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## OUTCOME OF THE COUNCIL MEETING

3685th Council meeting

### General Affairs

Luxembourg, 9 April 2019

President

**George Ciamba**

Romanian Minister Delegate for European Affairs

# P R E S S

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 • Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).  
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## **ITEMS DEBATED**

### **Multiannual financial framework for 2021-2027**

Ministers held a policy debate on the multiannual financial framework for 2021-2027 (MFF). They shared their views on funding for cohesion policy and the Common Agricultural Policy (CAP), focusing in particular on the following issues:

- Cohesion:
  - a) How to ensure that the “*no region is left behind*” principle is properly reflected in the new MFF, while ensuring that the regions most in need also benefit the most from the cohesion funds and that all regions that are below the EU average continue to move towards it.
  - b) Ministers were also invited to assess the proposal for the Cohesion policy as regards its capacity to react to new priorities and unforeseen events.
- CAP:
  - a) How can the proposal on the CAP best support the development of rural areas across the Union and guarantee a fair standard of living for the agricultural population, while increasing the productivity and competitiveness of European agriculture?
  - b) Ministers were also invited to discuss how the EU agricultural sector can become economically, environmentally and socially sustainable in the long run.

The Council has been actively examining the Commission proposals on the next MFF at technical and political level since they became available in May and June 2018. To facilitate this work, the previous presidency prepared a draft negotiating box. The Romanian presidency is seeking to provide the June European Council with a streamlined draft negotiating box, with a view to achieving an agreement in the European Council in autumn 2019.

The Presidency also presented a [progress report](#) to ministers, outlining developments in the negotiations on MFF-related sectoral proposals to date.

## **Conclusions on the reflection paper "Towards a sustainable Europe by 2030"**

The Council adopted a set of conclusions concerning the implementation by the EU of the United Nations' 2030 Agenda for Sustainable Development, in response to the Commission's reflection paper "[Towards a sustainable Europe by 2030](#)", which was presented in January. The conclusions underline the central importance of sustainable development for the European Union and stress that the EU should continue to play a leading role in implementing the 2030 Agenda.

For further information, please see the [press release](#).

## **Respect for EU values in Hungary**

Ministers discussed the state of play in the Article 7(1) TEU procedure concerning Hungary.

The Commission provided an update on the situation.

The Council will return to this procedure, taking into account the views expressed by member states.

[Reasoned proposal under Article 7\(1\) TEU regarding Hungary](#)

## **Rule of law in Poland**

Ministers discussed the state of play in the Article 7(1) TEU procedure concerning Poland.

The Commission provided an update on the situation.

The Council will return to this procedure, taking into account the views expressed by member states.

[Reasoned proposal under Article 7\(1\) TEU regarding Poland](#)

## **OTHER ITEMS APPROVED**

### **GENERAL AFFAIRS**

#### **Amendment of Protocol No 3 on the Statute of the EU Court of Justice**

The Council adopted a regulation amending protocol No 3 of the Statute of the Court of Justice of the European Union. The regulation introduces a new filtering mechanism for appeals relating to decisions by certain EU agencies and offices. Appeals brought in cases which have already been considered twice – first by an independent board of appeal and then by the General Court – will not be allowed to proceed before the Court of Justice unless it is demonstrated that they raise an issue that is significant with respect to the unity, consistency or development of EU law.

#### **Amendments to the Rules of Procedure of the Court of Justice**

Linked to the Amendment of Protocol No 3 on the Statute of the Court of Justice of the European Union (see above), the Council also approved an accompanying set of amendments to the Rules of Procedure of the Court of Justice setting out the new system for handling appeals in detail.

For more information, see the [press release](#).

#### **Youth Employment Initiative**

The Council decided not to oppose the adoption of a Commission regulation amending Regulation (EU) No 1303/2013 as regards the resources of the specific allocation for the Youth Employment Initiative (YEI) ([PE-CONS 66/19](#)).

The objective of the proposal is to adapt the amounts of resources available for economic, social and territorial cohesion and the amount of resources for the specific allocation for the Youth Employment Initiative set out in Regulation (EU) No 1303/2013 to reflect the increase of the resources of the YEI, in line with the budget adopted for 2019.

The regulation is a delegated act pursuant to Article 290 of the Treaty on the functioning of the EU. It can now enter into force, unless the European Parliament objects.

## European Citizens' Initiative

The Council adopted an updated regulation on the European Citizens' Initiative. The regulation will bring a number of improvements for organisers and citizens wishing to express their support for initiatives on specific issues.

The European Citizens' Initiative is a way for citizens to ask the Commission to bring forward a legislative proposal. To be considered by the Commission, an initiative needs the backing of at least one million supporters from at least one quarter of EU member states.

Such initiatives will become easier to set up, support and bring to a successful conclusion. The follow-up process for successful initiatives will also be improved.

The new rules will apply from 1 January 2020.

For more information, see the [press release](#).

## Conclusions on including the Republic of North Macedonia in EUSAIR

The Council adopted conclusions accepting the request put forward by the Republic of North Macedonia, in the Catania Declaration of 24 May 2018, to become the ninth participating country of the EU Strategy for the Adriatic and Ionian Region (EUSAIR). It invited the European Commission to take the necessary steps to include the Republic of North Macedonia in EUSAIR and to submit an accordingly amended strategy to the Council ([7793/1/19](#)).

EUSAIR is a macro-regional strategy which increases cooperation between EU and non-EU European states. Endorsed by the [European Council](#), this integrated framework is supported by the European Structural and Investment Funds. It seeks to address challenges faced by member states and third countries located in the same geographical area. Four EU macro-regional strategies, covering several policies, have been adopted so far:

The EU Strategy for the Baltic Sea Region (2009);

The EU Strategy for the Danube Region (2010);



The EU Strategy for the Adriatic and Ionian Region (2014); and

The EU Strategy for the Alpine Region (2015).

The four macro-regional strategies involve 19 EU member states and 8 non-EU countries. They are accompanied by a rolling action plan, which is regularly updated in the light of emerging needs and changing contexts.

### **ECONOMIC AND FINANCIAL AFFAIRS**

#### **Capital requirements for banks' non-performing loans**

The Council today adopted a new framework for dealing with banks' bad loans.

The new rules set capital requirements that apply to banks with non-performing loans (NPLs) on their balance sheets. The aim of the reform is to ensure that banks set aside sufficient own resources when new loans become non-performing and to create appropriate incentives to avoid the accumulation of NPLs.

For more information, see the [press release](#).

#### **Wise persons group on financial architecture for development**

The Council today adopted a decision establishing a high-level group of wise persons on the European financial architecture for development.

The group will be chaired by Thomas Wieser and will be composed of 8 independent members. It is due to submit a report by October 2019 setting out the challenges and opportunities for rationalising the way development policies are financed at EU level and recommending possible options for reforming the existing setup.

For more information, see the [press release](#).

## **Recommendation on the economic policy of the euro area**

The Council adopted a recommendation on the economic policy of the euro area, which had been endorsed by the [European Council](#) at its meeting on 21-22 March 2019.

This annual recommendation is a key part of the European Semester. It helps to set euro-area priorities that are then taken into account when preparing country-specific recommendations in the spring.

For 2019, the Council recommended, in particular:

- to deepen the single market, improve the business environment and the quality of institutions, and pursue reforms to make product and services markets more resilient;
- to support public and private investment and improve the quality and composition of public finances while pursuing policies in full respect of the Stability and Growth Pact;
- to shift taxes away from labour and strengthen education and training systems and investment in skills;
- to make ambitious progress on the Capital Markets Union and swift progress on the deepening of the Economic and Monetary Union, building on the statement of the Euro Summit of 14 December 2018, also with a view to strengthening the international role of the euro ([5643/19](#)).

## **JUSTICE AND HOME AFFAIRS**

### **Directive on combating fraud and counterfeiting of non-cash means of payment**

The Council formally adopted today the directive on combating fraud and counterfeiting of non-cash means of payment. Member states have two years to implement the new rules.

The directive updates the existing rules to ensure that a clear, robust and technology-neutral legal framework is in place. It also gets rid of operational obstacles that hamper investigation and prosecution, and provides for action to enhance public awareness of fraudulent techniques such as phishing or skimming.

For more information, see the [press release](#).

## **European Criminal Records Information System (ECRIS) regulation and directive**

The Council formally adopted today the ECRIS package consisting of a regulation and a directive. This marks the end of the legislative process.

The reformed European criminal records information system (ECRIS) will now include a centralised database with information on convictions of third country nationals and stateless persons (so-called ECRIS-TCN).

For more information, see the [press release](#).

## **Visa-free travel after Brexit**

The Council adopted a regulation to allow visa-free travel after Brexit for UK citizens coming to the Schengen area for a short stay (90 days in any 180 days). Under EU rules, visa exemptions are granted on condition of reciprocity ([PE-CONS 71/19](#)).

For more information, see the [press release](#).

## **European Border and Coast Guard Agency: EU-Bosnia and Herzegovina agreement**

The Council adopted a decision ([7195/19](#)) approving the signing of a status agreement with Bosnia and Herzegovina on actions carried out by the European Border and Coast Guard Agency in Bosnia and Herzegovina ([7196/19](#)). It also decided to forward the draft decision on the conclusion of this agreement to the European Parliament for its consent ([7197/19](#)).

The purpose of such an agreement is to allow the European Border and Coast Guard Agency to coordinate operational cooperation between member states and a 'third' (non-EU) country with respect to management of the external borders. The agency can carry out actions at the EU's external borders involving one or more member states and a third country neighbouring at least one of those member states, subject to the agreement of the neighbouring country, including on the territory of that third country.

## **Ratification of amended Convention 108 on data protection**

The Council adopted a decision authorising the member states to ratify the protocol amending Council of Europe Convention 108 on data protection ([10923/18](#)).

The aim of the modernisation of Convention 108 is two-fold: on the one hand, to better address challenges resulting from the use of new information and communication technologies, and, on the other hand, to strengthen the implementation of the Convention.

For more information on the Convention, see [Council of Europe's website](#).

## **EPPO: transitional rules for the appointment of European prosecutors**

The Council adopted an implementing decision on the transitional rules for the appointment of European prosecutors for and during the first mandate period, provided for in Article 16(4) of regulation on the establishment of the European Public Prosecutor's Office (EPPO) ([7267/19](#)).

European prosecutors will be appointed by the Council with a non-renewable six-year mandate, which may be extended for a maximum of three years at the end of the six-year period. Every three years there will be a partial replacement, of one third of the European prosecutors.

The transitional rules adopted today will ensure that the principle of periodical replacement will work in practice for the European prosecutors appointed for the first time to the EPPO, while guaranteeing continuity in the work of the college of European prosecutors.

Specific rules have now been established so that the first term of office for some European prosecutors will last three years instead of six. To ensure full transparency and impartiality in the determination of those European prosecutors, the system is based on drawing lots. This system will also ensure that the selection of the European prosecutors whose term of office will be shorter is neutral in geographic terms.

## **Convention on integrated safety at football matches and other sports events**

The Council adopted a decision authorising member states to become party, in the interest of the EU, to the Council of Europe convention on an integrated safety, security and service approach at football matches and other sports events ([12527/18](#)).

The convention aims to provide a safe, secure and welcoming environment at football matches and other sports events.

## **TRADE**

### **EU-Japan economic partnership agreement**

The Council adopted a decision on the position to be taken on behalf of the EU within the joint committee established under the EU-Japan economic partnership agreement, as regards the adoption of its rules of procedure.

The EU-Japan economic partnership agreement entered into force on 1 February 2019. The agreement removes the vast majority of the €1 billion of duties paid annually by EU companies exporting to Japan. Once the agreement is fully implemented, Japan will have scrapped customs duties on 97% of goods imported from the EU ([7605/19](#)).

### **Customs duty on certain imports from the United States**

The Council adopted a decision not to raise objections to a delegated action on additional customs duties on imports of certain products originating in the United States.

As a result of the United States' failure to bring its legislation in line with its obligations under the World Trade Organization, the EU has imposed a 4.3% ad valorem additional customs duty on imports of certain products from the United States ([6951/19](#), [7189/19](#)).

## **ENERGY**

### **Ecodesign requirements for electronic displays**

The Council decided not to oppose the adoption of a Commission regulation laying down ecodesign requirements for electronic displays pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EC) 642/2009 ([7112/19](#)).

The regulation seeks to improve the design of electronic equipment to lessen its environmental impact, without entailing excessive costs. It sets out requirements for energy efficiency, the functioning and reparability of devices, recyclability of materials, and the availability of information. The new rules will apply as of 1 March 2021 ([6246/19](#) + [ADD1](#)).

The Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects.

### **Ecodesign requirements for light sources and separate control gears**

The Council decided not to oppose the adoption of a Commission regulation laying down ecodesign requirements for light sources and separate control gears pursuant to Directive 2009/125/EC of the European Parliament and of the Council repealing Commission Regulations (EC) No 244/2009, (EC) No 245/2009 and (EU) No 1194/2012 ([7107/19](#)).

The aim of the regulation is to improve the designs of energy-related products to lessen their environmental impact, without entailing excessive costs. The requirements concern the energy efficiency of light sources and control gears, functioning such as colour rendering and lumen maintenance, and the availability and display of information. They will apply from 1 September 2021 ([6195/19](#) + [ADD1](#)).

The Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects.

## **Ecodesign requirements for household dishwashers**

The Council decided not to oppose the adoption of a Commission regulation laying down ecodesign requirements for household dishwashers pursuant to Directive 2009/125/EC of the European Parliament and of the Council amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EU) No 1016/2010 ([7625/19](#)).

The regulation stipulates that as of 1 March 2019, household dishwashers have to provide an 'eco' programme which has to meet the requirements set out in the regulation. The text also lays out requirements regarding the energy efficiency, functioning, low power modes, and resource efficiency of household dishwashers, as well as information requirements. ([6376/19](#) + [ADD1](#))

The Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects.

## **Ecodesign requirements for external power supplies**

The Council decided not to oppose the adoption of a Commission regulation laying down ecodesign requirements for external power supplies pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulation (EC) No 278/2009 ([7614/19](#)).

The regulation sets out energy efficiency requirements for external power supplies, as well as requirements regarding the information that has to be provided to customers. The regulation also stipulates procedures and benchmarks for verifying whether a model complies with the requirements. It will apply from 1 April 2020 ([6373/19](#) + [ADD1](#)).

The Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects.

## **AGRICULTURE**

### **Unfair trading practices**

The Council adopted a directive on unfair trading practices in business-to-business relationships in the agricultural and food supply chain ([PE-CONS 4/19](#)).

The directive will ban the most obvious unfair trading practices and provide member states with more effective ways of tackling abuses. The new rules will cover micro-enterprises, small and medium-sized enterprises (SMEs) and mid-range enterprises that have an annual turnover lower than €350 million.

### **Spirit drinks**

The Council adopted new rules aimed at clarifying and improving the legal framework setting out the definition, description, presentation and labelling of spirit drinks, including their use in other foodstuffs and the protection of geographical indications (GIs) ([PE-CONS 75/18](#)).

The regulation will guarantee a clearer labelling of spirit drinks such as Whisky, Brandy, Cognac, or Ouzo across the EU in line with the rules on the provision of food information to consumers (FIC regulation). Furthermore, it will ensure a certain level of harmonisation of the composition of these drinks at European level, for instance on the maximum sugar content.

### **Transport of liquid oils and fats by sea**

The Council decided not to oppose the adoption of a Commission regulation amending the Annex to regulation 579/2014 granting derogation from certain provisions of Annex II to regulation 852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea ([6924/19](#) + [ADD 1](#)).

Commission regulation 579/2014 relates to sea transport of liquid oils and fats intended for or likely to be used for human consumption. It allows a derogation from Annex II to regulation 852/2004 under certain conditions. Those conditions relate to the shipping equipment and practices, and to the substances to be transported in a seagoing vessel as previous cargo. Substances that fulfil those criteria are listed in the Annex to regulation 579/2014 (list of acceptable previous cargoes).

The new Commission regulation amends the list of acceptable previous cargoes to include methylacetate and ethyl-tert-butyl ether, which according to EFSA (European Food Safety Authority) meet the criteria for acceptability.



## **Feed additives**

The Council decided not to oppose the adoption of a Commission regulation amending Annex I to regulation 1831/2003 of the European Parliament and of the Council as regards the establishment of two new functional groups of feed additives ([6860/19](#)).

Regulation 1831/2003 provides for the allocation of feed additives to categories and further to functional groups within those categories, according to their functions and properties.

The new Commission regulation introduces two new functional groups within the categories ‘technological additives’ and ‘zootechnical additives’, to reflect technological and scientific developments, and the widespread use of various substances having a technological effect on feeds, which is not covered by any of the existing functional groups.

## **INTERNAL MARKET AND INDUSTRY**

### **Regulation on prolonging transitional use of electronic data-processing\***

The Council approved the European Parliament's position at first reading on the amendment of regulation 952/2013 to prolong the transitional use of means other than the electronic data-processing techniques provided for in the Union Customs Code. The delegations of the Netherlands and Lithuania abstained.

The regulation extends the period during which means for the exchange and storage of information other than electronic data-processing techniques referred to in Article 6(1) of regulation (EU) No 952/2013 may be used.

The regulation is therefore adopted in the wording which corresponds to the position of the European Parliament ([PE-CONS 44/19](#)).

## **Regulation on import of cultural goods**

The Council approved the European Parliament's position at first reading on a draft regulation of the European Parliament and of the Council on the introduction and the import of cultural goods.

The regulation aims to strengthen the fight against terrorist financing. It sets out common rules on trade with third countries to ensure that cultural goods are effectively protected from illicit trade, loss or destruction.

The regulation is adopted in the wording which corresponds to the position of the European Parliament ([PE-CONS 82/18](#)).

## **EMPLOYMENT AND SOCIAL POLICY**

### **Directive on the accessibility requirements for products and services**

The Council adopted a directive on the accessibility requirements for products and services ([7874/19](#)).

The purpose of the directive is to contribute to the proper functioning of the internal market by approximating laws, regulations and administrative provisions of the member states as regards accessibility requirements for certain products and services. In particular, it aims to eliminate and prevent barriers to the free movement of certain accessible products and services arising from divergent accessibility requirements in the member states.

## **TELECOMMUNICATIONS**

### **Cybersecurity Act**

The Council adopted a regulation on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification (Cybersecurity Act) ([PE-CONS 86/18](#); [7882/1/19 REV 1](#) + [7882/19 ADD 1 REV 1](#)). Croatia abstained.

For more information, see press release issued following endorsement of the provisional agreement in the Permanent Representatives Committee:

[EU to become more cyber-proof as Council backs deal on common certification and beefed-up agency](#) (19/12/2018)

## **TRANSPORT**

### **Safeguarding competition in air transport**

The Council adopted a regulation on safeguarding competition in air transport and repealing regulation 868/2004 ([PE-CONS 77/18](#); [7872/19](#) + [7872/19 ADD 1](#)). Greece voted against the regulation.

For more information, see the [press release](#).

### **Port reception facilities**

The Council adopted a directive on port reception facilities for the delivery of waste from ships ([PE-CONS 85/18](#); [7881/19](#) + [7881/19 ADD 1](#)). Germany voted against the directive.

For more information, see the press release issued when the provisional agreement was endorsed by the Permanent Representatives Committee:

[EU tackles plastic and other waste ending up in the sea: Council approves agreement on port reception facilities](#) (19/12/2018)

### **Small passenger ships**

The Council adopted a recommendation on safety goals and non-binding functional requirements for passenger ships below 24 metres in length ([7824/19](#) + [7824/19 ADD 1](#)).

## **ENVIRONMENT**

### **EU ETS: Updated list of sectors which benefit from free allocation of emission allowances**

The Council decided not to object to a Commission delegated decision concerning the determination of sectors and subsectors deemed at risk of carbon leakage for the period from 2021 to 2030 ([7892/19](#), [6520/19](#) + [6520/19 ADD 1](#) + [6520/19 ADD 2](#) + [6520/19 ADD 3](#)).

In line with the revised EU emissions trading system (EU ETS) directive, each installation in a sector or subsector which is deemed to be exposed to the risk of carbon leakage is granted free allocation at 100% of its relevant benchmark level. The carbon leakage list has economic significance as free allowances have a substantial financial value.

The following sectors and subsectors are deemed to be at risk of carbon leakage for the period 2021 to 2030:

- Mining of hard coal
- Extraction of crude petroleum
- Mining of iron ores
- Mining of other non-ferrous metal ores
- Mining of chemical and fertiliser minerals
- Other mining and quarrying not classified elsewhere
- Manufacture of oils and fats
- Manufacture of starches and starch products
- Manufacture of sugar
- Manufacture of malt
- Preparation and spinning of textile fibres
- Manufacture of non-wovens and articles made from non-wovens, except apparel
- Manufacture of leather clothes
- Manufacture of veneer sheets and wood-based panels
- Manufacture of pulp
- Manufacture of paper and paperboard
- Manufacture of coke oven products
- Manufacture of refined petroleum products
- Manufacture of industrial gases
- Manufacture of dyes and pigments

- Manufacture of other inorganic basic chemicals
- Manufacture of other organic basic chemicals
- Manufacture of fertilisers and nitrogen compounds
- Manufacture of plastics in primary forms
- Manufacture of synthetic rubber in primary forms
- Manufacture of man-made fibres
- Manufacture of flat glass
- Manufacture of hollow glass
- Manufacture of glass fibres
- Manufacture and processing of other glass, including technical glassware
- Manufacture of refractory products
- Manufacture of ceramic tiles and flags
- Manufacture of cement
- Manufacture of lime and plaster
- Manufacture of other non-metallic mineral products not classified elsewhere
- Manufacture of basic iron and steel and of ferro-alloys
- Manufacture of tubes, pipes, hollow profiles and related fittings, of steel
- Cold drawing of bars
- Aluminium production
- Lead, zinc and tin production
- Copper production

- Other non-ferrous metal production
- Processing of nuclear fuel
- Casting of iron
- Extraction of salt
- Finishing of textiles
- Manufacture of basic pharmaceutical products
- Manufacture of ceramic household and ornamental articles
- Manufacture of ceramic sanitary fixtures
- Manufacture of bricks, tiles and construction products, in baked clay
- Kaolin and other kaolinic clays
- Frozen potatoes, prepared or preserved (including potatoes cooked or partly cooked in oil and then frozen; excluding by vinegar or acetic acid)
- Dried potatoes in the form of flour, meal, flakes, granules and pellets
- Concentrated tomato puree and paste
- Skimmed milk powder
- Whole milk powder
- Casein
- Lactose and lactose syrup
- Whey and modified whey in powder, granules or other solid forms, whether or not concentrated or containing added sweetening matter
- Bakers' yeast
- Vitrifiable enamels and glazes, engobes (slips) and similar preparations for ceramics, enamelling or glass

- Liquid lustres and similar preparations; glass frit and other glass in powder; granules or flakes
- Open die forged ferrous parts for transmission shafts, camshafts, crankshafts and cranks etc.

The decision is a delegated act pursuant to Article 290 of the Treaty on the Functioning of the EU. It can now enter into force, unless the European Parliament objects.

## **TRANSPARENCY**

### **Public access to documents**

On 9 April 2019, the Council approved replies to the following confirmatory applications:

- No 05/c/01/19 ([6980/19](#))
  - No 06/c/01/19 ([7014/19](#))
-