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NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS - NOVEMBER 2018

This document lists the acts¹ adopted by the Council in November 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 NOVEMBER 2018

3646th meeting of the Council of the European Union (Economic and Financial Affairs) held in Brussels on 6 November 2018

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
<i>Visas for third countries nationals (codification)</i> Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement OJ L 303, 28.11.2018, p. 39–58	50/18	Qualified majority	All Member States in favour
<i>Eurojust Regulation</i> Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA OJ L 295, 21.11.2018, p. 138–183	37/18	Qualified majority	All Member States in favour, except: Not participating: DK, IE, UK

Statement by the Commission

The Commission regrets that on several points, the co-legislators have decided to deviate from the approach agreed in the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies of 19 July 2012, without providing the necessary justification. This relates in particular to the number of Commission representatives in the College/Management Board and the procedure for appointing and dismissing the Administrative Director of Eurojust. The Commission will assess the impact of those deviations on the functioning of the Agency at the appropriate opportunity. They should not be considered as a precedent for other agencies.

<i>Freezing and Confiscation Regulation</i> Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders OJ L 303, 28.11.2018, p. 1–38	38/18	Qualified majority	All Member States in favour, except: Not participating: DK, IE
<i>Review of AVMS Directive</i> Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities OJ L 303, 28.11.2018, p. 69–92	33/18	Qualified majority	All Member States in favour, except: Against: CZ, DK, IE, NL, FI Abstention: LU, UK
Statement by Latvia The Republic of Latvia draws attention to the fact that the legal expression 'veikt uzņēmējdarbību', which is used in the Latvian-language version of the Directive in relation to the place of establishment of audiovisual media service providers, means 'to conduct business'. It therefore differs substantially from the legal meaning of the phrase 'to be established', which is used in the English-language version of the text and the translations into other languages. The Republic of Latvia notes that inconsistent and inaccurate usage of such fundamental legal terminology creates legal uncertainty, with unpredictable consequences. It not only risks disrupting the legal parallelism between the various language versions of the Directive, but could also lead to legal uncertainty and discrepancies in legal interpretation when transposing the Directive into Member States' national law. This could prove to be particularly problematic in the context of cross-border services, including on-demand services and video-sharing platforms. The Republic of Latvia notes that the phrase 'to be established' is used in a similar context in Article 49 of the Treaty on the Functioning of the European Union, where it is translated into Latvian as 'izveidot'. Although the term 'izveidot' comes closer to the meaning of establishing a company, we would propose using the term 'dibināt' ('to found or establish'), which is a more accurate translation and would prevent misinterpretation and legal uncertainty. The Republic of Latvia intends to initiate the corrigendum procedure for the Directive, in order to ensure consistent and correct use of terminology.			

Joint Statement by Finland, Ireland and The Netherlands

We, the undersigned Member States consider the promotion of the digital single market highly important and acknowledge the need for the review of regulatory framework for audiovisual media services taking into account changes in the market, consumption and technology.

The protection of minors from harmful content and the protection of all citizens against hate is in itself a legitimate aim. However, as stated consistently during the negotiations, the AVMS Directive is not the correct place for regulating video sharing platforms since the rest of the scope of the directive covers only AV media services where the service provider has editorial responsibility for the content of the program. The proposed regulation of video sharing platforms is difficult to control and it can cause undesired side effects and disproportionate administrative burden. Rather than overregulating video sharing platforms, a strong emphasis should be placed on promoting critical media literacy and media education in the Member States.

We consider that this lack of clarity compounded by a lack of impact assessments and a robust evidence base, could undermine the legal certainty needed for regulators and industry to implement the provisions in a clear, consistent and effective way and for industry to innovate. It also may threaten the ability of European citizens to exercise their fundamental rights in particular their freedom of expression.

For the reasons stated here and during the negotiations on this proposal, we will vote against the directive when it comes up for adoption as an "I" item in Coreper on 24.10.2018 and as an "A" item in the Council on 6.11.2018 (PE-CONS 33/18). Finland, Ireland and the Netherlands ask the Secretariat General of the Council to include this statement to the respective minutes of these two meetings.

<i>Directive on extending period of application of optional reverse charge mechanism and of quick reaction mechanism (VAT)</i> Council Directive (EU) 2018/1695 of 6 November 2018 amending Directive 2006/112/EC on the common system of value added tax as regards the period of application of the optional reverse charge mechanism in relation to supplies of certain goods and services susceptible to fraud and of the Quick Reaction Mechanism against VAT fraud OJ L 282, 12.11.2018, p. 5–7	12033/18	Unanimity	All Member States in favour
<i>Directive as regards rates of VAT on E-publications</i> Council Directive (EU) 2018/1713 of 6 November 2018 amending Directive 2006/112/EC as regards rates of value added tax applied to books, newspapers and periodicals OJ L 286, 14.11.2018, p. 20–21	12657/18	Unanimity	All Member States in favour

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<i>Council Decision approving the external auditors of the Lietuvos bankas</i> Council Decision (EU) 2018/1664 of 6 November 2018 amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of Lietuvos bankas OJ L 278, 8.11.2018, p. 22–22	13067/18
<i>Council Implementing Decision on a VAT derogation for Slovenia as regards continuing to exempt from VAT taxable persons whose annual turnover is no higher than EUR 50 000</i> Council Implementing Decision (EU) 2018/1700 of 6 November 2018 amending Implementing Decision 2013/54/EU authorising the Republic of Slovenia to introduce a special measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax OJ L 285, 13.11.2018, p. 78–79	12984/18
<i>Conclusions on ECA SR No 13/2018 on tackling radicalisation that leads to terrorism</i> Council Conclusions on the Special Report No. 13/2018 by the European Court of Auditors: "Tackling radicalisation that leads to terrorism: the Commission addressed the needs of Member States, but with some shortfalls in coordination and evaluation"	13901/18
<i>Schengen evaluation Recommendation - Croatia management of the external border</i> Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2017 evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of management of the external border (revisit)	13902/18
<i>Venezuela restrictive measures - review - Decision and Implementing Regulation</i> Council Decision (CFSP) 2018/1656 of 6 November 2018 amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela OJ L 276, 7.11.2018, p. 10–11	13014/18

<i>Venezuela restrictive measures - review - Decision and Implementing Regulation</i> Council Implementing Regulation (EU) 2018/1653 of 6 November 2018 implementing Regulation (EU) 2017/2063 concerning restrictive measures in view of the situation in Venezuela OJ L 276, 7.11.2018, p. 1–2	13016/18
<i>Democratic People's Republic of Korea restrictive measures - UN transposition - Implementing Decision and Regulation</i> Council Implementing Decision (CFSP) 2018/1657 of 6 November 2018 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 276, 7.11.2018, p. 12–18	13089/18
<i>Democratic People's Republic of Korea restrictive measures - UN transposition - Implementing Decision and Regulation</i> Council Implementing Regulation (EU) 2018/1654 of 6 November 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 276, 7.11.2018, p. 3–8	13092/18
<i>European Security and Defence College - budget 2019 - Decision</i> Council Decision (CFSP) 2018/1655 of 6 November 2018 amending Decision (CFSP) 2016/2382 establishing a European Security and Defence College (ESDC) OJ L 276, 7.11.2018, p. 9–9	12652/18
<i>Export Credits - Council Decision on an EU position on rail in the Participants to the Arrangement on Officially Supported Export Credits</i> Council Decision on the position to be taken on behalf of the European Union at the 140th session of the Meeting of the Participants to the Arrangement on Officially Supported Export Credits as regards the adoption of a decision concerning the expansion of the scope of Annex V of the Arrangement on Officially Supported Export Credits	11447/18

<i>Export Credits - Council Decision on an EU position on Turkey in the Participants to the Arrangement on Officially Supported Export Credits</i> Council Decision on the position to be adopted, on behalf of the European Union, in the Meeting of the Participants to the Arrangement on Officially Supported Export Credits	11957/18
Statement by the Republic of Cyprus Cyprus is not in a position to consent to the proposal for a Council Decision on Turkey's request to become a Participant to the [OECD's] Arrangement on Officially Supported Export Credits for the following reasons: The negotiating framework for Turkey's accession negotiations, which was unanimously adopted by the Council in October 2005, requires Turkey to inter alia 'progressively align its policies towards third countries and its positions within international organisations (including in relation to the membership by all EU Members States of those organisations and arrangements) with the policies and positions adopted by the Union and its Member States.' In blatant violation of this obligation, Turkey has been following a systematic policy of vetoing Cyprus' membership in various international organisations, including the Organization for Economic Co-operation and Development (OECD). Specifically, Cyprus' application for membership to the OECD has been continuously vetoed by Turkey since 1995. Despite repeated calls by the EU, Turkey's stance continues to exclude an EU Member State on political grounds and raises obstacles to the smooth functioning of the OECD. Furthermore, both the Negotiating Framework and the February 2008 revised Accession Partnership of the EU with Turkey, call on the latter to implement fully and on a non-discriminatory manner the Additional Protocol to the Customs Union, as well as to proceed with the normalisation of relations with all EU Member States, including the Republic of Cyprus. It is also recalled that Turkey's obligation to recognize all EU Member States, including the Republic of Cyprus, is a necessary component of its accession process, as stipulated in the Declaration of 21 September 2005. Despite the clear obligations outlined above and the EU's repeated calls to this end, Turkey continues to object to Cyprus' membership to international organisations including the OECD, refuses to implement the Additional Protocol towards the Republic of Cyprus, and has taken no steps towards the normalization of its relations with the Republic. On these grounds and considering Turkey's persistent flagrant breach of its obligations towards the EU and its Member States, the Republic of Cyprus is compelled to vote against the adoption of this Council Decision.	

<i>Council Decision on the EU position in the Joint Committee established by the EU-Australia Framework Agreement in relation to the Rules of Procedure of the Joint Committee</i> Council Decision (EU) 2018/1714 of 6 November 2018 on the position to be taken on behalf of the European Union within the Joint Committee established by the Framework Agreement between the European Union and its Member States, of the one part, and Australia, of the other part, as regards the adoption of the rules of procedure of the Joint Committee and the adoption of the terms of reference of its sub-committees and working groups OJ L 286, 14.11.2018, p. 22–29	12606/18
<i>Council Decision on the Union position regarding draft CESNI standards on professional qualifications</i> Council Decision (EU) 2018/1663 of 6 November 2018 on the position to be taken on behalf of the European Union within the European Committee for drawing up standards in the field of inland navigation and within the Central Commission for the Navigation of the Rhine concerning the adoption of European standards for professional qualifications in inland navigation OJ L 278, 8.11.2018, p. 20–21	12437/18
<i>Council Decision on the Union position regarding draft CESNI standards on technical requirements</i> Council Decision on the position to be taken on behalf of the European Union in the EU-CTC Joint Committee established by the Convention of 20 May 1987 on a common transit procedure as regards amendments to that Convention OJ L 282, 12.11.2018, p. 13–14	13285/18
<i>Council Decision on the EU position on UNECE (November 2018)</i> 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 modifications to UN Regulations Nos 3, 4, 6, 7, 11, 14, 16, 17, 19, 23, 24, 27, 29, 34, 37, 38, 43, 44, 46, 48, 50, 53, 60, 67, 69, 70, 74, 77, 83, 86, 87, 91, 94, 95, 98, 99, 100, 101, 104, 105, 110, 112, 113, 119, 121, 123, 128, 129, 132 and 137 and to UN Global Technical Regulation No 9, and as regards the proposals for three new UN Regulations OJ L 37, 8.2.2019, p. 120–126	13073/18

<i>Council Decision on the Union position at the International Organisation of Vine and Wine (Uruguay, 23 November 2018)</i> Council Decision establishing the position to be taken on behalf of the Union with regard to certain resolutions to be voted at the 16th General Assembly of the International Organisation of Vine and Wine (OIV), to be held in Punta del Este (Uruguay), on 23 November 2018		13163/18	
<i>Council Decision on the conclusion of the Agreement for scientific and technological cooperation with the Kingdom of Morocco on the Partnership for Research and Innovation in the Mediterranean Area (PRIMA)</i> Council Decision on the conclusion, on behalf of the Union, of the Agreement for scientific and technological cooperation between the European Union and the Kingdom of Morocco setting out the terms and conditions for the participation of the Kingdom of Morocco in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA)		6534/18	
Council Conclusions on EU statistics		13865/18	
Council Conclusions on climate finance for the COP24		13864/18	
3647th meeting of the Council of the European Union (Foreign Affairs/Trade) held in Brussels on 9 November 2018			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
<i>EBA relocation</i> Regulation (EU) 2018/1717 of the European Parliament and of the Council of 14 November 2018 amending Regulation (EU) No 1093/2010 as regards the location of the seat of the European Banking Authority (Text with EEA relevance) OJ L 291, 16.11.2018, p. 1–2	39/18	Qualified majority	All Member States in favour, except: Abstention: UK

Statement by the Council

Recalling the commitment of the European Parliament, the Council and the Commission to sincere and transparent cooperation, and in the light of the process followed for the relocation of the EMA and EBA, which was specific to the situation and did not constitute a precedent for location of agencies in the future,

While recalling the Treaties, the Council acknowledges the value of enhanced exchange of information from the initial stages of future processes for the location of agencies.

Such early exchange of information would make it easier for the three Institutions to exercise their rights according to the Treaties through the related procedures.

The Council takes note of the request by the European Parliament to revise, as soon as possible, the 2012 Joint Statement and Common Approach on decentralised Agencies. As a first step, it invites the Commission to provide, by April 2019, an in-depth analysis of the implementation of the Joint Statement and Common Approach as regards the location of decentralised Agencies. This analysis would serve as a basis to assess the way forward in engaging with the process of such a revision.

<i>EMA relocation</i> Regulation (EU) 2018/1718 of the European Parliament and of the Council of 14 November 2018 amending Regulation (EC) No 726/2004 as regards the location of the seat of the European Medicines Agency (Text with EEA relevance) OJ L 291, 16.11.2018, p. 3–4	40/18	Qualified majority	All Member States in favour, except: Against: IT Abstention: UK
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Statement by the Council

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The Council takes note of the request by the European Parliament to revise, as soon as possible, the 2012 Joint Statement and Common Approach on decentralised Agencies. As a first step, it invites the Commission to provide, by April 2019, an in-depth analysis of the implementation of the Joint Statement and Common Approach as regards the location of decentralised Agencies. This analysis would serve as a basis to assess the way forward in engaging with the process of such a revision.

Statement by Italy

Italy is unable to support the proposal amending Regulation (EC) No 726/2004 on the seat of the European Medicines Agency (EMA). As stated in the action it brought before the Court of Justice of the European Union on 30 January 2018 (Case C 59/18), the Italian Government considers that the decision, adopted in the margins of the meeting of 20 November 2017 of the Council of the European Union in its 'General Affairs' configuration, selecting Amsterdam as the new seat of the EMA amounts to misuse of powers through failure to investigate adequately and distortion of facts, owing to inaccurate or misleading information on the features of the new seat in Amsterdam and the time frame for making the new building operational. This is confirmed by the fact that the relocation to the premises of the new seat (the Vivaldi Building) is to take place with effect from 16 November 2019 rather than from 1 April 2019 as initially provided for in the Dutch bid and stated in the Commission report. Furthermore, the new conference centre, which is essential for the Agency's core activities, will not be ready on 1 April 2019 as initially planned but instead will only be operational at the same time as the new building, i.e. with effect from 16 November 2019.

<i>Regulation amending Common Provisions Regulation: Technical adjustment 2018 (YEI)</i> Regulation (EU) 2018/1719 of the European Parliament and of the Council of 14 November 2018 amending Regulation (EU) No 1303/2013 as regards the resources for economic, social and territorial cohesion and the resources for the Investment for growth and jobs goal OJ L 291, 16.11.2018, p. 5–7	57/18	Qualified majority	All Member States in favour
<i>Eu-LISA Regulation</i> Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 OJ L 295, 21.11.2018, p. 99–137	29/18	Qualified majority	All Member States in favour, except: Abstention: UK Not participating: DK, IE
Statement by the Commission The Commission regrets that on several points, the co-legislators have decided to deviate from the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies, without providing the necessary justification. This relates in particular to deviations from the procedure for appointing and dismissing the Executive Director of EU-LISA, for which no justification was given and which risk affecting the autonomy of the Agency, and for automatically extending the Executive Director's mandate. The Commission also regrets the deviation from the Joint Statement with regard to the process for conducting an overall evaluation of the Agency, which could be a way to interfere with the independence of the Commission in conducting this evaluation. The Commission will consult the Management Board as part of its general stakeholder consultation activities. The Commission will assess the impact of those deviations on the functioning of the Agency at the appropriate opportunity. They should not be considered as a precedent for other agencies.			
<i>Regulation on free flow of data</i> Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union (Text with EEA relevance) OJ L 303, 28.11.2018, p. 59–68	53/18	Qualified majority	All Member States in favour

3648th meeting of the Council of the European Union (General Affairs) held in Brussels on 12 November 2018

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
<i>Schengen Evaluation Recommendation - Spain External Border</i> Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Spain on the application of the Schengen acquis in the field of management of the external border	13548/18
<i>Schengen Evaluation Recommendation - Switzerland External Border</i> Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2018 evaluation of Switzerland on the application of the Schengen acquis in the field of management of the external border	13550/18
<i>Council Decision on EDF contributions: ceiling 2020, annual amount 2019, first instalment 2019, forecast 2021-2022</i> Council Decision (EU) 2018/1715 of 12 November 2018 on the financial contributions to be paid by Member States to finance the European Development Fund, including the ceiling for 2020, the annual amount for 2019, the first instalment for 2019 and an indicative and non-binding forecast for the expected annual amounts of contributions for the years 2021 and 2022 OJ L 286, 14.11.2018, p. 30–32	13344/18
Statement by the United Kingdom The UK is still waiting for a response to the concerns raised at a political level in August, including via Secretary of State for International Development's letter to the Commission of 23 August 2018, on the treatment of UK entities in the tendering process of EU programmes. This issue is of critical importance and is having unnecessary negative consequences for ongoing and planned development programming. The Commission's actions risk denying the beneficiaries of EU development assistance access to the best available expertise through open and fair competition, by discouraging UK organisations from bidding to implement programmes. We have an obligation to account to the UK Parliament that UK Overseas Development Assistance is spent effectively and delivers value for money, which extends to the partners delivering UK ODA. Whilst we await the assurances sought from the Commission, the UK government feels unable to vote in favour of the Council Decision on the EDF Contributions.	

Council Decision on the EU position on COP2 of the Minamata Convention on Mercury Council Decision (EU) 2018/1730 of 12 November 2018 on the position to be taken on behalf of the European Union at the second meeting of the Conference of the Parties to the Minamata Convention on Mercury with regard to the adoption of guidelines on the environmentally sound interim storage of mercury, other than waste mercury, referred to in Article 10(2) and (3) of the Convention OJ L 288, 16.11.2018, p. 7–8		13416/18	
3651st meeting of the Council of the European Union (Agriculture and Fisheries) held in Brussels on 19 November 2018			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Schengen Information System (SIS): SIS Return Regulation Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals OJ L 312, 7.12.2018, p. 1–13	34/18	Qualified majority	All Member States in favour, except: Not participating: DK, IE, UK
Statement by the Council on synergies between SIS and other information systems			
The Council considers that making the best use of data already available in relevant information systems at European level for the purposes of the Schengen Information System could facilitate the work of the Member States' competent authorities and reduce administrative burden. Synergies between the Schengen Information System and the future Entry/Exit System, for instance, would facilitate and speed up the exchange of information in the event of hits, in particular, but not limited to, return alerts in SIS concerning third-country nationals crossing the external borders of a Member State: automated hit reporting mechanism between these systems could have significant benefits.			
The Council therefore invites the European Commission to explore as soon as possible synergies between the Schengen Information System and other relevant EU information systems in the area of justice and home affairs, in particular Eurodac and the future Entry/Exit System, further to the synergies currently discussed in the context of interoperability.			

Statement by Belgium

Belgium welcomes the confirmation of the political agreement that has been found on the three instruments regarding SIS. The Schengen Information System of the third generation will improve the functioning of the system and will contribute to enhancing the internal security in the Member States.

The ambitious goals and the new functionalities of the SIS need to be implemented in the Member States. This will result in a considerable amount of preparatory work. Specifically in the case of the SIS-return regulation, this means for Belgium that it should be prepared to enter approximately 35.000 return decisions in the Schengen Information System each year. As this is a totally new functionality, Belgium, would have preferred to have more time to implement this new obligation. It also regrets the current provisions on the entry into operations, whereby the COM will have to set a date after three years of entry into force of the regulations, when the underlying conditions are fulfilled. If those conditions are not fulfilled within the three years' deadline, COM will need to present a legislative proposal to amend this provision. Belgium believes that a more flexible solution to deviate from the intended start of operations if the conditions are not fulfilled on time, would have been preferable, taking into account also the experiences and lessons learned with the entry into operations of previous IT-Systems in the field of asylum and migration (in particular SIS II).

<i>Schengen Information System (SIS): SIS Border Checks Regulation</i> Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 OJ L 312, 7.12.2018, p. 14–55	35/18	Qualified majority	All Member States in favour, except: Not participating: DK, IE, UK
<i>Schengen Information System (SIS): SIS Police Cooperation Regulation</i> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU OJ L 312, 7.12.2018, p. 56–106	36/18	Qualified majority	All Member States in favour, except: Not participating: DK

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<i>Council Decision on the EU position on Agreement concerning work of vehicles crews (AETR)</i> Council Decision (EU) 2018/1926 of 19 November 2018 on the position to be taken, on behalf of the European Union, in the Group of Experts on the European Agreement concerning the work of crews of vehicles engaged in international road transport of the United Nations Economic Commission for Europe OJ L 313, 10.12.2018, p. 13–38	13711/18
<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 conditions for the accession of the Government of Syria to the International Agreement on Olive Oil and Table Olives, 2015	13778/18
<i>Council Decision on EU position in the EU-Ukraine Association Committee in Trade configuration</i> Council Decision on the position to be taken on behalf of the European Union within the Association Committee in Trade configuration established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part OL L 298, 23.11.2018, p. 11–14	13499/18
<i>Prüm Decisions: Council Implementing Decision on automated DNA data exchange in Ireland</i> Council Implementing Decision (EU) 2018/1801 of 19 November 2018 on the launch of automated data exchange with regard to DNA data in Ireland OJ L 296, 22.11.2018, p. 31–32	11282/18

<i>Prüm Decisions: Council Implementing Decision on automated dactyloscopic data exchange in Ireland</i> Council Implementing Decision (EU) 2018/1839 of 19 November 2018 on the launch of automated data exchange with regard to dactyloscopic data in Ireland OJ L 298, 23.11.2018, p. 15–16	11265/18
<i>Prüm Decisions: Council Implementing Decision on automated dactyloscopic data exchange in Croatia</i> Council Implementing Decision (EU) 2018/1802 of 19 November 2018 on the launch of automated data exchange with regard to dactyloscopic data in Croatia OJ L 296, 22.11.2018, p. 33–34	11284/18
3652nd meeting of the Council of the European Union (Foreign Affairs) held in Brussels on 19 November 2018	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<i>Conclusions on Civilian CSDP Compact</i> Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the establishment of a Civilian CSDP Compact	14305/18
<i>Permanent Structured Cooperation (PESCO) - updating the list of projects - Decision</i> Council Decision (CFSP) 2018/1797 of 19 November 2018 amending and updating Decision (CFSP) 2018/340 establishing the list of projects to be developed under PESCO OJ L 294, 21.11.2018, p. 18–22	13939/18
Council Conclusions on Ethiopia	13960/18
Council Conclusions on Sudan	13957/18
Council Conclusions on Afghanistan	13823/18
Council Conclusions on Pakistan	13824/18
<i>Conclusions on an EU Strategy against illicit firearms, SALW and ammunition</i> Council Conclusions on the Adoption of an EU Strategy Against Illicit Firearms, Small Arms & Light Weapons and their Ammunition	13581/18

Council Conclusions on Water Diplomacy	13991/18
<i>Combating the Illicit Trade in and Proliferation of Small Arms and Light Weapons in the Member States of the League of Arab States - Decision</i> Council Decision (CFSP) 2018/1789 of 19 November 2018 in support of combating the illicit trade in and proliferation of small arms and light weapons in the Member States of the League of Arab States OJ L 293, 20.11.2018, p. 24–31	13273/18
<i>Support of SEESAC for the implementation of the Regional Roadmap on combating illicit arms trafficking in the Western Balkans - Decision</i> Council Decision (CFSP) 2018/1788 of 19 November 2018 in support of the South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) for the implementation of the Regional Roadmap on combating illicit arms trafficking in the Western Balkans OJ L 293, 20.11.2018, p. 11–23	12975/18
<i>EUTM Somalia - amendment and extension - Decision</i> Council Decision (CFSP) 2018/1787 of 19 November 2018 amending and extending Decision 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces OJ L 293, 20.11.2018, p. 9–10	12148/18
<i>Council Decision on approving the Commission conclusion of the EURATOM/KEDO Agreement</i> Council Decision approving the conclusion, by the European Commission, of the Agreement between the European Atomic Energy Community (Euratom) and the Korean Peninsula Energy Development Organisation (KEDO)	13261/18
<i>Council Decision on approving the Commission conclusion of the EURATOM/KEDO Agreement (retroactivity)</i> COUNCIL DECISION approving the conclusion, by the European Commission, of the Agreement between the European Atomic Energy Community (Euratom) and the Korean Peninsula Energy Development Organisation (KEDO)	13263/18
Council Conclusions on Security and Defence in the context of the EU Global Strategy	13978/18

3653rd meeting of the Council of the European Union (Education, Youth, Culture and Sport) held in Brussels on 26 and 27 November 2018**LEGISLATIVE ACTS**

ACT	DOCUMENT	VOTING RULE	VOTES
<i>Regulation on medicated feed</i> Regulation (EU) 2019/4 of the European Parliament and of the Council of 11 December 2018 on the manufacture, placing on the market and use of medicated feed, amending Regulation (EC) No 183/2005 of the European Parliament and of the Council and repealing Council Directive 90/167/EEC (Text with EEA relevance) OJ L 4, 7.1.2019, p. 1–23	43/18	Qualified majority	All Member States in favour

Statement by Austria

With a view to the objective of the Regulation, which is to achieve a high degree of protection of human health, Austria would like to draw attention to the following points:

It should only be possible to use veterinary medicinal products via the feed channel when there is a specific need (i.e. in the case of sickness).

In the interests of subsidiarity in accordance with the new Regulation on the manufacture, placing on the market and use of medicated feed, it should be possible to maintain established national control systems for the use of medicated feed directly on the farm, as is currently practised in Austria by registered on-farm mixers.

In order to take account of the special needs of small-scale agriculture, primarily involving family farms, the requirements for the manufacture of medicated feed must be implemented in a way that is feasible and practical for on-farm mixers. The manufacture and administration of medicated feed by trained farmers under the supervision of a veterinarian constitutes a well-established practice in Austria which minimises many risks, as the medicinal products are used in the place and in the quantity in which they are absolutely needed.

<i>Regulation on veterinary medicinal products</i> Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (Text with EEA relevance) OJ L 4, 7.1.2019, p. 43–167	45/18	Qualified majority	All Member States in favour, except: Abstention: CZ
Statement by the Commission The new EU Regulation on veterinary medicinal products requires Member States to collect and report data on sales and use of antimicrobials used in animals. The Commission considers this information essential to identify possible risk factors for development and spread of antimicrobial resistance (AMR), monitor trends in antimicrobial consumption, target relevant policy measures and assess their implementation. Although the implementation of this legal requirement is foreseen through a gradual (stepwise) approach, it may require substantial input in terms of administrative, human and financial resources. The European One Health Action Plan against AMR recognises that in order to deliver long-lasting results and create the necessary impetus, it is important that the EU legislation related to AMR (including, inter alia, on the use of veterinary medicines) is adequately implemented. In this context, the Commission has committed in that Action Plan to engage in supporting Member States in the implementation of EU rules, including by providing technical support through the Structural Reform Support Service (SRSS) for designing and implementing policies against AMR. Furthermore, the Commission will explore the possibilities for supporting this data collection in Member States in line with its proposals made in the context of the future EU Multiannual Financial Framework.			

Statement by the Czech Republic

The Czech Republic can agree that the update of the existing Directive 2001/82/EC would be beneficial in the case of full and reasonable adherence to the objectives and principles as declared by the European Commission prior the beginning of negotiations of the draft regulation on veterinary medicinal products.

The Czech Republic also strongly supports the objective to contain the risks related to antimicrobial resistance. However, the failure of the new legislation to enforce compliance with the EU standards, inter alia, with respect to restricted conditions for use of antimicrobials, by the 3rd countries, weakens significantly the EU political message with respect to commitments to fight against the antimicrobial resistance and in the same time, renders the EU producers uncompetitive with their 3rd countries counterparts. In addition, the required room for flexibility for the Member States to ensure availability of suitable alternatives to antimicrobials in particular on the small markets, and risks related to future availability of old, legacy, veterinary medicinal products, present another key issues related to the new regulation.

The proposal according to the Czech Republic opinion will increase administrative and associated financial burdens both for the public budgets and for private enterprises. It is becoming apparent that the implementation of the regulation will be more costly than originally expected. This new regulation will also decrease the flexibility and - in the consequence – the innovation, what can cause lack of availability of the veterinary medicinal product on the Czech market.

The text also contains apparent mistakes that can have an impact on the safety of consumer.

The Czech Republic regrets to express that via the approval of this regulation we miss the opportunity to meet the principles as were originally declared and intended to be reached.

The Czech Republic therefore keeps the position from the COREPER after the trilogue (June 2018) and abstains from the voting.

Statement by Germany

Germany would like to comment as follows on Articles 73 to 81 in the version set out in the present document, PE-CONS 45/18:

The final document PE-CONS 45/18 on the proposal for a Regulation of the European Parliament and of the Council on veterinary medicinal products represents an essentially balanced overall outcome, in which agreement was reached on many important points. However, Germany is concerned that in pharmacovigilance for veterinary medicinal products the emphasis is placed on signal management performed by the marketing authorisation holder, and the provisions currently in force are not to be maintained. This applies in particular to

- the discontinuation of the periodic safety update reports,
- the extension of the period allowed for reporting serious undesirable effects of the medicinal products, and
- the lack of differentiation as regards the degree of seriousness of undesirable effects of the medicinal products.

Since, however, the discussions led to improvements being achieved overall, the remaining concerns from Germany's point of view do not prevent us from giving our consent to the final compromise text.

<i>Regulation amending Regulation (EC) No 726/2004 as part of the Veterinary Medicines Package</i> Regulation (EU) 2019/5 of the European Parliament and of the Council of 11 December 2018 amending Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency, Regulation (EC) No 1901/2006 on medicinal products for paediatric use and Directive 2001/83/EC on the Community code relating to medicinal products for human use (Text with EEA relevance) OJ L 4, 7.1.2019, p. 24–42	44/18	Qualified majority	All Member States in favour
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Statement by the Commission

The Commission recalls its position that when adapting existing Commission empowerments to Article 290 and 291 TFEU it is not an appropriate legislative technique to provide for transitional provisions that would state that Commission acts adopted previously under those empowerments will continue to apply unless and until repealed. In the Commission's view such provisions state the obvious and would not be coherent with other legislative acts and are liable to induce legal uncertainty at a broader level.

The Commission regrets that only part of the existing regulatory procedure with scrutiny empowerments in Directive 2001/83 and Regulation 1901/2006 will be aligned in this instrument, while the rest of the empowerments remain to be aligned in the context of the negotiations on the Omnibus alignment proposal (COM(2016) 799). In the Commission's view the full alignment should have taken place in one of the two instruments.

<i>Council position on draft amending budget No 6/2018</i> Council Decision of 26 November 2018 adopting the Council's position on draft amending budget No 6 of the European Union for the financial year 2018 OJ C 430, 29.11.2018, p. 1–1	13959/18	Qualified majority	All Member States in favour
NON-LEGISLATIVE ACTS			
ACT		DOCUMENT / STATEMENTS	
<i>Conclusions on the ECA Report 19/2018 on high-speed rail infrastructure (CoA SR No 19/2018)</i> Council conclusions on the European Court of Auditors' Special Report No 19/2018: "A European high-speed rail network: not a reality but an ineffective patchwork"		14757/18	
<i>Council Decision authorising the opening of negotiations on amending Energy Community Treaty</i> Council Decision authorising the opening of negotiations on amending the Treaty establishing the Energy Community		14073/18	

Statement by the Commission on the safeguard mechanism

The Commission recognises that Member States should have the right to submit information and requests to the Commission in relation to possible non-compliance by a Contracting Party with its obligations under the Treaty establishing the Energy Community (ECT) and that the Commission should take utmost account of these information and requests.

In this respect, the Commission will consider making an appropriate proposal for a future Council Decision on the conclusion of the protocol that would complement Council Decision 2006/500/EC on the conclusion of the ECT.

The Commission understands that a complaint mechanism for Member States would not exclude the possibility that private entities inform the Commission directly about possible non-compliance by a Contracting Party with its obligations under the ECT.

Statement by the Commission on the legal basis and the Special Committee

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

The decision in question does not correspond to any of the situations mentioned in the second subparagraph of Article 218(8) TFEU. Therefore, Article 218(8), first subparagraph, TFEU lays down the procedural rule applicable (See, by way of analogy, Case C-687/15)

Moreover, the Commission recalls that, in accordance with the settled case law of the Court (see, for instance, Cases C-459/03, paragraph 94, and C-600/14), the existence of the Union's external competence with regard to a shared competence is not contingent on the adoption of measures of secondary law covering the area in question.

In addition, the Commission confirms that the Council may not provide, in its negotiating directives, that the Special Committee should define a common position or establish guidelines, as these stipulations are in breach of Article 218(4) TFEU, as confirmed by the ECJ in Case C-425/13.

Finally, the Commission draws the attention of the Council to the fact that negotiating directives issued by the Council are not binding and that the Special Committee has a purely consultative function (see Case C-425/13, para 88).

<i>Council Decision on the EU position in OTIF - Technical Experts written consultation November 2018</i> Council Decision (EU) 2018/1875 of 26 November 2018 establishing the position to be adopted on behalf of the European Union within the Committee of Technical Experts of the Intergovernmental Organisation for International Carriage by Rail (OTIF) as regards certain amendments to the Uniform Technical Prescriptions — General Provisions — Subsystems (UTP GEN-B) and the Uniform Technical Prescriptions — Telematics applications for freight services (UTP TAF) OJ L 306, 30.11.2018, p. 50–52	13299/18
<i>Council Decision on the EU position in the Energy Community</i> Council Decision on the position to be taken on behalf of the European Union in the Ministerial Council of the Energy Community and in the Permanent High Level Group of the Energy Community (Skopje, 28 and 29 November 2018)	14097/18
<i>Regulation on new categories of horizontal State aid</i> Council Regulation (EU) 2018/1911 of 26 November 2018 amending Regulation (EU) 2015/1588 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid (Text with EEA relevance.) OJ L 311, 7.12.2018, p. 8–9	14237/18
<i>Amending Agreement with Brazil on short-stay visa waiver for holders of diplomatic, service or official passports - Council Decision on the signing</i> Council Decision (EU) 2018/1869 of 26 November 2018 on the signing, on behalf of the Union, of the Agreement between the European Union and the Federative Republic of Brazil amending the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of diplomatic, service or official passports OJ L 306, 30.11.2018, p. 1–3	13444/18

<i>Amending Agreement with Brazil on short-stay visa waiver for holders of ordinary passports - Council Decision on the signing</i> Council Decision (EU) 2018/1870 of 26 November 2018 on the signing, on behalf of the Union, of the Agreement between the European Union and the Federative Republic of Brazil amending the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of ordinary passports OJ L 306, 30.11.2018, p. 4–6	13447/18
<i>Schengen Evaluation Recommendation - Norway data protection</i> Council implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2017 evaluation of Norway on the application of the Schengen acquis in the field of data protection	14114/18
<i>Council Decision within the EEA Joint Committee, concerning an amendment to Annex IX (Financial Services) to the EEA Agreement (Omnibus II)</i> Council Decision (EU) 2018/1867 of 26 November 2018 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee, concerning the amendment of Annex IX (Financial Services) to the EEA Agreement (Omnibus II) (Text with EEA relevance) OJ L 304, 29.11.2018, p. 29–31	13109/18
<i>Conclusions on the role of youth work in the context of migration and refugee matters</i> Council Conclusions on the role of youth work in the context of migration and refugee matters OJ C 441, 7.12.2018, p. 5–10	14837/18

Statement by Greece

Since the very presentation of the draft ‘Council Conclusions on the role of youth work in the context of migration and refugee matters’, Greece fully shared its objectives and engaged constructively in the discussions within the Council, in order to arrive at a comprehensive and robust text, which would set the guidelines for endorsing policies inspired from and harmonized with the ‘Charter of Fundamental Rights of the European Union’ and the European values.

Greece wishes to clarify that it is only for the sake of compromise that it accepts the text in its final form and to express its concerns about the “watering down” of the Council Conclusions. The text does not contain any specific reference to young migrants, let alone asylum seekers and stateless persons. The exclusion of these terms from the final version of the text produces Conclusions which, in our view, do not visibly reflect the willingness to support these categories of young people in vulnerable situations. We deeply regret the lack of concrete references to these groups and the use, instead, of the neutral expression ‘third country nationals’, which is too broad and lacks political content.

Greece believes, as expressed within the Council preparatory bodies, that the political message ought not to be weak, ambiguous and obscured. Given that the political impact of these Council Conclusions on the public discourse risks to be seriously reduced, Greece calls on member states to intensify their efforts in order to fully support the intended goal of this political text.

Recommendation on promoting automatic mutual recognition of higher education and upper secondary education diplomas

Council Recommendation of 26 November 2018 on promoting automatic mutual recognition of higher education and upper secondary education and training qualifications and the outcomes of learning periods abroad

OJ C 444, 10.12.2018, p. 1–8

14081/18

Statement by Greece

Greece considers that the Proposal for a Council recommendation on promoting automatic mutual recognition of higher education and upper secondary education diplomas and the outcomes of learning periods abroad is a timely initiative that has much potential to support learners' cross-border mobility. We share the political objective of closer cooperation and acknowledge the efforts made by the Presidency, the Commission and the Member States. We also support the step-by-step approach to fostering transparency and building trust among Member States as an important prerequisite for advancing the recognition of higher education qualifications.

In light of the above, we consider that it is necessary to examine European Quality Assurance policies in transnational higher education as well as the challenges these present, especially in response to recent changes; and to do so while recognising the role of national systems in preserving their educational, cultural and social diversity in Europe.

We would like to underline that according to the article 165 of the Treaty for EU the content of teaching and the organization of education systems are matters of national responsibility; consequently, it is crucial for Member States that any divergence from the provisions of this article is avoided. The term "national authorities" in the definition of HEI included in the Recommendation is not defined, and it, thus, allows for a dual interpretation: it can be perceived as referring to both the national authorities of the sending and the receiving countries of the franchised degree. In our view, this lack of clarity should not question the national responsibility for the further steps to implement the Recommendation on the territory of the Member states.

It should be noted that no guidelines have been elaborated or adopted concerning the quality assurance and accreditation of franchised degrees. Only the Council Conclusions of 20th May 2014, make reference to this matter, inviting member states "to proceed to a cooperation between the national authorities of sending and receiving countries in order to ensure the accreditation of franchised degrees". The Conclusions propose a very general framework which depends on the cooperation among national authorities and cannot constitute, on their own, the basis for an accreditation procedure, because they have not been followed up by a specific guideline for the cooperation between the national authorities of Member States; this renders their content inapplicable for the purposes of this Recommendation, because it cannot ultimately safeguard the quality of the accredited degrees.

In order not to question the MSs' national responsibility and competence over matters of their Education systems and policy or make concessions when it comes to the status and quality of the degrees that are to be recognized, we clarify that in our understanding the term "national authorities", included in the definition of the Higher Education Institution, refers to the national authorities of the member state where it operates for the purpose of ensuring the quality of higher education. It is according to this understanding that Greece will implement the Council Recommendation on promoting automatic mutual recognition of higher education and upper secondary education and training qualifications and the outcomes of learning periods abroad.

The fundamental objective behind the successful implementation of quality assurance in transnational education remains the pursuit for more quality in higher education. It is in everyone's best interest to ensure that education continues to develop for the benefit of our youth and the future generations.

Statement by Germany

The Federal Republic of Germany shares the political objective of closer cooperation to facilitate the recognition of higher education and upper secondary education and training qualifications and the outcomes of learning periods abroad in order to open up access to further learning. This objective was formulated in the European Council conclusions of 14 December 2017. The proposed Council Recommendation can make an important contribution to the implementation of this objective.

The Member States have already made significant progress in the recognition of qualifications in different spheres of education and continue to advance this process. For example, matters of recognition of higher education qualifications are being dealt with through cooperation under the Bologna Process extending far beyond the Community. Furthermore, Member States are cooperating at the European level across different areas of education in order to ensure the transparency of qualifications that are key decision support tools in national recognition procedures. The Convention on the Recognition of Qualifications concerning Higher Education in the European Region (“Lisbon Recognition Convention”) of 1997 already provides us with a toolbox for the mutual recognition of qualifications for the purpose of further learning.

The proposed Recommendation based on the Lisbon Recognition Convention is another step towards strengthening cooperation among the Member States in this area. The Federal Republic of Germany welcomes the differentiated approach taken in the Council Recommendation that sets out a step-by-step approach to fostering transparency and building trust between Member States in the context of the recognition of secondary education and training qualifications. Building trust is an important prerequisite for advancing the recognition of secondary education and training qualifications.

In the light of the diversity of Member States’ education systems – particularly in the area of general school and vocational education – the Federal Republic of Germany is critical of automatic mutual recognition of upper secondary education qualifications that completely excludes equivalency reviews. From Germany’s point of view, Member States must generally maintain the possibility to carry out equivalency reviews. The Federal Republic of Germany is therefore in favour of the possibility to carry out equivalency checks in duly justified cases – as described in the proposed Council Recommendation.

To conclude, the Federal Republic of Germany would like to point to the responsibility of the Member States for the content of teaching and the organisation of education systems and thus their sole responsibility for the further steps to implement the Recommendation as well as to the provisions of Article 165 TFEU.

<i>Conclusions on the Work Plan for Culture 2019-2022</i> Council Conclusions on the Work Plan for Culture 2019-2022 OJ C 460, 21.12.2018, p. 12–25	14984/18
Statement by Germany We interpret the text proposed by the Presidency under Priority E: International cultural relations / Working methods to mean that it will continue to be possible to formulate the EU's future strategy for international cultural relations with the involvement of the Council bodies responsible for the Common Foreign and Security Policy and of representatives of the Ministries of Foreign Affairs, in particular.	
<i>Conclusions on the strengthening of European content in the digital economy</i> Council Conclusions on the strengthening of European content in the digital economy OJ C 457, 19.12.2018, p. 2–7	14986/18
<i>Conclusions on the economic dimension of sport and its socio-economic benefits</i> Conclusions of the Council and the Representatives of the Governments of the Member States, meeting within the Council, on the economic dimension of sport and its socioeconomic benefits OJ C 449, 13.12.2018, p. 1–5	14945/18
3654th meeting of the Council of the European Union (Foreign Affairs/Development) held in Brussels on 29 and 30 November 2018	
NON-LEGISLATIVE ACTS	
<i>Conclusions on Education in Emergencies and Protracted Crises</i> Council Conclusions on education in emergencies and protracted crises	14719/18
<i>Conclusions on the 2017 report on implementation of EU Gender Action Plan II</i> Council conclusions on the implementation of the EU Gender: Action Plan II in 2017: Strengthening gender equality and women's empowerment in EU external action	14551/18
<i>Conclusions on the revised EU International Cooperation and Development Results Framework</i> Council Conclusions on the revised EU International Cooperation and Development Results Framework	14553/18

<i>Conclusions on food and nutrition security</i> Strengthening global food and nutrition security	14554/18
<i>Regulation on the 11th EDF Financial Regulation</i> Council Regulation (EU) 2018/1877 of 26 November 2018 on the financial regulation applicable to the 11th European Development Fund, and repealing Regulation (EU) 2015/323 OJ L 307, 3.12.2018, p. 1–21	13257/18
Written procedure completed on 28 November 2018	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Implementing Decision (CFSP) 2018/1868 of 28 November 2018 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya OJ L 304, 29.11.2018, p. 32–34	14463/18
Council Implementing Regulation (EU) 2018/1863 of 28 November 2018 implementing Article 21(1) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya OJ L 304, 29.11.2018, p. 1–2	14465/18

3655th meeting of the Council of the European Union (Competitiveness (Internal Market, Industry, Research and Space)) held in Brussels on 29 and 30 November 2018

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
<i>Conclusions on Better Regulation (CoA SR No 16/2018)</i> Council conclusions on the European Court of Auditors' Special Report No 16/2018 "Ex-post review of EU legislation: a well-established system, but incomplete"	14137/18
<i>Council Decision on the EU position on CORSIA</i> Council Decision (EU) 2018/2027 of 29 November 2018 on the position to be taken on behalf of the European Union within the International Civil Aviation Organization in respect of the First Edition of the International Standards and Recommended Practices on Environmental Protection — Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) OJ L 325, 20.12.2018, p. 25–28	14330/18
<i>Council Decision on the signing of the Sustainable Fisheries Partnership Agreement with the Kingdom of Morocco, the Implementation Protocol thereto and an exchange of letters accompanying the said Agreement</i> Council Decision (EU) 2018/2068 of 29 November 2018 on the signing, on behalf of the Union, of the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco, the Implementation Protocol thereto and the exchange of letters accompanying the Agreement OJ L 331, 28.12.2018, p. 1–3	14365/18

Statement by Denmark and Germany

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

Denmark and Germany 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 amended Fisheries Agreement and draft new Fisheries Protocol with Morocco- compatibility with the case-law of the Court”.

Denmark and Germany have consistently emphasized that an agreement has to be consistent with the judgment of the Court of Justice handed down on 27 February 2018 in Case C-266/16. Denmark and Germany 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 27 February 2018 in Case C-266/16 and does not prejudice the status of Western Sahara.

Denmark and Germany consider the status quo in Western Sahara as an impediment to the political, economic and social development in the Maghreb region. Therefore, Denmark and Germany 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 and Germany support the adoption of the council decision on the amendment of the Fisheries Agreement and the Fisheries Protocol.

Statement by Ireland

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

Ireland underlines 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 amended Fisheries Agreement and draft new Fisheries Protocol with Morocco- compatibility with the case-law of the Court”.

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On the basis of the above, Ireland supports the adoption of the Council decision on the amendment of the Fisheries Agreement and the Fisheries Protocol.

Statement by Sweden

Sweden will vote against the Council Decisions for the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco. When the mandate was adopted in April, Sweden made it clear that Sweden's support for a future agreement would be dependent on the agreement fully respecting international law, including the judgements from the European Court of Justice. The judgements establish that implementation of agreements with Morocco covering the territory of Western Sahara, and the waters adjacent to its territory, must receive the consent of the people of Western Sahara. Sweden also made it clear that we understood "the people concerned" in the mandate to be "the people of Western Sahara", in line with the judgements.

Sweden thanks the EU institutions for their substantive work in the course of the negotiations, including in conducting the consultation process. Sweden values strong political and economic relations between the EU and Morocco, and remains supportive of cooperation within the realm of fishery. Sweden reaffirms that it is crucial that the people of Western Sahara give their consent to the agreement. After assessing the agreement and the process conducted, Sweden notes that vital organizations representing the people of Western Sahara have not given their consent to the agreement. Thus, Sweden concludes that the legal requirements from the European Court of Justice have not been met, and can therefore not endorse the agreement.

Statement by the European Commission

By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the decisions on the signing and conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco, the Implementation Protocol thereto and an exchange of letters accompanying the said Agreement, the Commission emphasises that the consent of the European Parliament will in any event be required for the conclusion of this Agreement and Protocol, and that, for this reason, the precise substantive legal basis of Article 43(2) TFEU as it had proposed was most appropriate.

Yet, in order to facilitate a swift conclusion of the intended Agreement and Protocol in the now prevailing circumstances of urgency, the Commission would not oppose a Presidency compromise, by way of which the legal basis would be changed to Article 43 TFEU with the same consent procedure still to be applied in accordance with Article 218(6)(a)(v) TFEU.

This shall not in any way constitute a precedent.

<i>Regulation on the allocation of fishing opportunities under the Sustainable Fisheries Partnership Agreement with the Kingdom of Morocco and the Implementation Protocol thereto</i> Council Regulation on the allocation of fishing opportunities under the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco and the Implementation Protocol thereto	14382/18
Statement by Denmark and Germany Denmark and Germany stress the importance of a strong political and economic partnership between the European Union and the Kingdom of Morocco. Denmark and Germany 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 amended Fisheries Agreement and draft new Fisheries Protocol with Morocco- compatibility with the case-law of the Court”. Denmark and Germany have consistently emphasized that an agreement has to be consistent with the judgment of the Court of Justice handed down on 27 February 2018 in Case C-266/16. Denmark and Germany 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 27 February 2018 in Case C-266/16 and does not prejudice the status of Western Sahara. Denmark and Germany consider the status quo in Western Sahara as an impediment to the political, economic and social development in the Maghreb region. Therefore, Denmark and Germany 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 and Germany support the adoption of the council decision on the amendment of the Fisheries Agreement and the Fisheries Protocol.	

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On the basis of the above, Ireland supports the adoption of the Council decision on the amendment of the Fisheries Agreement and the Fisheries Protocol.

Statement by Sweden

Sweden will vote against the Council Decisions for the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco. When the mandate was adopted in April, Sweden made it clear that Sweden’s support for a future agreement would be dependent on the agreement fully respecting international law, including the judgements from the European Court of Justice. The judgements establish that implementation of agreements with Morocco covering the territory of Western Sahara, and the waters adjacent to its territory, must receive the consent of the people of Western Sahara. Sweden also made it clear that we understood “the people concerned” in the mandate to be “the people of Western Sahara”, in line with the judgements.

Sweden thanks the EU institutions for their substantive work in the course of the negotiations, including in conducting the consultation process. Sweden values strong political and economic relations between the EU and Morocco, and remains supportive of cooperation within the realm of fishery. Sweden reaffirms that it is crucial that the people of Western Sahara give their consent to the agreement. After assessing the agreement and the process conducted, Sweden notes that vital organizations representing the people of Western Sahara have not given their consent to the agreement. Thus, Sweden concludes that the legal requirements from the European Court of Justice have not been met, and can therefore not endorse the agreement.

Statement by the European Commission

By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)(a)(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the decisions on the signing and conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco, the Implementation Protocol thereto and an exchange of letters accompanying the said Agreement, the Commission emphasises that the consent of the European Parliament will in any event be required for the conclusion of this Agreement and Protocol, and that, for this reason, the precise substantive legal basis of Article 43(2) TFEU as it had proposed was most appropriate.

Yet, in order to facilitate a swift conclusion of the intended Agreement and Protocol in the now prevailing circumstances of urgency, the Commission would not oppose a Presidency compromise, by way of which the legal basis would be changed to Article 43 TFEU with the same consent procedure still to be applied in accordance with Article 218(6)(a)(v) TFEU.

This shall not in any way constitute a precedent.

Council Decision approving the external auditors of De Nederlandsche Bank

Council Decision (EU) 2018/1890 of 29 November 2018 amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of De Nederlandsche Bank

OJ L 309, 5.12.2018, p. 3–4

13805/18

Council Decision within the EEA Joint Committee concerning an amendment to Annex IX (Financial Services) to the EEA Agreement

Council Decision (EU) 2018/2059 of 29 November 2018 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment of Annex IX (Financial Services) to the EEA Agreement (Text with EEA relevance)

OJ L 329, 27.12.2018, p. 13–19

13114/18

<i>Conclusions on a future EU Industrial Policy Strategy</i> Council Conclusions on "A future EU Industrial Policy Strategy"	14832/18
<i>Conclusions on the Governance of the European Research Area</i> Council Conclusions on the "Governance of the European Research Area"	14989/18
