



Brussels, 30 July 2018  
(OR. en)

11441/18  
CRS CRP 26

**SUMMARY RECORD**  
**PERMANENT REPRESENTATIVES COMMITTEE**  
**11 and 13 July 2018**

**I. Adoption of the agenda**

10991/1/18 REV 1 OJ CRP2 26 + CM 3781/18  
10948/18 OJ CRP1 26

The Committee adopted the agenda.

**II. Approval of the "I" items**

The Committee approved the "I" items as set out in the Annex.

**III. Discussion items**

**COREPER (PART 2)**

**WEDNESDAY 11 JULY 2018**

**General Affairs**

2. Follow-up to the European Council  
*State of play*

The Committee continued its discussion on the follow-up to the European Council.

## **Economic and Financial Affairs**

### 4. Meeting of the Council (Economic and Financial Affairs) on 13 July 2018: Preparation

- a) VAT Generalised Reverse Charge Mechanism goods and services  
*Exchange of views*

8770/1/18 REV1  
+ COR 1

The Committee prepared this item for the Council.

- b) VAT E-Publications  
*Exchange of views*

8770/18 + COR 1

The Committee prepared this item for the Council in accordance with document 8771/18..

- c) Presentation of the Presidency Work Programme  
*Exchange of views*

The Committee prepared this item for the Council.

- d) Follow-up to the European Council of 28-29 June 2018  
*Exchange of views*

The Committee prepared this item for the Council.

- e) Terms of reference for the G20 meeting on 21-22 July 2018 in Buenos Aires  
*Exchange of views*

The Committee prepared this item for the Council.

- f) Other items in connection with the Council

The Presidency provided further information regarding the Council meeting.

### 5. Council position on the draft budget for 2019 *Adoption*

10826/18  
+ ADD 1 - 5

The Committee reached agreement on the Council position and agreed to the use of the written procedure for its adoption.

### 6. Meeting of the Council (Economic and Financial Affairs/Budget) on 24 July 2018 : Preparation

- a) Other items in connection with the Council meeting

The Presidency informed the Committee that the meeting would be cancelled.

## **Foreign Affairs**

### 3. Meeting of the Council (Foreign Affairs) on 16 July 2018 : Preparation

#### a) Current affairs

The Committee prepared this item for the Council.

#### b) DPRK

The Committee agreed to remove this item from the agenda of the Council.

#### c) Libya

The Committee prepared this item for the Council.

#### d) Other items in connection with the Council

The EEAS provided further information regarding the Council meeting. The Committee agreed to add an item on the Eastern Partnership.

## **General Affairs**

### 13. EBA/EMA relocation *Presidency debriefing on the outcome of the trilogue*

The Presidency informed the Committee of the outcomes of the trilogue held.

### 12. Relations with the EP (July 2018) *Debriefing*

The Presidency informed the Committee of the outcomes of the plenary session.

## **Foreign Affairs**

### 8. EU-China Summit (Beijing, 16 July 2018) 10817/18 *State of play of preparations*

The Committee discussed the state of play and agreed to return to this issue at the continuation of its session.

### 7. EU-Ukraine Summit (Brussels, 9 July 2018) *Debriefing*

The EEAS and the Commission briefed the Committee on the above-mentioned Summit.

9. EU-Japan Summit (tbc)  
*State of play*

The Committee discussed the state of play and agreed to return to this issue at the continuation of its session.

10. EU-U.S. Energy Council (Brussels, 12 July 2018) 10810/18  
*State of play of preparations* COTRA

The Committee took note of the information provided.

## **FRIDAY 13 JULY 2018**

### **Foreign Affairs**

8. EU-China Summit (Beijing, 16 July 2018) 10817/18  
*State of play of preparations*

The Committee discussed the state of play of preparations and provided a mandate for the negotiator in view of finalising the Joint Statement.

9. EU-Japan Summit (tbc)  
*State of play*

The Committee discussed the state of play of preparations and provided a mandate for the negotiator in view of finalising the Joint Statement.

## **COREPER (PART 1)**

### **Other**

63. Work programme of the Austrian Presidency  
*Information from the Presidency*

The Committee took note of the Presidency's work programme.

### **Employment and Social Policy**

64. Agencies  
a) Regulation on Eurofound  
b) Regulation on EU-OSHA  
c) Regulation on CEDEFOP  
*Presidency debriefing on the outcome of the trilogue*

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 10 July 2018.

65. Directive on the accessibility requirements for products and services  
*Presidency debriefing on the outcome of the trilogue*

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 10 July 2018.

### **Transport**

66. Directive on electronic road tolling and exchange of information  
*Presidency debriefing on the outcome of the trilogue*

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 11 July 2018.

### **Internal Market and Industry**

67. Appointment of Executive Director of the EU Intellectual Property Office (EUIPO) 10643/18  
*Examination of the candidatures*

The Committee agreed to recommend to the Council to adopt, under the "A" items of one of its future meetings, a Decision appointing Mr. Christian Archambeau to the post of Executive Director of the European Intellectual Property Office.

## **Any other business**

### **COREPER (PART 2)**

Trilogues

The Committee took note of the information provided by the Presidency.

Transparency

The Committee took note of the information provided by the Presidency.

### **COREPER (PART 1)**

TEN-T coordinators

*Information from the Commission*

The Committee took note of the information provided by the Commission.

**"I" items approved**

**COREPER (PART 2)**

**Judicial Affairs**

- |     |  |                          |
|-----|--|--------------------------|
| 14. | Case T-275/18 (Front Polisario v. Council)<br><i>Information note for the Permanent Representatives Committee (Part 2)</i>       | 10676/18<br>JUR<br>CORLX |
| 15. | Case T-284/18 (Sergej Arbuzov v. Council)<br><i>Information note for the Permanent Representatives Committee (Part 2)</i>        | 10696/18<br>JUR<br>CORLX |
| 16. | Case T-286/18, Mykola Yanovych Azarov v. Council<br><i>Information note for the Permanent Representatives Committee (Part 2)</i> | 10722/18<br>JUR          |

**Institutional Affairs**

**Appointments**

- |     |  |                             |
|-----|--|-----------------------------|
| 17. | Convening of a Conference of the Representatives of the Governments of the Member States - Appointment of a Judge to the Court of Justice of the EU<br><i>Approval</i> | 10486/18<br>COUR            |
| 18. | Six members and four alternate members (UK) of the Committee of the Regions<br><i>Adoption</i>   | 10665/18<br>10664/18<br>CDR |

**Transparency**

- |     |   |                       |
|-----|---|-----------------------|
| 19. | Public access to documents<br>Confirmatory application No 13/c/01/18<br><i>Adoption</i> | 9839/18<br>INF<br>API |
|-----|---|-----------------------|

**Economic and Financial Affairs**

- |     |  |                 |
|-----|--|-----------------|
| 20. | Transfer No DEC 17/2018 (Section III - Commission)<br><i>Approval</i>  | 10488/18<br>FIN |
| 21. | Transfer No DEC 18/2018 (Section III - Commission)<br><i>Approval</i>  | 10490/18<br>FIN |
| 22. | Council position on draft amending budget No 4/2018<br><i>Adoption</i> | 10753/18<br>FIN |

- |     |  |  |
|-----|--|--|
| 23. | EEAS request to finance a building acquisition project through a loan (Art. 203(8) FR)<br><i>Approval</i>            | 10902/18<br>FIN                              |
| 24. | Decision on the mobilisation of the EU Solidarity Fund for Bulgaria, Lithuania, Greece and Poland<br><i>Adoption</i> | 10754/18<br>FIN                              |
| 25. | ECA SR No 7/2018 on the EU pre-accession assistance to Turkey<br><i>Designation of a Working Party</i>               | 10599/18<br>FIN                              |
| 26. | ECA SR No 19/2018 on a European high-speed rail network<br><i>Designation of a Working Party</i>                     | 10888/18<br>FIN                              |
| 27. | Omnibus proposal (financial rules)<br><i>Adoption of the legislative act</i>   | 10800/18+ ADD 1<br>PE-CONS 13/18<br>CADREFIN |

#### Statements by the Commission

" on 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."

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".

on 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) 182/2011<sup>1</sup>, and would be contrary both to Article 291 TFEU and to this regulation. The Commission therefore reserves its rights."

---

<sup>1</sup> 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).



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."

on 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."

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."

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."

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."

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."

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."

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."

## **General Affairs**

28. Integrated farm statistics (IFS) regulation  
*Adoption of the legislative act*

10802/1/18 REV 1  
PE-CONS 26/18  
STATIS

- |     |   |  |
|-----|---|--|
| 29. | Regulation establishing the European Defence Industrial Development Programme (EDIDP)<br><i>Adoption of the legislative act</i> | 10801/18 + ADD 1<br>+ ADD 2<br>PE-CONS 28/18<br>POLMIL |
|-----|---|--|

Statements by the Commission

"Declaration from the Commission with support of the European Parliament concerning the implementation of the Programme

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."

concerning the preparation and adoption of the EDIDP work Programme

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.

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."

- |                                 |  |                                   |
|---------------------------------|--|-----------------------------------|
| 30.                             | Reform of the Electoral Act<br><i>Adoption</i>                               | 10824/18 + ADD 1<br>9425/18<br>AG |
| 31.                             | Amendments to the Rules of Procedure of the General Court<br><i>Approval</i> | 10907/18<br>10911/18<br>JUR       |
| 32.                             | EP Resolutions and decisions (July 2018)                                     | 10782/18<br>PE-RE                 |
| <u>Transferred from part II</u> |  |                                   |
| 11.                             | EU-China Ocean Partnership<br><i>Approval</i>                                | 10640/18<br>POLGEN                |

## **Justice and Home Affairs**

- |     |  |   |
|-----|--|---|
| 33. | EPPO Regulation: selection panel operation Decision<br><i>Adoption</i>   | 10044/18<br>10413/18<br>EPPO                              |
| 34. | Prüm Decisions: Conclusions on implementing "Prüm Decisions" ten years after their adoption<br><i>Adoption</i>   | 10550/18<br>7766/2/18 REV 2<br>DAPIX                      |
| 35. | Prüm Decisions: Council Implementing Decision on automated DNA data exchange in Croatia<br><i>Adoption</i>   | 10698/18<br>6986/18<br>DAPIX                              |
| 36. | Prüm Decisions: Conclusions on automated exchange of dactyloscopic data in Croatia<br><i>Adoption</i>  | 10546/18<br>9093/18<br>DAPIX                              |
| 37. | Prüm Decisions: Conclusions on automated exchange of DNA data in Ireland<br><i>Adoption</i>  | 10549/18<br>9100/18<br>DAPIX                              |
| 38. | Prüm Decisions: Conclusions on automated exchange of dactyloscopic data in Ireland<br><i>Adoption</i>  | 10548/18<br>7497/1/18 REV 1<br>DAPIX                      |
| 39. | Schengen Evaluation Recommendation - Croatia SIS<br><i>Adoption</i>  | 10847/18<br>10846/18 R-UE<br>SCH-EVAL                     |
| 40. | Schengen Evaluation Recommendation - Portugal SIS<br><i>Adoption</i>   | 10849/18<br>10848/18 R-UE<br>SCH-EVAL                     |
| 41. | Status Agreement with Albania<br>Decision on the signing of the status agreement with Albania on actions carried out by EBCG Agency in Albania<br><i>Adoption</i><br>Decision on the conclusion of the status agreement with Albania on actions carried out by EBCG Agency in Albania<br><i>Request for the consent of the European Parliament</i> | 10767/18<br>10285/18<br>10290/18<br><br>10302/18<br>FRONT |

## **Foreign Affairs**

- |     |   |                   |
|-----|---|-------------------|
| 42. | Council conclusions on ICC on 20th anniversary of RS<br><i>Adoption</i> | 10884/18<br>COJUR |
|-----|---|-------------------|

43.	CFSP Report 2018 <i>Approval</i>	10766/18 10765/18 CFSP/PESC
44.	Appointment of the Chairman of the EUMCWG <i>Approval</i>	10792/18 EUMC
45.	PACE 17 Final Exercise Report <i>Endorsement</i>	10870/18 9456/18 <b>R-UE</b> POLMIL
46.	Al-Qaida restrictive measures: Decision and Implementing Regulation <i>Adoption</i>	10513/18 10510/18 10489/18 10492/18 CORLX
47.	Maldives restrictive measures - Decision and Regulation <i>Adoption</i>	10560/18 10253/18 10267/18 CORLX
48.	Restrictive measures to combat terrorism - Common Position 2001/931/CFSP - review <i>Adoption</i>	10781/18 + ADD 1 10744/18 10746/18 CORLX
49.	PSC Decision EU BAM Rafah/1/2018 - extension of the mandate of the HoM <i>Decision to publish in the Official Journal</i>	10229/18 9955/18 PSC DEC
50.	PSC Decision EUPOL COPPS/1/2018 - extension of the mandate of the HoM <i>Decision to publish in the Official Journal</i>	10758/18 9876/18 PSC DEC
51.	Turkmenistan: Opening of a EU Delegation to Turkmenistan <i>Approval</i>	10713/18 COEST

- |     |  |   |
|-----|--|---|
| 52. | Uzbekistan: Directives for the negotiation of a Comprehensive Agreement with the Republic of Uzbekistan<br><i>Adoption</i> | 10618/18<br>10601/18<br>10336/18<br>10337/18<br>COEST |
|-----|--|---|

The Council Legal Service expressed its disagreement with the Commission statement attached to this item.

Statement by the Commission

"The Commission considers that the Council Decision "authorising the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations and 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," cannot and should not prejudice the legal nature of the agreement that will fully respect Article 5 TEU. Moreover, the issue of whether having a mixed agreement on the basis of purely political considerations is legally possible is currently before the Court (Case C-626/15 and C-659/16) and due restraint should be exercised before the EUCJ has spoken.

For the same reason, the Commission considers that the "Decision of the Representatives of the Governments of the Member States, meeting within the Council of authorising the European Commission to open negotiations, on behalf of the Member States, on the provisions that fall within the competence of the Member States, 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" does not serve any purpose as it is not a procedure laid down in the Treaties.

The Commission finally considers that Article 218(3) and 218(4) TFEU provide a sufficient legal basis for the Decision. In any event, in application of the parameters laid down by the Court in the judgment of the case C-687/15, the decision in question "does not correspond to any of the situations mentioned in the second subparagraph of Article 218(8) TFEU".

Therefore, under Article 218(8), first subparagraph, TFEU, the correct applicable voting procedure is qualified majority voting irrespective of its substantive legal basis."

- |     |  |   |
|-----|--|---|
| 53. | Council Decision on the signing of the Partnership and Cooperation Agreement between the EU and Singapore<br><i>Adoption</i>                         | 10834/18<br>7322/18<br>8224/14<br>COASI                     |
| 54. | Council Decision on the conclusion of a Partnership and Cooperation Agreement between the EU and the Republic of Iraq<br><i>Adoption</i>             | 10859/18<br>MOG   |
| 55. | Council Decision relating to the signature of the amendment of Protocols 1 and 4 to the Euro-Mediterranean agreement with Morocco<br><i>Adoption</i> | 10891/1/18 REV 1<br>+ ADD 1<br>10591/18<br>10597/18<br>MAMA |

### 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."

### Joint statement by Denmark, Finland, Germany, 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."



56. Council Decision on the conclusion of the amendment of  
Protocols 1 and 4 to the Euro-Mediterranean agreement with  
Morocco  
*Request for the consent of the European Parliament*

10891/1/18 REV 1  
ADD 1  
10593/18  
10597/18  
MAMA

#### 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."

#### Joint statement by Denmark, Finland, Germany, 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."

- |   |  |
|---|--|
| 57. Council Decision on the EU position at the CETA Joint Committee - Rules of Procedure<br><i>Adoption</i>   | 9374/18<br>9375/18 + ADD 1<br>+ ADD 1 COR 1<br>WTO |
| 58. Council Decision on the conclusion of the EU - New Zealand Agreement pursuant to Articles XXIV:6 and XXVIII of the GATT 1994<br><i>Adoption</i> | 10862/18<br>10670/17<br>WTO                        |
| 59. Post-Cotonou - Decision to make public the negotiating directives<br><i>Adoption</i>  | 10542/18<br>8094/18 ADD 1<br>ACP                   |

### **Delegated or Implementing Acts**

#### **Justice and Home Affairs**

- |  |                 |
|--|-----------------|
| 60. Commission Delegated Regulation amending Commission Delegated Regulation (EU) No 1042/2014 of 25 July 2014 supplementing Regulation (EU) No 514/2014 of the European Parliament and of the Council with regard to the designation and management and control responsibilities of Responsible Authorities and with regard to status and obligations of Audit Authorities<br><i>Delegated act - Decision to request an extension of the time-limit</i> | 10659/18<br>JAI |
|--|-----------------|

#### **Foreign Affairs**

- |   |                                     |
|---|-------------------------------------|
| 61. Commission Delegated Regulation (EU) .../... of 6.6.2018 amending the Annex to Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom<br><i>Delegated act - Intention not to raise objections</i> | 10871/18<br>9831/18 + ADD1<br>COMER |
|---|-------------------------------------|

## **Energy**

62. Joint Statement on the Implementation of the EU-China  
Cooperation on Energy  
*Authorisation to sign on behalf of the European Union*

10739/18  
ENER

## **COREPER (PART 1)**

### **Institutional Affairs**

#### **Written questions**

68. Reply to question for written answer submitted to the Council  
by Members of the European Parliament  
*Adoption by silence procedure* 10584/18  
PE-QE

Tom Vandenkendelaere (PPE) 10404/18  
'VAT on e-books'

#### **Appointments**

69. One member (MT) in the Management Board of the European  
Chemicals Agency (ECHA) 10411/18  
9814/18  
*Adoption* CHIMIE

70. Renewal of the Governing Board of the European Centre for the  
Development of Vocational Training 2018-2021 (CEDEFOP) 10529/1/18 REV 1  
10527/18  
*Adoption* EDUC

71. One member (FR) and one alternate member (FR) in the  
Governing Board of the European Agency for Safety and Health  
at Work 10689/18  
10690/18  
*Adoption* SOC

72. Two members (FR, IE) and two alternate members (FR) in the  
Advisory Committee on Safety and Health at Work 10264/18  
10686/18  
10687/18  
10688/18  
*Adoption* SOC

73. One member (SE) in the Advisory Committee for the  
Coordination of Social Security Systems 10257/18  
SOC  
*Adoption*

## Other

- |     |   |                          |
|-----|---|--------------------------|
| 74. | Horizon Europe Package<br><i>Decision to consult an institution or body</i>   | 10656/2/18 REV 2<br>RECH |
| 75. | Regulation establishing the space programme of the Union<br><i>Decision to consult an institution or body</i>             | 10853/18<br>ESPACE       |
| 76. | Regulation amending Council Regulations as regards fisheries control<br><i>Decision to consult an institution or body</i> | 10790/18<br>PECHE        |

## Judicial Affairs

- |     |   |                 |
|-----|---|-----------------|
| 77. | Case C-5/16 (Poland v. European Parliament and Council)<br><i>Information note for the Permanent Representatives Committee (Part I)</i> | 10752/18<br>JUR |
|-----|---|-----------------|

## EU positions for international negotiations

- |     |  |  |
|-----|--|--|
| 78. | Council Decision on the EU position in the Joint Committee established under the INTERBUS Agreement (2018)<br><i>Adoption</i>                          | 10633/1/18 REV 1<br>9565/1/18 REV 1<br>TRANS |
| 79. | Council Decision on the signing of a Protocol to the INTERBUS Agreement concerning regular services<br><i>Adoption</i>                                 | 10623/18<br>9561/18<br>9687/18<br>TRANS      |
| 80. | Council Decision on the signing of a Protocol to the INTERBUS Agreement concerning the possible accession of the Kingdom of Morocco<br><i>Adoption</i> | 10632/18<br>9562/18<br>9688/18<br>TRANS      |
| 81. | Council Decision on the adoption of the rules of procedure of the Regional Steering Committee<br><i>Adoption</i>                                       | 10602/18<br>10158/18 + ADD 1<br>TRANS        |

82. Demarche by the European Union and its Member States on Norway's whaling activities 10811/18  
ENV  
*Approval*

Statement by the Commission

"The Commission takes note of the inclusion of the Member State holding the Council Presidency at the time of the sending of the letter, acting on behalf of Member States, as co-signatory of the cover letter of the EU demarche. The Commission recalls that this issue is currently sub judice in the Weddell Sea cases (C-626/15 and C-659/16) and that consequently some restraint should be observed on all parts until the Court determines the matter.

Additionally, and as already stated on previous occasions, the Commission recalls that the European Union has exclusive competence in the field of the conservation of the marine biological resources pursuant to the provisions of Article 3(1)(d) in conjunction with Article 38 and Annex I of the Treaty and thus of all living aquatic resources under the Common Fisheries Policy pursuant to Council Regulation (EU) No 1380/2013. The fact that this demarche is carried out jointly by the EU and EU Member States is without prejudice for any future negotiations about the conservation and management of marine biological resources under the common fisheries policy."

**Employment and Social Policy**

83. Council Decision on guidelines for the employment policies of the Member States 10468/18  
10464/18  
SOC  
*Adoption*

**Fisheries**

84. Regulation amending certain provisions for fishing in the GFCM area 10672/18  
7454/18  
9281/2/18 REV 2  
PECHE  
*Mandate for negotiations with the European Parliament*