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OUTCOME OF THE COUNCIL MEETING

3567th Council meeting

General Affairs

Luxembourg, 17 October 2017

President **Matti Maasikas**
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P R E S S

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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.

ITEMS DEBATED

October European Council

The Council discussed the draft conclusions for the European Council meeting to be held on 19 October 2017.

The October European Council is due to focus on migration, Digital Europe, defence and external relations.

In particular, leaders will take stock of the measures taken to stem illegal flows on all migration routes, decide on additional measures as required, and call for further progress on the reform of the Common European Asylum System with a view to reaching an agreement.

Regarding digital issues, they will look at how the EU can best meet the challenges and use the opportunities presented by the digital revolution. Input will be provided through an oral report by the Estonian prime minister on the discussions held at the Digital Summit in Tallinn on 29 September.

Defence issues will include a review of preparations made for the launching of a 'Permanent Structured Cooperation' (PESCO).

In the area of external relations, leaders are expected to discuss relations with Turkey and, possibly, other foreign policy issues.

An [annotated draft agenda](#) was discussed by the Council on 25 September 2017.

[19-20 October 2017 European Council webpage](#)
[Conclusions of the Prime Minister of Estonia Jüri Ratas following the Tallinn Digital Summit](#)

Rule of law dialogue

The Council held its third annual rule of law dialogue, focusing on media pluralism and the rule of law in the digital age. The rule of law dialogue was established in December 2014 to promote and safeguard the rule of law in the framework of the treaties.

The first dialogue had taken place in November 2015 and the second in May 2016.

This third rule of law dialogue built on the outcome of a seminar on the same theme that had been organised by the presidency on 12 July 2017 in Brussels ([summary of the seminar](#)).

The topic was introduced by the Director of the EU Agency for Fundamental Rights, Michael O'Flaherty, and the discussion was based on a [presidency note](#).

The presidency would subsequently draw up presidency conclusions on the basis of that discussion and forward them, together with its trio partners, to the relevant Council preparatory bodies for further consideration.

OTHER ITEMS APPROVED

BUDGET

Amendments of the European Parliament to the Council's position on the draft 2018 EU budget

The Council confirmed that it could not approve all the amendments to the Council's position on the draft budget for 2018 should they be adopted by the European Parliament, and approved the letter to convey that message to the European.

ECONOMIC AND FINANCIAL AFFAIRS

Markets in financial instruments

The Council decided not to object to Commission regulations:

- supplementing regulation 600/2014 on markets in financial instruments with regard to regulatory technical standards on indirect clearing arrangements ([12872/17](#) + [12493/17](#));
- amending Commission regulation 149/2013 on financial derivatives with regard to regulatory technical standards on indirect clearing arrangements ([12861/17](#) + [12492/17](#)).

The regulations are delegated acts pursuant to article 290 of the Treaty on the Functioning of the European Union. They can now enter into force, unless the European Parliament objects.

FISHERIES

Sustainable management of external fishing fleets

The Council adopted its position at first reading on a regulation on the sustainable management of external fishing fleets ([11382/17](#)).

In December 2015 the Commission had submitted its proposal on the above-mentioned regulation to the European Parliament and the Council, who reached a provisional agreement on 20 June 2017 ([see press release](#)).

European Court of Auditors' Special Report No 8/2017 on EU fisheries controls

The Council adopted conclusions on the European Court of Auditors' Special Report [No 8/2017](#) entitled 'EU fisheries controls: more efforts needed' ([12710/17](#)).

According to the Court's report, although member states and the European Commission had made progress over the last decade in setting up effective control systems to support the Common Fisheries Policy, more efforts were needed. The auditors also made a number of recommendations for improving the reliability of information on fishing fleets, the monitoring of fisheries management measures, the reliability of fisheries data, and inspections and sanctions.

ENVIRONMENT

Use of lead in materials and components of vehicles

The Council decided not to oppose the adoption of a Commission directive amending Annex II to [Directive 2000/53/EC on end-of-life vehicles](#) to update the exemptions applied to the use of lead in materials and components of vehicles ([11721/17](#) + [ADD1](#))

Based on the assessment of technical and scientific progress, the following exemptions had been reviewed:

- exemption 2(c): the use of lead remains unavoidable for the materials and components under this exemption. However, lead substitutes may become available in the near future. Given that their availability may differ in time, the exemption is divided into two sub-entries with different review dates.

- exemption 3: the use of lead also remains unavoidable for the materials and components under this exemption. Possible substitutes exist but will need to be developed further. A new review date is therefore set which takes into account that development.
- exemption 5: this is also divided into two sub-entries. For some materials and components, alternatives already exist so an expiry date for the exemption has been fixed. For others though, the use of lead is still unavoidable and a new review date has been established.

Directive [2000/53/EC](#) sets targets for reuse, recycling and recovery of end-of-life vehicles and their components with a view to dismantling and recycling those vehicles in this last stage in a better, more environmentally-friendly manner. This directive prohibits the use of lead, mercury, cadmium and hexavalent chromium in materials and components of vehicles placed on the market after 1 July 2003.

This Commission directive is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent¹, the Commission may adopt the directive, unless the European Parliament objects. The directive will subsequently enter into force on the 20th day following its publication in the Official Journal of the European Union.

Cadmium exemption in LEDs

The Council decided not to object² to a Commission directive amending annex III to [Directive 2011/65/EU](#) as regards an exemption for cadmium in colour converting light-emitting diodes (LEDs) for use in display systems ([11706/17](#) + [ADD1](#)).

The objective of the delegated directive is to contribute to the protection of human health and the environment, and to ensure the functioning of the internal market in the field of electrical and electronic equipment.

The scientific and technical assessment finalised in June 2016 by the Commission revealed that the use of cadmium-based quantum dots in displays not only provided a higher performance in terms of colour but also had a positive overall environmental impact owing to their lower energy consumption compared to the technology currently available on the market. The amendment is therefore needed in order to align the directive with this scientific and technical progress by permitting the use of cadmium in certain colour converting LEDs.

¹ Slovakia was opposed to its adoption.

² France and Luxembourg objected to the delegated directive ([12701/17](#)).

Given the rapid technological progress and very dynamic market in this field, which may lead to the development of cadmium-free displays, this exemption is limited to two years from the publication of the delegated directive in the Official Journal.

The Commission directive is a delegated act pursuant to article 290 of the Treaty on the Functioning of the EU. The act may now enter into force, unless the European Parliament objects.

Conference of the Parties to the Conservation of migratory species of wild animals

The Council adopted a decision on the position to be adopted on behalf of the European Union at the twelfth meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals. In particular, the position concerns the proposals made by various parties to the Convention for amendments to the appendices to the Convention with a view to giving protection to several additional species ([12766/17](#))¹.

The European Union will support these proposals on the grounds that they are science-based, are in line with relevant EU legislation and will help to fulfil the EU's commitment to international cooperation on protection of biodiversity.

The European Union has specifically made two of these proposals for an amendment to appendix II to the Convention in order to include the bird species *Lanius excubitor excubitor* and *Lanius minor*.

This Council decision is addressed to the Commission, which will represent the EU at the Conference of the Parties to the Convention in Manila, the Philippines, from 23 to 28 October 2017.

The main objective of the Convention is the conservation of terrestrial, marine and avian migratory species throughout their range. The EU and all its member states are parties to this Convention.

¹ The United Kingdom abstained from voting on the adoption of this decision ([12833/2/17 REV 2](#)) Spain and Portugal made a statement, which was inserted in the minutes of the Council ([12833/1/17 REV 1 ADD 1](#))

Scientific criteria for determination of endocrine-disrupting properties in biocidal products

The Council decided not to object¹ to a Commission regulation setting out scientific criteria for the determination of endocrine-disrupting properties in biocidal products, specifically pursuant to [Regulation \(EU\) No 528/2012 \(11882/17 + ADD1\)](#).

Regulation No 528/2012 concerns the use and placement on the market of biocidal products. It sets out the regulatory consequences for active substances with endocrine-disrupting properties and biocidal products containing these substances.

This delegated act therefore provides scientific criteria for identifying these endocrine disruptors. The new criteria reflect the current state of scientific and technical knowledge and enable a more accurate identification of active substances with endocrine disrupting properties. These criteria are also based on the World Health Organisation definitions covering endocrine disruptors and their adverse effects.

The Commission regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the EU. The act may now enter into force, unless the European Parliament objects.

¹ Denmark, Luxembourg and Sweden objected to the delegated regulation ([12705/1/17 REV 1](#))
Denmark and Sweden each submitted a statement ([12705/1/17 REV 1 ADD 1](#))