



Council of the
European Union

Brussels, 18 July 2016
(OR. en)

10473/16

LIMITE

PV/CONS 37
RELEX 554

DRAFT MINUTES

Subject: **3477th** meeting of the Council of the European Union
(FOREIGN AFFAIRS), held in Luxembourg on 20 June 2016

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1. Adoption of the agenda

10355/1/16 REV1 OJ/CONS 36 RELEX 536

The Council adopted the above agenda.

NON-LEGISLATIVE ACTIVITIES

2. Approval of the list of "A" items

10356/16 PTS A 54

+ ADD 1

10471/16 PTS A 57 (EU RESTRICTED)

The Council adopted the "A" items listed in:

1) 10356/16

2) 10356/16 ADD 1:

9. Food and nutrition security

= Draft Council conclusions

10339/16 DEVGEN 137 COHAFA 45 ACP 90 RELEX 534 ALIM 13

AGRI 348 FAO 30 SAN 267

approved by Coreper, Part 2, on 20.06.2016

10. Association with Serbia

– Establishment of the position of the European Union for the 3rd
Stabilisation and Association Council meeting

10371/16 RS 3

approved by Coreper, Part 2, on 20.06.2016

11. Draft Council Decision amending Council Decision (CFSP) 2015/778 on a
European Union military operation in the Southern Central Mediterranean
(EUNAVFOR MED operation SOPHIA)

= Adoption

10247/16 CORLX 243 CSDP/PSDC 342 CFSP/PESC 483

MAMA 119 RELEX 516 CONUN 114 EUNAVFOR MED 19
CSC 180

9296/16 CORLX 206 CSDP/PSDC 293 CFSP/PESC 416 MAMA 90

RELEX 421 CONUN 90 EUNAVFOR MED 14 CSC 150

approved by Coreper, Part 2, on 20.06.2016

12. Revised Operation Plan and Rules of Engagement Authorisation for
EUNAVFOR MED

10448/16 CSDP/PSDC 368 CFSP/PESC 521 COPS 204 EUMC 77

MAMA 127 COMED 21 EUNAVFOR MED 23

approved by Coreper, Part 2, on 20.06.2016

3) 10471/16 (EU RESTRICTED)

A corrigendum has been issued to correct a mistake in the document referred to under
item 1 in document ST 10471/16 (EU-RESTRICTED).

Statements relating to these items are set out in the Annex.

3. **The Arctic**

= Draft Council conclusions
10172/16 COEST 155

The Council held a discussion on Arctic issues based on the recently adopted Joint Communication "A new integrated EU policy for the Arctic", and adopted Council conclusions.

4. **The Sahel**

= Draft Council conclusions
9807/16 COAFR 167 ACP 81 CFSP/PESC 452 RELEX 472
MIGR 118 POLMIL 63 CIVCOM 118

The Council discussed the situation in the Sahel region, with a particular focus on the security-development nexus and migration, and adopted Council conclusions.

5. **The former Yugoslav Republic of Macedonia**

Delegations discussed their concerns over the ongoing crisis and as well as recommendations for EU action to increase pressure on the implementation of the Przino Agreement and holding credible elections.

6. **MEPP**

= Draft Council conclusions
10347/16 COMEP 18 MAMA 122 CFSP/PESC 503

The Council examined draft Council conclusions on the basis of 10347/16 and adopted Council conclusions on MEPP as set out in 10348/16.

7. **Visa liberalisation in the context of EU-Georgia relations**

The Council discussed the political impact of the delay regarding the legislative proposal for visa liberalisation for Georgia.

8. **Any other business**

The implementation of the readmission agreement with Turkey was raised in the context of the migration crisis.

STATEMENTS FOR THE COUNCIL MINUTES

Ad "A" item 6: **Draft Council Decision on the signing and provisional application of the Economic Partnership Agreement between the East African Community Partner States, of the one part, and the European Union and its Member States, of the other part**
= **Adoption**

STATEMENT BY HUNGARY

"Hungary notes that, should it be necessary to amend its domestic legislation for the provisional application by the European Union of those parts of the Economic Partnership Agreement between the European Union and its Member States, of one part, and the EAC EPA States, of the other part, covered by shared competence, such amendments shall be made, because of the nature of its legal order, in conjunction with the national ratification process, which Hungary plans to initiate expediently.

Hungary recalls that according to Article 218 paragraph 5 of the Treaty on the Functioning of the European Union "*The Council, on a proposal by the negotiator, shall adopt a decision authorising the signing of the agreement and, if necessary, its provisional application before entry into force.*" It is, therefore, up to the Council to decide if provisional application is necessary and what its specific scope should be. Hungary notes that Article 139 paragraph 4 of the EAC EPA, as negotiated by the Commission, not only contains a commitment for provisional application by the EU but also a definition of its scope, pre-empting the Council's opinion on these matters. Deciding on the necessity for provisional application through the text of agreements and defining its specific scope in the absence of explicit a priori guidance by the Council may lead to problems particularly in Member States, like Hungary, whose legal order does not allow provisional application before ratification. Hungary is of the view that the Commission should refrain from using the approach reflected in Article 139 paragraph 4 of the EAC EPA in future trade negotiations, unless the directives approved for the negotiations by the Council specifically invite the Commission to do so."

STATEMENT BY PORTUGAL

"Bearing in mind the compliance with the principle of competence sharing between the European Union and its Member States, as has been defined by the Treaties, the Decision of the Council authorizing the signature and provisional application of the Economic Partnership Agreement (EPA) between the East African Community Partner States (EAC), on one part, and the European Union and its Member States, on the other part, shall not affect the autonomy of Portugal's decisions regarding issues within its reserved national competence, whose decision to be bound by the Agreement, pursuant to the Constitutional principles and rules, depends on the conclusion of the internal ratification procedures and the entry into force of the agreement in the international legal system."

**Ad "A" item 11: Draft Council Decision amending Council Decision (CFSP) 2015/778 on
a European Union military operation in the Southern Central
Mediterranean (EUNAVFOR MED operation SOPHIA)
= Adoption**

STATEMENT BY CYPRUS

"The Republic of Cyprus has given its consent to this Council Decision with the understanding that the arrangements for the release and exchange of classified information will respect the principles of inclusiveness and reciprocity and that classified information will be available to staff of EUNAVFOR MED operation SOPHIA from all EU Member States without distinction. Furthermore, the Republic of Cyprus' consent in this Council Decision does not set a precedent nor prejudices the position of Cyprus with respect to the release and exchange of classified information to/with third parties in future CSDP missions."
