goes against the basic principle that support from cohesion policy should be implemented and accounted for at the moment of closure of programmes. In addition, this leads to practical implementation issues related in particular to reporting and audit of amounts paid into escrow accounts.

Statement by the European Commission on Article 272(26) points (a) and (e)

The Commission reiterates that, regardless of the legislative changes on provisions applicable to operations generating net revenue after their completion, the principle of sound financial management – as set out in Article 33 of this Regulation – requires that managing authorities make appropriate arrangements to avoid the over-financing of such operations, including where such operations are subject to State aid or generate operating cost-savings. This should particularly be the case for operations with a total eligible cost exceeding EUR 1.000.000, where the beneficiary is not an SME.

Statement by the European Commission on Article 273

The state aid "de minimis" rules are laid down in regulations adopted by the Commission on the basis of Article 108(4) TFEU pursuant to the powers granted to it by Council under Article 109 TFEU (through Council Regulation 2015/1588).

Measures which do not exceed the ceiling in the de minimis Regulations (in most cases EUR 200.000 per undertaking over a period of three years) are deemed not to have any effect on trade between Member States. They may therefore be put into effect without being caught by the prohibition of State aid laid down in Article 107(1) TFEU.

The de minimis rule aims at striking the right balance between simplification and avoiding competition distortions in the internal market, where the Member States have varying financial capacities to subsidize their economies. The amount of de minimis aid has been set at a level below which it can safely be assumed that the aid will have no effect on trade between Member States.

The Commission is not at present considering changes to the de minimis rules to cater for exceptionally serious economic circumstances. However, the Commission would recall that it has in the past put in place exceptional measures to allow State aid to address serious disturbances in the economy of the Member States. For instance, in response to the effects of financial crisis on the real economy, it adopted the so called "Temporary Framework", which applied from December 2009 until December 2011 and allowed, amongst other, aid up to EUR 500.000 per undertaking. The Commission retains the possibility to take such measures where necessary under Article 107(3)(b) TFEU.

| NON-LEGISLATIVE ACTS | |
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| ACT | DOCUMENT / STATEMENTS |
| <p><i>Council Decision on guidelines for the employment policies of the Member States</i> Council Decision (EU) 2018/1215 of 16 July 2018 on guidelines for the employment policies of the Member States OJ L 224, 5.9.2018, p. 4–9</p> | 10464/18 |
| <p><i>Council Decision on the signing of a Protocol to the INTERBUS Agreement concerning the possible accession of the Kingdom of Morocco</i> Council Decision (EU) 2018/1211 of 16 July 2018 on the signing, on behalf of the European Union, of a Protocol amending the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) by extending the possibility of accession to the Kingdom of Morocco (Text with EEA relevance) OJ L 222, 3.9.2018, p. 1–2</p> | 9562/18 |
| <p><i>Council Decision on the EU position in the Joint Committee established under the INTERBUS Agreement (2018)</i> Council Decision (EU) 2018/1034 of 16 July 2018 on the position to be taken, on behalf of the European Union, within the Joint Committee established under the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement), as regards draft Decision No x/xxxx of that Committee (Text with EEA relevance) OJ L 185, 23.7.2018, p. 16–26</p> | 9565/1/18 REV 1 |

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| <p><i>Council Decision on the signing of a Protocol to the INTERBUS Agreement concerning regular services</i></p> <p>Council Decision (EU) 2018/1195 of 16 July 2018 on the signing, on behalf of the European Union, of a Protocol to the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) regarding the international regular and special regular carriage of passengers by coach and bus (Text with EEA relevance)</p> <p>OJ L 214, 23.8.2018, p. 3–4</p> | 9561/18 |
| <p><i>Council Decision on the adoption of the rules of procedure of the Regional Steering Committee</i></p> <p>Council Decision establishing the position to be adopted on behalf of the European Union within the Regional Steering Committee of the Transport Community as regards the adoption of the rules of procedure of that committee</p> | 10158/18 |
| <p><i>Schengen Evaluation Recommendation - Sweden Data Protection</i></p> <p>Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Sweden on the application of the Schengen acquis in the field of data protection</p> | 11174/18 |
| <p><i>Schengen Evaluation Recommendation - Hungary Return</i></p> <p>Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Hungary on the application of the Schengen acquis in the field of return</p> | 11182/18 |
| <p><i>Schengen Evaluation Recommendation - Italy External Border</i></p> <p>Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Italy on the application of the Schengen acquis in the field of management of the external border (Milan Bergamo Airport)</p> | 11183/18 |

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| <p><i>Schengen Evaluation Recommendation - Poland External Border</i> Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Poland on the application of the Schengen acquis in the field of management of the external border (Warsaw Chopin Airport)</p> | 11184/18 |
| <p><i>Schengen Evaluation Recommendation - Croatia SIS</i> Council Implementing Decision setting out a Recommendation addressing the deficiencies identified in the evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of the Schengen Information System</p> | 11185/18 |
| <p><i>Schengen Evaluation Recommendation - Portugal SIS</i> Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Portugal on the application of the Schengen acquis in the field of the Schengen Information System</p> | 11187/18 |
| <p><i>Prüm Decisions: Conclusions on automated exchange of dactyloscopic data in Croatia</i> Council Conclusions on the implementation of the general provisions on data protection of Chapter 6 of Council Decision 2008/615/JHA - Evaluation of Croatia with regard to automated exchange of dactyloscopic data</p> | 11225/18 |
| <p><i>Prüm Decisions: Conclusions on automated exchange of dactyloscopic data in Ireland</i> Council Conclusions on the implementation of the general provisions on data protection of Chapter 6 of Council Decision 2008/615/JHA - Evaluation of Ireland with regard to automated exchange of dactyloscopic data</p> | 11226/18 |
| <p><i>Prüm Decisions: Conclusions on automated exchange of DNA data in Ireland</i> Council Conclusions on the implementation of the general provisions on data protection of Chapter 6 of Council Decision 2008/615/JHA - Evaluation of Ireland with regard to automated data exchange of DNA data</p> | 11228/18 |

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| <i>Prüm Decisions: Conclusions on implementing "Prüm Decisions" ten years after their adoption</i> Council Conclusions on the implementation of the "PRÜM DECISIONS" ten years after their adoption | 11227/18 |
| <i>Prüm Decisions: Council Implementing Decision on automated DNA data exchange in Croatia</i> Council Implementing Decision (EU) 2018/1035 of 16 July 2018 on the launch of automated data exchange with regard to DNA data in Croatia OJ L 185, 23.7.2018, p. 27–28 | 6986/18 |
| <i>Council Decision on the EU position at the CETA Joint Committee - Rules of Procedure</i> Council Decision (EU) 2018/1062 of 16 July 2018 on the position to be adopted on behalf of the European Union within the CETA Joint Committee established by the Comprehensive Economic and Trade Agreement between Canada, of the one part, and the European Union and its Member States, of the other part as regards the adoption of the Rules of Procedure of the CETA Joint Committee and specialised committees OJ L 190, 27.7.2018, p. 13–19 | 9375/18 |
| Statement by the Council and the Member States regarding Decisions of the Ceta Joint Committee | |
| The Council and the Member States recall that where a decision of the CETA Joint Committee falls within the competence of the Member States the position to be taken by the Union and its Member States within the CETA Joint Committee shall be adopted by common accord. | |
| 3633rd meeting of the Council of the European Union (Foreign Affairs) held in Brussels on 16 July 2018 | |
| NON-LEGISLATIVE ACTS | |
| ACT | DOCUMENT / STATEMENTS |
| <i>Council conclusions on ICC on 20th anniversary of RS</i> Council Conclusions on the International Criminal Court on the occasion of the 20th anniversary of the adoption of the Rome Statute | 11240/18 |

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| <p><i>Al-Qaida restrictive measures: Decision and Implementing Regulation</i> Council Decision (CFSP) 2018/1000 of 16 July 2018 amending Decision (CFSP) 2016/1693 concerning restrictive measures against ISIL (Da'esh) and Al-Qaeda and persons, groups, undertakings and entities associated with them OJ L 178I , 16.7.2018, p. 3–4</p> | 10489/18 |
| <p><i>Al-Qaida restrictive measures: Decision and Implementing Regulation</i> Council Implementing Regulation (EU) 2018/999 of 16 July 2018 implementing Regulation (EU) 2016/1686 imposing additional restrictive measures directed against ISIL (Da'esh) and Al-Qaeda and natural and legal persons, entities or bodies associated with them OJ L 178I , 16.7.2018, p. 1–2</p> | 10492/18 |
| <p><i>Maldives restrictive measures - Decision and Regulation</i> Council Decision (CFSP) 2018/1006 of 16 July 2018 concerning restrictive measures in view of the situation in the Republic of Maldives OJ L 180, 17.7.2018, p. 24–28</p> | 10253/18 |
| <p><i>Maldives restrictive measures - Decision and Regulation</i> Council Regulation (EU) 2018/1001 of 16 July 2018 concerning restrictive measures in view of the situation in the Republic of Maldives OJ L 180, 17.7.2018, p. 1–9</p> | 10267/18 |
| <p><i>Uzbekistan: Directives for the negotiation of a Comprehensive Agreement with the Republic of Uzbekistan</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 Union, the provisions that fall within the competence of the Union of a Comprehensive Agreement between the European Union and its Member States, of the one part, and the Republic of Uzbekistan, of the other part</p> | 10336/18 |

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| <p><i>Council Decision on the signing of the Partnership and Cooperation Agreement between the EU and Singapore</i> Council Decision (EU) 2018/1047 of 16 July 2018 on the signing, on behalf of the Union, of the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Singapore, of the other part OJ L 189, 26.7.2018, p. 2–2</p> | 7322/18 |
| <p><i>Council Decision relating to the signature of the amendment of Protocols 1 and 4 to the Euro-Mediterranean agreement with Morocco</i> Council Decision (EU) 2018/1893 of 16 July 2018 regarding the signature, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part OJ L 310, 6.12.2018, p. 1–3</p> | 10591/18 |

Statement by Denmark, Finland, Germany and Ireland

Denmark, Finland, Germany and Ireland stress the importance of a strong political and economic partnership between the European Union and the Kingdom of Morocco.

Denmark, Finland, Germany and Ireland underline the importance of complying with EU law, of which international law may be considered an integral part when entering into bilateral agreements. We have taken careful note of the “Contribution of the Council Legal Service on the Draft Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part – consistency with the Court”.

Denmark, Finland, Germany and Ireland have consistently emphasized that an agreement has to be consistent with the judgment of the Court of Justice handed down on 21 December 2016 in Case C-104/16 P.

We take the content and form of the Contribution as evidence that the Council Legal Service considers that entering into the presented agreement is fully consistent with the judgment of the Court of Justice handed down on 21 December 2016 in Case C-104/16 P and does not prejudice the status of Western Sahara. Denmark, Finland, Germany and Ireland continue to support the United Nations process to find a just, lasting and mutually acceptable political solution for Western Sahara.

On the basis of the above, Denmark, Finland, Germany and Ireland support the adoption of the Council decision on the amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement.

Statement by Sweden

Sweden reluctantly notes the proposal to adopt Council Decisions relating to the signature and conclusion of the agreement between the European Union and the Kingdom of Morocco on the amendment of Protocols 1 and 4. When Sweden voted in favour of authorising the opening of negotiations on the adaptation of protocols to the Agreement between the European Union and the Kingdom of Morocco, Sweden made clear in its national statement that the basis for doing so was the understanding that a future agreement would be in full respect of international law, including the judgment of the European Court of Justice in Case C-104/16 P. Legal certainty is in the interest of all. The said judgment states that an agreement with Morocco covering the territory of Western Sahara must receive the consent of the people of Western Sahara. Consequently, Sweden made clear in the national statement that we understood “the people concerned” to be “the people of Western Sahara,” in line with the judgment.

Sweden thanks the EU institutions for their substantive work in the course of the negotiations, including in conducting the consultation process. Sweden has taken good note of the Contribution of the Council’s Legal Service (WK 10738/18) concluding that “all reasonable and feasible steps were taken to ascertain the consent of the people of Western Sahara.” Sweden reaffirms that it is crucial that the people of Western Sahara give their consent to the agreement, and has noted ambiguities in the consultation process concerning whether the entities consulted can be defined as the people of Western Sahara. In view of the rejections to the consultation process and/or the draft agreement, and particularly the objections of Polisario, the official representative of the people of Western Sahara in the UN process, Sweden is not satisfied that the outcome of the consultation process can be said to constitute the free and informed consent of the people of Western Sahara.

Written procedures completed on 17 July 2018

NON-LEGISLATIVE ACTS

| ACT | DOCUMENT / STATEMENTS |
|---|-----------------------|
| Council Implementing Decision (CFSP) 2018/1016 of 17 July 2018 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 181, 18.7.2018, p. 86–87 | 11045/18 |
| Council Implementing Regulation (EU) 2018/1009 of 17 July 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 181, 18.7.2018, p. 1–2 | 11047/18 |

| Written procedure completed on 20 July 2018 | |
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| NON-LEGISLATIVE ACTS | |
| ACT | DOCUMENT / STATEMENTS |
| Council Decision (EU) 2018/1107 of 20 July 2018 on the conclusion of a Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part OJ L 203, 10.8.2018, p. 1–1 | 10209/1/12 REV 1 |
| Written procedures completed on 26 July 2018 | |
| NON-LEGISLATIVE ACTS | |
| ACT | DOCUMENT / STATEMENTS |
| Council Decision (EU) 2018/1069 of 26 July 2018 on the signing, on behalf of the Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Union and the Republic of Côte d'Ivoire (2018-2024) OJ L 194, 31.7.2018, p. 1–2 | 10854/18 |
| Protocol on the implementation of the Fisheries Partnership Agreement between the European Union and the Republic of Côte d'Ivoire (2018-2024) OJ L 194, 31.7.2018, p. 3–20 | 10856/18 |
| Council Regulation (EU) 2018/1095 of 26 July 2018 on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the European Union and the Republic of Côte d'Ivoire (2018-2024) OJ L 197, 3.8.2018, p. 1–2 | 10857/18 |
| Council Regulation (EU) 2018/1070 of 26 July 2018 amending Regulation (EU) 2017/1970 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea OJ L 194, 31.7.2018, p. 21–22 | 11081/18 |

| Written procedure completed on 30 July 2018 | |
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| NON-LEGISLATIVE ACTS | |
| ACT | DOCUMENT / STATEMENTS |
| Council Decision (CFSP) 2018/1084 of 30 July 2018 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision (CFSP) 2018/475 OJ L 194, 31.7.2018, p. 144–146 | 10744/18 |
| Council Implementing Regulation (EU) 2018/1071 of 30 July 2018 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) 2018/468 OJ L 194, 31.7.2018, p. 23–26 | 10746/18 |