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**NOTE**

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Subject: MONTHLY SUMMARY OF COUNCIL ACTS - NOVEMBER 2016

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This document lists the acts adopted by the Council in November 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](#)

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](#)

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

**3495th meeting of the Council of the European Union (ECONOMIC AND FINANCIAL AFFAIRS) held in Brussels on 8 November 2016**

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Council Decision (EU) 2016/1972 of 8 November 2016 adopting the Council's position on draft amending budget No 4 of the European Union for the financial year 2016 OJ L 304, 11.11.2016, p. 5–5	13331/1/16 REV 1	Qualified majority	All Member States in favour, except: Abstention: UK
<p><b>Statement by the Council on DAB No 4/2016</b></p> <p>With agreeing to draft amending budget No 4/2016 and the frontloading of the EUR 73.9 million for the provisioning of the EFSI Guarantee Fund, the Council does not pre-empt any decision on Commission proposal COM(2016) 597 final on the extension of the duration of EFSI until 2020. The Council considers this amount to be part financing of the already agreed EFSI package in 2015.</p>			
<p><b>Statement by the Council on fines</b></p> <p>Due to the specific circumstances characterising amending budget No 4/2016, the Council takes note that the fines which have already become definitive are not entered into the budget as budgetary revenue. The Council recalls the importance of fines being entered into the budget as budgetary revenue as soon as possible and at the latest in the year following the exhaustion of all legal remedies, in accordance with Article 83 of the Financial Regulation and its rules of application.</p> <p>The Council invites the Commission to inform the European Parliament and the Council as regularly as possible about fines which may be recorded as budgetary revenue, with a view to improving the predictability of Member States' contributions.</p>			
Council Decision (EU) 2016/1973 of 8 November 2016 adopting the Council's position on draft amending budget No 5 of the European Union for the financial year 2016 OJ L 304, 11.11.2016, p. 6–6	13333/1/16 REV1	Qualified majority	All Member States in favour

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Conclusions on Climate Finance	14167/16
Council Conclusions on Joint Report Commission-EPC on Health care and Long-term care Systems and Fiscal Sustainability	13775/16
Council conclusions on the European Court of Auditors' Special Report No 17/2016: "The EU institutions can do more to facilitate access to their public procurement"	14171/16
Decision (EU) 2016/2099 of the European Parliament and of the Council of 23 November 2016 on the mobilisation of the European Globalisation Adjustment Fund (following an application from Estonia - EGF/2016/003 EE/petroleum and chemicals) OJ L 326, 1.12.2016, p. 14–15	13311/16
Council conclusions on the European Court of Auditors' Special Report No 19/2016: "Implementing the EU budget through financial instruments - lessons to be learnt from the 2007-2013 programme period"	14127/16
Decision (EU) 2015/435 of the European Parliament and of the Council of 17 December 2014 on the mobilisation of the Contingency Margin OJ L 72, 17.3.2015, p. 4–5	13329/16
Council Implementing Decision (EU) 2016/1982 of 8 November 2016 amending Decision 2007/441/EC authorising the Italian Republic to apply measures derogating from Articles 26(1)(a) and 168 of Directive 2006/112/EC on the common system of value added tax OJ L 305, 12.11.2016, p. 30–31	12678/16

Council Implementing Decision (EU) 2016/1988 of 8 November 2016 amending Implementing Decision 2013/678/EU authorising the Italian Republic to continue to apply a special measure derogating from Article 285 of Directive 2006/112/EC on the common system of value added tax OJ L 306, 15.11.2016, p. 11–12	13140/16
Council Conclusions on improvements to the current EU VAT rules for cross-border transactions	14257/16
Council Decision (EU) 2017/47 of 8 November 2016 on the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union and the Principality of Liechtenstein on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020 OJ L 7, 12.1.2017, p. 2–3	12833/16
Agreement between the European Union and the Principality of Liechtenstein on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020 OJ L 7, 12.1.2017, p. 4–13	12881/16
Council Decision (CFSP) 2016/1961 of 8 November 2016 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine OJ L 301, 9.11.2016, p. 15–17	13725/16
Council Implementing Regulation (EU) 2016/1955 of 8 November 2016 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine OJ L 301, 9.11.2016, p. 1–4	13728/16
Council Conclusions on Special Report No 11/2016 "Strengthening administrative capacity in the former Yugoslav Republic of Macedonia: limited progress in a difficult context"	14181/16

Council Decision on the conclusion of a Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation of the Republic of Croatia as a Contracting Party, following its accession to the European Union	14381/13
Council Conclusions on the European Court of Auditors' Special Report No 8/2016:" Rail freight transport in the EU: still not on the right track"	13231/16
Council Decision authorising the opening of negotiations for a Convention on international through railway traffic	13232/16
Council Decision authorising the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Poland, Romania and the Slovak Republic to conduct negotiations in the interest of the Union for a Convention on international through railway traffic, in respect of matters covered by the Council decision authorising the opening of negotiations for a Convention on international through railway traffic	13233/16
Council Conclusions on EU Statistics	14164/16
Council Conclusions on the criteria for and process leading to the establishment of the EU list of non-cooperative jurisdictions for tax purposes OJ C 461, 10.12.2016, p. 2–5	14166/16

**3496th meeting of the Council of the European Union (FOREIGN AFFAIRS / TRADE) held in Brussels on 11 November 2016**

## NON-LEGISLATIVE ACTS

ACT

DOCUMENT / STATEMENTS

Council Decision (EU) 2016/2369 of 11 November 2016 on the signing, on behalf of the Union, and provisional application of the Protocol of Accession to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the accession of Ecuador  
OJ L 356, 24.12.2016, p. 1–2

7620/16

Protocol of Accession to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the accession of Ecuador  
OJ L 356, 24.12.2016, p. 3–1456

7621/16

**Statement by Austria**

With regard to the provisional application by the European Union of the Protocol of Accession to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the accession of Ecuador, the Republic of Austria declares that it may implement those parts of the Agreement involving competences of the Member States only after all necessary internal procedures for entry into force of the Agreement have been completed. The Republic of Austria will initiate as expediently as possible its internal procedures and will, if any problem arises, consult with the European Commission.

**Statement by Ireland**

Ireland recalls the statement made by the Council on 31 May 2012 at the occasion of the adoption by the Council of the decision authorising the signature and the provisional application of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part. The Council's statement noted that:

'Should the implementation of the agreement by the European Union necessitate a recourse to measures pursuant to Part III, Title V, of the Treaty on the Functioning of the European Union, the provisions of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, will be fully respected.'

Ireland notes that the Council statement applies also to the accession by Ecuador to the Agreement and notes further that the Commission has, by letter dated 13 October 2016, notified Ecuador of the terms of the Council statement.

**Statement by Portugal**

Bearing in mind the compliance with the principle of competence sharing between the European Union and its Member States, as established by the Treaties, the Council Decision regarding the provisional application of the Protocol of Accession to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the Accession of Ecuador, shall not affect the autonomy of Portugal's decisions regarding issues within its national competence, whose international binding to Protocol of Accession, pursuant to its Constitutional principles and rules, depends on the conclusion of the internal ratification procedures and the entry into force of the Protocol of Accession in the international legal system.

**Statement by Slovenia**

On the basis of the allocation of competences between the European Union and its Member States under the Treaties, the Decision of the Council that authorises the provisional application of the Protocol of Accession to the Agreement between the European Union and its Member States, of one part, and Columbia and Peru, of the other part, to take into account of the Accession of Ecuador, shall not affect the autonomy of the Republic of Slovenia to decide to be bound by it with regard to issues falling within its national competence. That implies inter alia that reference in the said Protocol to internal requirements and procedures necessary for its provisional application is to be understood in the case of Slovenia as referring to the completion of ratification procedures.



### Statement by the United Kingdom

The United Kingdom welcomes the signature of the Protocol of Accession to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the Accession of Ecuador.

However, the United Kingdom considers that the Agreement contains provisions related to the temporary presence of natural persons for business which are pursuant to Title V of Part III of the Treaty on the Functioning of the Union. The United Kingdom recalls that, in accordance with Article 2 of Protocol (No. 21) to the Treaties on the position of the United Kingdom and Ireland in Respect of the Area of Freedom, Security and Justice, no provision of any international agreement concluded by the Union pursuant to that Title shall be binding upon or applicable in the United Kingdom unless, in accordance with Article 3 of the Protocol, it notifies its intention that it wishes to take part in the adoption and application of a proposed measure.

As a result, in accordance with Article 3 of Protocol (No. 21), the United Kingdom notified the President of the Council that, to the extent that the Decisions relate to the temporary presence of natural persons for business, it intends to take part in the Council Decisions.

Council Decision (EU) 2016/1995 of 11 November 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 Federative Republic of Brazil 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 308, 16.11.2016, p. 1–2

13036/16

Council Implementing Decision (EU) 2016/1989 of 11 November 2016 setting out a recommendation for prolonging temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk  
OJ L 306, 15.11.2016, p. 13–15

13979/16  
Voting rule: Qualified majority  
Voting results: Against: EL  
Abstentions: BG, CY, HU

## **Statement by Greece**

Greece regrets that the adoption of the Commission's proposal for a Council Implementing Decision setting out a Recommendation for prolonging temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk, is based, among others, on the assumption that 'a significant number of irregular migrants (about 60 000) stranded in Greece [who] may reasonably be expected to seek to move irregularly to the other Member States'.

Greece recalls its Follow-up report (12 August 2016) on the implementation of the Action plan on addressing the deficiencies identified in the field of management of its external borders following the evaluation of November 2015, where it presented its well-founded position that no risk of secondary movements from its territory to other EU Member States - such that can pose a threat to the internal security and public order in accordance with the Schengen Borders Code - can be substantiated.

Since the November 2015 evaluation, all border controls and patrols at all BCPs of Greece have been further tightened. Among others, in the framework of the National Operation 'SARISA', Greece has taken all necessary measures to prevent and deter any attempt of absconding from the mainland to the north, including to the former Yugoslav Republic of Macedonia. Furthermore, Greece has requested the deployment of Frontex Guest Officers at the land borders between Greece and Albania and Greece and the former Yugoslav Republic of Macedonia.

Greece believes that the "factual indicators" referred to in recital no.13 of this proposal cannot be adequately substantiated. The repeated mention of what is 'justified to expect' (recital no.5); what 'appears justified' (recital no.12); as well as of those 'who may reasonably be expected to seek to move irregularly to other Member states' (explanatory memorandum, p.3) proves that the proposal is based on speculations and lacks the necessary reasoning for prolonging temporary border controls in accordance to article 29 of the SBC.

Greece further recalls that the information provided by the five Schengen States (Austria, Germany, Denmark, Sweden and Norway) on the internal border controls has been scant and not sufficiently detailed, which is reflected in the 28 September 2016 Commission report on the implementation of the 12 May 2016 Council Recommendation. It, therefore, does not provide solid ground for prolonging temporary border controls.

Greece reiterates that adequate response on behalf of Member States to EASO and FRONTEX calls for experts is key to the success of the implementation of the EU-Turkey Statement.

In addition, the assumptions on the cumulated number of asylum applications received by Schengen States is irrelevant to the subject matter and it does not justify the need for the prolongation of the temporary internal border controls.

Consequently, Greece cannot agree to the proposal for this Council Implementing Decision.

### Statement by Hungary

Since the beginning of the migration crisis Hungary is of the opinion that the protection of the external borders is the key in stemming the influx of irregular migrants. We have to ensure that the external borders are crossed only in accordance with rules and regulations.

Hungary is convinced that the draft decision setting out a Recommendation for prolonging temporary internal border control gives an inadequate response to real problems and could lead to the collapse of the Schengen Area.

The draft decision itself highlights that information provided by the 5 Member States show a progressive stabilisation of the situation. The facts and data listed in the draft decision and the figures presented in the report of the European Commission on 28 September 2016 do not justify either the necessity or the proportionality of the maintenance of temporary border controls at the specified internal border sections. Neither the draft decision nor the report of the Commission present any objective evidence with regard to the entry points of the asylum seekers into the territory of the 5 Member States concerned.

The 'Back to Schengen Roadmap' does not provide the legal condition for maintaining the temporary border control at internal borders; however, Hungary agrees with the full implementation of the process of getting 'back to Schengen'.

Internal border control should be limited in scope, frequency, location and time, to what is strictly necessary to respond to the serious threat and to safeguard public policy and internal security, without hampering free movement unduly within the Schengen Area. The relevant Member States should be consulted regularly with a view to ensure that internal border controls are only carried out at those parts of the internal border where it is considered necessary and proportionate and the implementation should be monitored closely by the Commission and the relevant Member States.

Based on the aforementioned circumstances Hungary cannot support the adoption of the draft decision.

Council implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of management of the external borders by the Netherlands

13817/16

Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2016 evaluation of Italy on the application of the Schengen acquis in the field of the common visa policy

13590/16

<p>Council Decision (EU) 2016/2038 of 11 November 2016 establishing the position to be adopted on behalf of the European Union within the relevant committees of the United Nations Economic Commission for Europe as regards the proposals for amendments to UN Regulations Nos 7, 16, 37, 44, 45, 46, 48, 53, 78, 80, 83, 86, 87, 99, 105, 107, 110, 121, 128 and 129, the proposal for a UN regulation on heavy duty dual-fuel engine retrofit systems, the proposals for amendments to UN Global Technical Regulations 15 and 16, the proposals for two UN global technical regulations on the measurement procedure for two- or three-wheeled motor vehicles with regard to certain types of emissions and with regard to on-board diagnostics, respectively, and the proposal for a resolution on the common specification of light source categories OJ L 314, 22.11.2016, p. 14–18</p>	13748/16		
<b>3497th meeting of the Council of the European Union (AGRICULTURE AND FISHERIES) held in Brussels on 14 and 15 November 2016</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
<p>Regulation (EU) 2016/2134 of the European Parliament and of the Council of 23 November 2016 amending Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment OJ L 338, 13.12.2016, p. 1–33</p>	27/16	Qualified majority	All Member States in favour
<p>Regulation (EU) 2016/2135 of the European Parliament and of the Council of 23 November 2016 amending Regulation (EU) No 1303/2013 as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability OJ L 338, 13.12.2016, p. 34–36</p>	39/16	Qualified majority	All Member States in favour

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Conclusions on the European Court of Auditors' Special Report No 18/2016: "The EU system for the certification of sustainable biofuels"	14381/16
Council Decision (EU) 2016/2053 of 14 November 2016 on the signing, on behalf of the Union, of the Framework Agreement between the European Union and Kosovo on the general principles for the participation of Kosovo in Union programmes OJ L 319, 25.11.2016, p. 1–2	13390/16
<p><b>Statement by the Commission</b></p> <p>When determining the specific terms and conditions regarding the participation of Kosovo in each particular programme in accordance with Article 5 of the Framework Agreement, the Commission will ensure that they are without prejudice to the position of the Union on the status of Kosovo.</p>	
<p><b>Statement by the United Kingdom, Austria, the Czech Republic, France, Croatia, Italy, Sweden and Slovenia</b></p> <p>The United Kingdom, Austria, the Czech Republic, France, Croatia, Italy, Sweden and Slovenia would like to place on record their position that only individual Member States have the competence to recognise statehood.</p>	
<p><b>Statement by the United Kingdom</b></p> <p>The United Kingdom considers that Protocol 21 to the Treaties on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice is engaged in the proposals for Council Decisions on signature, provisional application and conclusion of the Framework Agreements between the European Union and Kosovo on the general principles for the participation of Kosovo in Union programmes, to the extent that these Decisions relate to the aforementioned state's participation in the Fiscalis 2020 action programme (Regulation 1286/2013) and Customs 2020 action programme (Regulation 1294/2013).</p> <p>Furthermore, the United Kingdom considers these Council Decisions to be an exercise of the EU's external competence in relation to the various sectoral policies pursued by the underlying programmes. Therefore the substantive legal bases for the underlying programmes should have been cited as the legal bases for these proposed Decisions on signature and conclusion. Where the programmes have justice and home affairs content, the proposed Council Decisions should cite the relevant legal bases from Title V of Part Three TFEU.</p>	

Council Decision (EU) 2016/2087 of 14 November 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 Iceland concerning additional trade preferences in agricultural products OJ L 324, 30.11.2016, p. 1–2	12150/16
<b>3498th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 14 and 15 November 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2016/1990 of 14 November 2016 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence. ) (EULEX KOSOVO) OJ L 306, 15.11.2016, p. 16–18	13277/16
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, the provisions that fall within the competence of the Union of a Comprehensive Agreement between the European Union and its Member States, of the one part, and the Republic of Azerbaijan, of the other part	13307/16
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 competences of the Member States of a Comprehensive Agreement between the European Union and its Member States, of the one part, and the Republic of Azerbaijan, of the other part	13308/16

Council Conclusions on EU-wide strategic framework to support Security Sector Reform (SSR)	13998/16		
Council Conclusions on the Fifth Review Conference of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (CCW) (Geneva, 12-16 December 2016)	14177/16		
Council Conclusions on the agreement on Iran	14089/16		
Council Implementing Decision (CFSP) 2016/2000 of 15 November 2016 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria OJ L 308, 16.11.2016, p. 20–21	14118/16		
Council Implementing Regulation (EU) 2016/1996 of 15 November 2016 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria OJ L 308, 16.11.2016, p. 3–4	14119/16		
Council Conclusions on Eastern Partnership	14244/16		
Council Conclusions on implementing the EU Global Strategy in the area of Security and Defence	14149 /16		
<b>3499th meeting of the Council of the European Union (GENERAL AFFAIRS) held in Brussels on 15 and 16 November 2016</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Council Decision (EU) 2016/2039 of 15 November 2016 adopting the Council's position on draft amending budget No 6 of the European Union for the financial year 2016 accompanying the proposal to mobilise the EU Solidarity Fund to provide assistance to Germany OJ L 314, 22.11.2016, p. 19–19	13653/16	Qualified majority	All Member States in favour

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2016/2039 of 15 November 2016 adopting the Council's position on draft amending budget No 6 of the European Union for the financial year 2016 accompanying the proposal to mobilise the EU Solidarity Fund to provide assistance to Germany OJ L 314, 22.11.2016, p. 19–19	13651/16
Council Conclusions on Strengthening Europe's Cyber Resilience System and Fostering a Competitive and Innovative Cybersecurity Industry	14540/16
Council Implementing Decision (CFSP) 2016/2000 of 15 November 2016 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria OJ L 308, 16.11.2016, p. 20–21	13297/16
Council Implementing Regulation (EU) 2016/1996 of 15 November 2016 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria OJ L 308, 16.11.2016, p. 3–4	13299/16
Decision (CFSP) 2016/2001 of 15 November 2016 on a Union contribution to the establishment and the secure management of a Low Enriched Uranium (LEU) Bank under the control of the International Atomic Energy Agency (IAEA) in the framework of the EU Strategy against the Proliferation of Weapons of Mass Destruction OJ L 308, 16.11.2016, p. 22–28	13714/16



<p>Council Decision (EU) 2016/2026 of 15 November 2016 on the financial contributions to be paid by Member States to finance the European Development Fund, including the ceiling for 2018, the annual amount for 2017, the first instalment for 2017 and an indicative and non-binding forecast for the expected annual amounts for the years 2019 and 2020 OJ L 313, 19.11.2016, p. 25–27</p>	<p>13741/16</p>
<p><b>Joint statement by France and Sweden</b></p> <p>France and Sweden have indicated their agreement to the Council Decision (13791/16 ACP) regarding the amount of the first instalment for 2017 and the annual amount for the same year, and on the ceiling of the contributions to the 11th European Development Fund (EDF) for 2018, taking into account the political priorities set out by the European Council which require the mobilisation of additional funds</p> <p>However, France and Sweden would like the European Commission to take the following points into consideration:</p> <ul style="list-style-type: none"> <li>– recalling our concerns regarding the methods used by the European Commission to establish its disbursement forecasts, we would like the draft Council Decision to set national contributions for 2018 at an appropriate and substantiated amount.</li> <li>– We invite the European Commission to continue and increase its efforts to actively monitor the implementation of the EDF and to keep the Council informed on budgetary matters. With regard to this last point, the European Commission could usefully: <ul style="list-style-type: none"> <li>• regularly share the numerical assumptions used to determine the proposed level of national contributions, in particular the methods number 1 and number 3 of estimating payment needs that were mentioned in Document No 109/16, for which France and Sweden thank the Commission;</li> <li>• routinely specify, for funding decisions amounting to a substantial total, what impact these are to have on payment forecasts and on the EDF's reserves.</li> </ul> </li> </ul>	
<p>Council Conclusions on Results and New Elements of Cohesion Policy and the European Structural and Investment Funds</p>	<p>14542/16</p>

<b>3501st meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS) held in Brussels on 18 November 2016</b>			
NON-LEGISLATIVE ACTS			
ACT	DOCUMENT / STATEMENTS		
Council Implementing Decision (EU) 2016/2047 of 18 November 2016 on the launch of automated data exchange with regard to DNA data in Denmark OJ L 318, 24.11.2016, p. 8–9	11219/16		
Implementing Decision (EU) 2016/2048 of 18 November 2016 on the launch of automated data exchange with regard to dactyloscopic data in Denmark OJ L 318, 24.11.2016, p. 10–11	11220/16		
Council Decision (EU) 2016/2044 of 18 November 2016 on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the People's Republic of China on the short-stay visa waiver for holders of diplomatic passports OJ L 318, 24.11.2016, p. 1–2	15470/15		
<b>Adoption of legislative acts following the European Parliament's Second Reading (Strasbourg, 21 to 24 November 2016)</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2016/2094 of the European Parliament and of the Council of 23 November 2016 amending Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks OJ L 330, 3.12.2016, p. 1–4	44/16 (14719/16)	Not applicable	Not applicable

**3502nd meeting of the Council of the European Union (EDUCATION, YOUTH, CULTURE AND SPORT) held in Brussels on 21 and 22 November 2016**

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2016/2234 of 21 November 2016 on the signing, on behalf of the Union, of the Cooperation Agreement between the European Union and the Agency for Aerial Navigation Safety in Africa and Madagascar (ASECNA) on the development of satellite navigation and the provision of associated services in ASECNA's area of competence for the benefit of civil aviation OJ L 337, 13.12.2016, p. 1–2	13520/16
Cooperation Agreement between the European Union and the Agency for Aerial Navigation Safety in Africa and Madagascar (ASECNA) on the development of satellite navigation and the provision of associated services in ASECNA's area of competence for the benefit of civil aviation	13661/16
Council Implementing Decision (EU) 2016/2090 of 21 November 2016 amending Decision 2009/790/EC authorising the Republic of Poland to apply a measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax OJ L 324, 30.11.2016, p. 7–8	13842/16
Decision (EU) 2016/2136 of 21 November 2016 on the signing, on behalf of the European Union, of the Agreement between the European Union and Iceland on the protection of geographical indications for agricultural products and foodstuffs OJ L 332, 7.12.2016, p. 1–2	11785/16

<p>Council Decision (EU) 2017/75 of 21 November 2016 on the signing, on behalf of the Union and its Member States, and provisional application of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union</p> <p>OJ L 12, 17.1.2017, p. 1–2</p>	13822/16
<p>Decision (Euratom) 2017/76 of 21 November 2016 approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union</p> <p>OJ L 12, 17.1.2017, p. 22–23</p>	13825/16
<p>Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, to take account of the accession of the Republic of Croatia to the European Union</p> <p>OJ L 12, 17.1.2017, p. 3–21</p>	13823/16
<p>Council Decision (CFSP) 2016/2040 of 21 November 2016 amending Decision 2010/279/CFSP on the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN), providing for its liquidation</p> <p>OJ L 314, 22.11.2016, p. 20–21</p>	12412/16
<p>Conclusions of the Council and of the representatives of the Governments of the Member States, meeting within the Council, on promoting new approaches in youth work to uncover and develop the potential of young people</p> <p>OJ C 467, 15.12.2016, p. 8–11</p>	14277/16

Council Resolution on A New Skills Agenda for an Inclusive and Competitive Europe OJ C 467, 15.12.2016, p. 1–2	13413/16
Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the prevention of radicalisation leading to violent extremism OJ C 467, 15.12.2016, p. 3–7	14276/16
Council Conclusions on sport diplomacy OJ C 467, 15.12.2016, p. 12–14	14279/16
<b>Written procedure completed on 24 November 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Implementing Decision approving the conclusion by the European Police Office (Europol) of the Agreement on Operational and Strategic Cooperation between Ukraine and Europol	10345/1/16 REV 1
<b>Written procedure completed on 28 November 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Regulation fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2016/72	13196/16 Voting rule: Qualified majority Voting result: All Member States in favour

**Joint Statement by the Commission and Germany on the option of support for the temporary cessation of fishing activities by the European Maritime and Fisheries Fund (EMFF)**

1. Point (b) of Article 5(4) of Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks allows the Member States to adopt emergency measures in accordance with Article 13 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.
2. According to the assessment of the International Council for the Exploration of the Sea (ICES), the cod stock in the western Baltic Sea is in a very critical state. The spawning stock biomass of cod is below the spawning stock biomass limit laid down in column B of Annex II to Regulation (EU) 2016/1139. There is an urgent need to adopt corrective measures in order to reach a level above the minimum reference point.
3. Germany therefore deems it necessary to adopt emergency measures in accordance with Article 13(1) of Regulation 1380/2013. The emergency measures consist of limitation of fishing activities by additional 30 days for German fishing vessels fishing for cod in Subdivisions 22-24 of as follows: the 30 days in the form of three 10-day blocks which fishermen are free to determine independently within the fishing periods from 1 January to 31 January and from 1 April to 30 June 2017.
4. The Commission welcomes the decision of Germany to implement this emergency measure.
5. Germany considers that this emergency measure under point (a) of Article 33(1) of Regulation (EU) No 508 /2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 2328/2003 is eligible for funding from the EMFF.

**Statement by Poland**

The compromise text as adopted, which aims to ensure a balanced approach and protect stocks in the Baltic Sea, will demand many sacrifices of and place a heavy burden on the fishing industry.

Poland therefore takes the view that the European Fisheries Fund should accord special protection to coastal fishing, which has a low environmental impact, and which makes an essential contribution towards preserving the cultural heritage of the Baltic Sea region.

Poland would explicitly like to mention the need to adapt the operational programme in such a way as to provide fishermen with additional opportunities for conserving resources in the Baltic Sea.

Furthermore, Poland requests special control of fishing in the Baltic Sea with particular regard to industrial fisheries, which have a significant, negative impact on cod stocks.

Poland would also urge the BALTFISH Presidency to take immediate and decisive action to introduce biological recovery periods for both cod stocks and pelagic species in the Baltic Sea.

**Statement by Estonia, Latvia, Lithuania and Poland on Baltic cod**

Estonia, Latvia, Lithuania and Poland are of the opinion that the political agreement for the Baltic Sea cod stocks for 2017 is without prejudice to any future discussion on the distribution of stocks and allocation of fishing possibilities between areas. Estonia, Latvia, Lithuania and Poland underscore the importance of maintaining relative stability.

**3503rd meeting of the Council of the European Union (COMPETITIVENESS (INTERNAL MARKET, INDUSTRY, RESEARCH AND SPACE)) held in Brussels on 28 and 29 November 2016**

## LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
General budget of the European Union for the financial year 2017	14635/16	Qualified majority	All Member States in favour, except: Abstention: EL, IT, UK

## **1. Joint statement on the Youth Employment Initiative**

The European Parliament, the Council and the Commission recall that reducing youth unemployment remains a high and shared political priority, and to this end they reaffirm their determination to make the best possible use of budgetary resources available to tackle it, and in particular through the Youth Employment Initiative (YEI).

They recall that, in accordance with Article 14(1) of Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (MFF Regulation), "Margins left available below the MFF ceilings for commitment appropriations for the years 2014-2017 shall constitute a Global MFF Margin for commitments, to be made available over and above the ceilings established in the MFF for the years 2016 to 2020 for policy objectives related to growth and employment, in particular youth employment".

The Council and the European Parliament invite the Commission to propose an amending budget in 2017 in order to provide EUR 500 million for the YEI in 2017 financed by the Global margin for commitments, as soon as the technical adjustment foreseen by Article 6 of the MFF Regulation is adopted.

The Council and the European Parliament undertake to process rapidly the draft amending budget for 2017 put forward by the Commission.

## **2. Joint statement on payment appropriations**

The European Parliament and the Council recall the need to ensure, in the light of implementation, an orderly progression of payments in relation to the appropriations for commitments so as to avoid any abnormal level of unpaid invoices at year-end.

The European Parliament and the Council calls on the Commission to continue monitoring closely and actively the implementation of the 2014-2020 programmes. To that end, they invite the Commission to present in a timely manner, updated figures concerning the state of implementation and estimates regarding payment appropriations requirements in 2017.

The Council and the European Parliament will take any necessary decisions in due time for duly justified needs to prevent the accumulation of an excessive amount of unpaid bills and to ensure that payment claims are duly reimbursed.



### **3. Joint statement on the 5 % staff reduction**

The European Parliament, the Council and the Commission recall the agreement to progressively render 5 % of the staff as in the establishment plan on 1 January 2013, to be applied to all institutions, bodies and agencies, as stated 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 three institutions recall that the target year for the full implementation of the 5 % reduction of staff is 2017. They agree that appropriate follow-up measures will be taken to take stock of the situation with a view to ensuring that all efforts are deployed to avoid any additional delays in implementing the 5 % staff reduction target for all institutions, bodies and agencies.

The three institutions welcome the Commission's overview of consolidated data on all external staff employed by the institutions, presented in the draft budget, in line with point (b) of Article 38(3) of the Financial Regulation. They invite the Commission to continue providing this information when presenting its draft budgets for future years.

The Council and the Parliament underline that achieving the 5 % staff reduction target should contribute to savings in the institutions' administrative expenditure. With that in mind, they invite the Commission to start assessing the outcome of the exercise in order to draw lessons for the future.

### **4. Joint statement on the European Fund for Sustainable Development**

In order to address the root causes of migration, the Commission launched the European Fund for Sustainable Development (EFSD) based on the establishment of an EFSD Guarantee and an EFSD Guarantee Fund. The Commission proposes to endow the EFSD Guarantee Fund with EUR 750 million over the period 2017–2020, of which EUR 400 million from the European Development Fund (EDF) over the four years, EUR 100 million from the ENI over 2017–2020 (of which EUR 25 million in 2017), and EUR 250 million of commitment (and payment) appropriations in 2017.

The Council and the European Parliament invite the Commission to request the necessary appropriations in an amending budget in 2017 in order to provide the financing of the EFSD from the EU budget as soon as the legal base is adopted.

The Council and the European Parliament undertake to process rapidly the draft amending budget for 2017 put forward by the Commission.

## **5. Joint statement on EU Trust Funds and the Facility for Refugees in Turkey**

The European Parliament, the Council and the Commission agree that the establishment of Trust Funds and of the Facility for Refugees in Turkey should be transparent and clear, consistent with the principle of unity of the Union budget, with the prerogatives of the budgetary authority, and with the objectives of existing legal bases.

They undertake to address, as appropriate, those issues as part of the revision of the Financial Regulation in order to strike the right balance between flexibility and accountability.

The Commission undertakes to:

- regularly inform the budgetary authority on ongoing and planned Trust Funds' financing (including Member States' contributions) and operations;
- present, as of 2017, a Working Document accompanying the draft budget for the following financial year;
- propose measures for proper involvement of the European Parliament.

## **6. Joint statement on agriculture**

The budget 2017 includes a series of emergency measures to assist farmers in facing the market difficulties experienced recently. The Commission confirms that the margin under heading 2 is sufficient to address possible unforeseen needs. It undertakes to monitor the market situation regularly and to present if needed the appropriate measures to address needs which cannot be covered by the appropriations authorised in the budget. In such a case, the European Parliament and the Council commit to process the relevant budgetary proposals as soon as possible.

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Decision of the European Parliament and of the Council on the mobilisation of the Contingency Margin in 2017	14636/16
Decision of the European Parliament and of the Council on the mobilisation of the Flexibility Instrument to finance immediate budgetary measures to address the on-going migration, refugee and security crisis	14637/16
Decision of the European Parliament and of the Council on the mobilisation of the European Union Solidarity Fund to provide for the payment of advances in the general budget of the Union for 2017	10763/16
Council Decision (CFSP) 2016/2360 of 28 November 2016 on the signing and conclusion of the Acquisition and Cross-Servicing Agreement between the European Union and the United States of America OJ L 350, 22.12.2016, p. 1–2	10330/16
Acquisition and Cross-Servicing Agreement between the European Union and the United States of America (US-EU-01) OJ L 350, 22.12.2016, p. 3–14	10332/16
Council Decision (CFSP) 2016/2083 of 28 November 2016 amending Decision 2014/486/CFSP on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) OJ L 321, 29.11.2016, p. 55–56	13551/16
Council Conclusions on "Measures to support early stage researchers, raise the attractiveness of scientific careers and foster investment in human potential in research and development"	15013/16

<b>3504th meeting of the Council of the European Union (FOREIGN AFFAIRS/DEVELOPMENT) held in Brussels on 28 November 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Conclusions on the first Results Report on EU international cooperation and development	14676/16
Council Conclusions on mainstreaming digital solutions and technologies in EU development policy	14682/16
Council Conclusions on the EU Common position for the second High Level Meeting of the Global Partnership for Effective Development Cooperation (GPEDC) (Nairobi, 29 November-1 December 2016)	14684/16
Council Conclusions on the European Court of Auditors Special Report No 15/2016: 'Did the Commission effectively manage the Humanitarian aid provided to populations affected by conflicts in the African Great Lakes Region?'	14867/16
Council Decision (CFSP) 2016/2082 of 28 November 2016 amending Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast OJ L 321, 29.11.2016, p. 53–54	13274/16
Council Decision on the signing, on behalf of the European Union and its Member States, and provisional application of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, to take account of the accession of the Republic of Croatia to the European Union	13947/16
Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, to take account of the accession of the Republic of Croatia to the European Union	13949/16
Council Conclusions on Energy and Development	14839/16