

Brussels, 4 May 2017  
(OR. en)

8509/1/17  
REV 1

PUBLIC 26  
INF 81

## NOTE

---

Subject: MONTHLY SUMMARY OF COUNCIL ACTS - DECEMBER 2016

---

This document lists the acts adopted by the Council in December 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.

---

<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 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 DECEMBER 2016**

**3505th meeting of the Council of the European Union (Transport, Telecommunications and Energy) held in Brussels on 1, 2 and 5 December 2016**

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Decision authorising the Commission to open negotiations on a comprehensive air transport agreement between the European Union and its Member States and the Republic of Armenia as regards matters falling within the exclusive Union competence	13833/16
Decision of the Representatives of the Governments of the Member States, meeting within the Council, authorising the European Commission to negotiate, on behalf of the Member States, the provisions of a comprehensive air transport agreement between the European Union and its Member States and the Republic of Armenia on matters that do not fall within the exclusive Union competence	13833/16

### **Statement by the Commission**

1. The Commission takes note of the intention of the Council to adopt a decision to authorise the Commission to open negotiations with Armenia as regards matters falling within the exclusive Union competence. At the same time the Representatives of the Governments of the Member States, meeting within the Council, have the intention to adopt a decision authorising the European Commission to negotiate on behalf of the Member States on matters that do not fall within the exclusive Union competence.
2. The Commission considers that the Union is competent to negotiate and conclude comprehensive agreements in the field of air transport, in all their parts. It also recalls that, in accordance with the jurisprudence of the Court, as reflected in Case C-459/03 (points 92 to 95), the existence of the Union's external competence is not in principle contingent on the adoption of measures of secondary law covering the area in question.
3. Therefore, the Commission does not agree that the Union can participate in the negotiations only "as regards matters falling under the exclusive Union competence" (Article 1) nor that negotiating directives on matters covered by Union competence, even if only shared and not yet exercised, could in any way "affect" Member State competences (Article 2).
4. The Commission considers moreover that the negotiation of a comprehensive air transport agreement by the Union alone is the most effective way to achieve the objectives of the Common Transport Policy, in particular as regards a common treatment to be granted within the Union to air carriers established in third countries and a common treatment to be granted by third countries to Union air carriers.
5. In order for the benefits to be reaped from the international aviation agreements without undue delay, they should apply as soon as possible after their signature. The current practice shows that the participation of Member States in such agreements causes considerably delays in their entry into force, while provisional application is not always ensured in those cases. This is contrary to the interest of the Union. The duty of sincere cooperation (Article 4(3) TEU) requires the institutions and Member States to do everything possible to facilitate the exercise of the Union's powers and to abstain from any measure which could jeopardise the attainment of the objectives of the Treaties.

6. The Commission considers moreover that the time limitation of the authorisation(s) is incompatible with the Treaties, and in particular with Article 218(3) TFEU.
7. The Commission maintains its view that – in the absence of any draft text at this stage - Article 218(3) and (4) TFEU provide a sufficient legal basis for the Council Decision, without any substantive legal base being necessary.
8. The Commission reserves its right to make use, if necessary, of all the legal means at its disposal to ensure the respect of the provisions of the Treaties.

#### **Statement by Germany**

Germany agrees to grant a mandate to the Commission to enter into negotiations on a comprehensive air transport agreement with the Republic of Armenia.

However, it gives its consent only on an exceptional basis, against the background of paragraph 29 of the Joint Declaration of the Eastern Partnership Summit held in Riga on 21-22 May 2015. It must not be understood as a precedent for the granting of future mandates.

Germany is of the opinion that negotiations should be focused on the agreements for which mandates have already been granted. Germany's decision on the possible granting of additional mandates will depend on the progress made with the aforementioned negotiations. Clear priorities must be set in order to avoid conducting too many negotiations at the same time.

Council Regulation (EU) 2016/2145 of 1 December 2016 amending Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products  
OJ L 333, 8.12.2016, p. 1–3

14148/16

#### **Statement by the Commission**

The Commission confirms that paragraph 2 of the new Article 1a of Regulation No 1370/2013 provides for a regular review of the reference thresholds, taking account of objective criteria, notably developments in production, costs of production (in particular prices of inputs), and market trends. It undertakes to inform the Council of the results of this review in 2017.

Council Decision (CFSP) 2016/2112 of 1 December 2016 amending Decision 2014/401/CFSP on the European Union Satellite Centre OJ L 327, 2.12.2016, p. 78–78		7754/16	
Council Decision (EU) 2016/2143 of 1 December 2016 on the position to be adopted on behalf of the European Union within the CARIFORUM-EU Trade and Development Committee of the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, as regards the establishment of a Special Committee on Agriculture and Fisheries OJ L 332, 7.12.2016, p. 18–21		10962/16	
<b>3506th meeting of the Council of the European Union (Economic and Financial Affairs) held in Brussels on 6 December 2016</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Council Directive (EU) 2016/2258 of 6 December 2016 amending Directive 2011/16/EU as regards access to anti-money-laundering information by tax authorities OJ L 342, 16.12.2016, p. 1–3	13885/16	Unanimity	All Member States in favour

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Conclusions Tackling bottlenecks to investment identified under the Third Pillar of the Investment Plan	14791/16
Council Decision (EU) 2016/2163 of 6 December 2016 amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Banca d'Italia OJ L 333, 8.12.2016, p. 72–72	14609/16
Council Decision (EU) 2016/2267 of 6 December 2016 amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of Banc Ceannais na hÉireann/the Central Bank of Ireland OJ L 342, 16.12.2016, p. 32–33	14550/16
Council Implementing Decision (EU) 2016/2265 of 6 December 2016 amending Decision 2007/884/EC authorising the United Kingdom to continue to apply a measure derogating from Articles 26(1)(a), 168 and 169 of Directive 2006/112/EC on the common system of value added tax OJ L 342, 16.12.2016, p. 28–29	13143/16
Council Implementing Decision (EU) 2016/2266 of 6 December 2016 authorising the Netherlands to apply a reduced rate of taxation to electricity supplied to charging stations for electric vehicles OJ L 342, 16.12.2016, p. 30–31	14122/16
Council Conclusions on the Commission Report to the Council on the evaluation of Directive 92/83/EEC	14722/16
Council Conclusions on the Code of Conduct (Business Taxation)	15276/16
Council Conclusions on the Commission Communication on building a fair, competitive and stable corporate tax system for the EU	15315/16

Council Conclusions on Special Report No 1/2016 "Is the Commission's system for performance measurement in relation to farmers' incomes well designed and based on sound data?",	15300/16
Council Conclusions on the Progress Report on the implementation of the EU Strategy and Action Plan for customs risk management	14894/16
Council Decision (EU) 2016/2232 of 6 December 2016 on the signing, on behalf of the Union, and provisional application of the Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part OJ L 337I , 13.12.2016, p. 1–2	12501/16
Political Dialogue and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Cuba, of the other part OJ L 337I , 13.12.2016, p. 3–40	12504/16
Council Decision (CFSP) 2016/2233 of 6 December 2016 repealing Common Position 96/697/CFSP on Cuba OJ L 337I , 13.12.2016, p. 41–41	12509/16
Council Conclusions on the Implementation of the Joint Declaration by the President of the European Council, the President of the European Commission and the Secretary General of the North Atlantic Treaty Organization	15283/16
Council Decision (CFSP) 2016/2144 of 6 December 2016 amending Decision 2013/255/CFSP concerning restrictive measures against Syria OJ L 332, 7.12.2016, p. 22–24	12578/16
Council Regulation (EU) 2016/2137 of 6 December 2016 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria OJ L 332, 7.12.2016, p. 3–6	12580/16



**3507th meeting of the Council of the European Union (Employment, Social Policy, Health and Consumer Affairs) held in Brussels on 8 December 2016**

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (Text with EEA relevance ) OJ L 344, 17.12.2016, p. 1–31	34/16	Qualified majority	All Member States in favour, except: Against: DK, LT, HU, AT, PL, RO Abstention: HR

**Statement by the Commission on the Review of Methane Emissions**

The Commission considers that there is a strong air quality case for keeping the development of methane emissions in the Member States under review in order to reduce ozone concentrations in the EU and to promote methane reductions internationally.

The Commission confirms that on the basis of the reported national emissions, it intends to further assess the impact of methane emissions on achieving the objectives set out in Art. 1 paragraph 2 of the NEC Directive and will consider measures for reducing those emissions, and where appropriate, submit a legislative proposal to that purpose. In its assessment, the Commission will take into account a number of ongoing studies in this field, due to be finalised in 2017, as well as further international developments in this area.

### **Statement by the Commission**

The Commission underlines that it is contrary to the letter and to the spirit of regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5§4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established in Article 5§4, recourse to subparagraph 2, point b) cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.

### **Joint statement by Hungary, Poland and Romania**

Hungary, Poland and Romania support the aim to improve air quality thus protecting both human health and the environment. However we wish to express our concerns regarding both the method used for sharing the burden among Member States on the targets under this Directive and the procedure for reaching the agreement in the Council and with the European Parliament. We regret that the distribution of targets among Member States with a comparable situation was set arbitrarily relative to one-another, in a non-transparent and disproportionate manner. We express our dissatisfaction that the method through which the respective reduction targets were established was not presented or explained sufficiently to Member States at the time the decision was taken or since.

We consider that setting the targets under this Directive could have been done without disregarding basic principles of the cooperation in the EU: proportionality, loyal cooperation and equal treatment of Member States. We are convinced that the solidarity among the Member States in the Council is a crucial building block during the whole decision making process. It is particularly important that the qualified majority vote is not, in particular in case of country specific obligations, used in a way that puts unjustified and unacceptable burden on some Member States that are not part of a qualified majority.

We express once again our concern that this mode of negotiation can create a negative precedent for future negotiations in the Council. We are deeply convinced that all negotiations should be fully transparent and result in an outcome which is proportionate and fair for all Member States. In the future the legal acts with country-specific obligations should not be adopted without submitting adequate and timely explanation and without substantive discussions with all Member States.

In view of the above, Hungary, Poland and Romania express their major disappointment on the final compromise on NEC Directive regarding the targets for emissions reduction and will vote against its adoption.

**Statement by Croatia**

Croatia welcomes all the efforts made to reach a compromise on the Proposal for a directive of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC with a view to significantly improve the environment and reduce the adverse health effects of air pollution.

However, due to the revision of the Energy balance and uncertainty of its effects on projections, Croatia is currently finalizing national analysis. Therefore, Croatia continues to express reservations regarding the compromise proposal of the NEC Directive.

Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (Text with EEA relevance) OJ L 354, 23.12.2016, p. 37–85	35/16	Qualified majority	All Member States in favour; except: Abstention: UK
Decision (EU) 2016/2371 of the European Parliament and of the Council of 14 December 2016 providing further macro-financial assistance to the Hashemite Kingdom of Jordan OJ L 352, 23.12.2016, p. 18–25	45/16	Qualified majority	All Member States in favour

**Joint Statement by the European Parliament, the Council and the Commission**

In light of the fiscal challenges and extraordinary circumstances Jordan faces as a result of hosting more than 1,3 million Syrians, the Commission will in 2017, if appropriate, submit a new proposal for extending and increasing MFA to Jordan, upon the successful conclusion of the second MFA and provided that the usual preconditions for this type of assistance, including an updated assessment by the Commission of Jordan's external financing needs, are met. This critical assistance for Jordan would help the country maintain macroeconomic stability while also preserving development gains and continuing with the country's reform agenda.

Regulation (EU) 2016/2339 of the European Parliament and of the Council of 14 December 2016 amending Regulation (EU) No 952/2013 laying down the Union Customs Code, as regards goods that have temporarily left the customs territory of the Union by sea or air OJ L 354, 23.12.2016, p. 32–34	50/16	Qualified majority	All Member States in favour
Regulation (EU) 2016/2340 of the European Parliament and of the Council of 14 December 2016 amending Regulation (EU) No 1286/2014 on key information documents for packaged retail and insurance-based investment products as regards the date of its application (Text with EEA relevance) OJ L 354, 23.12.2016, p. 35–36	51/16	Qualified majority	All Member States in favour
NON-LEGISLATIVE ACTS			
ACT		DOCUMENT / STATEMENTS	
Council Conclusions on Accelerating the Process of Roma Integration		15406/16	
Council Conclusions on Women and Poverty		15409/16	
<p><b>Statement by Poland</b></p> <p>On paragraph 18, 19, 31 and Annex I:</p> <p>With regard to possible future work within the Council on critical areas of concern under the Beijing Platform of Action, Poland affirms its right to oppose the development of indicators which would lead to create any obligation as well as additional administrative and financial burden.</p> <p>Therefore, Poland would like to highlight the low reliability of the proposed indicators, resulting from the small scale of the phenomenon and a small number of migrants in the sample and the methodology which was applied to the research (based on the EU-SILC and LFS).</p>			
Council Conclusions on Implementation of the Youth Guarantee and the Youth Employment Initiative		15410/16	

**3508th meeting of the Council of the European Union (Justice and Home Affairs) held in Brussels on 8 and 9 December 2016**

## NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2017/479 of 8 December 2016 on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Kingdom of Norway 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 75, 21.3.2017, p. 1–2	13712/16
Agreement between the European Union and the Kingdom of Norway 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 75, 21.3.2017, p. 3–11	13711/16
Council Conclusions on strengthening the EU internal security's external dimension in the Western Balkans including via the Integrative Internal Security Governance (IISG)	15413/16
Council Conclusions on countering environmental crime	15412/16

<p>Council Decision (EU) 2016/2311 of 8 December 2016 authorising certain Member States to accept, in the interest of the European Union, the accession of Kazakhstan to the 1980 Hague Convention on the Civil Aspects of International Child Abduction OJ L 345, 20.12.2016, p. 53–55</p>	<p>12326/16</p>
<p><b>Statement by the delegations of Belgium, Germany, Spain, France, Italy, Luxembourg, Austria and Poland</b></p> <p>Where the European Union adopts internal legislative acts and on this basis, it exercises external exclusive competence, the Member States bound by those legislative acts take part in the acts that the Union adopts as part of this external competence.</p> <p>In the context of this decision, all the Member States of the European Union bound by Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 consequently take part in the adoption of the decision authorising certain Member States to accept, in the interest of the European Union, the accession of Kazakhstan to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.</p>	
<p>Council Decision (EU) 2016/2312 of 8 December 2016 authorising the Republic of Austria and Romania to accept, in the interest of the European Union, the accession of Peru to the 1980 Hague Convention on the Civil Aspects of International Child Abduction OJ L 345, 20.12.2016, p. 56–58</p>	<p>12327/16</p>
<p><b>Statement by the delegations of Belgium, Germany, Spain, France, Italy, Luxembourg, Austria and Poland</b></p> <p>Where the European Union adopts internal legislative acts and on this basis, it exercises external exclusive competence, the Member States bound by those legislative acts take part in the acts that the Union adopts as part of this external competence.</p> <p>In the context of this decision, all the Member States of the European Union bound by Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 consequently take part in the adoption of the decision authorising the Republic of Austria and Romania to accept, in the interest of the European Union, the accession of Peru to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.</p>	

Council Decision (EU) 2016/2313 of 8 December 2016 authorising certain Member States to accept, in the interest of the European Union, the accession of the Republic of Korea to the 1980 Hague Convention on the Civil Aspects of International Child Abduction OJ L 345, 20.12.2016, p. 59–61	12328/16
<b>Statement by the delegations of Belgium, Germany, Spain, France, Italy, Luxembourg, Austria and Poland</b>	
Where the European Union adopts internal legislative acts and on this basis, it exercises external exclusive competence, the Member States bound by those legislative acts take part in the acts that the Union adopts as part of this external competence.	
In the context of this decision, all the Member States of the European Union bound by Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 consequently take part in the adoption of the decision authorising certain Member States to accept, in the interest of the European Union, the accession of the Republic of Korea to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.	
Council Conclusions on the European Judicial Network in civil and commercial matters	15349/16
Conclusions of the Council and the Representatives of the Governments of the Member States on the integration of third-country nationals legally residing in the EU	14480/16
Council Decision (EU, Euratom) 2016/2353 of 8 December 2016 amending the Council's Rules of Procedure OJ L 348, 21.12.2016, p. 27–29	14730/16
<b>Written procedure completed on 8 December 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2016/2217 of 8 December 2016 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 334, 9.12.2016, p. 35–39	15036/1/16 REV 1

**3509th meeting of the Council of the European Union (Agriculture and Fisheries) held in Brussels on 12 and 13 December 2016**

## NON-LEGISLATIVE ACTS

ACT

DOCUMENT / STATEMENTS

Council Regulation (EU) 2016/2285 of 12 December 2016 fixing for 2017 and 2018 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks and amending Council Regulation (EU) 2016/72  
OJ L 344, 17.12.2016, p. 32–45

14623/16

**Statement by the Council and the Commission on data-poor stocks**

The Council and the Commission agree that lack of reliable data impairs advice for fish stocks. The Council and the Commission strongly encourage the relevant Member States to improve the collection and analysis of data to be transmitted to the relevant scientific bodies in order to facilitate sustainable management of the relevant fisheries.

**Statement by Spain and Portugal on data collection for red seabream in relevant CECAF and GFCM areas**

ICES pointed out that the current TAC for red seabream does not limit the whole fishery because it applies only to subarea IX. Catches from this stock that are caught in the adjacent areas are not regulated by the current TAC. With a view of improving management of red seabream in the subarea IX as well as improving the scientific assessment of the stock, Spain and Portugal will continue to cooperate on data collection by providing to the Commission the data of their catches for the last ten years in the relevant CECAF and GFCM areas before 1 April 2017. This information will be submitted to the Commission and forwarded to ICES by the Commission with a request for an updated scientific advice, for the whole distribution area of the stock and its units as defined by ICES.



**Statement by the Commission and Portugal on red seabream in area X**

The Commission and Portugal take note of the fact that the TAC for red seabream in area X for 2017 and 2018 is set while ICES is expected to revise its advice for this stock in early 2017. Following any such revision, the Commission will, where appropriate, propose a revised TAC for 2017 and 2018, in line with the scientific advice. Portugal will support a revision of the TAC, in line with the scientific advice, even if this results in a decrease of the fishing opportunities.

**Statement by the Commission and Spain, France and Portugal on a minimum conservation reference size for red seabream (all areas)**

The Member States concerned agree to support the Commission's draft regulation of setting a minimum conservation reference size of 33 cm for red seabream for all stocks.

**Statement by Portugal on black scabbard fishery with longlines**

Portugal will establish a management plan for the black scabbard fishery with longlines. The plan will include improvements to the selectivity of by-catches of deep-sea sharks.

**Statement by Portugal on black scabbard fish in various areas including area IX**

Considering the positive trend in the abundance index of black scabbard fish in areas including area ICES IX as presented in the last ICES advice, Portugal calls on the Commission to ask ICES for a mid-term review of the state of the resource and a possible revision of the TACs.

Portugal is committed to supply scientific data to support the referred review by ICES and by the Commission.

**Statement by Spain with regard to recital 11**

The Kingdom of Spain wishes to express its concern regarding the wording of recital 11 of the proposal, which could be understood to mean that catches of roundnose grenadier have been misreported as catches of roughhead grenadier, and that restrictive measures may be taken based on this possibility.

We would like to stress our conviction that the fishing activity conducted has been carried out within the parameters of lawful use of fishing opportunities and with due regard for the principle of sustainability of resources.

We feel that it is precisely such inaccuracies as those contained in this recital which have given rise to this complicated situation whereby a species has been included for which no advice is available, whose inclusion is very difficult to justify, and with a quota increase which is very badly distributed and calculated. We would also like to recall that this issue is sub judice.

Decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund following an application from Spain – EGF/2016/004 ES/Comunidad Valenciana automotive	14709/16
Council Decision (EU) 2016/2354 of 12 December 2016 on the position to be adopted, on behalf of the European Union, within the Sanitary and Phytosanitary Sub-Committee established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other, as regards the modification of Annex XI-B to that Agreement OJ L 348, 21.12.2016, p. 30–55	13577/16
Council Decision (EU) 2016/2355 of 12 December 2016 on the position to be taken on behalf of the European Union within the Association Committee in Trade configuration established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, as regards the establishment of a list of arbitrators OJ L 348, 21.12.2016, p. 56–59	13579/16
Council Conclusions on Strengthening farmers’ position in the food supply chain and tackling unfair trading practices	15508/16

**3510th meeting of the Council of the European Union (Foreign Affairs) held in Brussels on 12 December 2016**

## NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Conclusions on South Sudan	14964/16
Council Conclusions on the Democratic People's Republic of Korea	15434/16
Council Decision (EU) 2016/2342 of 12 December 2016 on the conclusion, on behalf of the European Union and its Member States, of the Protocol to the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Vietnam, of the other part, to take account of the accession of the Republic of Croatia to the European Union OJ L 348, 21.12.2016, p. 1–2	13079/14
Protocol to the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam, of the other part, to take account of the accession of the Republic of Croatia to the European Union OJ L 348, 21.12.2016, p. 3–6	13078/14
Council Decision (EU) 2017/43 of 12 December 2016 on the position to be adopted, on behalf of the European Union, in the Association Committee in Trade configuration established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, in relation to the update of Annexes XXI-A to XXI-P on regulatory approximation in the area of public procurement OJ L 6, 11.1.2017, p. 2–35	14373/16
Council Decision (CFSP) 2016/2238 of 12 December 2016 amending Decision 2010/452/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia OJ L 337, 13.12.2016, p. 15–15	13557/16

Council Decision (CFSP) 2016/2239 of 12 December 2016 amending and extending Decision 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces OJ L 337, 13.12.2016, p. 16–17	13846/16
Council Decision (CFSP) 2016/2231 of 12 December 2016 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo OJ L 336I , 12.12.2016, p. 7–14	14481/16
Council Regulation (EU) 2016/2230 of 12 December 2016 amending Council Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo OJ L 336I , 12.12.2016, p. 1–6	14489/16
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 external borders (Algeciras Port) by Spain	15144/16
Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2016 evaluation of Luxembourg on the application of the Schengen acquis in the field of return	15147/16

**Adoption of legislative acts following the European Parliament's Second Reading (Strasbourg, 12 to 15 December 2016)**

## LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2016/2336 of the European Parliament and of the Council of 14 December 2016 establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic and repealing Council Regulation (EC) No 2347/2002 OJ L 354, 23.12.2016, p. 1–19	11625/1/16 REV 1 (15525/16)	Not applicable	Not applicable
Directive (EU) 2016/2370 of the European Parliament and of the Council of 14 December 2016 amending Directive 2012/34/EU as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure (Text with EEA relevance) OJ L 352, 23.12.2016, p. 1–17	11199/1/16 REV1 (15519/16)	Not applicable	Not applicable
Regulation (EU) 2016/2338 of the European Parliament and of the Council of 14 December 2016 amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail (Text with EEA relevance ) OJ L 354, 23.12.2016, p. 22–31	11198/1/16 REV1 (15518/16)	Not applicable	Not applicable
Regulation (EU) 2016/2337 of the European Parliament and of the Council of 14 December 2016 repealing Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings (Text with EEA relevance ) OJ L 354, 23.12.2016, p. 20–21	11197/1/16 REV1 (15517/16)	Not applicable	Not applicable

<b>3511th meeting of the Council of the European Union (General Affairs) held in Brussels on 13 December 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Special Report No 22/2016 — ‘EU nuclear decommissioning assistance programmes in Lithuania, Bulgaria and Slovakia: some progress made since 2011, but critical challenges ahead’ OJ C 345, 21.9.2016, p. 10–10	15534/16
Council Conclusions on a homogeneous extended single market and EU relations with Non-EU Western European countries	15101/16
Council Conclusions on Enlargement and Stabilisation and Association Process	15370/16
<b>Written procedure completed on 19 December 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2016/2315 of 19 December 2016 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine OJ L 345, 20.12.2016, p. 65–65	15000/16

**3512th meeting of the Council of the European Union (Environment) held in Brussels on 19 December 2016**

## LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Position of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)	10755/16	Qualified majority	All Member States in favour; except: Abstention: AT

**Statement by Germany, Greece, Denmark, Luxembourg, Malta, the Czech Republic, Portugal, Romania, Slovenia, Sweden, Finland, Ireland and the United Kingdom**

We note that the terms 'harmful organism' and 'pest' refer to the same concept in EU legal acts, and are used equivalently.

Reasoning:

Given that existing Commission legal acts and Council Regulations and Directives (e.g. Council Directive 93/85/EEC, Regulation (EC) No 1107/2009 of the European Parliament and of the Council, and Commission Implementing Decision 2012/138/EU) also use the term 'harmful organism' with the same meaning and in an equivalent manner, the fact that the terms 'pest' and 'harmful organism' are synonyms should be clearly emphasised, in order to preclude any uncertainty in the application of existing EU legal acts and the new EU Plant Health Regulation and the new Regulation for Official Controls.

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2017/3 of 19 December 2016 on the conclusion of the Agreement between the European Union and the Kingdom of Norway on reciprocal access to fishing in the Skagerrak for vessels flying the flag of Denmark, Norway and Sweden OJ L 2, 5.1.2017, p. 1–2	10711/16
Council Regulation (EU) 2016/2372 of 19 December 2016 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea OJ L 352, 23.12.2016, p. 26–30	15260/16
<p><b>Statement by Council and Commission</b></p> <p>The Council and the Commission consider that in order to address the misreporting and IUU fishery of turbot in the Black Sea, the implementation of control and monitoring measures established since 2012 should be further improved as stipulated in the declaration by Bulgaria and Romania. The relevant Member States should dedicate the necessary efforts and resources to address systemic deficiencies in their control system and to ensure effectiveness of the measures that have been decided.</p> <p>An evaluation of the degree of implementation of these measures together with a review of their efficiency should be carried out by the Commission before 15 September 2017, in view of any action that may be required to address the situation.</p> <p>Furthermore, the EU will seek to ensure that GFCM pay particular attention to the full compliance of its members and Cooperating non-Members of GFCM to implement the actions established in the roadmap for fighting against IUU in the Black Sea as adopted in 2013 and to implement the mid-term strategy 2017-2020 adopted by GFCM in 2016.</p>	



## **Statement by Bulgaria and Romania**

Bulgaria and Romania, in the context of the adoption of the Regulation fixing for 2017 the fishing opportunities for certain fish stocks in the Black Sea, after taking note on the development of the stocks as highlighted in the GFCM sub-regional group on stock assessment in the Black Sea, and having recognized the importance of continuing implementing a robust monitoring, control and surveillance system in achieving sustainable use of fisheries marine resources in the Black Sea, commit to the following:

### General

To implement fully within 2017 any pending actions of the provisions of the Action Plan of 16 December 2014, to work with the Commission in the implementation of the objectives of the recently adopted Bucharest Declaration of the High-Level conference towards enhanced cooperation in fisheries <sup>(1)</sup> and the actions foreseen for the Black Sea in the GFCM mid-term strategy (2017-2020) toward the sustainability of Mediterranean and Black Sea fisheries.

### Turbot

To follow up and further implement

- to keep at 2016 levels the fishing authorisations for Turbot and the minimum allocation per boat,
- to keep at 2016 level their respective number of designated ports for landings (7 for Bulgaria and 10 for Romania) in order to streamline the control of landings,
- to continue the strict policy adopted in 2016 for the recording of all catches, including below 50 kg, in corresponding logbooks, landing declarations and sales notes of all authorised vessels,
- to increase by 20%, as compared to 2016, the number of market inspections and inspections at sea, including during the closed season, based on a risk assessment methodology and time schedule agreed with the European Commission and the European Fisheries Control Agency (EFCA),
- to increase by 20% joint inspection actions under the coordination of EFCA, including controls at sea, at landings, on the markets as well as the monitoring of the transport of fish by road,

- to establish during 2017 a pilot project on evaluation of discards in the Rapana whelk fishery, in order to evaluate the impact on juveniles of turbot and dogfish,
- to ensure that all static gears are properly marked and identified in accordance with European Union rules and to take all necessary follow-up actions,
- to put in place new public awareness actions to inform the public about the technical conditions and closed season applying to Turbot fishing activities,
- to work with the Commission and the European Fisheries Control Agency (EFCA) in implementing Recommendation GFCM/40/2016/6, the possible preparation of a proposal for a GFCM multi-annual plan for turbot as well as any other measures that are deemed necessary to address the misreporting, the IUU fishery of Turbot in the Black Sea and the marketing of the catches illegally caught in the region.

#### Piked dogfish

To follow up and further implement

- to limit their respective catches of Piked Dogfish in 2017 to the 2015 level of their catches and to inform the Commission on a quarterly basis of the actions taken to meet this objective,
- to reduce by 10% the 2016 level of fishing authorisations for Piked dogfish,
- to continue implementing the strict policy adopted in 2016 for the recording of all catches, including below 50 kg, in corresponding logbooks, landing declarations and sales notes of all authorised vessels as well as vessels having by-catches of dogfish

<sup>(1)</sup> See <http://www.fao.org/gfcm/meetings/blackseaconference2016/en/>.

Council Conclusions on the Eurostat study on the long-term budgetary implications of EU pension costs	14834/16
Council Recommendation of 19 December 2016 on Upskilling Pathways: New Opportunities for Adults OJ C 484, 24.12.2016, p. 1–6	14601/16
Council Regulation (EU) 2016/2390 of 19 December 2016 amending Regulation (EU) No 1387/2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products OJ L 360, 30.12.2016, p. 14–272	14843/16
Council Regulation (EU) 2016/2389 of 19 December 2016 amending Regulation (EU) No 1388/2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products OJ L 360, 30.12.2016, p. 1–13	14842/16
<p><b>Statement by Spain</b></p> <p>Regarding the proposal for a Council Regulation amending Regulation (EU) No 1388/2013 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products ( ST 14596/16 + ADD 1), Spain votes against the mentioned proposal on the following grounds:</p> <p>Communication from the Commission concerning autonomous tariff suspensions and quotas (2011/C 363/02) does not support the approval of a tariff quota in the context of a surplus production. Notwithstanding, the proposal includes a tariff quota with order number 09.2716 for staple fibers of viscose rayon (ex 5504100020) in relation to which there is sufficient production in the EU.</p> <p>Spain believes that granting such a tariff quota introduces legal uncertainty, sets a bad precedent for future requests and jeopardizes recent Spanish investments.</p>	

Council Conclusions on Enhanced Exchange of Customs Related Information	14220/6/16 REV 6
<p><b>Statement by the Netherlands, joined by Spain and Denmark</b></p> <p>The Council Conclusions on enhanced exchange of Customs related information touch upon the need for continuing to develop a country specific approach, the need for a transparent and sound legal base and the need to work on interoperability of IT systems.</p> <p>The conclusions call upon the Commission to consider proposals for a policy framework and where necessary Union legislation for the exchange of information between Member States and third countries.</p> <p>Taken this into account,</p> <p>The Netherlands stresses that the following elements need to be taken into account when considering the follow-up of these conclusions:</p> <ol style="list-style-type: none"> <li>1. IT-costs, planning and prioritization also in relation to other customs IT-projects;</li> <li>2. Different modes of exchange of information in Member States' specific circumstances, in order to explore and facilitate further steps in achieving more pro-active and innovative concepts for systematic information exchange with third countries.</li> </ol>	
<p>Council Directive (EU) 2017/159 of 19 December 2016 implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation, concluded on 21 May 2012 between the General Confederation of Agricultural Cooperatives in the European Union (Cogeca), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises in the European Union (Europêche) (Text with EEA relevance)</p> <p>OJ L 25, 31.1.2017, p. 12–35</p>	13656/16
<p>Council Decision (CFSP) 2016/2314 of 19 December 2016 amending Decision (CFSP) 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA)</p> <p>OJ L 345, 20.12.2016, p. 62–64</p>	14290/16

Council Decision (CFSP) 2016/2356 of 19 December 2016 in support of SEESAC disarmament and arms control activities in South-East Europe in the framework of the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition OJ L 348, 21.12.2016, p. 60–71	14319/16
Council Conclusions on the European Court of Auditors' Special Report No 13/2016 on EU assistance for strengthening the public administration in the Republic of Moldova	15676/16
Council Conclusions on the implementation of the general provisions on data protection of chapter 6 of Council Decision 2008/615/JHA: Evaluation of Croatia with regard to automated exchange of vehicle registration data	15190/16
Council Conclusions on the Protection of human health and the environment through the sound management of chemicals	15673/16
<b>Written procedures completed on 21 December 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2016/2382 of 21 December 2016 establishing a European Security and Defence College (ESDC) and repealing Decision 2013/189/CFSP OJ L 352, 23.12.2016, p. 60–73	13326/16
Council Decision (CFSP) 2016/2383 of 21 December 2016 on the Union support for the International Atomic Energy Agency activities in the areas of nuclear security and in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction OJ L 352, 23.12.2016, p. 74–91	14958/16

<b>Written procedures completed on 22 December 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2016/2384 of 22 December 2016 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and amending Decision (CFSP) 2016/1136 OJ L 352, 23.12.2016, p. 92–93	14534/16
Council Implementing Regulation (EU) 2016/2373 of 22 December 2016 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and amending Implementing Regulation (EU) 2016/1127 OJ L 352, 23.12.2016, p. 31–32	14537/16