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NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS - MARCH 2016

This document lists the acts adopted by the Council in March 2016.^{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.

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

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 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 2016

3452nd meeting of the Council of the European Union (ENVIRONMENT) held in Brussels on 4 March 2016

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2016/367 of 4 March 2016 on the conclusion of the Cooperation Agreement on Satellite Navigation between the European Union and its Member States and the Kingdom of Norway OJ L 68, 15.3.2016, p. 16–16	11114/11
Council Decision 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. 10, 34, 41, 46, 48, 50, 51, 53, 55, 60, 73, 83, 94, 107, 110, 113, 118, 125, 128, 130 and 131 and the proposal for a new Regulation concerning the approval of quiet road transport vehicles (QRTV)	6324/16
Council Decision (EU) 2016/351 of 4 March 2016 establishing the position to be taken on behalf of the European Union within the General Council of the World Trade Organization on Jordan's request for a WTO waiver relating to the transitional period for the elimination of its export subsidy program OJ L 65, 11.3.2016, p. 63–63	5620/16
Council Decision (EU) 2016/859 of 4 March 2016 on the signing, on behalf of the European Union and its Member States, and provisional application 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 OJ L 144, 1.6.2016, p. 1–2	5746/16

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 OJ L 144, 1.6.2016, p. 3–10	5750/16
Council Decision (CFSP) 2016/318 of 4 March 2016 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine OJ L 60, 5.3.2016, p. 76–77	5884/16
Council Implementing Regulation (EU) 2016/311 of 4 March 2016 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 60, 5.3.2016, p. 1–2	5885/16
Written procedure completed on 4 March 2016	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2016/319 of 4 March 2016 amending Decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea OJ L 60, 5.3.2016, p. 78–87	6726/16
3453rd meeting of the Council of the European Union (EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS) held in Brussels on 7 March 2016	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision authorising the opening of negotiations on a bilateral agreement between the European Union and the Government of the People's Republic of China on civil aviation safety	6489/16

Council Decision authorising the opening of negotiations on a bilateral agreement between the European Union and Japan on civil aviation safety	6491/16		
Council Conclusions on the 2016 Annual Growth Survey and Joint Employment Report: Political guidance on employment and social policies	6643/16		
Adoption of legislative acts following the European Parliament's Second Reading (Strasbourg, 7 to 10 March 2016)			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (Text with EEA relevance) OJ L 84, 31.3.2016, p. 1–208	7/2016 (11779/15)	Not applicable	Not applicable
<p>Joint Statement by the European Parliament, the Council and the Commission on antimicrobial resistance and the use of veterinary medicinal products</p> <p>The Communication from the Commission to the European Parliament and the Council entitled "Action plan against the rising threats from Antimicrobial Resistance" (COM(2011)0748) emphasises the preventive role of the Regulation on transmissible animal diseases ("Animal Health Law") and the consequent expected reduction of the use of antibiotics in animals. In addition to the requirements of this Regulation, Member States are called upon to commit themselves to collect relevant, comparable and sufficiently detailed data on the actual use of antimicrobial medicinal products in animals and to send such data to the Commission in order to ensure a more prudent use of antimicrobial medicinal products in animals, hence contributing to the reduction of the risk of antimicrobial resistance.</p>			
<p>Statement by the Commission on the use of antimicrobial medicinal products in animals in the Union</p> <p>The Commission undertakes to publish a regular report as regards the use of antimicrobial medicinal products in animals in the EU on the basis of data made available by the Member States.</p>			

Statement by the Commission**on animal welfare**

This Regulation lays down rules for the prevention and control of animal diseases which are transmissible to animals or to humans and does not contain provisions which regulate specifically animal welfare, albeit animal health and welfare are linked. The Union has a well-developed acquis regarding animal welfare covering different species (broilers, laying hens, pigs, calves) or activities (farming, transport, slaughter, research, etc.). This animal welfare legislation will necessarily continue to apply. The Commission is fully committed to paying full regard to animal welfare in accordance with Article 13 of the Treaty and within the limits set out therein, including ensuring full implementation and appropriate development of this legislation.

3454th meeting of the Council of the European Union (ECONOMIC AND FINANCIAL AFFAIRS) held in Brussels on 8 March 2016

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Recommendation of 8 March 2016 on the economic policy of the euro area OJ C 96, 11.3.2016, p. 1–3	5177/16
Council Conclusions on Special Report No 17/2015 by the European Court of Auditors: "Commission's support of youth action teams: redirection of ESF funding achieved, but insufficient focus on results"	6257/16
Council Implementing Decision authorising France to apply reduced levels of taxation to petrol and gas oil used as motor fuels in accordance with Article 19 of Directive 2003/96/EC	5929/16
Council Conclusions on the Commission Report to the Council on the REFIT evaluation of Directive 2011/64/EU and on the structure and rates of excise duty applied to manufactured tobacco	6420/16

Statement by Austria, Ireland, Finland, France and Sweden

Austria, Ireland, Finland, France and Sweden recall the Union's fiscal legislation on tobacco products has to ensure the proper functioning of the internal market and, at the same time, a high level of health protection.

To this end, Austria, Ireland, Finland, France and Sweden stress the need to achieve a closer convergence of excise duty applied to manufactured tobacco towards the highest common denominator.

As the Commission will have to undertake studies, carry out relevant technical analysis, public consultations and impact assessment before submitting an appropriate legislative proposal to the Council, Austria, Ireland, Finland, France and Sweden do find it necessary to start work on a future revision of the minimum rates without delay.

Council Conclusions on the future of the Code of Conduct (Business taxation)	6674/16
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Council Conclusions on the sustainability of public finances in the EU	6413/16
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3455th meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS) held in Brussels on 10 and 11 March 2016

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Position (EU) No 7/2016 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 OJ C 168, 11.5.2016, p. 1–138	14956/15 14956/15 ADD 1	Qualified majority	All Member States in favour, except: Abstention: AT
Position (EU) No 9/2016 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 conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing OJ C 170, 11.5.2016, p. 1–39	14958/15 14958/15 ADD 1	Qualified majority	All Member States in favour, except: Abstention: AT Not participating: DK, IE, UK

Joint Statement by the Commission and the European Parliament

The European Parliament and the Commission understand point (f) of Article 20(2) of this Directive as allowing Member States to reject an application only on a case-by-case basis and taking into account the specific circumstances of the third-country national and the principle of proportionality and on the basis of evidence or serious and objective reasons. The Commission will ensure that Member States implement this provision in line with this interpretation when transposing the Directive, and will inform the Parliament and the Council thereof, in the framework of its obligations under Article 39.

The European Parliament and the Commission consider that the inclusion of this provision in this Directive should not constitute a precedent for future legal migration instruments.

Position (EU) No 8/2016 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JH OJ C 169, 11.5.2016, p. 1–59	14957/15 14957/15 ADD 1	Qualified majority	All Member States in favour, except: Not participating: DK, UK
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Joint Statement by the Council and the European Parliament on Article 44

Creating a harmonised, high level of data protection covering police and judicial activities in the Union is crucial as a means of respecting and safeguarding the fundamental rights of Union citizens. Given the shared responsibilities of the Union and Member States in the area of freedom, security and justice, it is essential that there be close and effective cooperation among supervisory authorities at national and Union level.

The European Parliament and the Council consider that, following the adoption of the proposed General Data Protection Regulation and Data Protection Directive for data processing in the police and justice sector, including the new, soon to be created European Data Protection Board, and in light of the announced review of Regulation (EC) No 45/2001, the different mechanisms for cooperation between the European Data Protection Supervisor and the national supervisory authorities in this field, including the Cooperation Board set up in this Regulation, should in the future be reorganised in such a way as to ensure effectiveness and consistency and avoid unnecessary duplication, without prejudice to the Commission's right of initiative.

Statement by the Commission**on the Common Approach to the EU Decentralised Agencies**

The Commission recalls that the agreed text is not fully aligned with the principles of the Common Approach on the EU decentralised agencies. Therefore the agreement reached between the EP and the Council on the governance of the agency is without prejudice to any future legislative texts. The Commission remains convinced of the benefits of establishing an Executive Board as part of the governance structure of Europol and other agencies. The Commission will review the situation concerning Europol governance within the next two years, in particular with a view to determining whether further proposals on this point will be warranted.

Statement by the Commission**on the Cooperation Board**

The European Commission consider that, following the adoption of the proposed General Data Protection Regulation and Data Protection Directive for data processing in the police and justice sector and in light of the announced review of Regulation (EC) No 45/2001, to ensure effectiveness and consistency and avoid unnecessary duplication, the functions exercised by Cooperation Board set up in this Regulation shall be exercised by the newly created European Data Protection Board.

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Conclusions on migrant smuggling	6475/16
Council Decision (EU) 2016/414 of 10 March 2016 authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, in the interest of the European Union OJ L 75, 22.3.2016, p. 1–2	13777/15
Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters OJ L 75, 22.3.2016, p. 3–9	13777/15 ADD 1

Statement by the United Kingdom

The United Kingdom fully supports the accession of, and ratification by, Austria and Malta to the 1965 Hague Convention on the Service of Judicial and Extra-Judicial Documents (the Convention).

The United Kingdom continues to dispute the existence of EU exclusive external competence in relation to this proposed Council Decision. The uniform and consistent application of the parallel EU internal rules has not been shown to be capable of being undermined by the operation of the Convention between an EU Member State and a third state party to the Convention.

In the opinion of the United Kingdom, the Council Decision is unnecessary, and Austria and Malta are entitled to accede to and ratify the Convention without the need for authorisation by the European Union.

The question of exclusive external competence impacts across the whole range of EU work, and has profound implications for how the EU and its Member States engage internationally. The United Kingdom welcomes the fact that detailed discussions took place in the Working Group on this aspect of the proposal, and places great importance on such discussions, not only on individual dossiers but more horizontally, to ensure a consistent and effective analysis of the test and its application.

Notwithstanding the points set out above, the United Kingdom notes that, in accordance with the provisions of Protocol 21 to the Treaties, the United Kingdom has notified the President of the Council that it wished to take part in the adoption of this Decision, and considers the inclusion of the word “therefore” in the text of Recital 6 to be inaccurate. The fact that the United Kingdom is taking part in Regulation 1393/2007 or indeed in Regulation 1215/2012 does not, in its view, render inoperative the provisions of Protocol 21.

Statement by Germany

The Federal Republic of Germany supports the efforts of the Republic of Austria to ratify and of Malta to accede to the 1965 Hague Service Convention, and thus to become Contracting States to that Convention.

However, the Federal Republic of Germany continues to doubt whether the Decision which the Council has today submitted for adoption falls within the exclusive external competence of the European Union. It is not clear why the future application of the Hague Service Convention to Austria and Malta could affect common rules on judicial cooperation between Member States in civil matters or alter their scope (Article 3(2) TFEU). The Hague Service Convention applies in relation to third countries. Between European Union Member States, Regulation (EC) No 1393/2007 (the 'Service of Documents Regulation') clearly takes precedence over that Convention. This Decision should therefore not be used as a model for and should be without prejudice to any other measures in which the exclusive external competence of the European Union may play a role which may be taken by the European Union to resolve other similar cases.

Council Decision (EU) 2016/437 of 10 March 2016 on the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union and the Republic of Peru on the short-stay visa waiver OJ L 78, 24.3.2016, p. 2–3	12096/15
Agreement between the European Union and the Republic of Peru on the short-stay visa waiver OJ L 78, 24.3.2016, p. 4–10	12097/15
Council Implementing Decision (EU) 2016/408 of 10 March 2016 on the temporary suspension of the relocation of 30 % of applicants allocated to Austria under Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece OJ L 74, 19.3.2016, p. 36–37	6715/16
Council Decision (CFSP) 2016/359 of 10 March 2016 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, 12.3.2016, p. 37–52	6069/16
Council Implementing Regulation (EU) 2016/353 of 10 March 2016 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, 12.3.2016, p. 1–17	6070/16
Written procedures completed on 11 March 2016	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Implementing Decision (CFSP) 2016/360 of 11 March 2016 implementing Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic OJ L 67, 12.3.2016, p. 53–56	6890/16

Council Implementing Regulation (EU) 2016/354 of 11 March 2016 implementing Article 17(1) of Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic OJ L 67, 12.3.2016, p. 18–21	6892/16
3456th meeting of the Council of the European Union (AGRICULTURE AND FISHERIES) held in Brussels on 14 March 2016	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision authorising the Commission to open negotiations on behalf of the European Union for the renewal of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Sustainable Fisheries Partnership Agreement between the European Union and the Union of Comoros	5903/16
<p>Joint Statement by the Council and the Commission</p> <p>The current Protocol to the Fisheries Partnership Agreement between the European Union and the Union of Comoros expires at the end of December 2016. In order to ensure continuation of fishing activities of Union vessels in Comorian waters after that date, the Council agrees to the Commission's recommendation that the Commission should be authorised to open negotiations on behalf of the Union for renewal of the current Protocol.</p> <p>Although the Council and the Commission are concerned that the calendar of negotiations for the new Protocol coincides with an ongoing process that could lead to an identification, by the Commission, of the Union of Comoros as a non-cooperating third country pursuant to Article 31 of the IUU Regulation , they consider that, given the approaching expiry of the validity of the current Protocol, it is appropriate to open negotiations for the new Protocol at this stage.</p> <p>Nevertheless, the Council notes that should the Commission adopt a proposal to list the Union of Comoros as a non-cooperating third country pursuant to Article 33 of the IUU Regulation, the Commission will suspend at that moment further negotiations and refrain from submitting any proposals concerning the signing/provisional application and/or conclusion of a new Protocol, until the legal circumstances change.</p>	
<p>Statement by the Commission</p> <p>The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.</p>	

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 Regulation (EU) No 1380/2013, the Commission considers that the concept of surplus applies to a lesser degree to fishing activities exploiting highly migratory species, where adequate management objectives and appropriate 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) 2016/374 of 14 March 2016 amending Decision No 529/2013/EU of the European Parliament and of the Council to include reference levels for forest management, minimum values for the definition of forest and base year of emissions for the Republic of Croatia
OJ L 70, 16.3.2016, p. 20–21

5871/16

Council Decision (EU) 2016/381 of 14 March 2016 on the position to be adopted, on behalf of the European Union, within the Port State Control Committee of the Paris Memorandum of Understanding on Port State Control
OJ L 72, 17.3.2016, p. 53–56

6183/16

Statement by Bulgaria, Croatia, Estonia, France, Ireland, Latvia, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovenia And Spain

The method to measure flag state performance was introduced for the first time by the former Port State Control regime, within the Paris MoU. Each year, the “black/grey/white” (BGW) list is published which presents the full spectrum, from quality flags to flags with a poor performance that are considered high or very high risk.

The BGW list is compiled using a specific mathematical method to classify ship registries into three groups – white, grey and black – where black listed flags perform worse than average and white listed flags perform better. Since the very beginning of the BGW list, the underlying calculation method has created an unequal effect on those countries which have comparatively small fleet placing them into disadvantageous position comparing to those with a bigger fleet. For almost 10 years the issue has been under scrutiny within various EU fora.

The compelling need for a fair BGW methodology has become even more critical after the Port State Directive 2009/16/EC came into force. In order to classify for any preferred treatment under the recast EU directive, a flag State needs to be on the white list. Given this new incentive, the current method of calculation leaves Member States with smaller fleets in a situation where being on the grey performance list is a matter of incident rather than systematic trend. At the moment there are five EU Member States on the grey list already.

Although the recital 15 was included in the new Port State Directive 2009/16/EC: “(15) Member States should endeavour to review the method of drawing the white, grey and black list of flag States in the framework of the Paris MOU, in order to ensure its fairness, in particular with respect to the way it treats flag States with small fleets.”, no tangible progress was made.

Further evasion from the concrete action on this matter is unacceptable and will jeopardize attractiveness of involved Member State’s ship registries and thus may result in flagging out and relocation trend.

The wording which only anticipates some kind of urgent action, e.g. as soon as possible, is not vigorous enough to trigger immediate and necessary action to seek for a solution, as are the recitals explaining the issue. History has proven that general references in a recital do not encourage persistent action to solve the issue.

Although the Presidency at the COREPER I meeting on 19 February 2016 confirmed that the wording “as soon as possible” refers to the multi-annual framework Council decision, covering the period of 2016–2019, it is of paramount importance to include in the text a concrete time frame – May 2018 – within which the Member States, which are bound by the Paris MOU, acting jointly in the interest of the Union, shall endeavour to support the development of an alternative method of drawing up the white, grey and black list of flag States.

Statement by the Commission	
With respect to Annex II, the Commission confirms that it will act within the limits of the powers conferred on it by the Treaties, and in conformity with the procedures, conditions and objectives set out in them. The institutions must exercise their powers with due regard for the powers of the other institutions.	
Council Conclusions on Special Report No 13/2015 from the European Court of Auditors entitled: "EU support to timber-producing countries under the FLEGT action plan"	6107/16
Council Conclusions on Special Report No. 11/2015 from the European Court of Auditors entitled: "Are the Fisheries Partnership Agreements well managed by the Commission?"	6258/16
3457th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 14 March 2016	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Conclusions on Central African Republic	6670/16
Council Conclusions on the European Court of Auditors' Special report No 15/2015: "ACP-EU Energy facility support for renewable energy in east Africa"	6455/16
Council Decision concerning the conclusion of consultations with the Republic of Burundi under Article 96 of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part	6501/16
Council Decision (CFSP) 2016/368 of 14 March 2016 amending Common Position 2002/402/CFSP concerning restrictive measures against members of the Al-Qaida organisation and other individuals, groups, undertakings and entities associated with them OJ L 68, 15.3.2016, p. 17–19	5456/16
Council Regulation (EU) 2016/363 of 14 March 2016 amending Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network OJ L 68, 15.3.2016, p. 1–3	5461/16

3458th meeting of the Council of the European Union (GENERAL AFFAIRS) held in Brussels on 15 March 2016

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (Text with EEA relevance) OJ L 107, 22.4.2016, p. 1–28	68/15	Qualified majority	All Member States in favour, except: Abstention: PL

Statement by Poland

In principle, Poland supports activities which aim to facilitate the exercise of freedom of movement for workers within the Union, the improved functioning and integration of labour markets in the Union and, in particular, voluntary geographical mobility on a fair basis.

However, it maintains its view that Article 30(1)(a) of the *proposal for a Regulation of the European Parliament and of the Council on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013* indirectly infringes the law prohibiting discrimination based on sex.

The provisions set out in Article 30(1)(a) require Member States to collect and analyse gender-disaggregated information on labour shortages and labour surpluses on labour markets. Poland has repeatedly stressed that in job offers used in connection with the methodology applied for the identification of surplus and shortage occupations or groups of occupations in the labour market, discrimination based on sex should be prohibited in accordance with both national provisions and the provisions laid down by the relevant Regulation (i.e. recital 37).

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union OJ L 70, 16.3.2016, p. 1–6	7009/16

Statement by the Member States on Article 2	
Member States commit to allow the Council to decide on the activation of the emergency support within 48 hours after the presentation by the Commission of its proposal to this end, wherever the situation so requires.	
Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2015 evaluation of the application of the Schengen acquis in the field of Return by Belgium	6691/16
Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the evaluation of Sweden's application of the Schengen acquis in the field of management of the external borders	6686/16
Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2015 evaluation of the application of the Schengen acquis in the field of the common visa policy by Belgium	6688/16
Council Decision concerning the signing and conclusion of the Agreement between the European Union and Georgia on security procedures for exchanging and protecting classified information	14263/15
Council Conclusions "Investing in jobs and growth - maximising the contribution of European Structural and Investment Funds"	6334/16
Council Conclusions on the Cooperation and Verification Mechanism	6203/16
Council Decision (EU) 2016/436 of 15 March 2016 on the position to be adopted, on behalf of the European Union, within the Customs Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, as regards the replacement of Protocol II to that Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation OJ L 76, 23.3.2016, p. 35–40	6396/16

<p>Council Decision (EU) 2016/807 of 15 March 2016 on the position to be adopted on behalf of the European Union at the International Maritime Organization (IMO) during the 40th session of the Facilitation Committee, the 69th session of the Marine Environment Protection Committee and the 96th session of the Maritime Safety Committee, on the adoption of amendments to the Facilitation Convention, MARPOL Annex IV, SOLAS Regulations II-2/13 and II-2/18, the Fire Safety Systems Code and the 2011 Enhanced Survey Programme Code OJ L 132, 21.5.2016, p. 99–102</p>	6722/16		
<p>Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making OJ L 123, 12.5.2016, p. 1–14</p>	15506/15		
<p>Statement by the European Parliament and the Commission</p> <p>The European Parliament and the Commission consider that this Agreement reflects the balance between, and respective competences of, the European Parliament, the Council and the Commission as set out in the Treaties.</p> <p>It is without prejudice to the Framework Agreement of 20 October 2010 on relations between the European Parliament and the European Commission¹</p> <p>¹ OJ L 304, 20.11.2010, p. 47.</p>			
<p>Written procedure completed on 16 March 2016</p>			
<p>LEGISLATIVE ACTS</p>			
<p>ACT</p>	<p>DOCUMENT</p>	<p>VOTING RULE</p>	<p>VOTES</p>
<p>Council Decision of 16 March 2016 adopting the Council’s position on draft amending budget No 1 of the European Union for the financial year 2016 OJ C 105, 19.3.2016, p. 6–6</p>	<p>7179/16</p>	<p>Qualified majority</p>	<p>All Member States in favour</p>

Written procedure completed on 18 March 2016	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2016/411 of 18 March 2016 amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt OJ L 74, 19.3.2016, p. 40–40	6040/16 7109/16
Written procedure completed on 22 March 2016	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2016/455 of 22 March 2016 authorising the opening of negotiations on behalf of the European Union on the elements of a draft text of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction OJ L 79, 30.3.2016, p. 32–33	6862/16

Statement by the Commission

The Commission welcomes the adoption of the Council Decision authorising the Commission to negotiate on behalf the European Union elements of draft text of an international legally-binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction.

However, the Commission maintains its view that – in the absence of any draft text at this stage - Article 218(3) and (4) provide a sufficient legal basis for the Decision, without any substantive legal base being necessary, nor even possible to be determined on the basis of objective factors, taking into account the aim and the contents of the agreement.

In addition, since the negotiations in the UN Preparatory Committee concern primarily "the conservation and sustainable use" of marine biodiversity in areas beyond national jurisdiction, they are likely to cover issues which go beyond any single policy area, without it being possible to determine at this stage which policy area would be predominant in the sense of the Court's jurisprudence. In any event the Commission cannot agree on the limitation of the legal basis to a single policy area (environment) while leaving out other possible policy areas, in particular fisheries policy.

Furthermore, the Commission also recalls that, in accordance with the jurisprudence of the Court, as reflected in Case C-459/03 (point 94), the existence of the Union's external competence with regard to the protection of the marine environment is not in principle contingent on the adoption of measures of secondary law covering the area in question. Therefore the Commission does not agree that the Union can participate in the negotiations only "as regards matters falling within the Union's competence and for which the Union has adopted rules".

The Commission reserves its right to make use, if necessary, of all the legal means at its disposal to ensure the respect of the provisions of the Treaties.

Written procedures completed on 23 March 2016

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2016/446 of 23 March 2016 amending and extending Council Decision 2013/34/CFSP on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) OJ L 78, 24.3.2016, p. 74–75	6375/16

Council Decision (CFSP) 2016/602 of 23 March 2016 on the signing and conclusion of the Participation Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) OJ L 104, 20.4.2016, p. 1–2	5974/16
Participation Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union Advisory Mission for Civilian Security Sector Reform in Ukraine (EUAM Ukraine) OJ L 104, 20.4.2016, p. 3–7	5975/16
Council Decision (CFSP) 2016/612 of 23 March 2016 on the signing and conclusion of the Participation Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union CSDP mission in Mali (EUCAP Sahel Mali) OJ L 105, 21.4.2016, p. 1–2	5961/16
Participation Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union CSDP mission in Mali (EUCAP Sahel Mali) OJ L 105, 21.4.2016, p. 3–7	5962/16
Council Decision (EU) 2016/551 of 23 March 2016 establishing the position to be taken on behalf of the European Union within the Joint Readmission Committee on a Decision of the Joint Readmission Committee on implementing arrangements for the application of Articles 4 and 6 of the Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorisation from 1 June 2016 OJ L 95, 9.4.2016, p. 9–11	6763/16

Written procedure completed on 30 March 2016	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Regulation (EU) 2016/458 of 30 March 2016 amending Regulation (EU) 2016/72 as regards certain fishing opportunities OJ L 80, 31.3.2016, p. 1–13	7273/16
Written procedure completed on 31 March 2016	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2016/478 of 31 March 2016 amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya OJ L 85, 1.4.2016, p. 48–52	7247/16
Council Implementing Regulation (EU) 2016/466 of 31 March 2016 implementing Article 21(2) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya OJ L 85, 1.4.2016, p. 3–5	7248/16
Council Decision (CFSP) 2016/476 of 31 March 2016 amending Decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea OJ L 85, 1.4.2016, p. 38–46	6940/16
Council Decision (CFSP) 2016/475 of 31 March 2016 amending Decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea OJ L 85, 1.4.2016, p. 34–37	5993/16
Council Regulation (EU) 2016/465 of 31 March 2016 amending Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 85, 1.4.2016, p. 1–2	5996/16

Council Decision (CFSP) 2016/477 of 31 March 2016 amending Decision 2011/173/CFSP concerning restrictive measures in view of the situation in Bosnia and Herzegovina
OJ L 85, 1.4.2016, p. 47–47

6945/16