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## OUTCOME OF THE COUNCIL MEETING

3712th Council meeting

### General Affairs

Brussels

President **Tytti Tuppurainen**  
Minister for European Affairs of Finland

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<sup>1</sup> • 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**

### **Multiannual Financial Framework 2021-2027**

The Council took stock of the work on the multiannual financial framework for 2021-2027.

The presidency sent out a questionnaire to all delegations over the summer and conducted bilateral meetings in early September to identify member states' priorities and main concerns. On this basis, it will draft a paper as presidency input in the preparations for the exchange of views at the October European Council.

Following guidance from the leaders, the presidency plans to present a revised Negotiating Box with figures before the end of the year, in order to prepare for the next stages of the negotiations.

In parallel, work will continue on the various sectoral proposals to make further progress on Council mandates or conclude additional 'common understandings' with the European Parliament.

### **October European Council**

Ministers started preparations for the European Council meeting of 17-18 October by examining an annotated draft agenda.

At their meeting in October, leaders are expected to have a substantive discussion on the next multiannual financial framework on the basis of the work done by the presidency. Leaders will also discuss the follow-up to the Strategic Agenda 2019-2024 for the Union.

Depending on the timetable of the European Parliament, the European Council may adopt the decisions on the appointment of the new ECB President and the new European Commission.

In the light of events, the European Council may also address specific foreign policy issues.

### **Enhancing respect for the Rule of Law in the Union**

The Council held a policy debate on enhancing respect for the rule of law in the EU.

On the basis of a presidency background paper, ministers discussed how the Council could contribute to the overall aim of strengthening the rule of law in the EU, and what specific measures could be used.

The debate took place against the backdrop of a forthcoming review of the Council's annual rule of law dialogue, which is scheduled to take place at the General Affairs Council meeting in November. It built upon discussions on a peer review mechanism, as well as the Commission communication of 17 July in which the Commission proposed, among other things, to set up a Rule of Law Review Cycle covering all the EU member states.

During the debate, a number of ministers expressed their support for developing a preventive mechanism for monitoring the rule of law situation in all the EU member states. Several participants stressed that any such mechanism would need to be inclusive and objective, ensuring that all member states are treated in an equal manner. In addition, it was important to respect the division of competences under the treaties and to avoid duplication for any mechanisms chosen.

The presidency will now send a questionnaire to all member states. The results of this questionnaire will feed into the evaluation of the Council's rule of law dialogue at the [General Affairs Council](#) meeting in November.

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

The Council held a hearing under the Article 7(1) TEU procedure concerning Hungary.

The hearing covered all the issues raised in the European Parliament's reasoned proposal. It enabled ministers to have a more in-depth exchange with Hungary on the key concerns identified by the Parliament.

The presidency closed the hearing by presenting procedural conclusions. In line with the standard modalities for hearings, no assessment on the substance of the issues is included at this stage.

### **Other items**

Under any other business, the presidency briefed ministers on the main takeaways from the Conference on Democracy, Rule of Law and Fundamental Rights hosted by the Finnish presidency in Helsinki on 10-11 September.

The Commission updated ministers on the developments regarding the rule of law in Poland following the meeting of the [General Affairs Council](#) in July.

## **OTHER ITEMS APPROVED**

### **REGIONAL DEVELOPMENT**

#### **Tackling fraud in cohesion spending**

The Council adopted conclusions on the European Court of Auditors' Special Report No 6/2019 entitled "Tackling fraud in EU cohesion spending: managing authorities need to strengthen detection, response and coordination" ([11752/19](#)).

In its conclusions, the Council takes note of the findings of the report and notes that, partially due to the increased capacity of member states to detect and report irregularities, including potential fraud cases, the incidence of reported fraud (suspected and established) in EU cohesion policy is significantly higher than in other areas.

The Council considers the report a useful contribution to member states' reflections on how to further improve the work of managing authorities in tackling fraud in cohesion policy.

### **EUROPEAN ECONOMIC AREA**

#### **EEA Agreement - Incorporation of EU legislation**

The Council adopted a decision establishing the EU position to be taken in the Joint Committee of the European Economic Area (EEA) concerning the amendment of Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms ([11272/19](#)).

The aim of the decision is to incorporate into the EEA Agreement Decision (EU) 2019/420 of 13 March 2019 amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism (RescEU).

## **FOREIGN AFFAIRS**

### **Crisis and post-crisis collaboration and support**

The Council authorised the Commission to sign, on behalf of the EU, a Joint Declaration with the UN and the World Bank on crisis and post-crisis collaboration and support. The signature is expected to take place in the margins of the UN General Assembly in September 2019.

The Joint Declaration will update the Joint Declaration on post-crisis assessment and recovery planning which was signed by the EU, the UN and the World Bank on 25 September 2008. This declaration has provided an important framework for strengthening collaboration and coordination in the assessment and planning of responses to crises, whether due to natural disasters or resulting from violent conflicts, and for leveraging the organisations' combined expertise, resources and capacities to support countries in recovering from and building resilience to crisis.

The joint work undertaken under the EU-UN-World Bank Declaration on post-crisis assessments and recovery planning is a positive example of multilateralism. Following the application of the methodologies and tools by the EU, the UN and the World Bank in over 75 crisis situations, a joint lessons-learned study was undertaken in 2018, with a view to reinforcing this partnership in a global context. Taking into account new ways to address disasters and conflict-related crises, structural changes in the three organisations, and to mark a recommitment to the cause of the Joint Declaration, the EU, the UN and the World Bank decided to update the 2008 Joint Declaration.

[The Joint Declaration on post-crisis assessments and recovery planning, September 2008](#)

### **Control of arms exports**

The Council adopted a decision amending the Council Common Position of 8 December 2008 on the control of arms exports, as well as a revised user's guide. It also adopted conclusions on the review of the Common Position.

The Council decision takes account of a number of developments at both European Union and international level that have resulted in new obligations and commitments for member states since the adoption of the Common Position of 2008. These developments include in particular the entry into force of the Arms Trade Treaty (ATT) on 24 December 2014, which regulates the international trade in conventional arms. All member states are States Parties to the ATT. The ATT aims to establish the highest possible common international standards for regulating or improving the regulation of international trade in conventional arms and to prevent and eradicate illicit trade in conventional arms and prevent their diversion.



In its conclusions, the Council recalls its commitment to strengthen the control of the export of military technology and equipment and to reinforce cooperation and promote convergence in the field of export of military technology and equipment within the framework of the Common Foreign and Security Policy. It does this through the setting, upholding and implementation of high common standards for the management of transfers of military technology and equipment by all member states.

The Council reaffirms that military equipment and technology should be traded in a responsible and accountable way. It renews its commitment to promote cooperation and convergence in member states' policies to prevent the export of military technology and equipment which might be used for internal repression or international aggression, or contribute to regional instability.

[Council conclusions on the review of Council Common Position 2008/944/CFSP of 8 December 2008 on the control of arms exports](#)

[Council decision amending Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment](#)

[User's guide to Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment \(updated\)](#)

### **Joint EU-ACP Declaration on 2030 Agenda and Sustainable Development Goals**

The Council approved a Joint European Union – African, Caribbean and Pacific Group of States (ACP) Declaration on the 2030 Agenda and the Sustainable Development Goals (SDGs) implementation, which is expected to be adopted in the margins of the UN General Assembly on 24-25 September 2019.

[SDG Summit, 24 - 25 September 2019, New York](#)

### **Extension of the EU Region Trust Fund in response to the Syrian Crisis**

The Council agreed to extend the EU Trust Fund in Response of the Syrian Crisis (EUTF) for one year, until 14 December 2020. The objective of the EUTF is to provide a coherent and reinforced EU aid response to the Syrian and Iraqi crises, addressing longer-term resilience needs of Syrian refugees and internally displaced persons (IDPs) in the neighbouring countries, as well as host communities and their administrations. The European Commission, the EU members states and other donors have allocated so far € 1 839 million.

[EU Regional Trust Fund in Response to the Syrian crisis](#)

## **Agreement with the Swiss Confederation on trade in agricultural products**

The Council adopted a decision establishing the EU position to be taken in the Joint Committee on Agriculture set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, as regards the amendment of Annexes 1 and 2 to the Agreement ([11097/19](#))

The Committee has to adopt a decision amending Annexes 1 and 2 to the Agreement in order to update the numeric codes of the Agreement following the latest review of the Harmonised System, correct an error made in the latest adaptation of Annex 1 to the Agreement concerning the tariff concession for boneless hams, and incorporate into Annex 1 to the Agreement the tariff concessions granted by Switzerland in 1996 for dog and cat food intended for sale.

## **Torture and other cruel, inhuman or degrading treatment or punishment**

The Council adopted the following conclusions on the revised Guidelines on EU policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment:

"1. The Council welcomes the Guidelines on EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and approves the revised guidelines. The Council remains seriously concerned by the widespread use of torture and other ill-treatment around the world.

2. The Council recalls that the prohibition of torture and other cruel, inhuman or degrading treatment is absolute in international law. The fight against torture and other ill-treatment is enshrined within the EU legal and political framework and the EU will continue to oppose any attempt to limit this absolute prohibition. In this respect, the EU and its Member States reaffirm their full commitment to combatting torture and other ill-treatment worldwide, in line with relevant international and regional treaties and standards on human rights, including on the administration of justice and the conduct of armed conflict.

3. The EU will continue to strongly oppose and condemn the use of torture and other ill-treatment by state and non-state actors, wherever it takes place and whatever its form, using all tools at its disposal. The Council recognises the relevance of a comprehensive approach to eradicating torture encompassing all essential elements: prohibition, prevention, accountability and redress for victims.

In this context, the Council underlines the importance of procedural safeguards, in particular in the first hours of detention, to prevent torture and other ill-treatment.

4. The EU calls on all States to fully comply with their human rights obligations under international law including in counter-terrorism, migration, trafficking in human beings and other crisis management settings, with particular attention to those in the most vulnerable situations. The EU also stresses the importance of mainstreaming safeguards against torture and other ill-treatment in all actions and policies.

5. Engaging with all key stakeholders and taking joint actions is critical to the eradication of torture. The Council underlines the importance of further strengthening cooperation with UN mechanisms and regional bodies, as well as with other relevant actors such as the International Criminal Court. The Council equally acknowledges the key role of National Human Rights Institutions and independent National Preventive Mechanisms as well as of civil society organisations and human rights defenders in the fight against torture and other ill-treatment.

6. The Council notes with appreciation the progress made by the Global Alliance for Torture-Free Trade, a cross-regional effort gathering more than 60 countries committed to ending trade in goods used for torture and capital punishment globally. The Council welcomes the UN General Assembly resolution on Torture-Free Trade and strongly supports efforts to establish common international standards in this field. It also welcomes the ongoing work on the revision of the Istanbul Protocol on Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

7. The revised guidelines provide practical guidance to EU institutions and Member States, including on the wide range of tools that can be used in their engagement with third countries and in multilateral human rights fora to support ongoing efforts to eradicate torture and other ill-treatment worldwide. The Council Working Party on Human Rights (COHOM) will follow up on their implementation in close cooperation, when appropriate, with other Council working groups."

[Guidelines on EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – 2019 Revision of the Guidelines](#)

## ***ECONOMIC AND FINANCIAL AFFAIRS***

### **Stability and growth pact - Hungary and Romania**

The Council adopted a formal report to the European Council on the decisions adopted establishing that no effective action has been taken in the context of the Significant Deviation Procedures against Hungary and Romania.

A significant deviation procedure was initiated against Romania on 16 June 2017 and against Hungary on 22 June 2018. On 14 June 2019, the Council adopted decisions establishing that neither of the two countries had taken effective action in response to the Council's recommendations to remedy the situation. [\(9078/19\)](#)

## **International platform on sustainable finance**

The Council authorised the Commission to sign the Joint Statement on the International Platform on Sustainable Finance on behalf of the Union.

## **BUDGETS**

### **Budget of EBA, EIOPA, ESMA and FRONTEX**

Following discussions between the European Parliament, the Council and the Commission at the trilogue on 23 July 2019, an agreement was reached on a draft joint statement concerning the financing of the European Banking Authority (EBA), the European Insurance and Occupational Pensions Authority (EIOPA), the European Securities and Markets Authority (ESMA) and the European Border and Coast Guard Agency (FRONTEX). The Council confirmed its agreement on this draft joint statement.

The joint statement concerns in particular the confirmation that the revised financial statements of all four agencies can be secured within the agreed expenditure ceilings of the multiannual financial framework for the period 2014-2020. ([11709/19](#))

## **AGRICULTURE**

### **The control system for organic products: Council conclusions**

The Council adopted conclusions on [Special Report No 04/2019](#) from the European Court of Auditors entitled: "The control system for organic products has improved, but some challenges remain" ([12140/19](#)).

According to the report, the EU control system governing the production, processing, distribution and import of organic products has improved over time, but some challenges remain to be addressed.

## **Traceability of certain animal by-products and derived products**

The Council decided not to oppose the adoption of a Commission regulation amending regulation 142/2011 on the traceability of certain animal by-products and derived products ([11202/19](#) + [ADD 1](#)).

The new Commission regulation amends Article 21 and Annex VIII to regulation 142/2011 in order to update the requirements for the dispatch into another member state of fish oil and fishmeal for the feeding of farmed animals intended for detoxification.

## **Eradication measures for transmissible spongiform encephalopathies in ovine, caprine animals and endangered species**

The Council decided not to oppose the adoption of two Commission regulations amending regulation 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs) in animals.

The first Commission regulation amends Annex I by introducing the possibility for member states to determine in each case which animals should be exempted from killing, if TSE is diagnosed. It also amends Annexes I, VII and VIII by replacing the expression ‘local breed in danger of being lost to farming’ with the one ‘endangered breed’, in line with Regulation (EU) 2016/1012 ([11214/19](#) + [ADD 1](#)).

The second Commission regulation amends Annex X in respect of sampling and laboratory methods for detection of BSE and TSEs as regards ovine and caprine animals ([11286/19](#) + [ADD 1](#)).

## **Prevention of Salmonella in reptile meat**

The Council decided not to oppose the adoption of a Commission regulation amending regulation 2073/2005 as regards Salmonella in reptile meat ([11222/19](#) + [ADD 1](#)).

Commission regulation 2073/2005<sup>2</sup> lays down the microbiological criteria for certain micro-organisms and the implementing rules to be complied with by food business operators.

Given the increasing import from third countries of fresh, chilled or frozen reptile meat, the new regulation includes implementing rules concerning food safety criteria for reptile meat, requiring business operators to take measures at previous stages of reptile meat production contributing to the reduction of the presence of Salmonella.

## **Maximum levels for certain undesirable substances in animal feed**

The Council decided not to oppose the adoption of a Commission regulation amending and correcting Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels for certain undesirable substances in animal feed ([11204/19](#) + [ADD 1](#)).

Directive 2002/32/EC provides that the use of products intended for animal feed which contain levels of undesirable substances exceeding the maximum levels laid down in Annex I to that Directive is prohibited.

## **Reference points for action for non-allowed pharmacologically active substances present in food of animal origin**

The Council decided not to oppose the adoption of a Commission regulation aimed at introducing rules for the establishment of:

- reference points for action for residues of pharmacologically active substances;
- scientific methods for the risk assessment of the safety of reference points for action;
- actions to be taken in the case of a confirmed presence of a residue of a prohibited or non-allowed substance at levels above, equal to or below the reference point for action established ([11246/19](#) + [ADD 1](#)).

## **Rules for establishments keeping terrestrial animals and hatcheries**

The Council decided not to oppose the adoption of a Commission regulation supplementing regulation 2016/429 as regards rules for establishments keeping terrestrial animals and hatcheries, and the traceability of certain kept terrestrial animals and hatching eggs ([11372/19](#) + [ADD 1](#)).

The new regulation supplements the rules laid down in regulation 2016/429 with regard to registered and approved establishments for kept terrestrial animals and hatching eggs and traceability requirements for bovine, ovine, caprine, porcine, equine, camelid and cervid animals, dogs, cats and ferrets, captive birds, hatching eggs and animals kept in travelling circuses and animal acts.

## **Use or residues of pharmacologically active substances in veterinary medicinal products or as feed additives**

The Council decided not to oppose the adoption of a Commission regulation supplementing regulation 2017/625 as concerns cases of suspected or established non-compliance with EU rules applicable to the use or residues of pharmacologically active substances authorised and unauthorised in veterinary medicinal products or as feed additives ([11376/19](#) + [ADD 1](#)).

The new regulation expands and further specifies requirements for the performance of official controls and actions to be taken in case of suspicion of non-compliance and for measures to be taken in the event of established non-compliance with EU legislation in the area of food safety at all stages of production, processing and distribution.

## **EU position in the Western Central Atlantic Fishery Commission**

The Council adopted a decision on the position to be taken on behalf of the European Union within the Western Central Atlantic Fishery Commission (WECAFC) for the period 2019-2023.

The EU is a member of WECAFC, a regional fishery commission of the Food and Agriculture Organization of the United Nations (FAO).

WECAFC aims to promote the effective conservation, management and development of the living marine resources in its area of competence.

## **EU position in the Fishery Committee for the Eastern Central Atlantic**

The Council adopted a decision on the position to be taken on behalf of the European Union within the Fishery Committee for the Eastern Central Atlantic (CECAF) for the period 2019-2023.

The EU is a member of CECAF, a regional fishery committee of the Food and Agriculture Organization of the United Nations (FAO), the aim of which is to promote the sustainable utilisation of the living marine resources in its area of competence.

## **ENVIRONMENT**

### **COP 13 of the Conservation of Migratory Species of Wild Animals Convention**

The Council adopted a decision on the submission, on behalf of the European Union, of proposals for amendments to the Appendices to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) with a view to the 13th meeting of the Conference of the Parties.

The Convention on the Conservation of Migratory Species of Wild Animals (CMS) is an environmental treaty which aims to conserve terrestrial, marine and avian migratory species throughout their range. The Conference of the Parties (COP) is the decision-making body of the CMS which can assess the conservation status of migratory species and amend Appendices I and II to the CMS. The EU is a party to the CMS and may make proposals to amend the Appendices.

The 13th COP will take place on 15-22 February 2020. The Council decision ([11880/19](#)) provides that the EU will submit the following proposals to the secretariat of the CMS with a view to the 13th COP:

- amend Appendix I to the Convention to include the species *Tetrax tetrax*
- amend Appendix II to the Convention to include the species *Tetrax tetrax*, *Galeorhinus galeus* and *Sphyrna zygaena*.

## **TRANSPORT**

### **International Civil Aviation Organisation (ICAO) – CORSIA sustainable aviation fuels**

The Council approved an information note containing the recommended EU position related to eligible fuels for the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA), so that the information note can be used as the basis for EU member states' replies to the ICAO state letter on this matter by 20 September 2019, ahead of the 218th session of the ICAO Council, to be held from 18 to 29 November 2019 ([11886/19](#)).



## **Professional qualifications in inland navigation – adoption of standards**

The Council adopted a decision on the position to be taken on behalf of the EU within the European Committee for drawing up standards in the field of inland navigation (CESNI) and within the Central Commission for Navigation of the Rhine (CCNR) ([11276/19](#); [11037/19](#) + [ADD 1](#)). The position relates to the adoption of models in the field of professional qualifications in inland navigation.

CESNI will meet on 15 October in Strasbourg. The date of the CCNR meeting deciding on this matter is not known yet.

## **International Civil Aviation Organisation (ICAO) – 40th Assembly preparation**

The Council endorsed an information paper on passenger name record (PNR) data as part of the preparation of the 40th meeting of the International Civil Aviation Organisation (ICAO) Assembly. The meeting will take place from 26 September to 4 October in Montreal, Canada.

## **CUSTOMS UNION**

### **Enhancing transparency in free trade zones**

The Council adopted a decision setting out the position to be taken on behalf of the EU within the public governance committee of the Organisation for Economic Cooperation and Development (OECD) and the OECD Council with regard to enhancing transparency in free trade zones.

The OECD public governance committee works on setting international standards on countering illicit trade and fostering a global level playing field. Such standards are designed to assist governments and policy makers to reduce and deter illicit trade conducted through and inside free trade zones. ([11253/19](#) + [ADD2](#))

## **TRANSPARENCY**

### **Public access to documents**

On 16 September 2019, the Council approved the reply to confirmatory application No 18/c/02/19 (doc. [12124/19](#)).