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3688th Council meeting

Foreign Affairs

(including Defence)

Brussels, 13 and 14 May 2019

President **Federica Mogherini**
High Representative for Foreign Affairs and Security
Policy

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

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ITEMS DEBATED**FOREIGN AFFAIRS****Current affairs**

The High Representative and foreign ministers discussed Iran, following the latest announcements related to the Joint Comprehensive Plan of Action (JCPOA), the Iran nuclear deal. They recalled their full commitment to the preservation and full implementation of the JCPOA, a key achievement of the global nuclear non-proliferation architecture. They expressed concern at recent declarations by Iran, recalling their rejection of any ultimatum and stressing the importance that Iran continue to abide by the JCPOA, as it has done so far, and as certified 14 times by the International Atomic Energy Agency (IAEA). At the same time, they reaffirmed their commitment to deliver on the benefits of the deal for the Iranian people. In this context, they expressed regret at the re-imposition of sanctions by the USA following the United States' withdrawal from the JCPOA and underlined their commitment to achieving full operationalisation of the special purpose vehicle, INSTEX.

Ministers also touched upon the situation in Venezuela. The High Representative debriefed ministers on the most recent International Contact Group meeting in San Jose, Costa Rica, on 5-6 May. Ministers expressed their concern following the events of 30 April 2019 and the subsequent escalation of tensions, with further repression by the regime against the opposition and members of the National Assembly. They reiterated their support for the International Contact Group as the only format through which a negotiated political solution can be envisaged, as is increasingly recognised by other actors in the region and beyond.

Foreign ministers also discussed Ukraine, following the results of the Presidential election. They noted the positive signals from the incoming administration, in particular its intention to continue and strengthen the reform implementation process which, they underlined, remains key to delivering tangible benefits to the Ukrainian people. They expressed concern at the Russian decree simplifying the issuing of passports in certain areas of Ukraine's Donetsk and Luhansk regions, and reiterated their full support for Ukraine and its sovereignty, independence and territorial integrity.

The High Representative also referred to the situation in Sudan and to the US decision to discontinue the waiver on Title 3 of the Helms-Burton Act.

Libya

Ministers discussed Libya together with the UNSG Special Representative for Libya Ghassan Salamé, and exchanged views on possible next steps to avoid further escalation in the conflict.

The Foreign Affairs Council then adopted the following statement:

"The LNA military attack on Tripoli and the subsequent escalation in and around the capital constitutes a threat to international peace and security and further threatens the stability of Libya.

Furthermore, it enhances the risk of increased terrorist threat across the country.

The EU reaffirms its commitment to the sovereignty, independence, territorial integrity and national unity of Libya.

The EU calls on all parties to immediately implement a ceasefire and to engage with the United Nations to ensure a full and comprehensive cessation of hostilities. It also calls on them to dissociate themselves both publicly and on the ground from terrorist and criminal elements involved in the fighting, and from those suspected of war crimes, including individuals listed by the UN Security Council.

The EU is deeply concerned at the loss of human life, the growing number of internally displaced persons and the impact on migration flows. All parties must protect civilians, including migrants and refugees, by allowing and facilitating a safe, rapid and unimpeded delivery of humanitarian aid and services to all those affected, and as stipulated under the International Humanitarian Law and International Human Rights Law.

The EU recalls that indiscriminate attacks on densely populated residential areas may amount to war crimes. Those breaching International Humanitarian Law must be held to account.

The EU recalls that there is no military solution to the crisis in Libya and urges all parties to re-commit to the United Nations-facilitated political dialogue and work towards a comprehensive political solution to the crisis in Libya as agreed in Paris in May 2018, in Palermo in November 2018, and in Abu Dhabi in February 2019 in order to pave the way for holding the national elections.

The EU reaffirms its full support for the work of the Special Representative of the Secretary-General (SRSG) and the United Nations Support Mission in Libya (UNSMIL). It urges all parties to fully respect the arms embargo and refrain from any actions that could further undermine the UN-facilitated political dialogue. It also urges them to engage constructively with the SRSG with the aim of achieving a Libyan-led and Libyan-owned political solution through an inclusive political process, with the full participation of women, to bring security, political and economic sustainability, and national unity to Libya."

Sahel

The Council discussed and adopted conclusions on the Sahel. The Council reiterates that the Sahel is a strategic priority for the EU and its member states. The various meetings taking place during the week of 13 May demonstrate this sense of priority and the EU's integrated approach to the region. Foreign ministers held a discussion to set out the political framework, preparing for the exchange of views between EU foreign and defence ministers on 14 May together with the foreign and defence ministers of the G5 Sahel countries (Burkina Faso, Chad, Mali, Mauritania and Niger), which is expected to focus on security aspects. On Thursday 16 May, EU development ministers will discuss how to step up the EU's long-term engagement with and support for the region.

The conclusions recall that the EU stands by the authorities and people of the Sahel, who continue to face challenges of various kinds:

- i. those of a political nature, in particular serious shortcomings in governance, the rule of law and the protection of human rights;
- ii. challenges relating to security, with the expansion of the terrorist threat, of extremist violence and of organised crime, including human trafficking, with climate change adversely affecting natural resources and fuelling local conflicts;
- iii. challenges in terms of development, with endemic poverty, strong demographic growth and weak socio-economic cohesion;
- iv. these factors aggravate food insecurity, increase migratory pressures and worsen the humanitarian situation.

Against this background, conflicts between communities have flared up again, in the space of a few months, in several countries in the region. Meeting these challenges and remedying these shortcomings is primarily the responsibility of the Sahel states. The international community supports them in their efforts.

[Read the full text of the Council conclusions](#)

FOREIGN AFFAIRS - DEFENCE**Sahel (in the presence of representatives of the G5 Sahel)**

EU foreign and defence ministers discussed the situation in the Sahel with their counterparts from the G5 Sahel countries (Burkina Faso, Chad, Mali, Mauritania and Niger). The meeting was an opportunity to reaffirm the strategic importance of the Sahel for the EU, which stands by the G5 Sahel countries in their efforts to address multiple challenges.

Ministers discussed in particular how to address the recent deterioration in the security situation in the region, including the increased presence of terrorist groups, as well as the increase in intercommunal violence. They reaffirmed their strong determination to step up efforts to combat jihadist and other terrorist groups and to restore stability, including through further work to operationalise the G5 Sahel Joint Force. They also mentioned the important role of MINUSMA in supporting security efforts in Mali and the region. The need for states' presence to be reinforced throughout the Sahel's territory was also highlighted, as well as the importance of addressing human rights violations.

PESCO

Defence ministers discussed PESCO after its first full year of implementation. They reviewed the progress made, including the implementation of the 34 projects agreed within this framework. They took stock of the ongoing discussion on the general conditions under which third States could be invited to participate in individual projects, and reaffirmed their commitment to complete this work as swiftly as possible.

The Council adopted a recommendation assessing the progress made by the participating member states to fulfil commitments undertaken in the framework of Permanent Structured Cooperation (PESCO).

[Council assesses progress made in the framework of PESCO after first year of implementation, press release, 14 May 2019](#)

[Overview of the collaborative PESCO projects \(table\)](#)

EU-NATO cooperation

Over lunch, defence ministers discussed EU-NATO Cooperation with NATO Deputy Secretary General Rose Gottemoeller. They focused in particular on ways to counter hybrid threats.

[Factsheet on EU-NATO cooperation \(EEAS\)](#)

OTHER ITEMS APPROVED

FOREIGN AFFAIRS

EU annual report on human rights and democracy in the world, 2018

The Council adopted the EU annual report on human rights and democracy in the world for 2018. The report noted that in 2018 the EU remained at the forefront of the protection and promotion of human rights in a rapidly changing geopolitical landscape. The EU engaged in activities across the globe in line with the objectives set out in the EU action plan on human rights and democracy (2015-2019). The Council recognised that in a volatile and unpredictable world, the Action Plan has been instrumental in taking forward the human rights agenda.

2018 was the 70th anniversary of the Universal Declaration of Human Rights (UDHR), and during this year the EU continued to strongly support the promotion and protection of human rights at the heart of multilateralism - particularly important at a time when there have been serious negative trends in human rights and democracy around the world.

The year saw an increase in threats and rights violations against journalists and other media workers, further shrinking the space for free journalism. In line with the priorities of the Global Strategy for the EU's foreign and security policy, the EU continued to firmly oppose any unjustified restrictions of the rights of freedom of association and of peaceful assembly.

The 2018 annual report also notes that this year was not only about human rights challenges and setbacks; there was also positive change. In 2018, the EU acted to identify and support positive human rights narratives, building on the vision of a human rights-based 2030 Agenda. The EU-led 'Good Human Rights Stories' initiative launched at the 73rd United Nations General Assembly (UNGA) generated broad cross-regional resonance and aims to provide an effective vehicle for positive change in the future.

[EU annual report on human rights and democracy in the world, 2018](#)

[Protection and promotion of human rights \(Council website\)](#)

Conclusions on EU-Latin America and Caribbean relations

The Council adopted conclusions on EU relations with Latin America and the Caribbean, following the joint communication by the High Representative and the Commission on the "EU, Latin America and the Caribbean: Partnering for prosperity, democracy, resilience and global governance" of 17 April 2019.

Relations between the EU and Latin America and the Caribbean (LAC) have strengthened significantly over the last decade. Together, the EU and LAC account for 25% of the world's GDP, a third of UN member states and almost half the members of the G20. Joint action by the two regions has been instrumental in the achievement of landmark multilateral agreements such as the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda and the Paris Agreement.

The Council noted that the EU and LAC economies have become more integrated over the last decade, but there is a huge untapped potential that should be exploited. The EU remains the biggest investor in LAC countries and LAC investment in Europe has grown substantially. EU-LAC prosperity is increasingly shared and should be further enhanced through a greater volume of private investment and effective use of existing trade agreements.

The Council underlined that the LAC and the EU are key partners with common values and interests, which should work even more closely in the multilateral framework, most notably at the UN and at the WTO, to promote democracy, the rule of law, respect for human rights and fundamental freedoms, growth, employment, investment, economic opportunities and sustainable development, to build more resilient societies, preserve and promote peace and security, multilateralism and a rules-based international order.

[EU-Latin America and Caribbean relations: Council adopts conclusions](#)

Sanctions related to the Central African Republic

The Council transposed into EU law an update issued by the UN on 19 April 2019 related to a person designated under the Central African Republic sanctions regime.

15th EU-Tunisia Association Council

The Council adopted the EU's common position with a view to the upcoming meeting of the EU-Tunisia Association Council, which will take place on Friday 17 May.

COMMON SECURITY AND DEFENCE POLICY

EUAM Ukraine: extension of the mission's mandate and budget increase

The Council extended the mandate of the European Union Advisory Mission (EUAM) in Ukraine until 31 May 2021. It also approved a budget of € 54 million for the next two years, an increase of more than 25%, which reflects the intensification of the mission's activities, including the establishment of a second mobile unit, which will be deployed in the east and south-east of Ukraine.

EUAM Ukraine's overall objective is to support Ukraine in developing sustainable, accountable and efficient security services that strengthen the rule of law. This process is ultimately designed to restore the trust of the Ukrainian people in their civilian security services. The mission supports the reform of the civilian security sector, in close cooperation with the police, other law enforcement agencies and the judicial sector, particularly the prosecutor's office.

The mission provides strategic advice to the Ukrainian authorities and supports them through operational activities, including training. The mission has five priorities: 1) human resource management, 2) criminal investigation, 3) public order, 4) community policing, and 5) delineation of competencies. It also focuses on three cross-cutting issues: human rights and gender, combating corruption, and good governance. For example, EUAM Ukraine has assisted in the implementation of a new concept on public order, and is currently advising on security service reform and parliamentary oversight, based on a law on national security adopted in June 2018.

EUAM Ukraine is an unarmed, non-executive civilian mission with its headquarters in Kyiv and field offices in Lviv and Kharkiv and Odessa. It also carries out projects across the country. It was established on 22 July 2014. It began operations on 1 December 2014 and currently has a staff of over 300.

[EUAM Ukraine \(EEAS website\)](#)

EUCAP Sahel Mali

The Council modified the mandate of EUCAP Sahel Mali to extend the area of operations to other G5 Sahel countries in the context of the second phase of the regionalisation of the EU's CSDP activities in the Sahel.

Regionalisation is intended to strengthen civilian and military support to cross border cooperation and regional cooperation structures, and to reinforce capacity and ownership of the G5 Sahel countries to address challenges in the region.

A dedicated Regional Advisor and Coordination Cell (RACC) created within EUCAP Sahel Mali will gradually relocate staff from Bamako to Nouakchott.

This decision also allocated an extra €1.22 million to the mission's budget, bringing the total budget to €68.15 million for the period 1 March 2019 to 14 January 2021. The additional funding will cover the costs of the RACC and additional security staff within the mission following the deterioration of the security situation in the centre of the country.

EUCAP Sahel Mali was established on 15 April 2014, and the first phase of the regionalisation was agreed by the Council on 20 June 2017.

[EUCAP Sahel Mali \(website\)](#)

High Representative's report on Operation ALTHEA

The Council approved the High Representative's report on the 29th six-month review of Operation ALTHEA.

[EUFOR in Bosnia and Herzegovina Operation ALTHEA](#)

GENERAL AFFAIRS**Cooperation and information-sharing in the area of international agreements**

The Council approved the following statement regarding the negotiations under paragraph 40 of the Interinstitutional Agreement on Better Law-Making:

"Paragraph 40 of the 2016 Interinstitutional Agreement on Better Law-Making acknowledges the importance of ensuring that each institution can exercise its rights and fulfil its obligations enshrined in the Treaties as interpreted by the Court of Justice of the European Union regarding the negotiation and conclusion of international agreements.

The Council of the EU has engaged in good faith and in a spirit of mutual sincere cooperation in the negotiation foreseen in paragraph 40 of improved practical arrangements for cooperation and information-sharing, including by tabling the first negotiation text. It has done so because it believes that it is in the Union's interest for the institutions to have a common understanding on the mechanisms for cooperation and information sharing in the key area of international agreements.

In this regard, the Council considers that the negotiation has been useful in terms of updating and simplifying procedures where appropriate, in compliance with Article 218 TFEU.

The Council stands ready to resume negotiations aiming to further improve the co-operation in the area of international agreements, in full respect of the principles of mutual sincere co-operation and institutional balance. It believes that reaching an agreement between the three institutions, with the objective of establishing a single point of reference between them, would reinforce coherence, consistency and cooperation, and ultimately improve the Union's capacity to act effectively and efficiently in the negotiation and conclusion of international agreements. In this respect, the Council recalls its concerns, expressed at the time, regarding the effects of the 2010 "Framework Agreement" between the European Parliament and the Commission on the institutional balance."

JUSTICE AND HOME AFFAIRS**Eurodac - Denmark**

The Council adopted a decision on the conclusion (15822/18) of a protocol extending the agreement between the EU and Denmark on Eurodac to access for law enforcement purposes (15823/18).

The protocol aims to strengthen cooperation with Denmark on the prevention, detection and investigation of terrorist offences and other serious criminal offences. It will allow designated law enforcement authorities to request the comparison of fingerprint data transmitted to Eurodac.

ECONOMIC AND FINANCIAL AFFAIRS**European fund for strategic investments**

The Council adopted the following conclusions on the European Court of Auditors' special report No 3/2019 "European fund for strategic investments: action needed to make EFSI a full success":

THE COUNCIL OF THE EUROPEAN UNION:

1. WELCOMES the European Court of Auditors' Special Report No 03/2019: "European Fund for Strategic Investments: Action needed to make EFSI a full success";
2. TAKES NOTE of the Court's findings and WELCOMES the recommendations made by the Court;
3. NOTES that the audit covered European Fund for Strategic Investments (EFSI) operations from 2015 until July 2018 and focused on EFSI 1, primarily on the infrastructure and innovation window;
4. WELCOMES the fact that EFSI has been effective in supporting substantial additional investment in the EU, in addressing market failures or sub-optimal investment situations and in contributing to reducing the investment gaps in the Union, but AGREES with the Court of Auditors that there is significant room for improvement in certain areas;

5. STRESSES that projects supported by EFSI should provide additionality and that crowding-out effects must be avoided, particularly in more favourable market circumstances; AGREES that the assessment of whether EFSI projects could have been financed from other sources should be improved;
6. STRESSES that the demand-driven nature of EFSI is a cornerstone of its success while RECOGNISING that the geographic distribution of supported investments should be improved, notably in member states without developed financial markets and well-established national promotional banks and institutions, in particular by addressing the root causes of the observed geographical spread;
7. AGREES that complementarity between EU financial instruments and EU budgetary guarantees must be encouraged;
8. AGREES with the need for continued work on the calculation methodology and reporting arrangements to estimate the investment mobilised, and STRESSES the importance of accurate estimation of the impact of EFSI;
9. WELCOMES the fact that the Commission and the European Investment Bank (EIB) agree with the Court of Auditors' recommendations and have already taken steps with a view to their implementation, and NOTES that two recommendations have been already implemented and one recommendation has been addressed;
10. UNDERLINES that many of the concerns expressed have already been taken into account in the revision of EFSI and particularly in the InvestEU Regulation;
11. STRESSES the need for the Commission, the EIB and the future InvestEU implementing partners to ensure proper implementation of these recommendations;
12. CONSIDERS that implementing these recommendations will, among others, ensure high value added by supported investments, improve the geographical balance, limit duplication and promote synergies among different instruments;
13. LOOKS FORWARD to the yearly Court updates of the implementation of the recommendations and the next report on the EFSI implementation.

EUROPEAN ECONOMIC AREA

51st meeting of the EEA Council

The Council established the EU's common position for the 51st meeting of the European Economic Area Council which is expected to take place in Brussels on 20 May 2019.

TRANSPORT

Cooperative intelligent transport systems

The Council decided to extend the time-limit for raising objections to the Commission delegated regulation relating to the deployment and operational use of cooperative intelligent transport systems ([8169/19](#); [7510/19](#) + [7510/19 ADD 1](#)). The time-limit is extended by two months, i.e. until 13 July 2019.

ENVIRONMENT

Monitoring and reporting data on new trucks

The Council decided not to object to a Commission regulation concerning the data on new heavy-duty vehicles to be monitored and reported by member states and by manufacturers ([8815/19](#), [7792/19](#) + [7792/19 ADD 1](#)).

This regulation is in accordance with the regulation on the monitoring and reporting of CO₂ emissions from and fuel consumption of new heavy-duty vehicles. As of 1 July 2019, vehicle manufacturers are required to monitor and report a number of additional parameters concerning new heavy-duty vehicles to the Commission, such as whether the vehicle is electric, whether it has a sleeper cab or whether it is a vocational vehicle.

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.

INTERNAL MARKET AND INDUSTRY

Establishment of common training test for ski instructors*

The Council decided not to object to a Commission delegated regulation establishing a common training test for ski instructors under Article 49b of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of the professional qualifications.

The main objectives of the common training test are to facilitate the mobility of ski trainers across the EU and to increase legal clarity, predictability and transparency with respect to the recognition of ski instructor qualifications.

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 ([7573/19](#)+[7573/19 ADD 1](#)).

HEALTH

Vitamin D requirements

The Council decided not to object to a Commission regulation amending delegated regulation (EU) 2016/127 with regard to vitamin D requirements for infant formula and erucic acid requirements for infant formula and follow-on formula.

Following an assessment by the European Food Safety Authority on the safety of consumption by infants of formulae containing 3 µg/100 kcal of vitamin D, the regulation lowers the maximum levels of erucic acid in infant formula and follow-on formula.

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 ([7620/19](#)), ([7620/19 ADD1](#)), ([8588/19](#)).
