



Council of the  
European Union

Brussels, 27 October 2015  
(OR. en)

13000/15

LIMITE

PV/CONS 53  
RELEX 815

## DRAFT MINUTES

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Subject: **3416th** meeting of the Council of the European Union  
**(FOREIGN AFFAIRS)** held in Luxembourg on 12 October 2015

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**1. Adoption of the agenda**

12815/15 OJ/CONS 53 RELEX 782

The Council adopted the above agenda.

**NON-LEGISLATIVE ACTIVITIES**

**2. Approval of the list of "A" items**

12816/15 PTS A 73

+ ADD 1

12829/15 PTS A 74

**EU RESTRICTED**

The Council approved the "A" items listed in:

1) 12816/15

2) 12816/15 ADD 1:

7. Draft Council conclusions on South Sudan

12650/15 COAFR 285 CFSP/PESC 590 RELEX 764 COHAFA 87  
approved by Coreper, Part 2, on 10.10.2015

8. Council Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism

= Adoption of amended statements of reasons

12490/15 CORLX 98 COTER 125 CFSP/PESC 578 RELEX 759 FIN 645

+ COR 1

+ COR 1 REV 1 (fi)

+ ADD 1

+ ADD 1 COR 1

+ ADD 1 COR 2 (fi)

approved by Coreper, Part 2, on 10.10.2015

9. High Representative's Report on the Twenty-First Operation ALTHEA Six-Monthly Review

12813/15 CSDP/PSDC 531 CFSP/PESC 610 BIH 13

approved by Coreper, Part 2, on 13.05.2015

10. High Representative's Report on the Twenty-Second Operation ALTHEA Six-Monthly Review

12748/15 CSDP/PSDC 523 CFSP/PESC 601 BIH 10

approved by Coreper, Part 2, on 10.10.2015

11. Draft Council Conclusions on Bosnia and Herzegovina

12861/15 COWEB 102 POLMIL 85 COPS 303 CSDP/PSDC 534

CFSP/PESC 616 BIH 14

approved by Coreper, Part 2, on 10.10.2015

3) 12829/15 (EU RESTRICTED)

Statements to these items are set out in the Annex.

3. **Libya**

= Draft Council conclusions

12879/15 MAMA 159 CFSP/PESC 626 RELEX 795 LIBYE 9

Following an exchange of views, the Council adopted conclusions on Libya, as set out in document 12898/15.

4. **Syria**

= Draft Council conclusions

12877/15 MAMA 158 CFSP/PESC 625 RELEX 794 SY 6

Following an exchange of views, the Council adopted conclusions on Syria, as set out in document 12897/15.

5. **Migration**

= Draft Council conclusions

12789/15 COAFR 290 RELEX 777 ACP 134 DEVGEN 178

ASIM 109 JAI 728 COPS 298 MAMA 149 COWEB 98

The Council had an exchange of views on the activities undertaken by the European Union concerning the external dimension of the migration, notably as regards the follow-up to the High-Level Conference on the Eastern Mediterranean/Western Balkans route, held in Luxembourg on 8 October 2015 and in view of the preparation of the Valletta Summit on Migration to be held on 11 and 12 November 2015.

The Council adopted Council conclusions on the matter (doc. 12880/15).

6. **EU's relations with African, Caribbean and Pacific countries (post-2020)**

12797/15 ACP 135 PTOM 19 COAFR 292 COASI 144 COLAC 101

WTO 212 RELEX 779

On the basis of a Joint Consultation Paper from the Commission and the European External Action Service adopted on 6 October 2015 (doc. 12797/15), the Council held a preliminary exchange of views on the future of the European Union's relations with the African, Caribbean and Pacific countries after the expiry of the Cotonou Partnership Agreement in 2020. The Council agreed to revert to the subject at a later stage.

7. **Any other business**

– **Middle East Peace Process**

In light of the recent escalation of violence on the ground, the High Representative informed Ministers about her contacts with the Israeli Prime Minister and the President of the Palestinian Authority.

– **Belarus elections**

Awaiting for OSCE preliminary assessment, the High Representative recalled earlier informal discussions on the EU reaction to the release of political prisoners in Belarus.

– **Ankara attacks**

The High Representative expressed its condolences to the victims and recalled the utmost importance of protecting the electoral process, the intensification of dialogue with Turkey, and the need to encourage to re-start the peace process.

– **ASEM Ministerial**

The High Representative invited Ministers to attend in number the upcoming meeting of ASEM Foreign Ministers on 5-6 November in Luxembourg given the expected good participation on Asian side.

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**STATEMENTS FOR THE COUNCIL MINUTES****Ad "A" item 2:****Relations with Armenia**

- = **draft Council Decision authorising the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations on and negotiate, on behalf of the European Union and the European Atomic Energy Community, the provisions that fall within the competence of the Union and the European Atomic Energy Community of a Framework Agreement between the European Union and the European Atomic Energy Community and their Member states, of the one part, and the Republic of Armenia, of the other part**
- = **draft Decision of the Representatives of the Governments of the Member States, meeting within the Council, authorising the European Commission to open negotiations on and negotiate, on behalf of Member States, the provisions that fall within the competence of the Member States of a Framework Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part**
- = **draft Directives for the negotiation of a Framework Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part and the Republic of Armenia, of the other part**

**STATEMENT BY LITHUANIA**

"Lithuania considers the provision of the preamble of the negotiating directives, stating that "The preamble will refer, inter alia, to: (...) the Parties' need to take into account their existing international obligations" to be relevant in the process of negotiations between the Parties, but not to be understood as having effect on the application of any provision of the future Framework Agreement."

**DELETED**

As a general principle Hungary does not support the incorporation of provisions on investment protection in political agreements. If common accord is found in the Council to start negotiations on investment protection with Armenia, those should aim at establishing a stand-alone bilateral treaty on investment.

If and when common accord is found on the desirability to start negotiations on investment protection with Armenia, the negotiating directives set out in paragraph 33 will need to be discussed in detail and modified if necessary."

**DELETED**

**DELETED**

## **STATEMENT BY THE COMMISSION**

"The Commission considers that the "Decision of the Representatives of the Governments of the Member States, meeting within the Council, authorising the European Commission to open negotiations, on behalf of the Member States, on the provisions that fall within the competence of the Member States, of a Framework Agreement between the European Union and its Member States, of the one part, and the Republic of Armenia, of the other part" is unwarranted because the Commission aims to conduct Framework Agreement negotiations with Armenia exclusively within the framework of the EU competencies as defined by the Treaty on European Union and the Treaty on the Functioning of the European Union."

**DELETED**



## **STATEMENT BY SPAIN**

Decision of the representatives of the governments of the Member States, meeting within the Council authorising the European Commission to open negotiations on and negotiate, on behalf of the Member States, the provisions that fall within the competence of the Member States of a Framework Agreement between the European Union and the European Atomic Energy Community and their Member states, of the one part, and the Republic of Armenia, of the other part.

Spain makes the following statement on the adoption of the above referenced Decision.

"This Decision was drawn up as the Council considers that the negotiating mandate for the Framework Agreement covers areas falling within Member State competence as well as shared EU and Member State competence. Spain considers that the Commission by this Decision is mandated to conduct Framework Agreement negotiations with Armenia to the full extent of the negotiating mandate, including matters falling within Member State competence."

## **STATEMENT BY THE COMMISSION**

### **on the modification by the Council of the Commission's recommendation for the Directives for the negotiation of a Framework Agreement with the Republic of Armenia**

"The Commission takes note of the modifications by the Council of the Commission's recommendation for negotiating directives, in particular as regards the decision that negotiations on investment protection can only be launched no earlier than one year after the start of negotiations on a Framework Agreement with Armenia and only following agreement by the Council on the basis of a Commission review of the investment legal framework in Armenia. The Commission reserves the right to recommend at any point in the future a modification of the negotiating directives, in order to include investment protection, in accordance with the Treaty provisions on Common Commercial Policy and notably Article 207 of the Treaty on the Functioning of the European Union.

The Commission also recalls that, in requesting authorisation to negotiate on investment , it must be guided by Regulation (EU) No 1219/2012, under which Member States' bilateral investment treaties with third countries should not constitute a serious obstacle to the negotiation or conclusion by the Union of bilateral investment agreements with third countries.

The Commission takes note of the Council's request that Commission should present a review of the investment legal framework in Armenia, identifying barriers on investment and setting out the reasons for starting negotiations to address such barriers. It should nevertheless be stressed that such requests, even when included in a Council's decision, cannot limit the Commission's right of initiative as foreseen in the Treaty, notably under the Common Commercial Policy."

**Ad "A" item 5:**

- **Council Decision amending Decision 2013/255/CFSP concerning restrictive measures against Syria**
- **Council Regulation amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**

**DELETED**

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