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OUTCOME OF THE COUNCIL MEETING

3599th Council meeting

General Affairs

Brussels, 27 February 2018

President **Ekaterina Zaharieva**
Deputy Prime Minister of Bulgaria

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¹ • 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

Priorities of the Bulgarian presidency

The Bulgarian presidency presented its [overall priorities](#) for the duration of its term of office ending on 30 June 2018.

March European Council

The Council examined an [annotated draft agenda](#) for the European Council meeting to be held on 22 and 23 March 2018. The annotated draft agenda will serve as the basis for draft conclusions, to be prepared in the run-up to the meeting.

At its meeting in March, the European Council will discuss issues relating to jobs, growth and competitiveness. It is expected to adopt conclusions addressing:

- progress made in delivering the Single Market Strategy, the Digital Single Market Strategy, the Capital Markets Union Action Plan and the Energy Union;
- priorities for the 2018 European Semester and endorsement of the Recommendation on the economic policy of the euro area;
- social issues, as agreed in December, i.e. monitoring the implementation of the European Pillar of Social Rights and the upcoming Commission proposal on a European Labour Authority;
- trade.

The European Council will be also invited to adopt procedural conclusions ahead of the EU-Western Balkans Summit, to be held in Sofia on 17 May.

In the light of events, leaders may address other specific foreign policy issues.

As part of the Leaders' Agenda, the members of the European Council will hold a debate on taxation, in particular in the digital economy.

Rule of law in Poland

The Commission presented its [reasoned proposal under Article 7\(1\) TEU](#) concerning the rule of law in Poland.

The reasoned proposal contains a detailed explanatory memorandum as well as a proposal for a Council decision which (i) determines that there is a clear risk of a serious breach by Poland of the rule of law and (ii) enumerates recommendations with a three-month deadline for Poland to bring its judicial reform in line with rule of law standards by:

- restoring the independence of the Constitutional Tribunal;
- publishing and implementing specific judgments of the Constitutional Tribunal;
- amending the four laws recently adopted (National Judiciary Council, Supreme Court, National School of Judiciary, Ordinary Courts) in order to restore the independence of the judiciary;
- ensuring that any justice reform is prepared in close cooperation with the judiciary and all interested parties, including the Venice Commission;
- refraining from further undermining the judiciary.

The presentation of the Commission's reasoned proposal at the Council meeting formed part of the initial phase of the procedure under Article 7(1) TEU. In parallel, the Commission is pursuing a dialogue with the Polish authorities and has issued recommendations to them for action by 20 March.

Ministers stressed the importance of the rule of law and encouraged the continuation of the dialogue between the Commission and the Polish authorities with a view to achieving progress.

The next steps in the procedure will depend on the outcome of this dialogue. The Council will return to this issue in due course.

OTHER ITEMS APPROVED**ENVIRONMENT****Emissions Trading System rules for 2021 to 2030**

The Council adopted a directive on the Emissions Trading System (ETS) revision for the period after 2020.

The EU ETS sets a cap on how much CO₂ heavy industry and power stations can emit. The total volume of allowed emissions is distributed to companies as permits which can be traded. The ETS is a cornerstone of the EU's policy to combat climate change and its key tool for reducing greenhouse gas emissions in a cost-effective way.

The cap on the total volume of emissions will be reduced annually by 2.2% (linear reduction factor). The number of allowances to be placed in the market stability reserve will be doubled temporarily until the end of 2023 (feeding rate). A new mechanism to limit the validity of allowances in the market stability reserve above a certain level will become operational in 2023. The revised ETS directive also contains a number of new provisions to protect industry against the risk of carbon leakage and the risk of application of a cross-sectoral correction factor.

The directive will enter into force on the twentieth day following its publication in the official journal.

[Press release on EU Emissions Trading System reform](#)

INTERNAL MARKET**Geo-blocking: new rules to remove barriers to e-commerce**

The Council adopted [a regulation to ban unjustified geo-blocking in the internal market](#).

Geo-blocking is a discriminatory practice that prevents online customers from accessing and purchasing products or services from a website based in another member state.

The new law will remove barriers to e-commerce by avoiding discrimination based on customers' nationality, place of residence or place of establishment.

The regulation will take effect nine months after its publication in the EU's official journal.

The Austrian delegation abstained from voting.

[Statement by the Commission](#)

[Statements by France, Germany and Luxembourg](#)

[Press release on geo-blocking](#)

ECONOMIC AND FINANCIAL AFFAIRS

European Investment Bank – External lending – Migration

The Council adopted a decision and a regulation enabling increased lending by the European Investment Bank (EIB) to projects outside the EU that address migration issues.

This follows an agreement with the European Parliament on a mid-term review of the EIB's mandate for 'external' lending.

In total, the financing limit under an EU guarantee is increased by €5.3 billion. Of this, €3.7 billion are earmarked for projects in the public and private sectors providing a strategic response to the root causes of migration.

BUDGET

Mobilisation of the European Globalisation Adjustment Fund for Sweden and Spain

The Council adopted a decision mobilising €2.1 million under the European Globalisation Adjustment Fund (EGF) to provide support to 2 388 workers made redundant in one Swedish enterprise operating in the computer, electronic and optical products manufacturing sector ([5784/18](#)). The redundancies are the result of a continuation of major structural changes in world trade patterns due to globalisation.

The Council also adopted a decision mobilising €0.7 million under the EGF to provide support to 303 workers made redundant in five Spanish enterprises operating in the wearing apparel sector ([5783/18](#)). The redundancies are the result of a continuation of major structural changes in world trade patterns due to globalisation.

The EGF helps workers to find new jobs and develop new skills when they have lost their jobs as a result of changing global trade patterns, e.g. when a large company shuts down or a factory is moved outside the EU, or as a result of the global financial and economic crisis. The help provided by the EGF consists of co-financing measures such as job-search assistance, careers advice, tailor-made training and re-training, mentoring and promoting entrepreneurship. It also provides one-off, time-limited individual support, such as job-search allowances, mobility allowances and allowances for participating in lifelong learning and training activities.

JUSTICE AND HOME AFFAIRS

EU-Azerbaijan visa facilitation – joint committee

The Council adopted a decision establishing the position to be taken on behalf of the EU within the joint committee set up under the agreement between the EU and Azerbaijan on the facilitation of the issuance of visas, with regard to the adoption of common guidelines for the implementation of that agreement ([5659/18](#)).

The agreement between the EU and Azerbaijan on the facilitation of the issuance of visas entered into force on 1 September 2014. Its purpose is to facilitate, on the basis of reciprocity, the procedures for issuing visas for an intended stay of no more than 90 days per period of 180 days to the citizens of the EU and Azerbaijan.

AGRICULTURE

Scientific criteria for the determination of endocrine disrupting properties

The Council adopted a Commission regulation amending annex II to regulation no 1107/2009 by setting out scientific criteria for the determination of endocrine disrupting properties ([5365/18](#) + [ADD 1](#)).

Regulation no 1107/2009 concerns the placing of plant protection products on the market. The new Commission regulation modifies it with the aim of reflecting the current scientific and technical knowledge and introducing specific criteria for identifying active substances, safeners or synergists having endocrine disrupting properties that may cause adverse effects on non-target organisms.

The criteria introduced by the new Commission regulation are in line with the definitions determined by the World Health Organisation (WHO) and endorsed by the European Food Safety Authority.

Principles for the evaluation and authorisation of plant protection products

The Council adopted a Commission regulation correcting Commission implementing regulation (EU) no 546/2011 as regards uniform principles for evaluation and authorisation of plant protection products ([5449/18](#)).

In 2009, the Council and the European Parliament set out rules concerning the placing of plant protection products on the market in regulation no 1107/2009, which was then implemented by the abovementioned Commission regulation no 546/2011.

The new Commission regulation adopted today corrects the specific principles to be taken into consideration in the decision-making process as regards the concentration of the active substance and of relevant metabolites, degradation or reaction products in groundwater (part I of the annex, point C. 2.5.1.2. (i)).

Changes to maximum pesticide residue levels

The Council decided not to oppose the adoption of a Commission regulation amending annexes II and III to regulation (EC) no 396/2005 as regards maximum residue levels for acibenzolar-S-methyl, benzovindiflupyr, bifenthrin, bixafen, chlorantraniliprole, deltamethrin, flonicamid, fluazifop-P, isofetamid, metrafenone, pendimethalin and teflubenzuron in or on certain products ([5515/18](#) + [ADD 1](#) + [ADD 2](#)).

Regulation no 396/2005 establishes the maximum quantities of pesticide residues permitted in products of animal or vegetable origin intended for human or animal consumption. These maximum residue levels (MRLs) include, on the one hand, MRLs which are specific to particular foodstuffs intended for human or animal consumption and, on the other, a general limit which applies where no specific MRL has been set. MRL applications are communicated to the European Food Safety Authority (EFSA) which issues a scientific opinion on each intended new MRL. Based on EFSA's opinion, the Commission proposes a regulation, such as that listed above, to establish a new MRL or to amend or remove an existing MRL, and modifies the annexes of regulation 396/2005 accordingly.

The new Commission regulations implement a recent EFSA opinion highlighting the possible risks of the abovementioned MRLs on consumers and animals.

TRANSPORT

International Civil Aviation Organisation (ICAO) – coordination

The Council approved two information notes regarding EU coordination in relation to the International Civil Aviation Organisation (ICAO). The first note contains recommended EU positions for the ICAO Council meeting on 26 February to 16 March 2018, intended to be used as the basis for interventions by the representatives of the EU countries which are members of the ICAO Council. The second note is intended to be used as the basis for EU countries' replies to the ICAO State Letter 17/129 relating to the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). The deadline for member states' replies to the CORSIA State Letter is 5 March 2018.

Convention concerning international carriage by rail – EU position

The Council adopted a decision establishing the position to be taken by the EU at the 26th session of the Intergovernmental Organisation for International Carriage by Rail (OTIF) Revision Committee as regards certain amendments to the Convention concerning International Carriage by Rail (COTIF) and its appendixes ([6046/18](#) + [6046/18 ADD 1](#)). The Revision Committee will meet in Berne, Switzerland, from 27 February 2018 to 1 March 2018.

TRANSPARENCY

Public access to documents

On 27 February 2018, the Council approved the reply to confirmatory applications no 03/c/01/18 (5418/18).
