

Brussels, 20 July 2017
(OR. en)

11427/17

PUBLIC 51
INF 131

NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS - MARCH 2017

This document lists the acts adopted by the Council in March 2017.^{1 2}

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.

¹ 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.

² 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](#)

INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN MARCH 2017

3523rd meeting of the Council of the European Union (EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS) held in Brussels on 3 March 2017

NON-LEGISLATIVE ACTS

ACT

DOCUMENT / STATEMENTS

Council Decision to authorise the Commission to open negotiations on behalf of the European Union for the conclusion of a Sustainable Fisheries Partnership Agreement and protocol with the Republic of Ghana

5526/17

Statement by the Commission

The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.

Statement by the Commission

Following article 31(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, the Commission fully recognizes the importance of the sustainable exploitation of marine biological resources and the consequent need to ensure a proper implementation of the concept of surplus, as expressed in article 62(2) of the UNCLOS, particularly when Sustainable Fisheries Partnership Agreements and associated protocols rule the access of the EU external fleet to resources distributed in waters of the partner country.

However, regarding article 64 of the UNCLOS and article 31(4) of the R(EU) N° 1380/2013, the Commission considers that the concept of surplus applies to a lesser degree to fishing activities exploiting highly migratory species, where management objectives and management measures – priority access rules, catch, capacity or effort limits, and sharing keys where relevant – have to be primarily fixed at regional or sub-regional levels by the Contracting Parties to competent Regional Fisheries Management Organisations, taking in due account the relevant scientific advice.

Council Decision (EU) 2017/446 of 3 March 2017 on the conclusion on behalf of the European Union of the Protocol (2015) amending the Annex to the Agreement on Trade in Civil Aircraft OJ L 69, 15.3.2017, p. 1–2	11018/16
Protocol (2015) amending the Annex to the Agreement on Trade in Civil Aircraft OJ L 69, 15.3.2017, p. 3–17	11019/16
Council Decision (EU) 2017/477 of 3 March 2017 on the position to be adopted on behalf of the European Union within the Cooperation Council established under the Enhanced Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Kazakhstan, of the other part as regards the working arrangements of the Cooperation Council, the Cooperation Committee, specialised subcommittees or any other bodies OJ L 73, 18.3.2017, p. 15–28	6112/17
Council Decision (CFSP) 2017/380 of 3 March 2017 extending the mandate of the European Union Special Representative for the Middle East Peace Process (MEPP) OJ L 58, 4.3.2017, p. 29–33	5461/17
Council Decision (CFSP) 2017/381 of 3 March 2017 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine OJ L 58, 4.3.2017, p. 34–35	6317/17
Council Implementing Regulation (EU) 2017/374 of 3 March 2017 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine OJ L 58, 4.3.2017, p. 1–2	6805/17
Council Conclusions on Enhancing the Skills of Women and Men in the EU Labour Market	6889/17

3524th meeting of the Council of the European Union (AGRICULTURE AND FISHERIES) held in Brussels on 6 March 2017	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2017/436 of 6 March 2017 on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Chile on trade in organic products OJ L 67, 14.3.2017, p. 33–33	5529/17
Council Decision (EU) 2017/443 of 6 March 2017 establishing the position to be adopted on behalf of the European Union in the relevant Committees of the United Nations Economic Commission for Europe as regards the proposals for amendments to UN Regulations Nos 3, 4, 6, 7, 13, 19, 23, 27, 28, 38, 39, 43, 45, 50, 69, 70, 73, 75, 77, 79, 83, 87, 91, 98, 99, 101, 104, 107, 109, 110, 112, 118, 119, 123 and 138, and one proposal for amending the Consolidated Resolution on the Construction of Vehicles (R.E.3) by guidelines on cyber security and data protection OJ L 67, 14.3.2017, p. 82–86	6620/17
3525th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 6 March 2017	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Conclusions on Implementing the EU Global Strategy - strengthening synergies between EU climate and energy diplomacies and elements for priorities for 2017	6981/17
Council Decision (EU) 2017/601 of 6 March 2017 on the position to be taken on behalf of the European Union within the Association Council set up by 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, with regard to the adoption of the EU-Algeria Partnership Priorities OJ L 82, 29.3.2017, p. 4–7	6400/17

Position of the European Union for the tenth meeting of the Association Council (Brussels, 13 March 2017)		6666/17	
Council Conclusions on progress in implementing the EU Global Strategy in the area of Security and Defence		6875/17	
Council Conclusions on the Democratic Republic of the Congo		6791/17	
3526th meeting of the Council of the European Union (GENERAL AFFAIRS) held in Brussels on 7 March 2017			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2017/458 of the European Parliament and of the Council of 15 March 2017 amending Regulation (EU) 2016/399 as regards the reinforcement of checks against relevant databases at external borders OJ L 74, 18.3.2017, p. 1–7	55/16	Qualified majority	All Member States in favour, except: Not participating: DK, IE, UK

Statement by Slovenia

The Republic of Slovenia reaffirms its commitment to implement the provisions of the Schengen Border Code (hereinafter the Code) introducing strengthened checks on persons crossing the external borders of Member States, also on those enjoying the right of free movement under Union law. While the purpose of exercising border checks in this manner is expected to deliver an improvement to control of external borders, to increase Member States' internal security and to prevent terrorism, this will also have other consequences.

By this declaration, Slovenia wishes to draw attention to the potential consequences that will follow from consistent implementation of Article 7(2) of the Code.

The Republic of Slovenia, as a country whose territory is one of the most heavily burdened entry and exit areas enabling access to Member States ⁽²⁾ is fully aware of its responsibility of carrying out border control in the interest of all Member States. In Slovenia's view, checks carried out systematically on all persons crossing the external borders, including those enjoying the right of free movement under Union Law, without targeted checks as a basic principle for efficient border checks and without taking into consideration justified exemptions, is a disproportionate measure in relation to the pursued objective of the change.

Additional doubts to the efficiency of the new provisions of Article 7(2) of the Code are related to the possible transitional period for border checks at air borders that are especially vulnerable part of the external borders.

The implementation on the scale as specified in Article 7 (2) of the Code will have an adverse effect on passenger flows at external borders as it will also have financial implications for Member States. Slovenia cannot be held ultimately accountable for such outcomes.

Slovenia also welcomes the intention of the European Commission to assess regularly the implementation of the Code, including the consequences of amended provisions, and propose relevant amendments if necessary.

⁽²⁾ Relevant statistics: In 2015: 60.906.914 passengers crossed external Schengen border, of those 48.792.665 EU citizens; first half of 2016: 26.842.855 passengers, of those 21.385.972 EU citizens.

Statement by Croatia

The Republic of Croatia supports the objective of this Regulation. It is of the opinion that implementing the mechanisms established thereunder will help to strengthen and maintain security throughout the territory of the European Union and the Schengen area, and also contribute to the overall control of our border, that is the external border of the European Union.

At the same time, the Republic of Croatia regrets that these measures are to be implemented not only at the European Union's external borders but also at internal borders between Member States fully applying the Schengen acquis and Member States not yet fully applying the Schengen acquis. The title of the Regulation itself implies its application at the European Union's external borders, not at Schengen borders. For that precise reason, all Member States should have been treated equally. Such a regime will constitute a significant additional burden on the national resources of the Republic of Croatia in terms of the required level of technical and personnel capacities, which could have negative implications for the Croatian economy and the efficient flow of passenger and goods traffic. The Republic of Croatia considers that not even at a symbolic level does such a regime at internal borders contribute to unity in achieving the objectives of this Regulation.

Nevertheless, the Republic of Croatia remains fully committed to consistent compliance with and implementation of the Regulation, and welcomes the European Commission's intention to regularly monitor its implementation and propose relevant amendments whenever it deems this possible.

With a view to ensuring efficient implementation, the Republic of Croatia also recalls the specific situations of certain Member States and invites the European Commission to take steps, in consultation with stakeholders and further to the European Council conclusions of December 2016, to find appropriate solutions to address those specific situations.

The Republic of Croatia therefore has an interest and is actively engaged in finding ways to mitigate the undesired consequences of the measures introduced on the flow of passenger and goods traffic both at its external border and at its internal land border with the Republic of Slovenia and Hungary.

Bearing in mind the Regulation's objective and benefits for the European Union as a whole and the fact that it enjoys the broad support of Member States, the Republic of Croatia, as a constructive Member State, supports its adoption.

Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA OJ L 88, 31.3.2017, p. 6–21	53/16	Qualified majority	All Member States in favour, except: Not participating: DK, IE, UK
---	-------	--------------------	---

Joint statement by the Council, the European Parliament and the European Commission

Recent terrorist attacks in Europe have highlighted the need to reinforce efforts to safeguard security while promoting the respect of our common values including the rule of law and respect for human rights. To provide a comprehensive response to the evolving terrorist threat, an enhanced criminalisation framework to combat terrorism need to be complemented by effective measures on prevention of radicalisation leading to terrorism and efficient exchange of information on terrorist offences.

It is in this spirit that the EU institutions and Member States collectively express their commitment - within their respective area of competence - to continue to develop and invest in effective preventive measures, as a part of a comprehensive cross sectoral approach that involves all relevant policies, including in particular in the field of education, social inclusion and integration, and all stakeholders, including civil society organisations, local communities or industry partners.

The Commission will support Member States' efforts in particular by offering financial support to projects aimed at developing tools to tackle radicalisation and through EU wide initiatives and networks, such as the Radicalisation Awareness Network.

The Council of the EU, the European Parliament and the European Commission underline the necessity for an effective and timely exchange of all relevant information for the prevention, detection, investigation or prosecution of terrorist offences between competent authorities in the Union. In this respect, making full use of all the existing Union instruments, channels and agencies to exchange information, as well as a swift implementation of all adopted Union legislation in this field is key.

The three institutions reaffirm the need to assess the functioning of the general EU information exchange framework and to address with tangible actions the possible shortcomings, including in light of the Roadmap to enhance information exchange and information management, including interoperability solutions in the JHA area ⁽³⁾.

⁽³⁾ doc. 9368/1/16

Position (EU) No 2/2017 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC Adopted by the Council on 7 March 2017 (Text with EEA relevance) OJ C 116, 11.4.2017, p. 1–196	10728/16	Qualified majority	All Member States in favour
---	----------	--------------------	-----------------------------

Statement by France

The French authorities would like to thank the General Secretariat of the Council and the lawyer-linguists for the translation work done on the draft Regulation on medical devices (MDs).

France supports the adoption of this draft text, which will strengthen the rules applicable to MDs thus improving the protection of the health of patients and users of these products.

Nevertheless, and although improvements were made to the text during the finalisation work, we would like to draw your attention to the following points:

- We regret that the amendments made to the transitional provisions of the proposal for a Regulation on medical devices (Article 120) stop short of ruling out the possibility of extending the placing on the market of MDs covered by a certificate of conformity issued under the current Directives when their classification has changed under the Regulation. This had been proposed by some Member States during the discussions and would have meant that as soon as the risk classification of an MD changed, it would be required to undergo a new conformity assessment procedure before it could be placed on the market.
- Likewise, we regret that class IIb active MDs intended to administer and/or remove a medicinal product (Article 52(4)) are not subject to the clinical part of the procedure for assessment of technical documentation (points 4.4 to 4.8 of Annex IX). For reasons of consistency and implementation, it is regrettable that the procedure whereby the notified body draws up the clinical evaluation assessment report (described in points 4.4 to 4.8 of Annex IX) does not apply to such MDs, given that the notified body must draw up this report for each of those MDs under the procedure for consultation of an expert panel (point 5.1(a) of Annex IX). Consequently, we believe that a reference to the application of points 4.4 to 4.8 of Annex IX could have been made in the procedure for consultation of an expert panel in point 5.1(a) of that Annex.
- Finally, the French authorities wish to stress that in the context of vigilance activities, the terms 'seriousness' and 'severity' refer to distinct concepts that cannot be used interchangeably. The concept of 'seriousness' is defined in EU legislation (which results in death, is life-threatening, requires hospitalisation or extension of hospitalisation, etc.). 'Severity', on the other hand, usually refers to the intensity of a reaction or an adverse event (it is also used in Directive 2001/83 to define the unexpected nature of a reaction [an adverse reaction, the nature, severity or outcome of which is not consistent with the summary of product characteristics]). Moreover, this difference between the terms 'seriousness' and 'severity' is also reflected in the World Health Organisation's definition of a serious adverse reaction. However, these different concepts do not occur in the proposals for regulations, and we would question the relevance of using these terms.

<p>Position (EU) No 3/2017 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU Adopted by the Council on 7 March 2017 (Text with EEA relevance.) OJ C 126, 21.4.2017, p. 1–154</p>	10729/17	Qualified majority	All Member States in favour
<p>Statement by France</p> <p>The French authorities would like to thank the General Secretariat of the Council and the lawyer-linguists for the translation work done on the draft Regulation on in vitro diagnostic medical devices (IVD MDs).</p> <p>France supports the adoption of this draft text, which will strengthen the rules applicable to IVD MDs thus improving the protection of the health of patients and users of these products.</p> <p>Nevertheless, and although improvements were made to the text during the finalisation work, we would like to draw your attention to the following point:</p> <p>- The French authorities wish to stress that in the context of vigilance activities, the terms 'seriousness' and 'severity' refer to distinct concepts that cannot be used interchangeably. The concept of 'seriousness' is defined in EU legislation (which results in death, is life-threatening, requires hospitalisation or extension of hospitalisation, etc.). 'Severity', on the other hand, usually refers to the intensity of a reaction or an adverse event (it is also used in Directive 2001/83 to define the unexpected nature of a reaction [an adverse reaction, the nature, severity or outcome of which is not consistent with the summary of product characteristics]). Moreover, this difference between the terms 'seriousness' and 'severity' is also reflected in the World Health Organisation's definition of a serious adverse reaction. However, these different concepts do not occur in the proposals for regulations, and we would question the relevance of using these terms.</p>			

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2017/449 of 7 March 2017 on the position to be adopted, on behalf of the European Union, in the 60th session of the Commission on Narcotic Drugs on the scheduling of substances under the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, and the Convention on Psychotropic Substances of 1971 OJ L 69, 15.3.2017, p. 25–30	6451/17
Council Decision on the position to be adopted, on behalf of the European Union, in the 60th session of the Commission on Narcotic Drugs on the addition to the list of substances in Table I of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988	6377/17
<p>Statement by the Commission</p> <p>The Commission position is that the decisions concerned by this proposal are a matter of exclusive Union competence because Union law, in this case in the area of drug control, will be directly and automatically affected by the scheduling decisions of the UN Commission on Narcotic Drugs (CND). The Commission underlines that this position refers to international scheduling decisions under the 1961 UN Convention on Narcotic Drugs and the 1971 UN Convention on Psychotropic Substances and not to drugs policy in general.</p>	
Council Decision authorising the opening of negotiations on an agreement between the European Union and the former Yugoslav Republic of Macedonia on actions carried out by the European Border and Coast Guard Agency in the territory of the former Yugoslav Republic of Macedonia	6180/17
<p>Statement by the Council and the Commission</p> <p>Insofar as rapid border interventions can be considered as a specific type of joint operations, the Commission and the Council understand the reference to the voluntary participation of Member States in joint operations on the territory of third countries as set out in Article 54(3) of Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard, as applying also to rapid border interventions on the territory of third countries. Therefore, the participation of Member States in any actions on the territory of Serbia and/or the former Yugoslav Republic of Macedonia pursuant to the Status Agreements as eventually concluded, will be on a voluntary basis.</p>	

Council Decision authorising the opening of negotiations on an agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the territory of the Republic of Serbia	6179/17
Statement by the Council and the Commission	
Insofar as rapid border interventions can be considered as a specific type of joint operations, the Commission and the Council understand the reference to the voluntary participation of Member States in joint operations on the territory of third countries as set out in Article 54(3) of Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard, as applying also to rapid border interventions on the territory of third countries. Therefore, the participation of Member States in any actions on the territory of Serbia and/or the former Yugoslav Republic of Macedonia pursuant to the Status Agreements as eventually concluded, will be on a voluntary basis.	
Council Conclusions on the Cooperation and Verification Mechanism	7048/17
Written procedure completed on 13 March 2017	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2017/445 of 13 March 2017 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine OJ L 67, 14.3.2017, p. 88–120	6651/17
Council Implementing Regulation (EU) 2017/437 of 13 March 2017 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine OJ L 67, 14.3.2017, p. 34–66	6656/1/17 REV 1

Adoption of legislative acts following the European Parliament's Second Reading (Strasbourg, 13 to 16 March 2017)

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)Text with EEA relevance. OJ L 95, 7.4.2017, p. 1–142	10755/1/16 (7221/17)	Not applicable	Not applicable

Written procedure completed on 20 March 2017

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Implementing Decision (CFSP) 2017/485 of 20 March 2017 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria OJ L 75, 21.3.2017, p. 24–26	7330/17
Council Implementing Regulation (EU) 2017/480 of 20 March 2017 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria OJ L 75, 21.3.2017, p. 12–14	7332/17

3527th meeting of the Council of the European Union (ECONOMIC AND FINANCIAL AFFAIRS) held in Brussels on 21 March 2017

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Decision (EU) 2017/684 of the European Parliament and of the Council of 5 April 2017 on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy, and repealing Decision No 994/2012/EU (Text with EEA relevance.) OJ L 99, 12.4.2017, p. 1–9	3/17	Qualified majority	All Member States in favour

Statement by the Commission

1. The review clause of this Decision (Article 10) covers the possibility for the Commission to assess whether it is appropriate to address agreements between Member States and undertakings from third countries, in the future, and to assess whether all instruments in this Decision are sufficiently addressed.
2. The Commission commits itself to make this assessment no later than 1 January 2020.

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Recommendation of 21 March 2017 on the economic policy of the euro area OJ C 92, 24.3.2017, p. 1–5	5757/17
Council Implementing Decision (EU) 2017/563 of 21 March 2017 authorising the Republic of Estonia to apply a special measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax OJ L 80, 25.3.2017, p. 33–34	6493/17

Council Conclusions on European Court of Auditors' special report n° 31: "Spending at least one euro in every five from the EU budget on climate action: ambitious work underway, but serious risk of falling short"	7495/17
Council Decision (EU) 2017/560 of 21 March 2017 on the position to be adopted on behalf of the European Union within the EU-Mexico Joint Committee relating to amendments to Annex III to Decision No 2/2000 of the EC-Mexico Joint Council of 23 March 2000 concerning the definition of the concept of originating products and methods of administrative cooperation (certain product-specific rules of origin for chemicals) OJ L 80, 25.3.2017, p. 20–25	6146/17
Council Decision (EU) 2017/561 of 21 March 2017 on the position to be adopted on behalf of the European Union within the EU-Mexico Joint Committee relating to amendments to Annex III to Decision No 2/2000 of the EC-Mexico Joint Council of 23 March 2000 concerning the definition of the concept of originating products and methods of administrative cooperation (Andorra and San Marino, and certain product-specific rules of origin for chemicals) OJ L 80, 25.3.2017, p. 26–31	6412/17
Council Implementing Decision (CFSP) 2017/498 of 21 March 2017 implementing Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt OJ L 76, 22.3.2017, p. 33–34	6870/17
Council Implementing Regulation (EU) 2017/491 of 21 March 2017 implementing Regulation (EU) No 270/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt OJ L 76, 22.3.2017, p. 10–12	6873/17
Council Decision (EU) 2017/594 of 21 March 2017 on the conclusion of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part, amending the Agreement in order to extend the provisions of the Agreement to bilateral trade in textiles, taking account of the expiry of the bilateral textiles Agreement OJ L 81, 28.3.2017, p. 1–2	16384/1/10 REV 1

Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part, amending the Agreement in order to extend the provisions of the Agreement to bilateral trade in textiles, taking account of the expiry of the bilateral textiles Agreement OJ L 81, 28.3.2017, p. 3–5	16388/10
Council Decision on the signing, on behalf of the European Union, and provisional application of an amendment to the Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety	6697/17
Amendment 1 to the Agreement on cooperation in the regulation of civil aviation safety between the United States of America and the European Community	7236/17
3528th meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS) held in Brussels on 27 and 28 March 2017	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision authorising the opening of negotiations with the People's Republic of China for an Agreement between the European Union and the People's Republic of China on the facilitation of the issuance of short-stay visas	6375/17
Council Implementing Decision (EU) 2017/617 of 27 March 2017 on the launch of automated data exchange with regard to DNA data in Greece OJ L 89, 1.4.2017, p. 4–5	12211/1/16 REV 1
Council Implementing Decision (EU) 2017/618 of 27 March 2017 on the launch of automated data exchange with regard to vehicle registration data in Denmark OJ L 89, 1.4.2017, p. 6–7	12212/1/16 REV 1

Council Conclusions on the continuation of the EU Policy Cycle for organised and serious international crime for the period 2018-2021	7704/17
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 police cooperation	7191/17
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 police cooperation	7194/17
Council Implementing Decision setting out a recommendation 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 management of the external border	7198/17
Council Conclusions on the Commission Action plan to strengthen the European response to travel document fraud	7696/17
Council Decision (CFSP) 2017/718 of 27 March 2017 concerning the signing and conclusion of the Agreement between the European Union and the Republic of Moldova on security procedures for exchanging and protecting classified information OJ L 106, 22.4.2017, p. 1–2	5342/17
Agreement between the European Union and the Republic of Moldova on security procedures for exchanging and protecting classified information OJ L 106, 22.4.2017, p. 3–7	6191/17

<p>Council Decision (EU) 2017/609 of 27 March 2017 on the conclusion, on behalf of the European Union and its Member States, of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, to take account of the accession of the Republic of Croatia to the European Union</p> <p>OJ L 86, 31.3.2017, p. 1–2</p>	5748/17
<p>Council Decision (EU) 2017/715 of 27 March 2017 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex II (Technical Regulations, Standards, Testing and Certification) and Annex XVII (Intellectual Property) to the EEA Agreement (Paediatric Regulation)</p> <p>OJ L 105, 21.4.2017, p. 15–20</p>	5347/17
<p>Council Regulation (EU) 2017/595 of 27 March 2017 amending Regulation (EU) 2017/127 as regards certain fishing opportunities</p> <p>OJ L 81, 28.3.2017, p. 6–13</p>	7286/17
<p>Council Directive (EU) 2017/738 of 27 March 2017 amending, for the purpose of adapting to technical progress, Annex II to Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys, as regards lead (Text with EEA relevance.)</p> <p>OJ L 110, 27.4.2017, p. 6–8</p>	12153/16
<p>Council Decision authorising the opening of negotiations on a UNWTO Convention on the Protection of Tourists and the rights and obligations of Tourism Service Providers</p>	7383/17

Statement by the Commission

The Commission understands that the references to the "margin of manoeuvre" which Member States have in implementing Directive (EU) 2015/2302 do not question in any way the exclusive nature of the competence for the negotiations on Annex II, since Article 1 of the Decision refers to Annex II in its entirety.

The Commission notes that the Council considers that, within Annex III, the provisions other than Article 5 fall partly in Member States' competence. Although these parts are not defined, the Commission understands that they may refer to a few limited aspects of Annex III not covered or not sufficiently covered by Directive 2011/83/EU. The Commission understands that this has been done with a view to requiring "consensus" for the negotiations on Annex III, thereby unduly limiting the power of the EU negotiator as defined by the Court of Justice of the European Union in its judgment in Case C-425/13 (paragraphs 88-90).

The Commission recalls that Member States cannot negotiate international commitments which may affect common rules or alter their scope. This concept is consistently understood as a "risk that common EU rules may be adversely affected". A finding that there is such a "risk" does not presuppose that the area covered by the international commitments and that of the EU rules coincide fully, and the foreseeable future development of EU rules must be taken into account (Opinion 3/15 of the CJEU, paragraphs 105-109). The Commission, who must promote the general interest of the Union and ensures the application of the Treaties (Article 17 TEU), will make sure that these principles and the settled case law on the Court of Justice are respected during the negotiations, while applying the principle of sincere cooperation.

The Commission understands that the issue of the nature of the competence over Annex III will be reviewed more thoroughly once the final text of the Convention is adopted, in the context of a possible future proposal for signature and conclusion.

Written procedure completed on 29 March 2017	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2017/607 of 29 March 2017 amending Decision 2011/173/CFSP concerning restrictive measures in view of the situation in Bosnia and Herzegovina OJ L 84, 30.3.2017, p. 6–6	6879/17
Written procedure completed on 31 March 2017	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2017/621 of 31 March 2017 amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya OJ L 89, 1.4.2017, p. 10–10	7354/17