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**NOTE**

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Subject: MONTHLY SUMMARY OF COUNCIL ACTS - JANUARY 2017

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This document lists the acts adopted by the Council in January 2017.<sup>1 2</sup>

It provides information on the adoption of legislative acts, including:

- the date of adoption,
- the relevant Council session,
- the number of the document adopted,
- the Official Journal reference,
- applicable voting rules, voting results and, where appropriate, explanations of vote and statements published in the minutes of the Council.

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<sup>1</sup> With the exception of certain acts of limited scope such as procedural decisions, appointments, decisions of bodies set up by international agreements, specific budgetary decisions, etc.

<sup>2</sup> In the case of legislative acts adopted in the ordinary legislative procedure, there may be a difference between the date of the Council's meeting where the legislative act is adopted and the actual date of the act in question, since legislative acts adopted in the ordinary legislative procedure are only considered to have been adopted after signature by both the President of the Council and the President of the European Parliament and the Secretaries-General of the two institutions.

This document also contains information on the adoption of non-legislative acts that the Council has decided to make public.

This document is also available on the Council's website at:

[Monthly summaries of Council acts \(acts\) - Consilium](#)

Documents listed in the summary may be obtained from the public register of Council documents at: [Documents and publications - Consilium](#)

It should be noted that this document is exclusively for information purposes - only Council minutes are authentic. These are available on the Council's website at: [Council Minutes - Consilium](#)

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**INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN JANUARY 2017**

**Written procedure completed on 11 January 2017**

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2017/50 of 11 January 2017 amending Decision 2014/219/CFSP on the European Union CSDP Mission in Mali (EUCAP Sahel Mali) OJ L 7, 12.1.2017, p. 18–19	15053/16

**3513th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 16 January 2017**

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2017/83 of 16 January 2017 amending Decision 2010/413/CFSP concerning restrictive measures against Iran OJ L 12, 17.1.2017, p. 92–94	15590/16
Council Implementing Regulation (EU) 2017/77 of 16 January 2017 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran OJ L 12, 17.1.2017, p. 24–25	15591/16
Council Decision (CFSP) 2017/82 of 16 January 2017 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 12, 17.1.2017, p. 90–91	15713/16

Council Decision (EU) 2017/85 of 16 January 2017 on the conclusion of the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the People's Democratic Republic of Algeria on the general principles for the participation of the People's Democratic Republic of Algeria in Union programmes OJ L 14, 18.1.2017, p. 2–3	16152/14
Council Decision (EU) 2017/189 of 16 January 2017 on the positions to be adopted on behalf of the European Union within the Sanitary and Phytosanitary Management Sub-Committee, the Trade and Sustainable Development Sub-Committee, the Customs Sub-Committee and the Sub-Committee on Geographical Indications established pursuant to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the adoption of the Rules of Procedure of those Sub-Committees OJ L 29, 3.2.2017, p. 40–60	14372/16
Special Report No 24/2016 by the European Court of Auditors "More efforts needed to raise awareness of and enforce compliance with State aid rules in cohesion policy"	5334/1/17 REV 1
Council Conclusions on Lebanon	5131/17
<b>Written procedure completed on 20 January 2017</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Regulation (EU) 2017/127 of 20 January 2017 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters OJ L 24, 28.1.2017, p. 1–172	15706/16

## **Statement by the Commission and the Member States**

### **Skates and rays**

The Commission and the Member states recognise the good work conducted by the North Western Waters Advisory Council in developing the future management of skates and rays.

In addition they acknowledge that the current system of management of all species of skates and rays under generic TACs could be improved to fully address the need to sustainably manage vulnerable species and data limited stocks and allow for the sustainable exploitation of commercially important species. Advisory Council involvement is important in developing effective management measures for skates and rays. Given the need to introduce improved management of these stocks, the Commission and the Member states invite the Advisory Councils that suggested management measures be brought forward at an early date in 2017, so that they can be submitted to STECF for scientific assessment in the first half of 2017.

Member States will support the management of skates and rays by providing expertise and resources to the required scientific research, developing appropriate measures in the Member states regional groups. There are a large number of species of skates and rays that are caught as by-catch in other fisheries. Therefore, with a view to the full implementation of the landing obligation, in 2017 Member States will undertake the necessary work with the aim of presenting appropriate survivability exemptions for a number of by-catch species of skates and rays. These exemptions will be supported by appropriate scientific data and assessed by the STECF.

## **Statements by the Commission**

### **Flexibility for pollack stocks**

The Commission notes that recent scientific information indicates the possibility of a single stock unit extending from area VII into VIIIabde. The Commission will ask ICES to assess whether pollack in VII and VIIIabde is the same stock and whether an increased area flexibility of 5% between those areas would be in line with the precautionary approach. Following the scientific advice, the Commission will consider submitting appropriate proposals.

### **Stocks in the Irish Sea**

The Commission notes that an ICES benchmark is planned for February 2017 and will examine the assessments of herring, cod, whiting, plaice and haddock. On the basis of any subsequent advice issued by ICES the Commission will consider making appropriate proposals to review the TACs for the relevant stocks.

**Statement by the Commission, Spain and Portugal****Horse mackerel**

The Commission, Spain and Portugal note that an ICES benchmark is planned for horse mackerel. Following the benchmark, the Commission will, where appropriate, propose a revised TAC for 2017, in line with the scientific advice. The Member States concerned will support a revision of the TAC, in line with the scientific advice, even if this results in a decrease of the fishing opportunities

**Statements by the Commission****Dab and flounder in IIa and IV**

The Commission has asked ICES to confirm whether removing the TAC for dab would be without negative consequences for the stock. Following the scientific advice, the Commission will consider submitting appropriate proposals.

**Turbot and brill in IIa and IV**

The Commission will ask ICES for updated advice in 2017 and will consider submitting appropriate proposals for an in-year amendment to the 2017 fishing opportunities.

**Herring in VIa N/S**

The Commission welcomes the efforts of Member States and stakeholders to improve the knowledge on the herring stocks in Divisions VIa and VIIb,c, and the effort to develop a rebuilding plan for these stocks. A TAC was adopted in 2016 to support a small commercial fishery to facilitate the needed research. Following the STECF evaluation of a report by the Member States concerned on this fishery, the Commission will consider any appropriate changes to the established TACs.

**Statement by the Commission, Spain and Portugal****Anchovy in IX and X**

The Commission, Spain and Portugal note that the Spanish autumn acoustic survey gives important information on incoming recruits in the Gulf of Cadiz. On the basis of this new information, the Commission commits to request ICES by 31 March 2017 to advise on whether catches of 15 000 tonnes in 2017, or a comparable level, can be considered sustainable. On the basis of ICES advice the Commission will consider whether it is appropriate to propose a revision of the TAC for that stock.

**Statement of the Commission****Picked dogfish avoidance programmes**

The Commission invites Member States to develop avoidance programmes for picked dogfish similar to the current programme that has been put in place in Union and international waters of I, V, VI, VII, VIII, XII and XIV. If these programmes are positively assessed by the STECF, the Commission will consider making a proposal to include TACs for unavoidable by-catches in the areas concerned.

## **Statement by the Council and the Commission**

### **on associated by-catch species**

Council and Commission have taken note of the requests by Member States to allow for specific provisions allowing by-catches in fisheries targeting pelagic species for the following stocks:

- hake, boarfish, whiting, haddock, cod, saithe, greater silver smelt, skates, tusk, common sole, plaice, flounder and mackerel in the Blue Whiting North East Atlantic;
- hake, haddock, boarfish and whiting in the mackerel fishery in the North East Atlantic;
- herring in the mackerel fishery in areas IIIa and IV;
- boarfish, whiting, haddock, cod, saithe, greater silver smelt, skates, tusk, common sole, plaice and flounder in the mackerel fishery in areas VIIIc, IX, and X;
- hake in horse mackerel in areas IVb, IVc, and VIId, and in horse mackerel in areas IIa-XIV;
- cod, saithe, greater silver smelt, skates, tusk, common sole, plaice, flounder, hake in the horse mackerel fishery on the Western stock (main area);
- boarfish, whiting, haddock, cod, saithe, greater silver smelt, skates, tusk common sole, plaice, flounder, an mackerel in the horse mackerel fishery on the Western stock (area VIIIc);
- boarfish, whiting, haddock, cod, saithe, greater silver smelt, skates, tusk, common sole, plaice, flounder and mackerel in the horse mackerel fishery in area IX;
- saithe and mackerel in the herring fishery in IIIa;
- saithe and mackerel in herring fishery in IV;
- saithe in Atlantico-scandic herring in I and II.

Given that these by-catches occur in fisheries for species which have not yet been scientifically assessed for the purpose of interspecies flexibility, the Member States concerned commit to providing the Commission by 28 February 2017 with the necessary supporting data for scientific assessment by ICES.

In light of the available scientific advice, the Commission will consider proposing appropriate provisions for the general approach on any associated by-catch species in the fishing opportunities, including on inter-species flexibility.



### **Sprat in the North Sea**

The Commission will consider proposing an amendment to the North Sea sprat TAC, after having received advice from ICES in April 2017 and before the start of the fishing season.

### **Statement by the Commission and France**

#### **Southern sea bass**

Ensuring that the southern stock of sea bass in the Bay of Biscay (ICES divisions VIIIa and VIIIb) remains in a healthy state is a priority shared by the Commission and France.

As the Member State most concerned by this type of fishery, France has taken the initiative to establish a national 'management scheme'.

In fact, France has already introduced management measures by means of the decree of 24 November 2016, including:

- an annual catch limit of 2 490 tonnes based on the precautionary advice of ICES from 25 August 2015;
- an increase in the minimum conservation reference size from 36 to 38 cm.

France undertakes to supplement these provisions with a breakdown of catches in the first quarter and to introduce additional management measures to maintain a balance between fisheries.

In 2017 the International Council for the Exploration of the Sea (ICES) will reassess the state of the southern stock of sea bass. France undertakes to continue the work begun alongside the professionals and to review the management measures in the light of forthcoming scientific advice.

The Commission welcomes these undertakings and is ready to work together on this matter.

**Statement by the Commission****Exemption for certain vessels in the cod fishery in the Western Baltic Sea**

The Commission takes note of the urgency of the need to propose appropriate measures on derogation from the closure period for western cod in subdivisions 22, 23 and 24 of the Baltic Sea from 1 February to 31 March. To this end, the Commission confirms its commitment to take all necessary means, in line with the Baltic multiannual management plan and the scientific advice, to amend the Council Regulation fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea in order to ensure the timely entry into force of this derogation.

**Statement by the Council****Exemption for certain vessels in the cod fishery in the Western Baltic Sea**

The Council takes note of the Commission's statement and will undertake all necessary measures to examine and finalise the discussion on the Commission's proposal as soon as possible, with the aim to conclude before the 1st February 2017

**Statement by Croatia and Italy****GFCM**

Croatia and Italy shall take the necessary measures to ensure that their fleet shall not exceed the level of catches for small pelagics exerted in 2014 as reported in accordance with Recommendation GFCM/33/2009/3 on the implementation of the GFCM Task 1.

**Statement by Portugal****Undulate Ray**

Portugal undertakes to provide updated catch and effort data on undulate ray to the Commission by 30 April 2017, for scientific review and assessment in 2017

**Statement by France and Spain****ICCAT fishing opportunities**

Spain and France are committing to launch discussions in order to agree on the ICCAT fishing opportunities (species and quantities) that Spain will transfer in 2017 to France in compensation for the 62.17 t of Blue Marlin that France has transferred from its 2017 quota to Spain.

**Statements by Belgium, Denmark, Germany and France****Hague Preferences**

Belgium, Denmark, Germany and France are of the opinion that the scales for the allocation of quotas for Member States were agreed upon in 1983. These scales constitute the basis of relative stability, which is a principle established by the Basic Regulation governing the Common Fisheries Policy. It is our opinion that Hague preferences are contrary to the principle of relative stability.

## **Statement by the Council and the Commission**

### **Statement stocks**

The Council and the Commission note that the fishing opportunities regulations include a number of TACs for stocks for which there is limited information on stock status and which are of low economic importance, or are taken only as by-catches, or which show low levels of quota uptake. In that respect, the Council and the Commission recall their statement concerning such stocks made in 2015 and note that perception of the status of any of these stocks has not significantly changed during 2016. Therefore the Council and the Commission continue to consider it appropriate to constrain catches at or below the TAC levels fixed for 2015. To this end, without prejudice to the Commission's right of initiative and the Council's prerogatives under Article 293(1) TFEU, the Commission and the Council consider that it appears at this stage desirable to maintain the 2015 TAC level for the stocks listed below for 2017.

The Commission will, however, continue working with the Member States and the relevant scientific bodies in order to improve the scientific information on these stocks. If the perception of the status of any of these stocks changes significantly during this period, the Council and the Commission agree that this should be taken into account for the purpose of establishing TAC levels for 2017, as appropriate.

In 2016 two stocks were considered to have negative significant changes and have been removed from the list below.

<b>Common name</b>	<b>TAC Unit</b>
Blue Ling	EU and international waters of II and IV
Blue Ling	EU and international waters of III
Cod	VIb (Rockall subunit)
Common sole	VI, Vb, international waters of XII and XIV
Common sole	VIIbc
Common sole	VIIhjk
Herring	VIIef
Greater silver smelt	EU and international waters of I and II
Greater silver smelt	EU and international waters of III and IV

Ling	EU and international waters of I and II
Ling	IIIa
Ling	EU and international waters of V
Plaice	Vb (EU waters), VI, XII, XIV
Plaice	VIIIbc
Plaice	VIII, IX, X and CECAF 34.1.1
Pollack	Vb(EU waters), VI, XII and XIV
Pollack	VIIIc
Pollack	IX, X, CECAF 34.1.1 (EU)
Saithe	VII, VIII, IX, X, CECAF 34.1.1 (EC)
Sole	VIIIcde, IX, X, CECAF (EU)
Whiting	VIIa
Tusk	IIIa and EU 22-23
Tusk	EC I, II, XIV
Tusk	EC waters of IV

**Statement by France****Sea bass fishing in the northern areas (IVbc, VIIa, VIId-h)**

France notes that it has been requesting a total allowable catch (TAC) for sea bass fishing for many years. The scientific advice of the International Council for the Exploration of the Sea (ICES) in 2015, which is the basis for setting fishing opportunities, led to a very marked reduction in sea bass catches in areas IVbc, VIIa and VIId-h. The socioeconomic vulnerability of each of these fisheries has been taken into account in the allocation of fishing opportunities but has not been sufficient to limit the impact on certain fisheries, which have seen a significant reduction in their catch capacity.

The state of the northern stock of sea bass is the result of various factors. France will take care to ensure that all fisheries are once again able to fish for sea bass in the northern area when this stock has been rebuilt, on the basis of a balanced approach.

**3514th meeting of the Council of the European Union (Agriculture and Fisheries) held in Brussels on 23 January 2017**

## LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports (Text with EEA relevance) OJ L 57, 3.3.2017, p. 1–18	41/16	Qualified majority	All Member States in favour, except: Against: UK

### **Statement by the Commission supported by Spain**

The Commission considers that recital 45 should not have been included for the following reasons.

First, the recital does not relate to any of the enacting terms of the regulation and hence does not comply with the principles of the Interinstitutional Agreement on Better Law-Making. In that agreement, the European Parliament, the Council of the European Union and the European Commission confirmed that they remain fully committed to the Interinstitutional agreement on common guidelines for the quality of drafting of Community legislation, which provides that the purpose of recitals is to set out concise reasons for the chief provisions of the enacting terms, without reproducing or paraphrasing them, and that recitals should not contain normative provisions or political exhortations.

Second, the Commission recalls that the notion of State aid within the meaning of Article 107(1) TFEU is an objective one, enshrined in the Treaty and not at the disposal of the Union legislator. It can only be applied as such by the Commission or national courts in specific cases, subject to the control of the Union courts.

Third, the wording of the recital may create confusion. Having regard to the Treaty notion of State aid, it cannot be claimed that public funding of all access and defence infrastructure accessible to all users on equal and non-discriminatory terms always falls outside the scope of the State aid rules. The Commission's decisional practice shows, for instance, that public funding of certain access infrastructure located within the area of a port may constitute State aid.

### **Joint statement by Germany, Poland, Belgium and France**

On the occasion of the Regulation of the European Parliament and the Council establishing a framework on market access to port services and financial transparency of ports.

Germany, Poland, Belgium and France support the objectives being pursued with the Regulation. In particular, they welcome the fact that the Regulation is designed to enhance the financial transparency of the European ports and to boost their international competitiveness.

Germany, Poland, Belgium and France give their approval to the Regulation on the assumption that the compromises reached in the legislative procedure and the associated decisions taken by lawmakers will not be counteracted through other relevant acts, such as the revision of the General Block Exemption Regulation (GBER).



**Statement by the United Kingdom**

The United Kingdom welcomes that this Regulation is significantly less onerous than originally proposed. Nevertheless, even in its amended form, the UK regrets its adoption, considering its provisions (other than those promoting transparency of public funding) unnecessary and largely inappropriate for the promotion of investment and efficiency at European ports, and particularly those in the UK. Believing that it would have a detrimental effect on the UK's competitive and efficient ports, the United Kingdom is voting against the Regulation.

The experience of the UK's deregulated, competitive, predominantly privately owned and largely unsubsidised ports sector over recent decades demonstrates conclusively that deregulated ports operating in an environment of fair competition, can and will invest to develop in line with current and future transport requirements.

### Statement by Italy

On the occasion of the Regulation of the European Parliament and the Council establishing a framework on market access to port services and financial transparency of ports, Italy, while supporting the objectives being pursued with the Regulation (in particular, it welcomes the fact that the Regulation is designed to enhance the financial transparency of European ports and boost their international competitiveness), wishes to express its concern about other possible legal basis, still under discussion, to be applied to the same subjects (ports), potentially incoherent with EU Port regulation.

Consequently, Italy gives its approval to the Regulation on the assumption that the compromises reached in the legislative procedure and the associated decisions taken by lawmakers will not be jeopardized by other relevant acts or initiatives, namely those carried out by Commission's DGs without the co-decision process – such as the revision of the General Block Exemption Regulation (GBER) or the enquiry on functioning and taxation of ports – if not previously submitted to a “coherence test” in strict coordination with all DGs involved.

In particular, Italy would like to draw the attention on the outstanding issues mentioned in the common position (see letter addressed to Commissioners Bulc and Vestager) of Germany, France, Italy, Belgium and Poland (i.e. definition of port infrastructure, dredging, concept of “single project” for all investments carried out in the same port in a 3-year period). Only the request by MS to withdraw any reference to the duration of concessions has been explicitly accepted up to now. Further issues have been highlighted, in respect of ports, by many MS on the occasion of the second consultation on the revision of the GBER as well as of the Working Group Infrastructures which do not seem to have been taken in due consideration by the European Commission.

At the basis of this underassessment there seems to be a too wide extension of the so-called “Leipzig Halle” judgement leading, for the first time, to sectoral rules on State aid to be included in the GBER without being previously tested through the drafting and implementation of specific guidelines, as it has been the case for all other soft law measures (on SMEs, regional aid, Environment & Energy, and so on).

Therefore, Italy urges the EC to commit itself to further elaborate on their interrelated “soft law”/enabled act projects, in order to ensure their coherence, taking MSs view in close consideration and consulting them again, previously to the completion of the adoption procedure, possibly via bilateral meetings.

Regulation (EU) 2017/353 of the European Parliament and of the Council of 15 February 2017 replacing Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings OJ L 57, 3.3.2017, p. 19–30	52/16	Qualified majority	All Member States in favour, except: Not participating: DK, IE
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NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Regulation (EU) 2017/135 of 23 January 2017 amending Regulation (EU) 2016/1903 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea OJ L 22, 27.1.2017, p. 1–3	5117/17
Council Decision on the position to be taken on behalf of the European Union within the Working Party of the Participants to the OECD Arrangement on Officially Supported Export Credits with regard to Market Benchmark Pricing Rules	15691/16
Council Implementing Decision approving the conclusion by the European Police Office (Europol) of the Agreement on Operational and Strategic Cooperation between Georgia and Europol	10343/1/16 REV 1
<b>3515th meeting of the Council of the European Union (Economic and Financial Affairs) held in Brussels on 27 January 2017</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision on the position to be adopted on behalf of the European Union within the Council of Members of the International Olive Council with regard to certain matters concerning the International Agreement on Olive Oil and Table Olives, 2015	5108/17
Council Decision (CFSP) 2017/154 of 27 January 2017 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision (CFSP) 2016/1136 OJ L 23, 28.1.2017, p. 21–24	15806/16

Council Implementing Regulation (EU) 2017/150 of 27 January 2017 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and repealing Implementing Regulation (EU) 2016/1127 OJ L 23, 28.1.2017, p. 3–6	15807/16
Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2016 evaluation of Luxembourg on the application of the Schengen acquis in the field of data protection	5726/17
Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2016 evaluation on the application of the Schengen acquis in the field of the Schengen Information System by Luxembourg	5727/17
Council Implementing Decision setting out Recommendations addressing the deficiencies identified in the evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of data protection	5725/17
Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2016 evaluation of Italy on the application of the Schengen acquis in the field of the Schengen Information System	5728/17
Council Conclusions on: European Semester 2017 - Annual Growth Survey: Macroeconomic and fiscal guidance to Member States	5734/17
Council Conclusions on: Alert Mechanism Report 2017	5735/17
Recommendation for a Council Recommendation on the economic policy of the euro area	5194/17