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CONTENTS

Page

1. Adoption of the agenda.....	3
2. Approval of "A" items	
Non-legislative list.....	3
Legislative list.....	3-8

Legislative deliberations

3. Multiannual Financial Framework 2021-2027	8
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Non-legislative activities

4. Conclusions on the Reflection Paper "Towards a sustainable Europe by 2030"	9
5. Values of the Union - Hungary / Article 7(1) TEU Reasoned Proposal	9
6. Rule of Law in Poland / Article 7(1) TEU Reasoned Proposal.....	9
7. Any other business.....	9

ANNEX - Statements for the Council minutes.....	10
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1. **Adoption of the agenda**

The Council adopted the agenda set out in 8191/19.

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

a) **Non-legislative list**

8192/19

The Council adopted the "A" items listed in 8192/19 including COR and REV documents presented for adoption. Statements related to these items are set out in the Addendum.

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

8193/19

General Affairs

1. **Amendment of Protocol No 3 on the Statute of the Court of Justice of the European Union**



7601/19

PE-CONS 1/19

JUR

Adoption of the legislative act

approved by Coreper, Part 2, on 27.03.2019

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 256(1) and the second paragraph of Article 281 TFEU).

2. **Regulation amending Regulation (EU) No 1303/2013 as regards the resources for the specific allocation for the Youth Employment Initiative**



7883/1/19 REV 1

PE-CONS 66/19

FSTR

Adoption of the legislative act

approved by Coreper, Part 2, on 03.04.2019

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the United Kingdom abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 177 TFEU).

3. **European Citizens' Initiative**  7878/19 + ADD 1
Adoption of the legislative act
approved by Coreper, Part 2, on 03.04.2019 PE-CONS 92/18
INST


The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 24 TFEU). Statements to this item are set out in the Annex.

Economic and Financial Affairs

4. **NPL Prudential backstop - Regulation**  7628/19
Adoption of the legislative act
approved by Coreper, Part 2, on 27.03.2019 PE-CONS 2/19
EF

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 TFEU).


Justice and Home Affairs

5. **Non cash fraud Directive**  7633/19 + ADD 1
Adoption of the legislative act
approved by Coreper, Part 2, on 27.03.2019 PE-CONS 89/18
+ **COR 1 (es)**
+ **REV 1 (bg)**
+ **REV 2 (cs)**
DROIPEN


The Council approved the European Parliament's position at first reading and the proposed act has been adopted, 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, Irish and United Kingdom delegations did not participate in the vote. (Legal basis: Article 83(1) TFEU). Statements to this item are set out in the Annex.

6. **ECRIS Directive**  7868/19 + ADD 1
Adoption of the legislative act PE-CONS 87/18
approved by Coreper, Part 2, on 03.04.2019 COPEN

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, 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 Irish delegations did not participate in the vote. (Legal basis: Article 82(1) TFEU). Statements to this item are set out in the Annex.


7. **ECRIS-TCN Regulation**  7870/19 + COR 1
Adoption of the legislative act + ADD 1
approved by Coreper, Part 2, on 03.04.2019 PE-CONS 88/18
COPEN

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, 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 Irish delegations did not participate in the vote. (Legal basis: Article 82(1), second subparagraph, point (d) TFEU). Statements to this item are set out in the Annex.

8. **Amending Regulation 2018/1806 to prepare for Brexit - visa**  7192/1/19 REV 1
Adoption of the legislative act + REV 1 ADD 1
approved by Coreper, Part 2, on 05.04.2019 PE-CONS 71/19
VISA

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, 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 Irish and the United Kingdom delegations did not participate in the vote. (Legal basis: Article 77(2)(a) TFEU). Statements to this item are set out in the Annex.

Agriculture


9. **Directive on unfair trading practices in the agricultural and food supply chain**  7607/19 + COR 1
Adoption of the legislative act
approved by SCA on 25.03.2019
+ ADD 1 REV 1
+ ADD 2
+ ADD 2 COR 1
PE-CONS 4/19
+ **REV 1 (sk)**

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the United Kingdom abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 43(2) TFEU).
Statements to this item are set out in the Annex.

10. **Regulation on spirit drinks**  7604/19 + COR 1
Adoption of the legislative act
approved by SCA on 25.03.2019
+ ADD 1 REV 1
PE-CONS 75/18

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with Greece voting against and Hungary abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 43(2) and 114(1) TFEU). Statements to this item are set out in the Annex.

Internal Market and Industry

11. **Regulation to prolong transitional use of means other than the electronic data-processing techniques provided for in the Union Customs Code (Article 278)**  7631/1/19 REV 1
Adoption of the legislative act
approved by Coreper, Part 1, on 27.03.2019
7631/19 ADD 1
+ ADD 2 REV 2
PE-CONS 44/19
UD

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with Lithuania and the Netherlands abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 33 and Article 207 TFEU). Statements to this item are set out in the Annex.

12. **Regulation on the import of cultural goods**

Adoption of the legislative act

approved by Coreper, Part 1, on 27.03.2019



7630/19

PE-CONS 82/18

UD

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207(2) TFEU).

Employment and Social Policy

13. **Directive on the accessibility requirements for products and services**

Adoption of the legislative act

approved by Coreper, Part 1, on 03.04.2019



7874/1/19 REV 1

PE-CONS 81/18

SOC

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the United Kingdom abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 TFEU).

Telecommunications

14. **Regulation on the Cybersecurity Act**

Adoption of the legislative act

approved by Coreper, Part 1, on 03.04.2019



7882/1/19 REV 1

7882/19 ADD 1

REV 1

PE-CONS 86/18

CYBER

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with Croatia abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 TFEU). Statements to this item are set out in the Annex.

Transport

15. **Regulation on safeguarding competition in air transport** 1C 7872/19 + ADD 1
Adoption of the legislative act PE-CONS 77/18
approved by Coreper, Part 1, on 03.04.2019 AVIATION

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with Greece voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 100(2) TFEU). Statements to this item are set out in the Annex.

16. **Directive on port reception facilities** 1C 7881/19 + ADD 1
Adoption of the legislative act PE-CONS 85/18
approved by Coreper, Part 1, on 03.04.2019 TRANS

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with Germany voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 100(2) TFEU). Statements to this item 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 7931/19 + COR 1
Policy debate

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

Non-legislative activities

4. Conclusions on the Reflection Paper "Towards a sustainable Europe by 2030"
Adoption
5. Values of the Union - Hungary / Article 7(1) TEU Reasoned Proposal
State of play
6. Rule of Law in Poland / Article 7(1) TEU Reasoned Proposal
State of play
7. Any other business

8071/19

-
- First reading
 - Special legislative procedure
 - Item based on a Commission proposal
-

Statements to the legislative "A" items set out in 8193/19**Ad "A" item 3: **European Citizens' Initiative**
*Adoption of the legislative act*****STATEMENT BY THE COMMISSION**

"The Commission welcomes the overall agreement reached by the co-legislators on the proposal for a new Regulation on the European Citizens' Initiative. The new Regulation delivers on the calls for action from citizens and stakeholders to make the European Citizens' Initiative more accessible, less burdensome and easier to use for organisers and supporters. It creates the conditions for significant progress towards achieving the full potential of the European Citizens' Initiative as an instrument to foster debate and participation at European level and bring the EU closer to its citizens.

The Commission remains convinced of the importance of lowering the age of support for the European Citizens' Initiative to 16 years. Allowing younger European citizens to contribute their ideas on what the EU should do would enrich the public debate on EU matters and help bring the Union closer to young generations. The minimum age for supporting a European Citizens' Initiative, which is a non-binding instrument, can be different from the minimum age for voting. The Commission regrets, therefore, that the agreement reached does not lower the age of support to 16 years across the EU as foreseen in its original proposal. The Commission nevertheless welcomes the fact that the proposal includes the possibility for Member States to lower the age should they so wish, and calls on them to do so as soon as possible. The Commission will monitor developments on this issue in its regular review of how the initiative is functioning.

On individual online collection systems, the Commission remains convinced of the importance for organisers of having the possibility to use their own online collection systems, to ensure flexibility and diversity of collection systems. It regrets that the agreement does not ensure the continued existence of the individual online collection systems in spite of the engagement and support for these systems by stakeholders. The Commission will ensure that stakeholders are consulted on the developments and improvements the new central online collection system for the European Citizens' Initiative to take into account their suggestions and concerns."

Ad "A" item 5: **Non cash fraud Directive**
Adoption of the legislative act

STATEMENT BY THE CZECH REPUBLIC

"The Czech Republic supports the aim of the Directive of the European Parliament and of the Council on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA (hereinafter referred to as "the Directive") to strengthen the fight against criminal activities in the area of non-cash payment instruments. Nevertheless, the Czech Republic would like to highlight its concerns regarding Article 16 of the Directive on assistance and support to victims.

In our view, rights, support and protection of victims of crime are sufficiently and comprehensively covered by the Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime (hereinafter referred to as "Victims Directive"). The Victims Directive defines the term "*victim*" as a natural person. However, under Article 16 of the Directive Member States shall provide assistance and support not only to natural persons but also to legal persons who have suffered harm as a result of any of the offences referred to in Articles 3 to 8 of the Directive, therefore requesting the Member States to ensure that legal persons aggrieved by criminal offences pursuant to this Directive are awarded the same level of protection as the natural persons.

It shall be noted that unlike natural persons who might also be regarded as particularly vulnerable (e.g. elderly people), legal persons have at least a minimum extent of proficiency, knowledge, experience and they are also supposed to be acquainted with possible risks related to their business activities. Therefore the Czech Republic considers that there is no need to provide legal persons with specific advice and information going beyond criminal proceedings, e.g. how to protect themselves against the negative consequences of the offences, such as reputational damage as this is typically the subject of civil proceedings.

Similarly, the obligation to provide legal persons with specific information without undue delay after their first contact with a competent authority seems unjustified and disproportionate. The Czech Republic considers that it would be sufficient to inform legal persons about their procedural rights in criminal proceedings, such as the right to receive information about the case, in accordance with national law.

The Czech Republic also considers an approach introduced by this Directive as a non-systematic and partial broadening of legal persons' rights and protection as it only applies to the criminal activity in the area of non-cash means of payment. If there is a need at EU level to regulate rights of legal persons who have suffered harm as a result of criminal offences, these rights should be regulated in a systematic way within a single general legal instrument.

Moreover, the approach introduced by the Directive causes a terminological problem. The Czech Republic is of a view that the term "*victim*" should be used consistently within all EU legal instruments."

Ad "A" item 6: **ECRIS Directive**
Adoption of the legislative act

STATEMENT BY THE COMMISSION

"The Commission underlines that it is contrary to the letter and to the spirit of Regulation (EU) No 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke point b) of the second subparagraph of Article 5(4) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle, which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5(4), recourse to point b) of the second subparagraph of that Article cannot be simply seen as a discretionary power of the legislator, but must be interpreted in a restrictive manner and thus must be justified."

JOINT STATEMENT BY THE COMMISSION, AUSTRIA, BELGIUM, BULGARIA, CYPRUS, CROATIA, THE CZECH REPUBLIC, ESTONIA, FINLAND, FRANCE, GERMANY, GREECE, HUNGARY, ITALY, LATVIA, LITHUANIA, LUXEMBOURG, MALTA, THE NETHERLANDS, POLAND, PORTUGAL, ROMANIA, SLOVAKIA, SLOVENIA, SPAIN, SWEDEN AND THE UNITED KINGDOM

- "1. The Member States bound by the Directive amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third-country nationals and as regards ECRIS, and replacing Council Decision 2009/316/JHA, will in the future use ECRIS on the sole basis of Council Framework Decision 2009/315/JHA, while Denmark will continue using ECRIS also on the basis of Council Decision 2009/316/JHA.
2. However, the Directive does not amend the obligations of the convicting Member State and of the Member State of the person's nationality with regard to the exchange of information between central authorities and to the storage of information. Furthermore, the Directive does not change the architecture of the ECRIS system that remains a decentralised information technology system based on the criminal record databases in each Member State. For those reasons, the core obligations of ECRIS remain essentially the same as before the adoption of the Directive and can thus continue to serve as a basis for the exchange of information between Denmark and the other Member States.
3. In view of the declaration of Denmark on ECRIS, taking into account the fact that the obligations with regard to ECRIS are essentially the same as before the adoption of the Directive and that Denmark commits to ensuring that it will continue to be able to exchange criminal records information with the other Member States using appropriate software tools, Austria, Belgium, Bulgaria, Cyprus, Croatia, the Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom commit themselves to continue exchanging criminal records information through ECRIS with Denmark. The Commission will monitor this exchange of information."

STATEMENT BY DENMARK

- "1. Denmark is bound by and applies Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from the criminal record between Member States and by Council Decision 2009/316/JHA on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA, and exchanges criminal record information using the European Criminal Records Information System established by Council Decision 2009/316/JHA.
2. In accordance with Articles 1 and 2 of Protocol 22 on the position of Denmark, annexed to the Treaties, Denmark has not taken part in the adoption of the Directive amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third-country nationals and as regards ECRIS, and replacing Council Decision 2009/316/JHA.
3. As that Directive replaces Council Decision 2009/316/JHA and includes the elements of that Decision in Council Framework Decision 2009/315/JHA, the Member States bound by the Directive will in the future use ECRIS on the sole basis of Council Framework Decision 2009/315/JHA, while Denmark will continue using ECRIS also on the basis of Council Decision 2009/316/JHA. However, the Directive does not amend the obligations of the convicting Member State and of the Member State of the person's nationality with regard to the exchange of information between central authorities and to the storage of information, and Denmark should be able to continue to exchange information with the other Member States.
4. In order to facilitate continued cooperation through ECRIS, and in view of the declaration on ECRIS of the other Member States, Denmark commits itself to continuing to comply with the technical obligations and standards regarding the exchange of criminal records information as set forth in and on the basis of the Framework Decision as amended by the Directive. Denmark commits itself, in particular, to ensuring that it will continue to be able to exchange criminal records information with the other Member States using appropriate software tools. Denmark will inform the Commission accordingly."

Ad "A" item 7: **ECRIS-TCN Regulation**
Adoption of the legislative act

STATEMENT BY THE COMMISSION

"The Commission regrets that the co-legislators have decided to limit the inclusion of fingerprints of convicted third country nationals and dual EU/third country nationals in the ECRIS-TCN system. Since fingerprints are currently the most reliable form of identification of individuals, the Commission regrets these limitations on the inclusion of fingerprints, which in its view will make the ECRIS-TCN system less effective in achieving its aim of ensuring that criminal records information is reliably made available for the purposes of criminal procedures, preventing child abuse, granting licences and other legitimate purposes laid down in national law in line with the Directive."

Ad "A" item 8: **Amending Regulation 2018/1806 to prepare for Brexit - visa**
Adoption of the legislative act

STATEMENT BY THE UNITED KINGDOM

"The United Kingdom (UK):

- welcomes the fact that this measure provides certainty for British nationals, including those in Gibraltar.
- rejects the way it has been presented and any characterisation of Gibraltar as a colony.
- is clear the Constitution of Gibraltar provides for a modern and mature relationship between the UK and Gibraltar. This is a political status which has been freely determined by the people of Gibraltar, and as such the referendum on that Constitution in 2006 represented an exercise of the right of self-determination.
- reiterates its certainty of its sovereignty over the whole of Gibraltar and rejects this instrument's characterisation of there being a 'controversy' over the 'sovereignty of Gibraltar' which is not its position and is inconsistent with statements made in any previous EU instrument.
- disagrees that the language should reference UN decisions in relation to Gibraltar which have nothing to do with the important issue of visa-free travel, while setting an unhelpful precedent for inappropriately 'importing' disagreements that belong in the UN space.
- notes furthermore that the language does not actually properly reflect the annual decisions of the UN General Assembly which are agreed with the consensus of the UK and Spain, the most recent of which is included below for reference¹.
- believes it would have been more appropriate to use language adapted from the draft Withdrawal Agreement's Gibraltar Protocol, which both the UK and EU (including Spain) have agreed to: "This is without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to sovereignty and jurisdiction"
- regrets that its approaches to Spain to develop more appropriate wording were not reciprocated.

¹ Annual decision of the UN General Assembly (2018):
"The General Assembly, recalling its decision 72/520 of 7 December 2017:
a) Urges the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland, while listening to the interests and aspirations of Gibraltar that are legitimate under international law, to reach, in the spirit of the Brussels Declaration of 27 November 1984, a definitive solution to the question of Gibraltar, in the light of the relevant resolutions of the General Assembly and applicable principles, and in the spirit of the Charter of the United Nations;
b) Takes note of the desire of the United Kingdom to continue with the trilateral Forum for Dialogue;
c) Takes note of the position of Spain that the trilateral Forum for Dialogue does not exist any longer and should be replaced with a new mechanism for local cooperation in which the people of the Campo de Gibraltar and Gibraltar are represented;
Welcomes the efforts made by all to resolve problems and advance in a spirit of trust and solidarity, in order to find common solutions and move forward in areas of mutual interest towards a relationship based on dialogue and cooperation."

Ad "A" item 9: Directive on unfair trading practices in the agricultural and food supply chain
Adoption of the legislative act

JOINT STATEMENT BY THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION

"The European Parliament, the Council and the Commission stress that the transparency of agricultural and food markets is a key element of a well-functioning agricultural and food supply chain, in order to better inform the choices of economic operators and public authorities as well as to facilitate the understanding of operators on market developments. The Commission is encouraged to continue its ongoing work to enhance market transparency at EU level. This may include the strengthening of the work on EU market observatories and improving the collection of statistical data necessary for the analysis of price formation mechanisms along the agricultural and food supply chain."

STATEMENT BY DENMARK

"Denmark supports the compromise reached on the directive on unfair trading practices in the food supply chain with the following considerations in mind.

Firstly, Denmark recognizes the importance of strengthening the position of farmers in the food supply chain. In Denmark, the high level of organization of farmers in cooperatives is key to ensure this. Therefore, Denmark has during the negotiations strived to ensure that the directive is compatible with the cooperative model. It is the Danish understanding that the final compromise protects the cooperative as a model since it addresses the specificities of cooperatives in relation to payment deadlines and written contracts.

Secondly, in relation to the scope of the directive, Denmark has continuously supported the Commission proposal to protect small and medium-sized enterprises since this closely corresponds to the legal basis of the directive in the Treaty and the objective to ensure a fair standard of living for the agricultural community.

Thirdly, it is essential that fighting unfair trading practices does not compromise the well-functioning of the internal market nor a continued market orientation of the agricultural policy. Therefore, Denmark stresses the importance of ensuring that national rules going beyond the directive should respect the rules of the internal market."

JOINT STATEMENT BY GERMANY AND LUXEMBURG

"Germany and Luxembourg assume that the second sentence of Article 5(1) does not give rise to any powers of intervention for the authorities of one Member State in the territory of another Member State."

STATEMENT BY THE CZECH REPUBLIC

"As part of a constructive approach, the Czech Republic supports the compromise text of the proposal for a Directive on unfair trading practices in business-to-business relationships in the food supply chain. **However, it continues to regard the scope of the Directive, based on the 'dynamic model' under Article 1(2) of the proposal for a Directive, as a flaw in the proposal.**

In the Czech Republic's view, the proposed scope of the Directive does not contribute significantly to improving the functioning of the European Union's internal market. Among other things, the proposal submitted does not resolve the issue of the proliferation of economic activities, their territorial extension, or interconnection or partnerships between economic operators. As regards the implementation of this proposal in practice, compliance with the principle of simplification and reducing the administrative burden also cannot be guaranteed.

Unfair trading practices, which have a domino effect throughout the food supply chain, remain unfair regardless of the size of the operator adversely affected by them.

They have a negative impact on employment and lead to a loss of competitiveness and a reduction in investment and innovation.

In the Czech Republic's view, nothing prevents the proposal for a Directive being expanded to cover all buyers. The Directive can also protect all suppliers without changing the legal basis (Article 43(2) TFEU). The Court of Justice has stated that the Treaty on the Functioning of the EU does not define the type of entity which may be regulated under the CAP provisions of the Treaty. In fact, automatically excluding entities which are not small and medium-sized enterprises would violate the prohibition of discrimination under Article 40(2) TFEU, which forbids the unequal treatment of producers which are in a similar situation.

The case-law of the Court of Justice of the European Union also indicates that agricultural measures which have the specific objective of safeguarding the standard of living of the agricultural community, such as the current proposal on unfair trading practices, may also regulate entities which are not small and medium-sized enterprises (judgment of 23 March 2006 in Case C-535/03, *Unitymark and North Sea Fishermen's Organisation*, judgment of 13 November 1990 in Case C-331/88, *Fedesa and others*). Expanding the scope to include large suppliers would therefore ensure that protecting all agricultural producers continues to take priority.

An unfair trading practice is unfair regardless of the size of the supplier or buyer adversely affected by it. In the interests of a sustainable and well-functioning food supply chain, the Directive should protect all suppliers against all buyers, irrespective of the size of their turnover. Only then will the EU have a food supply chain which is fair for suppliers and buyers. Accordingly, the Czech Republic requests the European Commission to monitor the functioning of the proposed Directive in practice and, if appropriate, propose expanding the scope of the Directive to cover all entities."

Ad "A" item 10: Regulation on spirit drinks
Adoption of the legislative act

STATEMENT BY THE COMMISSION
on labelling rules

"The Commission declares that, should the empowerments provided for in Articles 19(1) and 50(3) be used, careful consideration will be given in particular to transparency of information for consumers for all spirit drinks placed on the market in the European Union."

STATEMENT BY THE COMMISSION
on the unbundling clause

"The Commission recalls that point 31 of the Interinstitutional Agreement on Better Law-making provides that empowerments may be bundled on condition that the Commission provides objective justifications based on the substantive link between two or more empowerments contained in a single legislative act, and unless the legislative act provides otherwise. The Commission notes that the co-legislators have agreed to exclude bundling of empowerments in the present case, which may cause additional administrative burden and make it less easy for those affected by the legal framework to have access to a simple and comprehensive set of legal instruments. The Commission considers that this cannot be seen as creating a precedent for other ongoing legislative negotiations."

JOINT STATEMENT BY GERMANY, DENMARK AND FINLAND

"The German, Danish and Finnish delegations assume that the European Commission, in coordination with the EFSA, will on its own initiative and in good time review the permissible hydrocyanic acid and ethyl carbamate contents in stone fruit spirits and stone fruit marc spirits and, if necessary, adopt measures to reduce these contents, to ensure the best possible preventive health protection for consumers in the European Union."

STATEMENT BY GREECE

"Greece would like to thank the Commission and the Council Presidency for their efforts throughout the negotiations on the creation of a new Regulation on spirit drinks.

In spite of these efforts, Greece cannot support the proposal for a Regulation, since we think that in its final form it does not meet the particular characteristics and practical needs of the sector, given the importance of spirit drinks in both the export trade and the cultural heritage of the EU.

More specifically, we think that on particularly important issues such as the regime, and the procedure for the recognition, of geographical indications, account has not been taken of the particular characteristics of the sector, while the specific regime of established geographical indications resulting from the original Regulation 1576/89, by which they were recognised as the outcome of political agreement in the Council, has been neglected.

Lastly, the proposed Regulation raises issues concerning the transparency and effectiveness of intervention by the Member States, insofar as it provides for Commission delegated acts to govern matters which are fundamental for the sector and of major political and economic importance."

Ad "A" item 11: Regulation to prolong transitional use of means other than the electronic data-processing techniques provided for in the Union Customs Code (Article 278)
Adoption of the legislative act

JOINT STATEMENT BY THE EUROPEAN PARLIAMENT AND THE COUNCIL

"The European Parliament and the Council welcome the European Court of Auditors' Special Report No 26/2018 entitled "A series of delays in Customs IT systems: what went wrong?" and other recent relevant reports in the area of customs, which have given the co-legislators a better overview of the causes for the delays in the implementation of the IT systems necessary for improving customs operations in the EU.

The European Parliament and the Council consider that any future audit by the European Court of Auditors assessing the reports prepared by the Commission on the basis of Article 278a of the Union Customs Code could positively contribute to the avoidance of further delays. The European Parliament and the Council call on the Commission and the Member States to take full account of such audits."

STATEMENT BY THE COMMISSION

"The Commission welcomes the agreement by the European Parliament and the Council on the proposal to prolong the deadline for the transitional use of means other than the electronic data-processing techniques provided for in the Union Customs Code.

The Commission acknowledges the joint statement of the European Parliament and of the Council which notes that any future work by the European Court of Auditors assessing the reports prepared by the Commission on the basis of Article 278a of the Union Customs Code could positively contribute to the avoidance of further delays.

Should the Court of Auditors decide to assess the Commission's reports, the Commission will, as required by Article 287(3) of the Treaty on the Functioning of the European Union, fully collaborate with the European Court of Auditors and take full account of such findings."

JOINT STATEMENT BY THE NETHERLANDS AND LITHUANIA

"The Netherlands and Lithuania recognise the importance of the abovementioned file and greatly appreciate the progress achieved during the negotiations on the file. However, the Netherlands and Lithuania remain concerned regarding the deadline of 2022 for the implementation of national IT-systems.

The final compromise text that will be submitted to Coreper on 14 February 2019 for confirmation with a view to agreement states that Trans European Systems (TES) may be used on a transitional basis until 31 December 2025 whereas national systems may be used until 31 December 2022 at the latest. For the Netherlands and Lithuania the distinction between TES and national systems, with different deadlines applied, will lead to unnecessary extra costs for customs authorities. Since the national systems are strongly linked to the TES, the transitional period for the TES and the national systems should have therefore been the same in the final text.

The Netherlands expressed its concerns on this matter in a declaration submitted and included in the minutes of Coreper (14 November 2018; agenda item I-27).

It is therefore with regret that the Netherlands and Lithuania will have to abstain."

JOINT STATEMENT BY GERMANY, DENMARK AND SPAIN

"The Federal Republic of Germany, Denmark and Spain attach considerable importance to the further implementation of the Union Customs Code and recognise that exceptionally great efforts had to be made to achieve a compromise. We are only able to agree to the proposal against this background. As regards content, however, we continue to have reservations and these have repeatedly been voiced by other Member States in the course of the negotiations.

The proposal provides for a period up to 31 December 2025 for certain systems to be developed by the EU, while the Member States must already have completed their national systems by 31 December 2022. This distinction will most probably lead to unnecessary costs for economic operators and customs authorities, as numerous adjustments to the national systems are likely on account of the close connection between the EU's and national systems. For the reasons set out above, the fact that different deadlines apply entails the specific risk that the Member States may not be able to carry out the adaptation of the national systems in due time."

Ad "A" item 14: **Regulation on the Cybersecurity Act
*Adoption of the legislative act***

STATEMENT BY THE UNITED KINGDOM

"The United Kingdom wishes to record its support for the Regulation on ENISA, the "EU Cybersecurity Agency", and repealing Regulation (EU) 526/2013, and on Information and Communication Technology cybersecurity Certification. The UK is committed to promoting security and stability in cyberspace through enhanced international cooperation.

The United Kingdom however wishes to record its view that it does not recognise the term 'public core' (of the open internet) as referenced in Article 5(3) and Recital 23. As it is a network of networks, the UK does not recognise the internet as having a 'core'. The UK considers this language could be used to promote fragmentation of the internet, which would be harmful to positions taken by the EU and Member States who seek to avoid this. The term 'public' can be interpreted as meaning government responsibility for the Internet, which is contrary to the multi-stakeholder model of internet governance which the EU and its Member States support. The UK considers that further discussions are needed to define how we talk about the core functions that underpin the normal operation of the internet.

The United Kingdom continues to believe that the multi-stakeholder approach is the best way to manage the complexities of governing the internet and it will continue to look to work with its international partners to safeguard the long-term future of a free, open, peaceful and secure cyberspace."

STATEMENT BY CROATIA

"The Republic of Croatia would like to express its support for the Regulation of the European Parliament and of the Council on ENISA (the European Agency for Cybersecurity) and on information and communication technology cybersecurity certification and repealing Regulation (EU) 526/2013 (Cybersecurity Act).

However, the Republic of Croatia wishes to record its discontent with the current Croatian version of the Regulation, i.e. with the Croatian equivalent of the English term "cyber" and its derivatives into the Croatian language, an issue that we have raised on several levels within the Council. The Republic of Croatia is seriously concerned that the current Croatian version of the Regulation may lead to legal uncertainty.

The Republic of Croatia considers that the terminology used by the EU institutions should be aligned with already existing national legal terminology to ensure legal certainty.

The Republic of Croatia remains committed to promoting open, free, stable and secure cyberspace and supports all efforts to enhance European cybersecurity capacities and resilience. Therefore, the Republic of Croatia will abstain when it comes to the voting and the adoption of the Cybersecurity Act."

Ad "A" item 15: Regulation on safeguarding competition in air transport
Adoption of the legislative act

STATEMENT BY GREECE

"Greece would like to thank the Presidency for its efforts to reach an agreement with the European Parliament, but, unfortunately, cannot support the final compromise text and will vote against. The outcome of the negotiations diverges significantly from the General Approach, which was already not acceptable to Greece, and does not take into account our concerns, which were consistently raised at all stages of the discussions on this file.

The reasons for Greece's position are, among others:

- The vagueness of the subject matter and the lack of clarity regarding certain important definitions (such as 'threat of injury', 'Union interest', 'irreversible damage') as well as regarding the proceedings, lead to legal uncertainty.
- The practices distorting competition are not explicitly mentioned and the operational redressive measures provided for in the proposal are not exhaustively listed, causing further ambiguity. In addition, there is no 'escalation' of these measures depending on the extent of the injury, and therefore no legal predictability, nor a link between a specific practice and the respective 'remedy'.
- The Regulation may have a strong impact on bilateral relations of Member States with third parties, in the field of aviation; this is due, inter alia, to the apparent incompatibility of the proposed text with the dispute settlement provisions contained in bilateral air transport agreements. Thus, the implementation of the said Regulation may impede Member States from fulfilling their international obligations."

Ad "A" item 16: Directive on port reception facilities
Adoption of the legislative act

STATEMENT BY THE COMMISSION

"Directive 2005/35/EC on ship-source pollution complements the Union legal framework governing the ship-source discharges of polluting substances, which also includes the Directive on port reception facilities for the delivery of waste from ships ('the PRF Directive'), by providing the Union legal mechanisms for implementing and enforcing the discharge regulations under the MARPOL Convention. To this end, Directive 2005/35/EC should take into account the scope of the PRF Directive, in particular as regards the polluting substances and waste streams.

Considering that the current Directive 2005/35/EC only covers the substances and discharge regulations falling under MARPOL Annexes I and II, and as such is not fully aligned with the PRF Directive in terms of scope (the new PRF Directive will cover waste as defined in MARPOL Annexes I, II, IV, V and VI, and also refers to the discharge norms of those MARPOL Annexes), the Commission takes note of the co-legislators' call to assess the need of reviewing Directive 2005/35/EC in order to provide for an adequate legislative framework to address ship-source pollution.

Therefore, in reference to recital 23a of the future PRF Directive, the Commission would consider undertaking, as appropriate, the process of reviewing Directive 2005/35/EC."

STATEMENT BY GERMANY

"In principle, the Federal Republic of Germany supports the revision of Directive 2000/59/EC and the aims thereof. We welcome in particular the necessary alignment of EU law with the international legal framework in order to improve the protection of the marine environment against waste from ships.

However, the Federal Republic of Germany opposes the introduction of compulsory arrangements for cost recovery systems rather than voluntary arrangements, as Article 8(4b) of the revised Directive provided for in the original proposal. The compromise does not take sufficient account of differences in the size and structure of ports. We would underline that such decisions on port fees fall within the competence of the Member States. Overall, therefore, the Federal Republic of Germany cannot support the agreement reached at the third trilogue."