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OUTCOME OF THE COUNCIL MEETING

3513rd Council meeting

Foreign Affairs

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President **Federica Mogherini**
High Representative for Foreign Affairs and Security
Policy

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¹ • Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
• Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).
• Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

ITEMS DEBATED

Syria

The Council discussed developments in **Syria** for the first time since an agreement for cessation of hostilities was announced. In their discussion, ministers welcomed the agreement brokered and guaranteed by Russia and Turkey. They expressed the hope that it could be fully implemented by all the parties to the conflict.

Ministers reaffirmed the **EU full support to the UN-led process** and to the UN Special Envoy Staffan de Mistura. They noted that the planned meeting in Astana on 23 January, if fully inclusive, could contribute to a successful resumption of intra-Syrian talks in Geneva under UN auspices, scheduled for 8 February 2017. Ministers recalled the need to ensure full humanitarian access and protection throughout the country.

The Council also reiterated its support for the **EU regional initiative on the future of Syria**. This initiative aims to find common ground on the post-conflict arrangements for Syria as well as on reconciliation and reconstruction once a credible political transition is firmly underway, in full coordination with, and in support of, UN efforts. The High Representative briefed ministers on the latest round of talks conducted in this framework with key regional players: Egypt, Iran, Jordan, Lebanon, the United Arab Emirates, Saudi Arabia and, soon, Turkey and Qatar.

The Council agreed that the EU would host a **conference on Syria and the region in Brussels** in Spring 2017, as a follow-up to the London conference held in February 2016. The conference is expected to focus on three areas:

- the **political process towards a transition**, in particular to take stock of the state of play of the UN talks in Geneva;
- **humanitarian work and support for resilience and stabilisation**, to take stock of the implementation of the London commitments and to identify possible gaps and how to address them, including through possible new pledges;
- possible support for **post-conflict reconstruction and reconciliation** once a credible political transition is firmly underway.

The ministerial discussion will feed into the preparation of the forthcoming joint communication by the High Representative and the European Commission on the **EU's strategy for Syria**, scheduled to be presented to EU ministers by April 2017.

[Syria: Council response to the crisis](#)

Middle East peace process

Over lunch, the Council discussed the Middle East peace process. Building on the outcome of the international conference held in Paris on 15 January, ministers discussed ways to achieve a **comprehensive peace deal**, preserve the viability of the **two-state solution** and reverse ongoing negative trends on the ground.

[Middle East peace process \(EEAS website\)](#)

OTHER ITEMS APPROVED

FOREIGN AFFAIRS

Sanctions against Iran

The Council delisted four entities from the list of persons and entities subject to restrictive measures against Iran.

Restrictive measures against the Democratic People's Republic of Korea

The Council approved the delisting of five vessels from the list of persons and entities subject to restrictive measures against the Democratic People's Republic of Korea, following the corresponding delisting by the United Nations Security Council.

UN Convention on the Rights of Persons with Disabilities

The Council has decided on the withdrawal of the European Commission from the EU-level framework in accordance with the recommendation of the UN Committee for the Convention on the Rights of Persons with Disabilities so as to ensure the independence of the monitoring framework.

Relations with Algeria

The Council approved the conclusion of the protocol to the Euro Mediterranean Agreement establishing an Association between the EU and Algeria. The protocol contains a Framework Agreement on the general principles for the participation of Algeria in EU programmes and agencies such as Europe's programme for small and medium-sized enterprises COSME, Europe Creative or Horizon 2020.

EU-Ukraine association agreement - Subcommittees for trade

The Council approved rules of procedure to be adopted by various trade subcommittees established under the EU-Ukraine association agreement ([14372/16](#)).

The subcommittees relate to sanitary and phytosanitary subcommittee matters, trade and sustainable development, customs and geographical indications. Free trade provisions have been in provisional application since 1 January 2016 under the association agreement.

Lebanon

The Council adopted the following conclusions:

1. The EU welcomes the election of President Michel Aoun on 31st October 2016 and the formation of a government of national accord under Saad Hariri's leadership on 18th December 2016, putting an end to the long-lasting deadlock of the political institutions. The EU pays tribute to outgoing Prime Minister Tammam Salam for his leadership under difficult circumstances.
2. The EU takes note of the Government Declaration and welcomes its ambition to 'restore trust'. On this note, it calls on Lebanon to hold timely legislative elections in 2017 and ensure a smooth and transparent process, to uphold Lebanon's longstanding democratic tradition. The EU stands ready to provide support to this process.
3. The EU welcomes the determination of all Lebanese political actors to continue working with the same constructive spirit and in an atmosphere of national unity. This is crucial for Lebanon's ability to ensure the proper functioning of all democratic institutions and address the various political, security, social and economic challenges the country faces, heavily impacted by the Syria conflict. Lebanon's freedom and diversity is a model for the whole region and in line with our common values and should be protected.
4. The EU reaffirms its commitment to the unity, sovereignty, stability, independence and territorial integrity of Lebanon. It reiterates the importance of an ongoing commitment to a policy of disassociation from all regional conflicts, in line with the Baabda Declaration.
5. The EU also stresses the importance of Lebanon's continued commitment to the full implementation of its international obligations, including United Nations Security Council (UNSC) Resolutions 1559, 1680, 1701, 1757. The EU commends the role of the Lebanese Armed Forces and UNIFIL in maintaining peace and stability in South Lebanon. The EU reaffirms its support to UNIFIL, to which several Member States are making significant contributions. The EU continues to support the work of the UN Special Coordinator for Lebanon, Sigrid Kaag.
6. The EU fully supports the efforts of the Lebanese authorities and security institutions in their fight against terrorism and the prevention of radicalisation and welcomes the ongoing cooperation with the EU and is determined to continue and reinforce it. The EU remains committed to support the Lebanese Armed Forces.

7. The EU-Lebanon partnership priorities and compact adopted on 11th November 2016, establish a solid framework for EU-Lebanon relations and for the EU's continued support to Lebanon. The EU welcomes the new Government's confirmation of its partnership with the European Union. The EU is committed to support Lebanon in addressing the challenges for the stability of the country, in fostering sustainable and inclusive economic growth including the development of energy and infrastructure sectors, and in implementing the country's urgent reforms and development plans. The EU is encouraged by the commitment of Lebanon's new leadership to strengthen the rule of law, including the fight against corruption, good governance and the increased participation of women and youth.
8. The EU commends Lebanon's extraordinary efforts in continuing to host more than 1.1 million Syrian refugees until conditions for their return are met. Tribute should be paid to host communities. The EU is fully delivering on its commitment made at the London Conference of February 2016 and looks forward to continuing its cooperation with the new Government to ensure progress on improving the situation of refugees, their rights and protection, and vulnerable host communities in line with Lebanon's commitments under the EU-Lebanon Compact and London Statement of Intent. The EU also commends Lebanon for its support to Palestinian refugees, including those who recently fled Syria.
9. The EU is determined to continue its support to Lebanon and calls upon the regional partners and international community to strengthen the support to the new Lebanese authorities.

JUSTICE

Joint Investigation Team

The Council adopted a resolution on a Model Agreement for setting up a Joint Investigation Team (JIT).

A JIT is an investigative team that is set up for a fixed period and for a specific purpose, based on an agreement between or among two or more law enforcement authorities in EU Member States. Each JIT is set up to investigate a specific case. Once the investigation has concluded, the JIT is shut down: there are no permanent or ongoing JITs.

This resolution gives a Model Agreement for agreeing upon the modalities for the Joint Investigation Team.

Election of the Vice-president of Eurojust

The Council has approved ([15586/16](#)) the re-election of Mr Ladislav Hamran, National Member for Slovakia, as Vice-President of Eurojust.

For more information, see Eurojust [press release](#)

FINANCIAL AND ECONOMIC AFFAIRS

European statistical programme

The Council agreed its negotiating stance on a proposal to extend an EU statistical programme for the 2018-20 period ([15081/16](#) + [15080/16](#)).

The programme is aimed at facilitating the development, production and dissemination of European statistics.

The Council will return to the dossier once the European Parliament has approved its position.

State aid rules in cohesion policy - European Court of Auditors' report

The Council adopted the following conclusions on the European Court of Auditors' report entitled "More efforts needed to raise awareness of and enforce compliance with State aid rules in cohesion policy" ([15505/16](#)):

"THE COUNCIL OF THE EUROPEAN UNION:

- (1) WELCOMES the Special Report No 24/2016 by the European Court of Auditors (hereafter referred to as "the Court") and the Commission's observations to the Report;
- (2) NOTES that the assessment set out in the Report concerns compliance with state aid rules under the European Regional Development Fund (ERDF), the Cohesion Fund and the European Social Fund (ESF) in the 2007-2013 programme period with a focus of the analysis on 2010-2014, as well as measures taken for the 2014-2020 period;

- (3) TAKES NOTE of the main findings of the Report, namely that:
- during the period 2007-2013, the Commission did not have at its disposal records designed in a way which would have allowed it to undertake a comprehensive analysis of state aid errors;
 - the detection rate of state aid errors by Member States' audit authorities was lower than the rates detected by the Court and the Commission;
 - action was taken to simplify the applicable state aid legislation for the 2014-2020 programme period;
- (4) TAKES NOTE of the conclusions and recommendations of the Report and that there is a need for more awareness of the applicable rules at Member State level and for continued Commission support to effectively prevent, detect and correct infringements of state aid rules;
- (5) TAKES NOTE of the level of infringements of state aid rules detected by the Court and the Commission, as well as of the Court's findings that the majority of audit authorities considered the legal framework for state aid rules fairly complex and that state aid errors were an important factor contributing to the estimated error level in cohesion policy;
- (6) WELCOMES the implementation of the Commissions' State Aid Action Plan¹ and the enhanced cooperation between the competent Commission services, as well as efforts made by Member States, which are expected to result in less state aid errors; and ENCOURAGES the Commission to continue enhancing internal cooperation between its services to ensure simple and consistent state aid rules and their application, which is needed for better synergies between the European Structural and Investment Funds and other programmes such as Horizon 2020;
- (7) SHARES the consideration of the Commission that it is implementing available corrective measures when cases of non-compliance with state aid rules are detected;
- (8) TAKES NOTE that the Commission has already taken first steps to improve the structure of information recorded in its IT tools MAPAR and IMS, and ENCOURAGES the Commission to systematically record and analyse detected state aid errors in view of developing focused preventive measures for Member States, and to provide targeted support, training activities and guidance material where they are most needed;

¹ http://ec.europa.eu/regional_policy/index.cfm/en/policy/how/improving-investment/state-aid/

- (9) SHARES the consideration of the Court that major projects in the 2014-2020 period should be approved by the Commission only after internal state aid clearance; AGREES with the Commission that, in order to provide stability to Member States and beneficiaries, Member States should not be obliged to systematically re-examine, in view of the closure of the 2007-2013 programme, all major projects approved before the end of 2012;
- (10) WELCOMES the assessment of the Court, confirmed by the Commission, that significant improvements have been made in the recent past regarding the quality of state aid checklists used by audit authorities;
- (11) WELCOMES the simplification of the applicable state aid rules for the 2014-2020 period, the Commission Notice on the notion of State aid¹ and the measures taken by the Commission to support Member States in the exercise of their increased responsibilities under the new rules through guidance and training; CONSIDERS, however, that still more simplification efforts are needed given the high level of complexity of the state aid legal framework and its significant impact on the implementation of cohesion policy;
- (12) RECALLS that ex-ante conditionalities were introduced in the 2014-2020 period as a preventive measure, which contributes to raising awareness of Member States with regard to state aid and promotes their administrative capacity; SHARES the view of the Court that the fulfilment of ex-ante conditionalities might reduce infringements of state aid rules."

¹ Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union, OJ C 262 of 19.7.2016, p. 1.