



Council of the  
European Union

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**DRAFT MINUTES**  
COUNCIL OF THE EUROPEAN UNION  
(General Affairs)  
11 December 2018

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1. **Adoption of the agenda**

15136/18

The Council adopted the agenda set out in 15136/18.

2. **Approval of "A" items**

a) **Non-legislative list**

15137/18

The Council adopted the "A" items listed in 15137/18 including COR and REV documents presented for adoption. Statements related to these items are set out in the Addendum.

For the following items the documents should read as follows:

Agriculture

18. Commission Regulation (EU) .../... of XXX amending Commission Regulations (EU) No 200/2010, (EU) No 517/2011, (EU) No 200/2012 and (EU) No 1190/2012 as regards certain methods for Salmonella testing and sampling in poultry  
*Decision not to oppose adoption*  
approved by Coreper, Part 1, on 05.12.2018

14756/18  
13878/18  
**+ REV 1 (lv)**  
+ ADD 1  
**+ ADD 1 REV 1 (lv)**  
AGRILEG

Fisheries

20. Council Regulation opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2019-2020  
*Adoption*  
approved by Coreper, Part 1, on 05.12.2018

**C** 14877/18 + ADD 1  
14460/18  
**+ COR 1 (de)**  
**+ COR 1 (sv)**  
PECHE

**b) Legislative list (Public deliberation in accordance with Article 16(8) of the Treaty on European Union)**

15138/18  
**+ ADD 1 REV 1**

Economic and Financial Affairs

1. **Council's position on the second draft budget for 2019** **SC** 15205/18 + COR 1  
*Adoption*  
approved by Coreper, Part 2, on 07.12.2018 + ADD 1 - ADD 3  
FIN

The Council adopted its position, with the United Kingdom delegation abstaining, on the second draft budget of the European Union for the financial year 2019 as set out in 15205/18. Statements related to this item are set out in the Annex.

Justice and Home Affairs

2. **Regulation establishing the Asylum, Migration and Integration Fund (AMIF) - re-commitment of the remaining amounts** **IC** 15151/18  
*Adoption of the legislative act*  
approved by Coreper, Part 2, on 05.12.2018 + ADD 1 **REV 1**  
PE-CONS 66/18  
JAI

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Finnish and Hungarian delegations voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. In accordance with the relevant Protocols annexed to the Treaties, the Danish and United Kingdom delegations did not participate in the vote. (Legal basis: Article 78(2) and Article 79(2) and (4) TFEU). Statements related to these items are set out in the Annex.

**Legislative deliberations**

**(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)**

3. **Multiannual Financial Framework 2021-2027** **SC** 14346/18 + COR 1  
*Policy debate* 14759/18 + COR 1

The Council held a policy debate on the Multiannual Financial Framework 2021-2027.

## Non-legislative activities

4. **Eighteen-month Programme of the Council** ☐ 14518/18  
**(1 January 2019 - 30 June 2020)**  
*Endorsement*

The Council endorsed the eighteen-month programme of the Council.

The Council addressed the following non-legislative discussion items (5-10)

5. Preparation of the European Council on 13-14 December 2018: 13440/18  
Conclusions  
*Exchange of views*
6. European Council follow-up  
*State of play*
7. Rule of law in Poland / Article 7 (1) TEU Reasoned Proposal 14621/18  
*Hearing of Poland in accordance with Article 7(1) TEU* 15197/18
8. European Semester 2019 - Annual Growth Survey 14443/18  
*Presentation by the Commission*
9. Values of the Union - Hungary / Article 7(1) TEU Reasoned Proposal  
*Exchange of views*
10. Any other business

- 
- ☐ Special legislative procedure
- ☐ Public debate (Article 8(3) of the Council's Rules of Procedure)
- ☐ Item based on a Commission proposal
-

STATEMENTS TO THE LEGISLATIVE "A" ITEMS SET OUT IN 15138/18 + ADD 1

**Ad "A" item 1:**        **Council's position on the second draft budget for 2019**  
*Adoption*

**JOINT STATEMENT BY THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION**  
**on payment appropriations**

"The European Parliament and the Council recall the need to ensure, in the light of implementation, an orderly progression of payments in relation to the appropriations for commitments so as to avoid any abnormal level of unpaid invoices at year-end.

The European Parliament and the Council call on the Commission to continue monitoring closely and actively the implementation of the 2014-2020 programmes. To that end, they invite the Commission to present, in a timely manner, updated figures concerning the state of implementation and estimates regarding payment appropriations requirements in 2019.

If the figures show that the appropriations entered in the 2019 budget are insufficient to cover the needs, the European Parliament and the Council invite the Commission to present as soon as possible an appropriate solution, inter alia amending budget, with a view to allow the Budgetary Authority to take any necessary decisions in due time for duly justified needs. Where applicable, the European Parliament and the Council will take account the urgency of the matter."

**JOINT STATEMENT BY THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION**  
**on the Youth Employment Initiative**

"The European Parliament, the Council and the Commission recall that reducing youth unemployment remains a high and shared political priority and reaffirm their determination to make the best possible use of budgetary resources to reach this goal, and in particular through the Youth Employment Initiative (YEI).

The European Parliament and the Council take note of the past experience in the context of the increase of the resources of the specific allocation for the YEI, which triggered extensive amendments to programmes to provide amounts from the European Social Fund (ESF) to match the support from the YEI specific allocation.

Therefore, the European Parliament and the Council invite the Commission to present a legislative proposal for smooth implementation of the increased budgetary resources for YEI. The European Parliament and the Council agree to swiftly examine this proposal, taking into account the upcoming European Parliament elections, to make the re-programming exercise in 2019 as smooth as possible."

**JOINT STATEMENT BY THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION**  
**on the climate mainstreaming**

"The European Parliament, the Council and the Commission recall the importance of building a low-carbon, resource-efficient and climate resilient economy. To this end, the the European Parliament and the Council agreed to invest at least 20% of the EU budget in climate-related expenditure over the period 2014-20. On average - and even though the budget 2019 alone does reach the 20% target - the current forecast for the whole 2014-20 period indicates that 19.3% of the EU budget will be allocated to climate action, mainly due to the delays in the implementation of the European Structural Investment Funds at the beginning of the period.

The European Parliament and the Council take note of this evolution and invite the Commission to make every effort to reach the 20% target for the whole 2014-20 period."

**JOINT STATEMENT BY THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION**  
**on the reinforcement of sub-heading 1a through an amending budget**

"Due to the limited availabilities of the Flexibility Instrument and the Global Margin For Commitments, the European Parliament and the Council have agreed to budget EUR 100 million in an amending budget in 2019 to reinforce H2020 and Erasmus+. The Commission will present this amending budget, which will not contain any other elements, as soon as the technical adjustment of the Multiannual Financial Framework for 2020 including the calculation of the Global Margin for Commitments is completed in the spring of 2019. This is without prejudice to any normal technical corrections the Commission will be called upon to make to ensure an orderly execution of the 2019 budget.

The European Parliament and the Council undertake to process swiftly the draft amending budget for 2019 put forward by the Commission."

**UNILATERAL STATEMENT BY THE UNITED KINGDOM**  
**on budget 2019 funding for future EEAS delegations in the United Kingdom**

"The United Kingdom (UK):

- notes that the agreed Union budget for 2019 includes appropriations to finance prospective EEAS delegations in the UK, after its departure from the Union; and
- declares that this agreement to the Union budget for 2019 is entirely without prejudice to any position that the UK may subsequently take in bilateral discussions between the UK and the Union to agree the establishment of such delegations."

**Ad "A" item 2: Regulation establishing the Asylum, Migration and Integration Fund (AMIF) - re-commitment of the remaining amounts**  
*Adoption of the legislative act*

**STATEMENT BY THE COUNCIL**

"The Council declares that its agreement on the re-commitment or transfer of the remaining amounts under the Asylum, Migration and Integration fund national programmes, which exceptionally involves an extension of the de-commitment period and the re-commitment of amounts, is due to the very particular and exceptional circumstances regarding the implementation of relocation decisions and will not constitute a precedent as it is limited to this specific case concerning AMIF."

**STATEMENT BY HUNGARY**

"Tackling the migration problem at its core requires a new approach as set out by the June 2018 Conclusions of the European Council in order to definitively break the business model of the smugglers, eliminate the incentives to embark on perilous journeys and stem the illegal inflow of migrants.

Dedicating at least 20% of the recommitted amounts once again to relocation and resettlement is not only contrary to the main objectives set out by the European Council, but would result in similarly low efficiency of implementation and could also serve as a pull factor. Hungary also wishes to reconfirm the strictly voluntary nature of relocation and resettlement in accordance with the June 2018 Conclusions of the European Council; the suggested approach of earmarking 20% of the recommitted amount to such actions therefore also seems to contradict the voluntary nature of these and what has been agreed by all the Member States. Furthermore, it imposes a de facto financial penalty for those Member States, which – as their free choice of policy – do not implement relocations or resettlements.

While there is a financing gap in the field of external dimension, we cannot miss the opportunity of dedicating as much available resources as possible to catering for these needs. Hungary is therefore determined to continue and reinforce the new approach to prevent a return to the uncontrolled flows of 2015 and to further stem illegal migration on all existing and emerging routes. Accordingly, Hungary recalls the need for complete flexibility in allocating the remaining amounts.

Hungary therefore declares that it does not support the proposal, especially the suggested approach of allocating at least 20% of the recommitted amounts to actions under the national programmes for the transfer of applicants for or beneficiaries of international protection, for resettlement or other ad-hoc humanitarian admissions, as well as other solidarity measures in relation to disembarkations in the EU following search and rescue operations."

**STATEMENT BY FINLAND**

"Finland would like to declare that the Council Decisions (EU) 2015/1523 and (EU) 2015/1601 required actions in the field of relocation, and that the funding from Asylum, Migration and Integration Fund (AMIF) was originally allocated for the implementation of these Decisions. Finland regrets that the original purposes of the Council decisions were not respected by all Member States."