



Brussels, 25 July 2017  
(OR. en)

11443/17

**PUBLIC 52**  
**INF 132**

**NOTE**

---

Subject: MONTHLY SUMMARY OF COUNCIL ACTS - APRIL 2017

---

This document lists the acts adopted by the Council in April 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.

---

<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](#)

---

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

**3529th meeting of the Council of the European Union (AGRICULTURE AND FISHERIES) held in Luxembourg on 3 April 2017**

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Directive (EU) 2017/828 of the European Parliament and of the Council of 17 May 2017 amending Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement (Text with EEA relevance) OJ L 132, 20.5.2017, p. 1–25	2/17	Qualified majority	All Member States in favour

**Statement by the Polish, German, Danish and Luxembourg delegations**

The Polish, German, Danish and Luxembourg delegations take note of the conclusion of the agreement in the first reading between the European Parliament and the Council on a *Proposal for a Directive of the European Parliament and of the Council amending Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement* and commend successive Council presidencies for their efforts aimed at achieving a balanced compromise on the proposal.

In line with the positions presented during the work on the proposal, the Polish, German, Danish and Luxembourg delegations interpret the provision of Article 3f paragraph 1 point a) of a *Proposal for a Directive of the European Parliament and of the Council amending Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement* on the content of the policy of shareholder engagement as allowing institutional investors and assets managers to formulate the engagement policy in a way that they may choose the matters on which they monitor the investee companies and that they are not obliged to address in the engagement policy specifically each of the matters referred to in Article 3f paragraph 1 point a) of the proposal.

In the opinion of our delegations, the agreed text of the third sentence of recital 11 of the abovementioned proposal, which states: “*The policy on shareholder engagement should describe how institutional investors and asset managers integrate shareholder engagement in their investment strategy and which different engagement activities they choose to carry out and how they do it.*”, confirms the correctness of this interpretation.

**Statement by the Luxembourg delegation**

Luxembourg fully supports the objective of the Directive of the European Parliament and of the Council amending Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement to encourage the long-term engagement of the shareholders and to enhance transparency of institutional investors and asset managers. At the same time, as stated in the recitals, the Directive should be without prejudice to the provisions laid down in sectoral EU legislation regulating specific types of listed companies or specific types of entities, such as credit institutions, investment firms, asset managers, insurance companies and pension funds.

Consequently, it is the understanding of Luxembourg that with regard to articles 3g and 3h of the Directive where assets of an institutional investor are not managed on an individual basis but pooled together with assets of other investors and managed via a collective investment undertaking, the sectoral legislation applicable to collective asset management should prevail over the Directive to the extent that the requirements provided by the Directive contradict the requirements laid down in sectoral EU legislation. For example, the Directive should be without prejudice to the provisions governing the diversification of the portfolio of collective investment undertakings and the prohibition to acquire any shares carrying voting rights which would enable collective asset managers to exercise significant influence over the management of an issuing body.

Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas  
OJ L 130, 19.5.2017, p. 1–20

60/16

Qualified majority

All Member States in favour

**Statement by the Council**

The Council agrees, on an exceptional basis, to delegate to the Commission the power to adopt delegated acts to amend the thresholds of Annex I as set out in Article 1(4) and (5), so as to ensure a timely adoption of the thresholds and to meet the objectives of this Regulation. Such agreement is without prejudice to future legislative proposals in the area of trade, as well as in the area of external relations as a whole.

**Statement 1 by the Commission**

The Commission will consider making additional legislative proposals targeted at EU companies with products containing tin, tantalum, and tungsten and gold in their supply chain should it conclude that the aggregate efforts of the EU market on the responsible global supply chain of minerals are insufficient to leverage responsible supply behaviour in producer countries, or should it assess that the buy-in of downstream operators that have in place supply chain due diligence systems in line with the OECD guidance is insufficient.

**Statement 2 by the Commission**

In the exercise of its empowerment to adopt delegated acts pursuant to Article 1(5), the Commission will take due account of the objectives of this Regulation, notably as set out in recitals (1), (7), (10) and (17).

In doing so, the Commission will, in particular, consider the specific risks associated with the operation of upstream gold supply chains in conflict affected and high-risk areas and taking into account the position of Union micro and small enterprises importing gold in the EU.

**Statement 3 by the Commission**

In response to the request of the European Parliament for specific guidelines, the Commission is willing to develop performance indicators specific to the responsible sourcing of conflict minerals. By means of such guidelines, relevant companies with more than 500 employees that are required to disclose non-financial information in conformity with Directive 2014/95/EU would be encouraged to disclose specific information in relation to products containing tin, tantalum, tungsten or gold.

**Statement by Belgium**

Recalling that metals, as defined in this Regulation, can be extracted from other raw materials than from ores and minerals, as specified in Annex I, part A, Belgium considers that economic operators extracting metals from other raw materials and adhering to the due diligence requirements of this Regulation as specified in article 8 of the Regulation shall be recognized as responsible smelters if the due diligence system that they apply is recognized by the Commission in application of article 9, and that they shall be treated equally to other economic operators pursuing the same economic purpose.

Council Decision of 3 April 2017 adopting the Council's position on draft amending budget No 1 of the European Union for the financial year 2017 OJ C 109, 7.4.2017, p. 2–2	7001/17	Qualified majority	All Member States in favour
NON-LEGISLATIVE ACTS			
ACT		DOCUMENT / STATEMENTS	
Council Decision (EU) 2017/674 of 3 April 2017 establishing the position to be adopted on behalf of the European Union within the eighth meeting of the Conference of the Parties to the Rotterdam Convention as regards the amendments of Annex III to the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade OJ L 97, 8.4.2017, p. 29–30		7243/17	
Council Conclusions on the European Court of Auditors' Special Report No 28/2016: "Dealing with serious cross-border threats to health in the EU: important steps taken but more needs to be done"		6904/17	
Council Conclusions on "International ocean governance: an agenda for the future of our oceans"		8029/17	
Decision (EU) 2017/742 of the European Parliament and of the Council of 5 April 2017 on the mobilisation of the European Globalisation Adjustment Fund (EGF/2017/000 TA 2017 — Technical assistance at the initiative of the Commission) OJ L 111, 28.4.2017, p. 8–9		6922/17	
Decision (EU) 2017/741 of the European Parliament and of the Council of 5 April 2017 on the mobilisation of the European Union Solidarity Fund to provide assistance to the United Kingdom, Cyprus and Portugal OJ L 111, 28.4.2017, p. 6–7		7005/17	

Council Decision (EU) 2017/657 of 3 April 2017 on the conclusion on behalf of the European Union of the Agreement between the European Union and the Principality of Liechtenstein on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020 OJ L 94, 7.4.2017, p. 1–2	12852/16
Council Decision (EU) 2017/790 of 25 April 2017 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex XX (Environment) to the EEA Agreement OJ L 119, 9.5.2017, p. 16–21	6731/17
<b>3530th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Luxembourg on 3 April 2017</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Conclusions on the Promotion and Protection of the Rights of the Child	7775/17
Council Conclusions on Somalia	7614/17
Council Decision (CFSP) 2017/633 of 3 April 2017 in support of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects OJ L 90, 4.4.2017, p. 12–21	7227/17
Council Decision (CFSP) 2017/632 of 3 April 2017 amending Decision 2014/129/CFSP promoting the European network of independent non-proliferation think tanks in support of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction OJ L 90, 4.4.2017, p. 10–11	6966/17
Council Conclusions on an EU strategy for Syria	7652/17
Council Conclusions on Yemen	7675/17

**Adoption of legislative acts following the European Parliament's Second Reading (Strasbourg, 3 to 6 April 2017)**

## LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 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 (Text with EEA relevance.) OJ L 117, 5.5.2017, p. 1–175	14/17 (7972/17)	Not applicable	Not applicable
Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (Text with EEA relevance.) OJ L 117, 5.5.2017, p. 176–332	15/17 (7974/17)	Not applicable	Not applicable

**Commission statement regarding the provisions for information and counselling in the field of genetic testing in Article 4 of the Regulation on in vitro diagnostic medical devices**

No later than five years after the date of application of the Regulation and in the framework of the review of the functioning of Article 4 foreseen in Article 111 of the Regulation, the Commission will report on the Member States' experience with the implementation of the obligations in Article 4 for information and counselling in the context of use of genetic tests. In particular, the Commission will report on the different practices in place in light of the double objective pursued by the Regulation, namely to ensure a high level of patient safety and guarantee the smooth functioning of the internal market.

**Commission statement regarding genetic testing used for lifestyle and wellbeing purposes**

With respect to genetic tests intended for wellbeing or lifestyle purposes, the Commission stresses that devices without any medical purpose, including those which are intended to directly or indirectly maintain or improve healthy behaviours, quality of life and wellbeing of individuals, are not covered by Article 2 (Definitions) of the Regulation on in vitro diagnostic medical devices. Nonetheless, the Commission intends to monitor, on the basis of the market surveillance activities carried out by Member States, specific safety issues which might be linked to the use of these devices



<b>Written procedure completed on 6 April 2017</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2017/666 of 6 April 2017 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 94, 7.4.2017, p. 42–44	6058/17
Council Regulation (EU) 2017/658 of 6 April 2017 amending Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 94, 7.4.2017, p. 3–8	6059/17
Council Decision (CFSP) 2017/667 of 6 April 2017 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 94, 7.4.2017, p. 45–46	7518/17
<b>Written procedure completed on 7 April 2017</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Regulation (EU) 2017/719 of 7 April 2017 amending Regulation (EU) 2015/2192 on the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for a period of four years OJ L 106, 22.4.2017, p. 8–9	7484/17

<b>Written procedure completed on 11 April 2017</b>			
NON-LEGISLATIVE ACTS			
ACT	DOCUMENT / STATEMENTS		
Council Decision (CFSP) 2017/689 of 11 April 2017 amending Decision 2011/235/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Iran OJ L 99, 12.4.2017, p. 21–25	7350/17 + COR 1		
Council Implementing Regulation (EU) 2017/685 of 11 April 2017 implementing Regulation (EU) No 359/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran OJ L 99, 12.4.2017, p. 10–15	7353/17 + COR 1		
<b>3531st meeting of the Council of the European Union (GENERAL AFFAIRS) held in Luxembourg on 25 April 2017</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons	62/16	Qualified majority	All Member States in favour, except: Against:CZ, LU, PL
<p><b>Statement by the Commission on most dangerous semi-automatic firearms and on collectors</b></p> <p>The European Commission is satisfied that the co-legislators have reached an agreement on the revised firearm directive. These new rules will substantially reduce the likelihood of dangerous but legally held weapons falling into the hands of criminals and terrorists.</p> <p>At the same time, the Commission regrets that some parts of the original proposal were not supported by the Parliament and the Council– in particular concerning semi-automatic firearms where the Commission had proposed a greater level of ambition with a complete ban of the most dangerous semi-automatic firearms, including all semi-automatic firearms of the AK47 or AR15 families. The Commission also regrets that the magazine size was not limited to 10 rounds for all semi-automatic firearms.</p> <p>The Commission also stresses the importance of the proper implementation of the strict security rules relating to collectors.</p>			

### **Statement by the Commission on deactivation**

The Commission recognises the importance of a well-functioning standard for deactivation, which contributes to improved levels of safety and gives authorities reassurance that deactivated weapons are properly and effectively deactivated.

The Commission will, therefore, accelerate the work on the revision of the deactivation criteria conducted by national experts in the Committee established under Directive 91/477/EEC in order to allow the Commission to adopt, by the end of May 2017, in accordance with the committee procedure established by directive 91/477/EEC, subject to a positive opinion by national experts, a Commission implementing Regulation amending Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable. The Commission calls on Member States to fully support the acceleration of this work.

### **Statement by Luxembourg**

Effective and proportionate action at EU level is essential to respond to complex threats to security and to protect our citizens. The terrorist attacks, including those in France and in Belgium, have revealed considerable gaps in the European regulatory framework on firearms.

To address those gaps, the reform of Directive 91/477/EEC focuses on a number of areas: improved control of firearms trafficking, greater traceability and better deactivation of firearms, stricter rules for the acquisition and possession of firearms, a ban on civilian use of the most dangerous firearms and improved information exchange between Member States.

Throughout the negotiations, Luxembourg actively supported all those aspects of the original proposal for a directive and reiterated its commitment to maintaining the ambition of the reform at a level capable of responding to the security threats that Europe currently faces.

In that context, the ban on the most dangerous semi-automatic firearms based on objective specification criteria is a key part of the reform: a strict and harmonised ban on those firearms would have a direct impact on the security of all European citizens.

However, the compromise text resulting from the interinstitutional negotiations waters down any such strict and harmonised ban by making provision for excessively broad exemptions for certain categories of people (target shooters), that is to say exemptions for a significant percentage of those who possess firearms and apply for authorisations for them.

Given that the restrictions on the acquisition and possession of such firearms are insufficient, Luxembourg cannot support the compromise text to be formally adopted by the Council and the European Parliament and will vote against the text.

### Statement by the Czech Republic

The Czech Republic welcomes the fact that work has started on an amendment of Council Directive 91/477/EEC on control of the acquisition and possession of weapons with a view to enabling the European Union and the individual Member States to better respond to current security threats, and in particular to terrorism. We have participated in the negotiations on the proposal in an active and constructive manner and are pleased that some problems have been resolved.

Nevertheless, we consider certain key elements of the proposal to be inappropriate in substance, legally unclear and, sometimes, markedly disproportionate. In some cases, the Directive advocates discriminatory treatment. In particular, we would express our disappointment with regard to the unclear and unnecessary prohibition of certain semi-automatic firearms. Together with the ill-thought-out grandfathering clause, these measures may even worsen the security situation in the medium and long term. They cannot and will not achieve the declared goals of the Directive.

We consider the proposed implementation period to be unreasonably short, since a large number of national laws will need to be amended significantly. Moreover, it should be noted that the national legislator will have to accommodate Commission implementing and delegated acts in national legislation in an even shorter period of time.

For these and other reasons, the Czech Republic cannot endorse the draft Directive.

Position (EU) No 4/2017 of the Council at first reading with a view to the adoption of a Directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law  
Adopted by the Council on 25 April 2017  
OJ C 184, 9.6.2017, p. 1–13

6182/17

Qualified majority

All Member States in favour, except:  
Against: DE, IE, CY, HU, MT, PL  
Not participating:  
DK, UK

### Statement by the Commission

Although it has no objection regarding the substantive provisions of the Directive, the Commission considers that it should have been based on Article 325 TFEU and reserves its right to initiate legal proceedings about the legal basis before the Court of Justice.

**Statement by Hungary**

Hungary does not support the compromise presented for adoption at the Council meeting on 25 April 2017. We are committed in protecting the financial interests of the Union and therefore we actively participated in the negotiations, and also supported the text of the general approach adopted by the Council on 6 June 2013. However, as the scope of the Directive has been since extended to include also VAT fraud, Hungary cannot give its consent to the compromise, for we strongly believe that tax issues shall be dealt with in tax dossiers, with the proper legal base and thus, also the rule of unanimity should apply.

Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 OJ L 157, 20.6.2017, p. 1–21	6/17	Qualified majority	All Member States in favour
Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008 (Text with EEA relevance. ) OJ L 137, 24.5.2017, p. 1–21	4/17	Qualified majority	All Member States in favour, except: Abstention: BG, HU, PL

**Statement by the European Commission on comitology**

The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5 § 4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5 § 4 recourse to subparagraph 2, point b), cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.

### **Statement by the European Commission on international cooperation on mercury**

The Minamata convention and the new Mercury Regulation are major contributions to protecting citizens from mercury pollution globally and in the EU.

International cooperation should be sustained to ensure successful implementation of the Convention by all Parties and further strengthen its provisions.

The European Commission is therefore committed to supporting continued cooperation, in accordance with the Convention and subject to applicable EU policies, rules and procedures, inter alia undertaking work in the following areas:

- Narrowing the gap between EU law and the provisions of the Convention through the review clause of the list of prohibited mercury-added products;
- In the context of the provisions of the Convention on financing, capacity building and technology transfer, activities such as improving traceability of mercury trade and use, promoting certification of mercury-free artisanal and small-scale gold mining and mercury-free labels for gold, and increasing the capacity of developing countries including in the area of mercury waste management.

### **Statement by Belgium**

Belgium expresses its concerns regarding the Regulation provisions on the permanent storage of mercury waste.

The new regulation states (article 13) that (liquid) mercury waste should be:

- Converted and solidified prior to permanent storage in above-ground facilities;
- Converted prior to permanent storage in under-ground facilities;

Belgium is convinced that conversion and solidification of mercury waste is of utmost importance prior to permanent storage in above- and underground facilities. This is indeed the only way for ensuring an adequate level of protection against environment contamination and preventing health damages.

Belgium considers that the Basel Mercury guidelines (UNEP/CHW.12/5/Add.8/Rev.1) should be used as technical basis for ensuring a level playing field at European and global level.

Belgium asks the European Commission to launch a thorough assessment of these provisions by an independent consortia of experts - qualified in engineering, waste landfill technologies, chemicals and geological sciences. The terms of references for this assessment, which should take into account the Basel guidelines and other relevant international standards, should be submitted without delay to the 'waste technical committee' (Committee for the Adaptation to Scientific and Technical Progress and Implementation of the Directives on Waste).

Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union OJ L 138, 25.5.2017, p. 131–137	5/17	Qualified majority	All Member States in favour
Regulation (EU) 2017/920 of the European Parliament and of the Council of 17 May 2017 amending Regulation (EU) No 531/2012 as regards rules for wholesale roaming markets Text with EEA relevance. OJ L 147, 9.6.2017, p. 1–8	7/17	Qualified majority	All Member States in favour, except: Against: EL, ES, HR, CY
<p><b>Statement by Croatia, Cyprus, Greece and Spain</b></p> <p>Following the outcome of the third trilogue of January 31st, as reported by the Maltese Presidency during the COREPER I meeting of February 1st and the finalisation of the compromise text in the COREPER I meeting of February 8, we feel compelled to comment on a number of issues that undermine the overall fairness of the agreement.</p> <p>First and foremost, we would like to voice our deep disappointment, as the final text is too distant from the General Approach and the European Commission's initial assessment and proposal for the sustainable implementation of Roam-Like-At-Home (RLAH).</p> <p>Even though we fully subscribe to the notion of RLAH and strongly support the abolition of retail roaming charges for consumers, as provided for by Regulation (EU) 531/2012, we feel that the final text does not effectively prevent the occurrence of unrecoverable losses for the providers of regulated roaming services, especially when these providers exhibit significant imbalances between incoming and outgoing roaming volumes. The political goal of the abolition of roaming surcharges by June 2017 could have been achieved with a sustainable and fair approach for all Member States, including those Member States that exhibit particularities such as high seasonality, geographical dispersion of the network infrastructure and high roaming traffic imbalance.</p> <p>The recovery of all costs incurred by the adoption of RLAH for mobile telephony providers and the preservation of incentives for investment in the visited markets, have been fundamental assumptions for the sustainability of the European ecosystem of mobile telephony and the avoidance of distortions. Despite these assumptions, in particular, the agreed values of the glide path for the wholesale roaming data caps cannot ensure the recovery of those costs, and will inevitably create distortions in visited markets and undermine investments in this critical business sector.</p>			

Under these conditions, the abolition of retail roaming charges will entail a major challenge to mobile telephony across the EU, the burden of which should have been distributed fairly across all Member States. On the contrary, the final compromise places most of the burden on a small number of countries exhibiting the particularities mentioned above, creating a certain risk that, at national level, domestic prices are increased, due to the so called “water-bed effect”. This distortion will cause a cross subsidy in which domestic consumers in the affected countries, will end up subsidizing international roamers.

Moreover, it is regrettable that the proposed sustainability mechanism, which would be invoked only in extreme and fully justified cases, and could provide the only way out of a potentially disastrous situation of great distortion, is not part of the agreement. The elimination of this provision, effectively removes the means for a swift and objectively fair resolution of issues related to roaming cost recovery, further displays the imbalance of the reached agreement and creates a potential discrimination between retail operators who benefit from a sustainability mechanism, and wholesale operators who are deprived from this safeguard.

In view of the above, we call upon the Commission a) to closely follow the developments related to RLAH and the repercussions across the EU from the abolition of retail roaming charges on home markets, b) to be ready to take corrective action even prior to the revision foreseen in the agreed text, if necessary, and c) to consider in detail the impact of RLAH on investments, when reporting on the effects of RLAH to the European Parliament and the Council.

Finally, despite the adverse circumstances, we declare once again our commitment to RLAH for consumers and to the continued provision of high quality mobile telephony services to all users.

#### NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Implementing Decision (EU) 2017/784 of 25 April 2017 authorising the Italian Republic to apply a special measure derogating from Articles 206 and 226 of Directive 2006/112/EC on the common system of value added tax and repealing Implementing Decision (EU) 2015/1401 OJ L 118, 6.5.2017, p. 17–19	8078/17



Council Decision (EU) 2017/790 of 25 April 2017 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex XX (Environment) to the EEA Agreement OJ L 119, 9.5.2017, p. 16–21	7099/17
Council Decision (EU) 2017/783 of 25 April 2017 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement (Third Energy Package) OJ L 118, 6.5.2017, p. 6–16	7108/17
Council Conclusions on European Court of Auditors' Special Report No 32/2016 on EU assistance to Ukraine	8491/17
Council Decision (EU) 2017/730 of 25 April 2017 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union OJ L 108, 26.4.2017, p. 1–2	13037/16
Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union OJ L 108, 26.4.2017, p. 3–6	13038/16
Council Decision (CFSP) 2017/734 of 25 April 2017 amending Decision 2013/184/CFSP concerning restrictive measures against Myanmar/Burma OJ L 108, 26.4.2017, p. 35–35	7385/17

Council Decision (EU) 2017/770 of 25 April 2017 on the ratification and accession by Member States, in the interest of the European Union, to the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, with regard to the aspects related to judicial cooperation in civil matters OJ L 115, 4.5.2017, p. 18–21	14112/15
Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2015 evaluation of Germany on the application of the Schengen acquis in the field of data protection	8465/17
Council Implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Greece on the application of the Schengen acquis in the field of return	8594/17
Council Decision (EU) 2017/733 of 25 April 2017 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Croatia OJ L 108, 26.4.2017, p. 31–34	5649/17
Council Conclusions on Special Report No 36/2016 by the European Court of Auditors: "An assessment of the arrangements for closure of the 2007-2013 cohesion and rural development programmes"	7802/17
Council Decision (EU) 2017/758 of 25 April 2017 on the position to be adopted, on behalf of the European Union, at the eighth meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants, as regards the proposals for amendments to Annexes A, B and C OJ L 113, 29.4.2017, p. 45–47	7822/17
Council Conclusions on the United Nations Strategic Plan for Forests and with a view to the participation of the European Union and its Member States in the Twelfth Session of the United Nations Forum on Forests (UNFF 12)	8361/17
Council Decision (EU) 2017/769 of 25 April 2017 on the ratification and accession by Member States, in the interest of the European Union, to the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, with the exception of the aspects related to judicial cooperation in civil matters OJ L 115, 4.5.2017, p. 15–17	13806/15

Council Decision (EU) 2017/798 of 25 April 2017 authorising the opening of negotiations with the Government of Japan for an agreement on cooperation in the area of competition policy between the European Union and the Government of Japan OJ L 120, 11.5.2017, p. 19–19	15797/16
Council Regulation (EU) 2017/762 of 25 April 2017 amending Regulation (EU) No 479/2013 on the waiver from the requirement to submit entry and exit summary declarations for Union goods that are moved across the Neum corridor OJ L 114, 3.5.2017, p. 1–2	7155/17
Council Conclusions on "Making Cohesion Policy more effective, relevant and visible to our citizens"	8463/17
Council Conclusions on the implementation of the EU Macro-Regional Strategies	7875/17
<b>Written procedure completed on 28 April 2017</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Implementing Decision approving the conclusion by the European Police Office (Europol) of the Agreement on Operational and Strategic Cooperation between the Kingdom of Denmark and Europol	7281/1/17 REV 1