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**NOTE**

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Subject: MONTHLY SUMMARY OF COUNCIL ACTS - APRIL 2016

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This document lists the acts adopted by the Council in April 2016.<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.

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

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

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

This document 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](#)

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**INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN APRIL 2016**

**Written procedures completed on 8 April 2016**

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA OJ L 119, 4.5.2016, p. 89–13	5418/16	Qualified majority	All Member States in favour, except: Abstention: AT

## **Statement by the Czech Republic**

The Czech Republic welcomes the adoption of the Council's position and finalization of the negotiations. The Czech Republic supported the negotiations in active and constructive manner and appreciates that many concerns have been solved, such as the relationship with existing international agreements or recognition that combating crime and protection of public security are closely and often inseparably intertwined in the activities of law enforcement authorities.

Nevertheless, the Czech Republic remains gravely concerned about several issues.

First, the Czech Republic is of the opinion that regulating in the proposed Directive national processing of personal data, without a cross border element, by competent authorities in the area of law enforcement and criminal justice is not in full conformity with the principle of subsidiarity as defined in Article 5 of the Treaty on European Union and the Protocol (No. 2) on the application of the principles of subsidiarity and proportionality. More precisely, we are of the opinion that Member States are better placed to regulate national processing of personal data in the area of law enforcement and criminal justice taking into account national specificities and established national rules on law enforcement and criminal proceedings that are underlying the processing of personal data.

Second, the Czech Republic regrets that the Commission has failed to include a repeal of relevant data protection rules in many particular instruments of judicial cooperation in criminal matters or police cooperation. The complex relationship between new directive and certain other instruments will complicate their use in practice. Protection of personal data in these areas will thus remain fragmented due to the existence of separate European, rather than national, rules.

Third, the Czech Republic regrets that certain requirements impose disproportionate burdens on competent authorities. The whole of the law enforcement activity is regulated by the law and regularly or at least potentially supervised by the judiciary. In these circumstances, the added value of new obligation to designate data protection officers is uncertain.

Finally, the Czech Republic considers the implementation period to be unreasonably short, since several laws must be amended significantly. Moreover, potential conflicts with other European instruments of judicial cooperation in criminal matters or police cooperation, which the Commission has failed to address, will need to be taken into account by national legislator.

<p>Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) OJ L 119, 4.5.2016, p. 1–88</p>	5419/16	Qualified majority	All Member States in favour, except: Against: AT
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### Statement by the Commission

The Commission regrets the change to its initial proposal through the deletion of recitals 136, 137 and 138 related to the Schengen acquis. The Commission considers that in particular as visas, border control and return are concerned, the General Data Protection Regulation constitutes a development of the Schengen acquis for the four States associated with the implementation, application and development of said acquis.

### Statement by the Czech Republic

The Czech Republic welcomes the adoption of the Council’s position and finalization of the negotiations. The Czech Republic supported the negotiations in active and constructive manner and appreciates that many concerns have been solved, such as the relationship with existing international agreements or strengthening of mutual cooperation of supervisory authorities.

Nevertheless, the Czech Republic remains gravely concerned about several issues.

First, the Czech Republic is not convinced that the application of the Regulation with regard to controllers abroad will be sufficiently effective. This might lead to a false sense of security on the part of European citizens.

Second, the Czech Republic regrets that existing directive has been followed much too closely. As an example, the casuistic category of “sensitive personal data” could not be replaced by more systemic reliance on risk-based approach, even though the real sensitivity of personal data and resulting need for protection may differ according to processing.

Third, the Czech Republic is concerned about the upper limits of the administrative sanctions in combination with vaguely defined offences. Moreover, by referring both to the fixed amount and the amount based on economic strength, whichever is higher, the administrative fines affect even more the small and medium enterprises, which are frequently drivers of innovation.

Fourth, the Czech Republic regrets that the risk-based approach was not relied on more extensively and that certain requirements impose disproportionate administrative and other burdens on controllers and processors.

Finally, the Czech Republic considers the adaptation period to be unreasonably short, since many laws must be evaluated and amended where necessary.

**Statement by the United Kingdom**

The UK supports the agreement of a new data protection regime to provide a harmonised framework across the EU. The UK will make use of the available discretion for Member States to implement the regulation domestically in an appropriate way.

The United Kingdom considers that the draft General Data Protection Regulation contains obligations within Article 48 relating to mutual recognition of judgments, which fall within the scope of Title V of Part III of the Treaty on the Functioning of the European Union. Therefore, in relation to the provisions setting rules on recognition and enforcement of judgments in Article 48, without prejudice to other provisions in the Treaties, in accordance with Articles 1 and 2 of Protocol 21, the UK did not exercise its right to opt-in and will not be bound by these provisions.

**Statement by the Republic of Slovenia**

The Republic of Slovenia supports the agreement of a new EU data protection regime.

The Republic of Slovenia considers that data protection should primarily be treated as an individual human right.

Therefore, the Republic of Slovenia would like to reiterate its position that Member States still retain their powers to further develop protection of personal data in order to set higher standards in accordance with the Charter, the European Convention on Human Rights and national constitutions.

Moreover, we should reassess whether the stated legitimate interests of data controllers are human rights – as well as constitutionally compliant.

## Statement by Austria

Austria has always tried to contribute to a data protection regulation that respects fundamental rights and at the same time takes into account business interests. In the past it has been possible to find appropriate solutions to a number of issues. However, despite intensive and extensive efforts by the Presidencies and Austria, some important issues remain unresolved (see also our previous statements in 1384/15 and 5455/16 ADD 1 REV 1). Overall, Austria therefore regrets not being in a position to endorse the final compromise text as proposed.

The level of data protection under the General Data Protection Regulation in some respects falls short of that provided by the current Data Protection Directive 95/46/EC and its implementation in national data protection law. It is not possible to 'offset' these deficits in EU law through national law due to the fact that the planned form of the legal act is a regulation. This concerns above all the following points:

- Private activities on social media are not included in the scope of the protection afforded by the Regulation ('household exemption'; Recital 18 and Article 2(2)(c))

It has not been possible to resolve in a satisfactory manner the fundamental problem that the private use of data can also encroach on and violate the fundamental rights of others.

- The Regulation falls short of the current level of data protection in Austria in the private sector by removing the requirement to prove that the interests of the controller 'override' the data subject's confidentiality interests (Article 6(1)(f)).

During negotiations Austria repeatedly stressed that it cannot accept the wording and interpretation of the legitimate interests of the data controller. In our view, the mere presence of legitimate interests of the data controller – without a requirement to weigh those interests against the data subject's confidentiality interests – cannot justify data processing.

However, the current intention to grant the interests equal value promotes such treatment in practice. It disadvantages the data subject in such a situation, because it places the burden of proving an overriding interest on the data subject and generally feeds legal uncertainty. The aim should therefore be to ensure that if an encroachment on fundamental rights is to be permissible, the controller's interest in the processing must clearly outweigh the data subject's confidentiality interests. The system now proposed, which continues to be geared only to the existence of a legitimate interest of the controller, which furthermore does not have to outweigh that of the data subject, will lead to a reduction in the level of protection, given the direct applicability of the General Data Protection Regulation, and is therefore unacceptable to Austria.

- Circumvention of the purpose limitation principle through unclear rules on the possibility of further data processing for so-called 'compatible' purposes (Articles 5 and 6).

In our view the basic problem with this provision is that recourse to the 'compatibility argument' is to be open not only to the controller who first collects the data ('same controller'), but to every other controller in a (potentially infinite) processing chain.

- Possibility of restriction of general principles of data protection law such as fairness, lawfulness or proportionality by the MS or EU

Article 23 sets out conditions under which the Union legislator or Member State law may restrict the application of certain rights and obligations under the General Data Protection Regulation. The present document makes a rather vague reference to Article 5 (general principles), which also allows exceptions to these principles. It is our understanding, however, that general data protection principles must apply in all cases covered by the General Data Protection Regulation, so that no exceptions should be possible. General principles include principles such as 'fairness', 'lawfulness' or 'proportionality'. Since we take the view that it should not be possible to restrict the basic principles themselves, we find this formulation unacceptable.

- Possibility of transferring data abroad on the basis of the legitimate interest of the controller

The exemption in Article 49(1) allowing data transfer to a third country merely on the basis of an overriding legitimate interest of the controller is not acceptable to Austria either. De facto, this rule places the decision to transfer data to a third country largely at the controller's discretion, without any prior intervention by the supervisory authority. Accordingly, the fact that the controller may have an interest in transferring data abroad should not constitute an appropriate legal basis for transfer.

Although the scope of the exemption has been reduced by the recent additional restrictions placed on it (duty to inform the supervisory authorities, limitation to individual cases, concerning only a limited number of data subjects, etc.) it is still unclear.

- Possibility of lodging a complaint with the supervisory authority while at the same time taking the case to law

On the one hand, it is to be possible to lodge a complaint with the supervisory authority (under administrative law) and at the same to bring legal proceedings in the same case. In our view this proposed twin-track approach gives rise to many problems – for example, in relation to res judicata. It is not yet possible to measure the full practical consequences of this provision.



**3459th meeting of the Council of the European Union (AGRICULTURE AND FISHERIES) held in Luxembourg on 11 April 2016**

## LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2016/791 of the European Parliament and of the Council of 11 May 2016 amending Regulations (EU) No 1308/2013 and (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in educational establishments OJ L 135, 24.5.2016, p. 1–10	75/15	Qualified majority	All Member States in favour, except: Against: HU, NL Abstention: UK

**Statement by the Commission**

With regard to the first subparagraph of Article 23(3) of the compromise text modifying the CMO, insofar as it relates to the school scheme, the Commission confirms that Member States, when prioritising the distribution of products, are not obliged to respect a minimum share or percentage for the products referred to in that same subparagraph.

**Statement by Hungary**

In Hungary both the School Fruit and Vegetable Scheme and the School Milk Scheme are very popular and thanks to the legislation actually in force both programmes have substantially developed over the past years.

Throughout the negotiations on the merging of the two schemes Hungary has supported the use of a historical criterion when setting the indicative allocations for both schemes, for the sake of ensuring the fulfilment of the European objectives of the schemes and the effective use of financial resources.

The amendment of Council Regulation (EU) No 1370/2013 divides financial resources between Member States fundamentally based on the number of 6 to 10 year children and taking into account differences in regional development. Only in the milk scheme appears the historical use component as a third criterion.

Therefore Hungary hereby reiterates the importance of the application of the historical use of resources as a criterion when setting the indicative allocations and in particular when setting the final allocations for Member States in both schemes.

**Statement by Lithuania**

Lithuania holds its consistent position and considers that budgetary provisions, and in this particular case – approval of the budget of aid scheme, transfers between product groups and criteria of the distribution of aid between Member States – should be adopted by the Council in accordance with the Article 43 (3) of the Treaty on the Functioning of the European Union (TFEU).

In addition, Lithuania is of the opinion that merging of those two schemes does not bring any added value from the perspectives of their effectiveness, simplification and reduction of administrative burden, as these schemes are different in their nature, initial aims, products and channels of distribution. Also we note that both schemes could successfully be continued under the existing regulations.

However, Lithuania has agreed with the overall compromise that has been reached on 16th of December 2015 in order to ensure the continuity of current schemes and smooth implementation of principal objectives of these schemes.

Nevertheless, Lithuania stresses that it should not become a precedent and common practice to use Article 43 (2) TFEU when adopting measures on fixing prices, levies, aid and quantitative limitations in the future.

**Statement by Germany, Austria, Bulgaria, Czech Republic, Estonia, Poland and Slovenia**

The abovementioned delegations' agreement with the overall compromise that has been reached does not prejudice the ongoing proceedings in Case C-113/14.

Pursuant to the Treaty on the Functioning of the European Union, the Council, on a proposal from the Commission, shall adopt measures on fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities (Article 43 (3) TFEU). It is therefore exclusively the responsibility of the Council to lay down such rules.

According to the European Court of Justice's most recent findings (C-124/13, C-125/13), Article 43 (3) TFEU may include measures that are not limited to the fixing and allocation of fishing opportunities provided that they do not entail a policy choice that is reserved to the EU legislature.

The abovementioned delegations therefore welcome the fact that the overall compromise now - as called for by the abovementioned delegations - bases the indicative distribution of aid among the Member States on Article 43 (3) TFEU.

However, the abovementioned delegations consider Article 43 (3) TFEU to be in principle the more appropriate legal basis for rules on the transfer of funds from one sector to the other as well. The abovementioned delegations do, however, note that there are different opinions on the matter.

The abovementioned delegations hereby state that a differentiation is to be made between the legal bases (Articles 43 (2) and 43 (3) TFEU) for draft legislation relating to the Common Agricultural Policy - and consequently for the individual measures of the above proposals.

The abovementioned delegations therefore call upon the Council and the European Parliament to ensure that the selection of Article 43 (2) or Article 43 (3) as legal basis is subjected to a thorough and differentiated examination for all future draft legislation.

Regulation (EU) 2016/580 of the European Parliament and of the Council of 13 April 2016 on the introduction of emergency autonomous trade measures for the Republic of Tunisia OJ L 102, 18.4.2016, p. 1–4	4/16	Qualified majority	All Member States in favour
<p><b>Statement by Greece and Italy</b></p> <p>Regarding the introduction of emergency autonomous trade measures for the Republic of Tunisia, Greece and Italy take into due consideration the wider political and socio-economic aspects of the EU support to Tunisia.</p> <p>However, Greece and Italy express their serious concerns about the lack of the necessary consultations that should have taken place earlier, the duration of the measures, the repeal of the smooth monthly allocation of the above imports and the absence of an ex ante impact assessment on the European olive oil sector.</p> <p>Furthermore, it should be stressed that the agricultural sector is a cornerstone of the economy of Greece and Italy. Therefore, the concessions by the EU to its trade partners should be governed by the principle of a balanced and proportional approach among the various sectors of the EU economy.</p> <p>This concession should not constitute a precedent for the future.</p>			
Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels OJ L 132, 21.5.2016, p. 58–78	24/15	Qualified majority	All Member States in favour
Regulation (EU) 2016/793 of the European Parliament and of the Council of 11 May 2016 to avoid trade diversion into the European Union of certain key medicines OJ L 135, 24.5.2016, p. 39–52	5/16	Qualified majority	All Member States in favour
<b>NON-LEGISLATIVE ACTS</b>			
<b>ACT</b>		<b>DOCUMENT / STATEMENTS</b>	
Council Regulation (EU) 2016/795 of 11 April 2016 amending Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products OJ L 135, 24.5.2016, p. 115–119		15436/15	

**Statement by Germany, supported by Austria, Bulgaria, the Czech Republic, Estonia, Poland and Slovenia <sup>(1)</sup> regarding the overall negotiations on the**

- **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1308/2013 and Regulation (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in educational establishments (first reading)**
- **Proposal for a Regulation of the Council amending Regulation (EU) No. 1370/2013 determining measures on fixing certain aids and refunds to the common organisation of the market in agricultural products**

The abovementioned delegations' agreement with the overall compromise that has been reached does not prejudice the ongoing proceedings in Case C-113/14.

Pursuant to the Treaty on the Functioning of the European Union, the Council, on a proposal from the Commission, shall adopt measures on fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities (Article 43 (3) TFEU). It is therefore exclusively the responsibility of the Council to lay down such rules.

According to the European Court of Justice's most recent findings (C-124/13, C-125/13), Article 43 (3) TFEU may include measures that are not limited to the fixing and allocation of fishing opportunities provided that they do not entail a policy choice that is reserved to the EU legislature.

The abovementioned delegations therefore welcome the fact that the overall compromise now - as called for by the abovementioned delegations - bases the indicative distribution of aid among the Member States on Article 43 (3) TFEU.

However, the abovementioned delegations consider Article 43(3) TFEU to be in principle the more appropriate legal basis for rules on the transfer of funds from one sector to the other as well. The abovementioned delegations do, however, note that there are different opinions on the matter.

The abovementioned delegations hereby state that a differentiation is to be made between the legal bases (Articles 43(2) and 43(3) TFEU) for draft legislation relating to the Common Agricultural Policy - and consequently for the individual measures of the above proposals.

The abovementioned delegations therefore call upon the Council and the European Parliament to ensure that the selection of Article 43(2) or Article 43(3) as legal basis is subjected to a thorough and differentiated examination for all future draft legislation.

<sup>(1)</sup> The Dutch delegation supports the elements of this statement that relate to the issue of the legal basis.

**Statement by Hungary****on the proposals merging the School Fruit and Vegetable Scheme and the School Milk Scheme**

In Hungary both the School Fruit and Vegetable Scheme and the School Milk Scheme are very popular and thanks to the legislation actually in force both programmes have substantially developed over the past years.

Throughout the negotiations on the merging of the two schemes Hungary has supported the use of a historical criterion when setting the indicative allocations for both schemes, for the sake of ensuring the fulfilment of the European objectives of the schemes and the effective use of financial resources.

The amendment of Council Regulation (EU) No 1370/2013 divides financial resources between Member States fundamentally based on the number of 6 to 10 year children and taking into account differences in regional development. Only in the milk scheme appears the historical use component as a third criterion.

Therefore Hungary hereby reiterates the importance of the application of the historical use of resources as a criterion when setting the indicative allocations and in particular when setting the final allocations for Member States in both schemes.

**Statement by Lithuania**

regarding:

- **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1308/2013 and Regulation (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in educational establishments.**
- **Proposal for a Regulation of the Council amending Regulation (EU) No. 1370/2013 determining measures on fixing certain aids and refunds to the common organisation of the market in agricultural products.**

Lithuania holds its consistent position and considers that budgetary provisions, and in this particular case – approval of the budget of aid scheme, transfers between product groups and criteria of the distribution of aid between Member States – should be adopted by the Council in accordance with the Article 43(3) of the Treaty on the Functioning of the European Union (TFEU).

In addition, Lithuania is of the opinion that merging of those two schemes does not bring any added value from the perspectives of their effectiveness, simplification and reduction of administrative burden, as these schemes are different in their nature, initial aims, products and channels of distribution. Also we note that both schemes could successfully be continued under the existing regulations.

However, Lithuania has agreed with the overall compromise that has been reached on 16th of December 2015 in order to ensure the continuity of current schemes and smooth implementation of principal objectives of these schemes.

Nevertheless, Lithuania stresses that it should not become a precedent and common practice to use Article 43(2) TFEU when adopting measures on fixing prices, levies, aid and quantitative limitations in the future.

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 Republic of Mauritius

6731/16

**Statement 1 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 2 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 authorising the Commission to open negotiations on behalf of the European Union for an international agreement to prevent unregulated high seas fisheries in the Central Arctic Ocean	7422/16
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**Statement by the United Kingdom**

The UK fully supports the aims and objectives of the proposed international agreement to prevent unregulated high seas fisheries in the Central Arctic Ocean. The UK affirms that the Council Decision and negotiating directives provide for the Commission to conduct negotiations on such an agreement, on behalf of the European Union, on matters falling within Union competence, in particular those falling within fisheries management within the scope of the Common Fisheries Policy, and does not affect the division of competence between the EU and its Member States.

**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.

Council Decision authorising the Republic of Poland, in the interest of the European Union, to open negotiations for an amendment to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea that would allow Regional Economic Integration Organisations, such as the European Union, to become party to the Convention	7277/16
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<b>Statement by the Commission</b>	
The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.	
Council Decision (EU) 2016/590 of 11 April 2016 on the signing, on behalf of the European Union, of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change OJ L 103, 19.4.2016, p. 1–2	7106/16
Decision (EU) 2016/618 of the European Parliament and of the Council of 13 April 2016 on the mobilisation of the European Globalisation Adjustment Fund (application from Sweden - EGF/2015/009 SE/Volvo Trucks) OJ L 105, 21.4.2016, p. 20–21	6580/16
Decision (EU) 2016/619 of the European Parliament and of the Council of 13 April 2016 on the mobilisation of the European Globalisation Adjustment Fund (EGF/2016/000 TA 2016 - Technical assistance at the initiative of the Commission) OJ L 105, 21.4.2016, p. 22–23	6581/16
Council Decision (EU) 2016/581 of 11 April 2016 on the signing, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Eastern Republic of Uruguay 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 101, 16.4.2016, p. 1–2	6869/16
Council Decision (EU) 2016/630 of 11 April 2016 on the position to be taken on behalf of the European Union within the Joint Readmission Committee set up under the Agreement between the European Community and the Russian Federation on readmission, concerning a recommendation with regard to readmission applications requiring the arrangement of interviews OJ L 110, 26.4.2016, p. 1–3	7081/16

Council Decision authorising the opening of negotiations with the Hashemite Kingdom of Jordan for an agreement between the European Union and the Hashemite Kingdom of Jordan on readmission	6963/16
Council Decision authorising the opening of negotiations with the Hashemite Kingdom of Jordan for an agreement between the European Union and the Hashemite Kingdom of Jordan on the facilitation of the issuance of short-stay visas	7072/16
Council Decision (CFSP) 2016/564 of 11 April 2016 amending Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic OJ L 96, 12.4.2016, p. 38–40	6787/16
Council Regulation (EU) 2016/555 of 11 April 2016 amending Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic OJ L 96, 12.4.2016, p. 1–2	6921/1/16 REV 1
Council Decision (CFSP) 2016/565 of 11 April 2016 amending Decision 2011/235/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Iran OJ L 96, 12.4.2016, p. 41–45	7392/16
Council Implementing Regulation (EU) 2016/556 of 11 April 2016 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 96, 12.4.2016, p. 3–7	7393/16

<b>Adoption of legislative acts following the European Parliament's Second Reading (Strasbourg, 11 to 14 April 2016)</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA OJ L 119, 4.5.2016, p. 89–131	16/16 (7985/16)	Not applicable	Not applicable
Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) OJ L 119, 4.5.2016, p. 1–88	17/16 (7986/16)	Not applicable	Not applicable
<b>Written procedure completed on 12 April 2016</b>			
NON-LEGISLATIVE ACTS			
ACT	DOCUMENT / STATEMENTS		
Council Implementing Decision (CFSP) 2016/573 of 12 April 2016 implementing Decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea OJ L 97, 13.4.2016, p. 12–13	7700/16		

<b>Written procedure completed on 15 April 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Regulation (EU) 2016/591 of 15 April 2016 amending Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products, as regards applicable quantitative limitations for the buying-in of butter and skimmed milk powder OJ L 103, 19.4.2016, p. 3–4	7801/16
<b>3460th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Luxembourg on 18 and 19 April 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2016/597 of 18 April 2016 extending the mandate of the European Union Special Representative for the Middle East Peace Process (MEPP) OJ L 103, 19.4.2016, p. 29–33	6929/16
Council Decision (CFSP) 2016/596 of 18 April 2016 extending the mandate of the European Union Special Representative for Central Asia OJ L 103, 19.4.2016, p. 24–28	6927/16
Council Decision (CFSP) 2016/608 of 18 April 2016 concerning the temporary reception by Member States of the European Union of certain Palestinians OJ L 104, 20.4.2016, p. 18–18	7173/16
Council Conclusions on the Mission Support Platform	7709/16

Council Decision (CFSP) 2016/609 of 18 April 2016 amending Decision 2010/413/CFSP concerning restrictive measures against Iran OJ L 104, 20.4.2016, p. 19–20	7625/16		
Council Implementing Regulation (EU) 2016/603 of 18 April 2016 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran OJ L 104, 20.4.2016, p. 8–9	7627/16		
Council Decision (CFSP) 2016/610 of 19 April 2016 on a European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA) OJ L 104, 20.4.2016, p. 21–26	6951/16		
Council Decision authorising the opening of negotiations with the Central African Republic, for an Agreement on the status of a European Union Military Training Mission in the Central African Republic	7294/16		
Council Conclusions on Libya	7990/16		
Council Conclusions on Countering Hybrid Threats	7857/16		
<b>3461st meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS) held in Luxembourg on 21 April 2016</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings OJ L 132, 21.5.2016, p. 1–20	2/16	Qualified majority	All Member States in favour, except: Not participating: DK, IE, UK

**Statement by Italy**

Italy welcomes the adoption of the Directive of the European Parliament and of the Council on procedural safeguards for children who are suspects or accused persons in criminal proceedings, as a further step in the completion of the Roadmap on procedural rights of suspected and accused persons adopted by the Council in 2009.

Italy maintains concerns about the level of protection accorded by this instrument to children involved in criminal proceedings, considering their particular situation of vulnerability and the importance of the rights at stake. This particular position of children, together with the principles deriving from the Charter, the European Convention on Human Rights and the case-law of the European Court of Human rights, should be at the heart of the interpretation of the provisions contained in the instrument. When implementing this Directive, Italy will continue to be inspired by the high levels of protection its legal system already provides for children in criminal proceedings.

Regulation (EU) 2016/792 of the European Parliament and of the Council of 11 May 2016 on harmonised indices of consumer prices and the house price index, and repealing Council Regulation (EC) No 2494/95 (Text with EEA relevance)  
OJ L 135, 24.5.2016, p. 11–38

1/16

Qualified majority

All Member States in favour, except:  
Abstention: AT

**Statement by Austria**

Austria assumes that Article 5(4) of the Regulation on harmonised indices of consumer prices implies the following for Member States: In accordance with the subsidiarity principle, under Article 5(4) Member States may lay down an appropriate provision concerning aspects of the data collection method, e.g. specifying the required level of detail, the level of aggregation and the frequency of data transfer. With regard to the aim of avoiding the imposition on undertakings of any additional burden in connection with this new form of data collection under Article 5(4) (recital 20 - according to COM's explanatory memorandum to the proposal, no impact assessment is required!), it is to be assumed that it will be sufficient for statistical units (enterprises), if requested by the national bodies (as in existing data collection), to send the latter the relevant aggregated data, if available in electronic form, once a month and that Member States may exempt SMEs from the reporting obligation in accordance with the European initiatives (e.g. Better Regulation, Small Business Act).

Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime OJ L 119, 4.5.2016, p. 132–149	71/15	Qualified majority	All Member States in favour, except: Not participating: DK
<p><b>Statement by the Council</b></p> <p>Article 2 of the PNR Directive allows Member States that so wish to apply it to intra-EU flights on a voluntary basis, upon notice to the Commission to that end.</p> <p>Considering the current security situation in Europe, Member States declare that by the date of transposition provided for in Article 18 they will make full use of the possibility provided for by Article 2 under the conditions set by the Directive.</p> <p>Member States declare that, as wished by the Parliament, they undertake to extend under their domestic law the collection of PNR data to non-air carriers, such as travel agencies and tour operators which provide travel-related services including the booking of flights for which they collect and process PNR data.</p>			
NON-LEGISLATIVE ACTS			
ACT	DOCUMENT / STATEMENTS		
Council implementing Decision approving the conclusion by Eurojust of the Agreement on Cooperation between Eurojust and Montenegro	11596/15		
Council implementing Decision approving the conclusion by Eurojust of the Agreement on Cooperation between Eurojust and Ukraine	11592/15		
Council implementing Decision approving the conclusion by the European Police Office (Europol) of the Agreement on Strategic Cooperation between the Federative Republic of Brazil and Europol	13980/1/15 REV 1		

Council Conclusions on convergence in asylum decision practices	7255/16
<p><b>Statement by the United Kingdom</b></p> <p>The United Kingdom endorses EASO's role supporting practical co-operation and building capability and so fully support EASO's role in facilitating the production of country of origin information (COI) in support of Member States' COI resource. The United Kingdom notes that the Conclusions reflect that EASO's role fully respects the boundaries between COI research and production, on the one hand, and subsequent policy conclusions on the other hand which remain the responsibility of Member States.</p>	
Council Decision (EU) 2016/828 of 21 April 2016 on the conclusion, on behalf of the Union, of the Amending Protocol to the Agreement between the European Community and the Republic of San Marino providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments OJ L 140, 27.5.2016, p. 1–2	13445/15
Council Decision on the signing, on behalf of the European Union and its Member States, and provisional application of a Protocol to the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, to take account of the accession of the Republic of Croatia to the European Union	7729/16



<p>Protocol to the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, to take account of the accession of the Republic of Croatia to the European Union</p>	<p>7730/16</p>
<p>Council Decision (EU) 2016/837 of 21 April 2016 on the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union, Iceland, the Principality of Liechtenstein and the Kingdom of Norway on an EEA Financial Mechanism 2014-2021, the Agreement between the Kingdom of Norway and the European Union on a Norwegian Financial Mechanism for the period 2014-2021, the Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway, and the Additional Protocol to the Agreement between the European Economic Community and Iceland OJ L 141, 28.5.2016, p. 1–2</p>	<p>6661/16</p>
<p><b>Statement by the Czech Republic and Bulgaria</b> <b>on the application of the Cohesion Fund key for both EEA and NO FM 2014 - 2021</b></p> <p>The Czech Republic appreciates the successful outcome of the negotiations on the EEA Norway FM 2014-2021 and welcomes the final compromise reached.</p> <p>Nevertheless, the Czech Republic tends to recall that from the beginning of the FM 2014-2021 negotiations, we have supported the use of the current Cohesion Fund key for distribution of allocations among all eligible Member States. We reiterate that even if in the spirit of compromise the Czech Republic supported the final outcome of the negotiations we regret that the final calculation of allocations does not fully respect the Cohesion Fund key.</p> <p>In this light the Czech Republic calls on the EEAS and the COM to apply the verified, fair and systemic Cohesion Fund key in the future negotiation process of the FMs 2021+ for both mechanisms, in order to ensure transparency in distribution of FM funds and make the future negotiations less complicated.</p>	

Agreement between the European Union, Iceland, the Principality of Liechtenstein and the Kingdom of Norway on an EEA Financial Mechanism 2014-2021 OJ L 141, 28.5.2016, p. 3–10	6956/16
Agreement between the Kingdom of Norway and the European Union on a Norwegian Financial Mechanism for the Period 2014-2021 OJ L 141, 28.5.2016, p. 11–17	6957/16
Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway OJ L 141, 28.5.2016, p. 18–21	6960/16
Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland OJ L 141, 28.5.2016, p. 22–25	6959/16
Council conclusions on the Special Report No 23/2015 from the European Court of Auditors entitled "Water quality in the Danube river basin: progress in implementing the Water Framework Directive but still some way to go"	7144/16
Council Decision (EU) 2016/769 of 21 April 2016 on the acceptance of the Amendments to the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants OJ L 127, 18.5.2016, p. 21–31	8651/15
Council Decision (EU) 2016/768 of 21 April 2016 on the acceptance of the Amendments to the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals OJ L 127, 18.5.2016, p. 8–20	8648/15

Council Decision (CFSP) 2016/627 of 21 April 2016 amending Decision 2013/184/CFSP concerning restrictive measures against Myanmar/Burma OJ L 106, 22.4.2016, p. 23–23	7395/16		
Council Decision (CFSP) 2016/628 of 21 April 2016 updating and amending the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and amending Decision (CFSP) 2015/2430 OJ L 106, 22.4.2016, p. 24–25	7770/16		
Council Implementing Regulation (EU) 2016/620 of 21 April 2016 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and amending Implementing Regulation (EU) 2015/2425 OJ L 106, 22.4.2016, p. 1–3	7777/16		
<b>Adoption of legislative acts following the European Parliament's Second Reading (Strasbourg, 27 to 28 April 2016)</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (Text with EEA relevance) OJ L 138, 26.5.2016, p. 1–43	10/16 (8517/16)	Not applicable	Not applicable
Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (Text with EEA relevance) OJ L 138, 26.5.2016, p. 44–101	11/16 (8519/16)	Not applicable	Not applicable
Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (Text with EEA relevance) OJ L 138, 26.5.2016, p. 102–149	12/16 (8520/16)	Not applicable	Not applicable

<b>Written procedure completed on 28 April 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision on the position to be taken on behalf of the European Union within the Joint Committee set up by the Convention on a Common Transit Procedure as regards amendments to that Convention	7633/16
<b>Written procedures completed on 29 April 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Regulation (EU) 2016/682 of 29 April 2016 amending Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 117, 3.5.2016, p. 1–27	6942/16
Council Decision (EU) 2016/776 of 29 April 2016 on the signing, on behalf of the European Union, and provisional application of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands and the Implementation Protocol thereto OJ L 131, 20.5.2016, p. 1–2	7591/16 Voting rule: Unanimity Vote: All MS voted in favour

### Statement by the Commission

By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)a(v) for the decisions on the conclusion of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

In relation to the decision on the signature and conclusion of the new Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands and the Implementation Protocol thereto, the Commission regrets the Council's amendment replacing the legal basis of Article 43(2) in conjunction with Article 218(5), 218(6)a and Article 218(7) TFEU with Article 43 (without mentioning the paragraph) in conjunction with article 218(5), 218(6)a and 218(7) TFEU, and therefore maintains its initial proposal.

Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands  
OJ L 131, 20.5.2016, p. 3–33

7594/16

Council Regulation (EU) 2016/777 of 29 April 2016 concerning the allocation of fishing opportunities under the Implementation Protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands  
OJ L 131, 20.5.2016, p. 39–40

7593/16