



Brussels, 10 December 2015
(OR. en)

15226/15

PUBLIC 84
INF 203

NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS - SEPTEMBER 2015

This document lists the acts adopted by the Council in September 2015.^{1 2}

It provides information on the adoption of legislative acts, including:

- the date of adoption,
- the relevant Council session,
- the number of the document adopted,
- the Official Journal reference,
- applicable voting rules, voting results and, where appropriate, explanations of vote and statements published in the minutes of the Council.

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

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

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

This document is also available on the Council's website at:

[Monthly summaries of Council acts \(acts\) - Consilium](#)

Documents listed in the summary may be obtained from the public register of Council documents at: [Documents and publications - Consilium](#)

It should be noted that this document is exclusively for information purposes - only Council minutes are authentic. These are available on the Council's website at: [Council Minutes - Consilium](#)

INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN SEPTEMBER 2015

Written procedure completed on 2 September 2015

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Implementing Decision (CFSP) 2015/1488 of 2 September 2015 implementing Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic OJ L 229, 3.9.2015, p. 12–15	11548/15
Council Implementing Regulation (EU) 2015/1485 of 2 September 2015 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 229, 3.9.2015, p. 1–4	11551/15

Written procedure completed on 4 September 2015

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Council Decision of 4 September 2015 adopting the Council's position on the draft general budget of the European Union for the financial year 2016 OJ C 295, 8.9.2015, p. 2–2	10471/15	Qualified majority	All Member States in favour

Statement by the Council on payment appropriations

The Council will carefully examine the letter of amendment for agriculture (including information on assigned revenue) in order to appropriately assess the level of resources under heading 2 (Sustainable growth: natural resources) in the 2016 budget.

In line with the joint statement on a payment plan 2015-2016 , the Council calls on the Commission to continue closely scrutinizing the implementation of the 2014-2020 programmes. To that end, it invites the Commission to present in a timely manner updated figures concerning the state of affairs and estimates regarding 2016 payment appropriations with a view to allowing the budgetary authority to take any necessary decisions in due time for justified needs.

Statement by the Council on 5 % staff reduction

The Council recalls the agreement reached between the European Parliament, the Council and the Commission to progressively render 5 % of the staff as in the establishment plan on 1 January 2013, to be effected between 2013 and 2017, as inscribed in Point 27 of the Interinstitutional Agreement of 2 December 2013 on budgetary discipline, on cooperation in budgetary matters and on sound financial management.

The Council takes note of the Commission's monitoring of the progress towards the 5 % staff reduction target already achieved to date by a number of institutions, bodies and agencies. It calls on all institutions and bodies to continue implementing the remaining staff reduction until the end of the five year period 2013 2017, as presented in the table in Annex 1. It invites the Commission to provide also comparable global data for decentralised and executive agencies in that presentation.

The Council recalls that the target year for the full implementation of the 5 % reduction of staff is approaching. It therefore strongly urges institutions still lagging behind in the implementation of the necessary staff reductions to step up their efforts aiming at meeting the 5 % target by 2017.

The Council also underlines the importance of monitoring closely the appropriations for all categories of external staff, against the backdrop of the additional capacity built up by the increase of working time to 40 hours per week. It welcomes the Commission's overview of consolidated data on all external staff employed by the Union, presented in Annex 2, in line with point (b) of Article 38(3) of the Financial Regulation. It invites the Commission to continue providing this information to the budgetary authority when presenting its draft budgets for future years.

The Council underlines that progress towards the 5 % staff reduction target should contribute to savings in the institutions' administrative expenditure.

ESTABLISHMENT PLAN POSTS – ALL INSTITUTIONS										
Evolution to date vis-à-vis the -5% reduction target over 5 years 2013-2017										
Institutions	2012 budget ¹	2013-2017 reduction target -5%	Annual reference target ² -1%	Post reduction implementation ³					Remaining distance to -5 % target	
				2013	2014	2015	2016	Total	Posts	% points
European Parliament	6 618	-331	-66	59	-17	-47	-9	-14	317	4,8%
European Council and Council	3 136	-157	-31	-46	-42	-22	-32	-142	15	0,5%
Commission	25 073	-1 254	-251	-250	-250	-263	-252	-1015	239	1,0%
Court of Justice of the European Union	1 952	-98	-20	-20	-20	-7	-20	-67	31	1,6%
Court of Auditors	885	-44	-9	-9	-9	-9	-9	-36	8	0,9%
European Economic and Social Committee	685	-34	-7	-7	-7	-7	-7	-28	6	0,9%
Committee of the Regions	500	-25	-5	-	-5	-5	-7	-17	8	1,6%
European Ombudsman	64	-3 ⁴	-1	-	-	-1	-1	-2	1	1,9%
European Data-Protection Supervisor	43	-2 ⁴	-	-	-	-1	-1	-2	0	0,3%
European External Action Service	1 679	-84	-17	-	-17	-17	-17	-51	33	2,0%
Total institutions	40 635	-2 032	-407	-273	-367	-379	-355	-1 374	658	1,6%

¹ Authorised 2012 posts excluding Croatia enlargement (140 posts) with the following adjustments:

- 60 posts were added to the European Parliament and deducted from the European Economic and Social Committee (-36) and from the Committee of the Region (-24) in order to reflect the impact of the cooperation agreement signed on 5 February 2014 between those institutions.
- 10 posts were transferred from the Council to the EEAS in 2014.
- 2 posts were transferred from the EEAS to the Commission (PMO) in 2014.
- 1 post was transferred from the Court of Auditors to the Commission (PMO) in 2015.
- 1 post was transferred from the Council to the EEAS in 2015.
- 6 posts were transferred from the Council to the Commission (PMO) in 2015.
- 2 posts will be transferred from the European Parliament to the Commission in 2016.
- 1 post will be transferred from the Court of Auditors to the Commission in 2016.

² Linear projection over 5 years at 1 % per year, rounded figures.

³ Sources: authorised budgets 2013, 2014 and 2015 (including amending budgets), draft budget 2016.

⁴ By the end of 2017, the European Ombudsman and the European Data Protection Supervisor are expected to reduce their posts by 3 and 2 respectively.

EVOLUTION OF EXTERNAL STAFF IN ALL INSTITUTIONS 2012 - 2016																
Institution	B2012		B2013		B2014		B2015		DB2016		Evolution 2016 / 2015			Evolution 2016 / 2012		
	EUR (mn)	FTE	EUR (mn)	FTE	EUR (mn)	FTE	EUR (mn)	FTE	EUR (mn)	FTE	EUR	FTE	% FTE	EUR	FTE	% FTE
European Parliament	220,9	6.675	217,7	6.854	231,0	7.515	237,3	7.253	253,8	7.824	7,0%	571	7,9%	14,9%	1.149	17,2%
European Council and Council	8,9	220	10,7	240	9,9	234	10,2	234	10,2	234	0,6%	0	0,0%	15,1%	14	6,4%
Commission	452,6	8.570	455,5	8.412	448,9	8.313	449,2	8.162	454,0	8.040	1,1%	-123	-1,5%	0,3%	-530	-6,2%
Court of Justice of the European Union	5,2	142	6,1	158	6,2	163	6,4	171	6,7	177	4,9%	6	3,6%	29,9%	36	25,1%
Court of Auditors	3,5	77	3,5	74	3,4	69	3,5	71	3,9	76	10,7%	5	7,7%	9,7%	-1	-1,2%
European Economic and Social Committee	2,7	51	2,7	50	2,5	47	2,6	47	2,5	46	-1,4%	-1	-2,6%	-6,7%	-5	-9,4%
Committee of the Regions	2,6	88	2,6	88	2,5	88	2,5	55	2,7	59	7,6%	4	7,7%	3,0%	-29	-33,0%
European Ombudsman	0,2	4	0,3	6	0,4	9	0,5	10	0,5	11	4,8%	1	5,0%	143,8%	7	162,5%
European Data-Protection Supervisor	0,3	7	0,4	8	0,4	8	0,4	9	0,4	9	4,9%	0	0,0%	40,8%	2	28,9%
European External Action Service	79,2	1.816	83,1	1.853	80,6	1.894	81,3	1.828	85,9	1.760	5,6%	-68	-3,7%	8,5%	-56	-3,1%
Total institutions	776,1	17.649	782,6	17.743	785,7	18.338	793,8	17.840	820,6	18.235	3,4%	396	2,2%	5,7%	586	3,3%

Unilateral Statement by Cyprus

Regarding "heading 4: Global Europe – Instrument of financial support for encouraging the economic development of the Turkish Cypriot community and amending Council Regulation (EC) No 2667/2000 of the European Agency for Reconstruction" - budget line 13 07 01, Cyprus would like to reiterate its request and strong support for increasing the appropriations allocated to the objective for "Reconciliation and Confidence Building Measures". Under this objective, maintaining the same level of funding as in previous years for supporting the humanitarian work of the Committee on Missing Persons (CMP) is of vital importance and bears great political significance in the framework of the efforts for facilitating the reunification of Cyprus.

3407th meeting of the Council of the European Union (GENERAL AFFAIRS) held in Brussels on 14 September 2015

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Decision establishing that no effective action has been taken by the United Kingdom in response to the Council Recommendation of 2 December 2009	9453/15
Decision (EU) 2015/1872 of the European Parliament and of the Council of 6 October 2015 on the mobilisation of the EU Solidarity Fund OJ L 275, 20.10.2015, p. 30–31	11556/15
Council Decision on the position to be taken on behalf of the European Union within the Group of Participants to the Arrangement on Officially Supported Export Credits with regard to climate change and export credits (smart grids)	11698/15
Council Conclusions on the Eurojust Annual Report 2014	10862/15
Council Conclusions on the implementation of the EU Action Plan on Drugs 2013-2016 regarding minimum quality standards in drug demand reduction in the European Union	10371/1/15 REV 1
Council Decision authorising the opening of negotiations with the People's Republic of China for a short-stay visa-waiver agreement for holders of diplomatic passports	11600/15
Council Decision (EU) 2015/1522 of 14 September 2015 establishing the position to be taken on behalf of the European Union within the Committee on Government Procurement on the accession of the Republic of Moldova to the Revised Agreement on Government Procurement OJ L 239, 15.9.2015, p. 144–145	10631/15

Council Decision (CFSP) 2015/1521 of 14 September 2015 repealing Decision 2013/320/CFSP in support of physical security and stockpile management activities to reduce the risk of illicit trade in small arms and light weapons (SALW) and their ammunition in Libya and its region OJ L 239, 15.9.2015, p. 142–143	9878/15
Council Decision (CFSP) 2015/1524 of 14 September 2015 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 239, 15.9.2015, p. 157–189	11680/15
Council Implementing Regulation (EU) 2015/1514 of 14 September 2015 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 239, 15.9.2015, p. 30–62	11685/15
Council Decision on the signing and conclusion of the Agreement between the European Union and the Kingdom of Morocco establishing a framework for the participation of the Kingdom of Morocco in European Union crisis management operations	9349/15
Agreement between the European Union and the Kingdom of Morocco establishing a framework for the participation of the Kingdom of Morocco in European Union crisis management operations	93541/15 REV 1
Council Decision (EU) 2015/1565 of 14 September 2015 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana OJ L 244, 19.9.2015, p. 55–57	5420/15

Council Decision revoking Decision (EU) 2015/...on the conclusion, on behalf of the Union and of the Member States, of the Protocol amending the Agreement on maritime transport between the European Community and its Member States, of the one part, and the government of the People's Republic of China, of the other part, to take account of the accession of the Republic of Croatia to the European Union	11467/15
3408th meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS) held in Brussels on 14 September 2015	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Conclusions on alerts in the SIS for the purpose of refusing entry and stay pursuant to Article 24 of the SIS II Regulation upon a return decision	11648/15
Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece OJ L 239, 15.9.2015, p. 146–156	11161/15
<p>Statement by the Commission</p> <p>Given the exceptional, urgent and temporary nature of the Decision and the fact that the Council agreed to relocate the proposed figure of 40 000 persons in clear need of protection, the Commission will not object to deletion of the distribution key from the Decision. The Commission notes that the Decision adopted by the Council does not retain the mandatory distribution of applicants in clear need of international protection between Member States as proposed by the initial Commission proposal and endorsed by the European Parliament. The Commission underlines that according to Article 4 of the Decision 40 000 persons in need of international protection shall be relocated from Italy and Greece to the territory of the other Member States. The Commission calls on all the Member States to contribute complying with this objective as soon as possible. This position is without prejudice to the Commission proposal for a Council Decision establishing additional measures for relocation (COM(2015) 451).</p>	

3409th meeting of the Council of the European Union (ENVIRONMENT) held in Brussels on 18 September 2015

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Position (EU) No 13/2015 of the Council at first reading with a view to the adoption of a Directive of the European Parliament and of the Council on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC OJ C 360, 30.10.2015, p. 1–36	9173/15 9173/15 ADD 1	Qualified majority	All Member States in favour, except: Against: BE, EE, IE, MT, NL, AT, SK

Statement by Belgium, Estonia, Ireland, Malta, the Netherlands and Slovakia

1. We do acknowledge that the old package travel directive is in need of revision due to enormous changes in the travel market. We support the improvement of consumer protection, where needed, e.g. in the field of dynamic packages. We also support insolvency protection where packages are concerned.
2. However, we do have questions regarding the way this revision has worked out. Regulation needs to be smart and self-explanatory and must be enforceable. We have strong doubts whether this is the case with this proposal.
3. A first point we want to raise regards the level of harmonization. The directive states that the target is maximum harmonization. In reality however there are numerous enabling clauses inserted allowing all kinds of derogations or choices. This is not the way forward to create an internal market for package travels.
4. A second point is that, although we acknowledge that there is a difference between a package, a linked travel arrangement (LTA) and single travel services, the real problem is that providers and/or consumers might not be aware of the fact that they are selling/buying a package, a LTA or none or both. However, in the two former cases all kinds of legal rights and obligations are becoming applicable and in those cases a provider has to take out insolvency protection. To make things more complicated, different protections apply depending on the product sold which in the end might even result in the same protection being taken out twice, which has of course a bearing on the price the traveller has to pay.

5. Another point is that the tourist industry consists mainly of a great number of small and medium sized enterprises (SMEs). These SMEs will bear the brunt of the problems connected with packages, LTAs and travel services sold separately. In special cases they might even be obliged to take out insolvency protection on behalf of a far larger provider than themselves. Regarding this point, a level playing field with third country operators is also important. Yet the mandatory insolvency protection requirement for third country operators is unenforceable and consequently may distort competition. Furthermore, the proposal's potential for negative impact on airline services is also a concern, in particular for Member States whose tourism sector is more dependent on air transport. Given all this we fear that this proposal will not contribute to a more thriving tourist industry.

6. In our view, aspects of this proposal are at odds with the aims of the Digital Single Market Strategy which seeks to overcome barriers to the full utilization of the internet and digital technologies for the benefit of consumers and businesses alike. The proposal risks stifling innovation and hindering the competitiveness of our tourism sector, ultimately creating higher prices and less choice for consumers.

7. All the above indicates that the compromise proposals do not contribute to a workable and enforceable solution. Nor is it contributing to a thriving and flourishing tourist industry, an industry dominated by SMEs. Therefore we cannot support this proposal.

Statement by Austria

Clear, simple, practical and necessary legislation should lie at the core of EU policy making. This is especially important for small and medium sized enterprises which usually do not have the means for an advanced legal expertise and therefore often struggle to keep track of legislative changes. In that sense, smart regulation plays a crucial role for our economic framework conditions.

The tourism sector contributes a substantial share to the Austrian GDP and is therefore of utmost economical importance. We still have severe doubts on the final text and we fear that it provides severe ramifications for small and medium sized accommodation providers.

Service providers offering accommodation often deal with customer decisions for certain separate services after the customer has already agreed to pay the accommodation without a certain offer by the service provider. These issues have frequently been raised by Austria on a technical and political level, also in writing. However, the final wording is still not clear enough.

Therefore Austria cannot support the proposed draft directive.

Decision (EU) 2015/1814 of the European Parliament and of the Council of 6 October 2015 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC (Text with EEA relevance) OJ L 264, 9.10.2015, p. 1–5	32/15	Qualified majority	All Member States in favour, except: Against: BG, HR, CY, HU, PL, RO
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Statement by Finland

Finland supports the establishment of Market Stability Reserve which has the potential to strengthen the effectiveness of the Emission Trading System and increase its ability to adapt to external shocks.

Emission Trading System should create predictability for the markets and the threshold for interventions and renewal of the trading terms should remain high. Predictability is of crucial importance to energy investments and therefore it is essential that the agreed MSR rules are clear, lasting and unambiguous.

Finland highlights the need to guarantee the global competitiveness of European energy intensive industries. In this regard it is important that the upcoming ETS review will look into the impact of the MSR on growth, jobs, the European Union's industrial competitiveness and on the risk of carbon leakage.

It is also important to consider the establishment of an EU-level system to compensate for the indirect costs of EU ETS for energy-intensive industries. In addition Finland emphasizes that the promotion of low-carbon investments in all Member States should be considered in future EU innovation funding.

Statements by the Commission

- In line with European Council Conclusions of October 2014 the ETS review will inter alia consider whether unallocated allowances should be used for addressing the risk of carbon leakage.
- The temporary exemption foreseen in Art 1.3, 2nd subparagraph does not constitute a precedent for the ETS review.

Joint statement by Poland, Bulgaria, Romania, Croatia and Hungary

Poland, Bulgaria, Romania, Croatia and Hungary cannot support the final compromise text in relation to the proposal for a Decision of the European Parliament and of the Council concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC.

Poland, Bulgaria, Romania, Croatia and Hungary support all necessary and appropriate measures aiming at addressing the number of allowances and international credits on the ETS market. However these Member States are of the opinion that such measures should ensure long-term predictability for market participants and should also fully respect all European Council conclusions in relation to the EU climate and energy policy.

Poland, Bulgaria, Romania, Croatia and Hungary are strongly opposed to make the market stability reserve operational prior to 2021. In our view, the early operation of the reserve (from 2019) together with the placing of the back-loaded and unallocated allowances directly into the reserve will not only change the current legal framework of the 2010-2020 Climate and Energy Framework, but it will seriously undermine the predictability of the carbon market for industry as well.

In addition, the transfer of 900 million back-loaded allowances directly into the market stability reserve will result in a significant decrease in the EU ETS cap in the 2013-2020 period and therefore increase the 20 % GHG emissions reduction target agreed by the European Council back in 2007 and reconfirmed in 2008.

It is also worth to recall that according to the European Council Conclusions of 23 and 24 October 2014, the main European instrument to achieve emissions reduction target will be a well-functioning, reformed ETS with an instrument to stabilize the market in line with the Commission proposal, which has suggested 2021 as the year of the entry into force of the market stability reserve. In this context the final compromise contradicts these conclusions of the European Council.

In the course of the negotiations, Poland raised the issue of the legal basis used for the MSR Decision. This decision will significantly affect the Member States' choice between different energy sources and the general structure of its energy supply, it is our understanding it should be subject to unanimity in the Council in accordance with the special legislative procedure and after consultation with the European Parliament on the basis of Article 192(2)(c) of the Treaty on the Functioning of the European Union.

Poland, Bulgaria, Romania, Croatia and Hungary are fully convinced that the mechanism managing the surplus of allowances will have a significant impact on the EU ETS Market. Controlling the supply of allowances from the auction volume will have considerable economic, social and financial consequences for the Member States as well as for the industry exposed to a risk of carbon leakage. Despite repeated requests during the negotiations, the Impact Assessment fails to specify the possible scale of the potential impacts such as on the price of allowances, on the price of electricity and other economic and social aspects, including especially those related to the amendments introduced during the negotiations in the Council and the European Parliament. Therefore we cannot support the final agreement which was reached without taking full account of the direct and indirect impacts and lead to lack of transparency and legal uncertainty for ETS market participants.

Directive (EU) 2015/1794 of the European Parliament and of the Council of 6 October 2015 amending Directives 2008/94/EC, 2009/38/EC and 2002/14/EC of the European Parliament and of the Council, and Council Directives 98/59/EC and 2001/23/EC, as regards seafarers (Text with EEA relevance) OJ L 263, 8.10.2015, p. 1–5	33/15	Qualified majority	All Member States in favour, except: Abstention: MT
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Statement by Malta

Malta fully supports the amending Directive's objective of improving the living and working conditions of seafarers and increasing the attractiveness of maritime employment. However, it considers that extending the same EU legislative framework applicable to land based workers to seafarers is not the right means to attain such objectives. In maritime transport, internationally-agreed rules and Conventions, in particular by IMO and ILO, and their worldwide ratification, effective implementation and enforcement, are needed to ensure a global level playing-field for safe, secure and environmentally friendly maritime transport, the protection of seafarers and secure the long-term competitiveness of the EU's maritime industry. The only way to ensure the protection of EU seafarers is to adopt global policies rather than regional measures which might lead to flagging out and diluting the possibility to implement and enforce EU maritime related requirements on board ships.

Malta also contests that the adoption of the Directive can be based on Article 153(2) TFEU in conjunction with Article 153(1) paragraphs (b) and (e) TFEU. Malta is of the view that the correct legal basis for amendments to the Collective Redundancies Directive and to the Transfer of Undertakings Directive is Article 153(2) in conjunction with Article 153(1) paragraph (d) TFEU since they both relate to the protection of workers where their employment is terminated. In line with this, the amendments to these Directives were to be adopted by unanimous decision.

Therefore, for the abovementioned reasons, while firmly supporting the objectives of improving the living and working conditions of seafarers, Malta abstains from voting.

Statement by Germany

On 19 November 2013, the Commission presented a proposal for a Directive of the European Parliament and of the Council on seafarers amending Directives 2008/94/EC, 2009/38/EC, 2002/14/EC, 98/59/EC and 2001/23/EC for the purpose of including seafarers in the scope of and the protection afforded by the above Directives.

The Federal Republic of Germany supports the amending Directive's objectives of improving the living and working conditions of seafarers.

Nonetheless, the Federal Republic of Germany doubts that the adoption of the Directive can be founded on Article 153(2) TFEU in conjunction with Article 153(1) point (b) and point (e) TFEU and issued in accordance with the ordinary legislative procedure. This notably applies to the amendments to Directive 98/59/EC of the Council of 20 July 1998 (Collective Redundancies Directive) provided for in Article 4 and the amendments to Directive 2001/23/EC of the Council of 12 March 2001 (Acquired Rights Directive) provided for in Article 5.

From the point of view of the Federal Republic of Germany, Article 153(2) in conjunction with Article 153(1) point (d) TFEU is the proper legal basis for amendments to the Collective Redundancies Directive and for amendments to the Acquired Rights Directive since it relates to the protection of workers where their employment is terminated. This is clearly the thematic focus of the two instruments to be amended. Pursuant to this legal basis the Council shall adopt the Directive by unanimous decision in accordance with a special legislative procedure. In line with this, the Directives were adopted by unanimous decision.

In the opinion of the Federal Government the focus of the regulatory substance of the two aforementioned Directives is not on "working conditions" (Article 153(1)(b) TFEU) nor on "information and consultation of workers" (Article 153(1)(e) TFEU) to which the ordinary legislative procedure could be applied, i.e. that could be adopted by qualified majority decision.

The Federal Government underlines that it shares and supports the substantive objectives pursued by the amending Directive. The Federal Republic of Germany therefore endorses the present Decision notwithstanding its legal opinion concerning the issue of the appropriate rule governing competence.

Regulation (EU) 2015/1843 of the European Parliament and of the Council of 6 October 2015 laying down Union procedures in the field of the common commercial policy in order to ensure the exercise of the Union's rights under international trade rules, in particular those established under the auspices of the World Trade Organization (codification) OJ L 272, 16.10.2015, p. 1–13	15/15	Qualified majority	All Member States in favour
Council Decision adopting the Council's position on draft amending budget No 6 of the European Union for the financial year 2015 OJ C 310, 19.9.2015, p. 2–2	11691/15	Qualified majority	All Member States in favour
NON-LEGISLATIVE ACTS			
ACT		DOCUMENT / STATEMENTS	
Council Decision (EU) 2015/1734 of 18 September 2015 establishing the position to be adopted on behalf of the European Union at the 12th General Assembly of the Intergovernmental Organisation for International Carriage by Rail (OTIF) as regards certain amendments to the Convention concerning International Carriage by Rail (COTIF) and to its Appendices OJ L 252, 29.9.2015, p. 43–48	11560/15		

Statement by Germany

Germany's legal position is that it is entitled to vote on items 8 (Partial Revision of COTIF-Basic convention), 10 (Partial Revision of Appendix D (CUV UR)), 13 (Revised and consolidated explanatory report) also contrary to the decision of the Council. The reason is that the Union does not have the competency in this respect. The division of competency between the Union and the Member States is the subject matter of proceedings pending at the European Court of Justice (C-600/14 Germany v Council). Before a decision of the European Court of Justice, Germany will exercise its voting right in the OTIF General Assembly, maintaining its legal position and without prejudice to the pending proceedings at the ECJ, not in derogation of this Council decision, although it considers this decision to be unlawful.

Statement by the United Kingdom

The United Kingdom regrets that Council Decision (EU) 2015/.... does not reflect the fact that the European Union shares competence with the Member States in relation to Appendix D (CUV UR) and the consequential amendment to Article 12 of the COTIF Convention, items 10 and 8 respectively in the annex to the Council Decision.

The division of competence concerning these amendments is the subject matter of proceedings pending before the Court of Justice of the EU in Case C-600/14 Germany v Council of the European Union.

The provisions of Appendix D are limited to the rights and obligations of parties to a contract of use of vehicles in international rail traffic. These provisions are completely distinct from EU regulatory rules governing vehicle maintenance and safety, and they could neither affect those rules nor alter their scope.

In order not to pre-empt the judgment of the CJEU in Case C-600/14, the United Kingdom is abstaining on this Council Decision.

Statement by France

The division of powers between the European Union and the Member States as regards amendments to Article 12 of the Convention concerning International Carriage by Rail and to Appendix D (Uniform Rules concerning Contracts of Use of Vehicles in International Rail Traffic) of that Convention is the subject of proceedings pending before the Court of Justice of the European Union.

France is involved in these proceedings and is requesting that the Court annul Council Decision No 2014/699/EU of 24 June 2014, particularly insofar as it recommends a coordinated position on the amendment of Article 12 and asserts that the Union has exclusive competence as regards the partial modification of Appendix D. Therefore France cannot support the adoption of this Decision while the proceedings are still ongoing.

However, France is in favour of the amendments set out in this Decision being adopted by the General Assembly of OTIF.

Council Decision (EU) 2015/1913 of 18 September 2015 on the signing, on behalf of the European Union, of the Council of Europe Convention on the Prevention of Terrorism (CETS No 196) OJ L 280, 24.10.2015, p. 22–23	11217/15
Council Decision (EU) 2015/1914 of 18 September 2015 on the signing, on behalf of the European Union, of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No 196) OJ L 280, 24.10.2015, p. 24–25	11218/15
<p>Statement by the Commission</p> <p>The Commission reiterates that the Union has exclusive external competence to sign and conclude the Additional Protocol supplementing the Council of Europe Convention on the Prevention of Terrorism pursuant to Article 3(2) TFEU. That provision also precludes Member States from signing and concluding the Protocol.</p> <p>The Union’s exclusive competence extends to the entire Protocol, including its Article 7, which is ancillary to the substantive provisions of the Protocol.</p> <p>In this regard, the Commission reserves the right to make use of all the legal means at its disposal to ensure the respect of the provisions of the Treaties.</p> <p>As regards the Convention, the Commission takes the view that the Union’s competences are not limited to areas covered by the Framework Decision on terrorism.</p>	
Council Decision on the possible relocation of the ICCO headquarter from London to Abidjan	11642/15
Council Decision (EU) 2015/1570 of 18 September 2015 establishing the position to be taken on behalf of the European Union within the Council for Trade in Services of the World Trade Organization on the approval of preferential treatment notified by WTO Members, other than the Union and its Member States, as regards services and service suppliers of least-developed country Members, on the application of measures other than those described in Article XVI of the GATS OJ L 245, 22.9.2015, p. 6–7	11213/15

Statement by the Commission

The Commission welcomes the adoption of the Council Decision establishing the EU position to support the approval of the preferential treatment granted by WTO Members other than the EU and its Member States to services and service suppliers of least developed countries regarding the application of measures other than those described in Article XVI of the GATS ("Market Access") in accordance with the WTO Ministerial Decision of 7 December 2013 (WT/L/918).

The Commission notes that it is proposed that a Decision of the Representatives of the Governments of the Member States meeting within the Council be adopted on this matter by common accord as regards the position of the Member States in the WTO. The Commission considers that a Council Decision would be legally sufficient to support the approval of the preferential treatment granted in this case, and that such separate Decision is unwarranted since trade in transport services falls within the framework of the EU competencies as defined by the Treaty on the Functioning of the European Union.

Statement by Ireland

The provisions relating to the temporary presence of natural persons for business purposes included in the notification authorized by the Council Decision only bind Ireland as part of the Union where it has notified its wish to participate in the above Decision in accordance with Protocol No.21 on the position of Ireland and the United Kingdom in respect of the area of Freedom, Security and Justice. Ireland will ensure that the temporary presence of natural persons for business purposes is allowed in accordance with those provisions.

Council Conclusions on the preparations for the 21st session of the Conference of the Parties (COP 21) to the United Nations Framework Convention on Climate Change (UNFCCC) and the 11th session of the Meeting of the Parties to the Kyoto Protocol (CMP 11) (Paris, 30 November - 11 December 2015)

12165/15

3411th meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS) held in Brussels on 22 September 2015

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece OJ L 239, 15.9.2015, p. 146–156	12144/15 All Member States in favour, except: Against: CZ, HU, RO, SK Abstention: FI