



Council of the
European Union

Brussels, 27 May 2016
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8901/16

LIMITE

PV/CONS 22
RELEX 387

DRAFT MINUTES

Subject: **3462nd** meeting of the Council of the European Union (**FOREIGN
AFFAIRS/DEVELOPMENT**), held in Brussels on 12 May 2016

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1. Adoption of the agenda

8613/16 OJ/CONS 21 RELEX 352

The Council adopted the above agenda.

NON-LEGISLATIVE ACTIVITIES

2. Approval of the lists of "A" items

8614/16 PTS A 30

8615/16 PTS A 31 (EU RESTRICTED)

The Council adopted the "A" items as listed in:

1) 8614/16

The documents on items 12 and 13 should read as follows:

Item 12: 8311/2/16 REV 2 JUSTCIV 82
8311/1/16 REV 1 ADD 1 JUSTCIV 82
8112/16 JUSTCIV 69

Item 13: 8747/16 SCH-EVAL 77 FRONT 200 COMIX 35
+ ADD 1
8746/16 SCH-EVAL 76 FRONT 99 COMIX 349

2) 8615/16 (EU RESTRICTED)

Statements relating to these items are set out in the Annex.

3. Any other business

The Council examined the state of play of the preparatory work done on the initiative of the Belgian delegation on digitalisation and development.

The Council took note of the presentation by the Italian delegation on the reform of its development cooperation within the framework of 2030 Agenda.

4. Revision of the European Consensus of Development in light of the 2030 agenda

The Council held a first orientation debate on the revision of the European Consensus on Development in light of the 2030 Agenda. It welcomed the Commission's intention to present a proposal by November 2016 to revise the European Consensus on Development in light of the 2030 Agenda for Sustainable Development.

5. Trade, Private Sector and Sustainable Development

- The EU and Responsible Global Value Chains
 - = Draft Council conclusions
- 8577/16 DEVGEN 77 ACP 61 RELEX 348 SOC 219 WTO 111
COMER 54 FDI 7

The Council held a first thematic discussion stemming in the run-up to the revision of the European Consensus on Development in light of the 2030 Agenda. It agreed on the need to foster private sector funding for the implementation of the Sustainable Development Goals and the Agenda 2030. It adopted Council conclusions on the EU and Responsible Global Value Chains.

6. Afghanistan

- Draft Council conclusions
- 8568/16 COASI 77 ASIE 27 CFSP/PESC 367 CIVCOM 84 COHOM 38 JAI 348
COPS 134 COHAFA 25 DEVGEN 76

The Council held an exchange of views on the preparation of the development cooperation dimension of the Brussels Conference on Afghanistan in October 2016. It adopted Council conclusions to this end.

7. Joint Programming of EU and MS external assistance

- Stepping up Joint Programming
 - = Draft Council conclusions
- 8554/16 DEVGEN 72 ACP 58 RELEX 342

The Council exchanged views on ways to advance Joint Programming so as to increase the impact and visibility of the EU development cooperation. It took note of the proposal by the High Representative for an immediate start of Joint Programming, including the replacement of programming documents, on a voluntary basis, in Mali, Afghanistan and Ethiopia. The Council adopted conclusions on Stepping up Joint Programming.

8. Migration and Development

- EU Approach to forced displacement and development
 - = Draft Council conclusions
- 8553/16 DEVGEN 71 ACP 57 RELEX 341 ASIM 67 MIGR 84 COHAFA 23
JAI 346 COAFR 120

The Council had an exchange of views on the implementation of the Valletta Action Plan, in particular on the projects financed under the Africa Trust Fund for the Horn of Africa and the Sahel regions. The Council noted the results of the first round of High Level political dialogues on migration, conducted with sixteen partner countries, with a focus on Return and Readmission. The Council adopted conclusions on the EU approach to forced displacement and development.

9. World Humanitarian Summit

- Draft conclusions of the Council and the Representatives of the Governments of the Member States meeting within the Council on the World Humanitarian Summit
- 8567/16 COHAFA 24 DEVGEN 75 ALIM 3 ONU 47 FAO 14 COJUR 12
COAFR 121 MAMA 68 MOG 48 COEST 116 COASI 76 COLAC 28
PROCIV 30 RELEX 346

Conclusions of the Council and the Representatives of the Governments of the Member States meeting within the Council on the World Humanitarian Summit were adopted.

The Commission made a statement, as set out in the Annex.

STATEMENTS FOR THE COUNCIL MINUTES

- Ad "B" item 9:** **World Humanitarian Summit**
- **Draft conclusions of the Council and the Representatives of the Governments of the Member States meeting within the Council on the World Humanitarian Summit**

STATEMENT BY THE COMMISSION

"The Commission agrees with the content of the draft conclusions on the World Humanitarian Summit (WHS). However it expresses its disagreement with their envisaged adoption in one single act, in the form of a hybrid act merged with the act of the Representatives of the Governments of the Member States meeting within the Council.

The Commission recalls that in case C-28/12, Commission v. Council, the Court of Justice of the European Union has already decided on the matter of the legality under the Treaties of hybrid acts and it follows from that judgment that such acts are incompatible with the Treaties. The principles and the reasoning on the basis of which the Grand Chamber decided this case are equally applicable to the act of the Council adopting the conclusions on the WHS that define the position of the EU at the Summit."

Ad "A" item 12: **Proposal for a Council Decision authorising enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions on the property regimes of international couples, covering both matters of matrimonial property regimes and the property consequences of registered partnerships**
= **Agreement in principle**
= **Request for the consent of the European Parliament**

STATEMENT BY POLAND

"The Polish delegation does not oppose the agreement in principle with regard to the draft Council Decision authorizing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions on the property regimes of international couples, covering both matters of matrimonial property regimes and the property consequences of registered partnerships.

However, the Polish delegation would like to express its regret that the Council has not been given sufficient time to examine the issue of ensuring, in a clear and a legally certain manner, the further application between the Member State participating in the enhanced cooperation and the non-participating Member State of the international agreements previously concluded between them and falling within the scope of the proposed regulations implementing enhanced cooperation. The decision not to follow the precedent laid down in Article 19 of the *Council Regulation (EU) no 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation* can adversely affect in practice legal certainty as to the application of such agreements. Furthermore, delegations still await the Council Legal Service opinion, announced at the COREPER meeting on 20 April, which was to clarify this subject.

The Polish delegation would also like to express its disappointment over the mandatory linking, included in Article 2 of the draft Council Decision, of the two implementing regulations concerning two different institutions of family law. This closes the way to join the enhanced cooperation for those Member States, which could consider accession to one of the implementing regulations. This can be viewed as inconsistent with the principle of openness of enhanced cooperation defined in Article 328 paragraph 1 of the Treaty on the Functioning of the European Union.

Therefore, the Polish delegation decides to abstain from supporting the agreement in principle on the Decision authorizing to undertake the enhanced cooperation."

Ad "A" item 13: **Draft Council Implementing Decision setting out a recommendation for temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk**
= **Adoption**

STATEMENT BY GREECE

"Greece regrets that the adoption of the Commission's proposal for Council Implementing Decision setting out a recommendation for temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk, is based on the assumption that measures taken by Greece in the last three months have not been adequate to mitigate the "serious threat" identified at the external borders i.e. at the land and sea borders with Turkey and that the conditions for applying Article 29 of the Schengen Borders Code are met.

Greece, as stated in its Final Report of 29 April 2016, in close cooperation with the European Commission, European Agencies and Member States has managed to deliver within less than three months forty three (43) completed actions and to provide a realistic timeframe for the other seven (7) continued actions in order to remedy the deficiencies identified.

Greece, recalling its statement of 10.02.2016 reiterates its position, that the findings of the unannounced evaluation visit carried out from 10-13.11.2015 do not constitute "serious deficiencies" and show no evidence that "Greece is seriously neglecting its obligations".

In the light of the above, Greece cannot agree to the proposal for a Council Implementing Decision."

STATEMENT BY HUNGARY

"Considering the Council Implementing Decision setting out a recommendation for temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk, Hungary reiterates its position on the primary importance of strengthening the protection of the external borders of the Schengen Area, over that of temporary measures introduced at the internal borders. In order to return to a fully functioning Schengen Area at the earliest possibility, priority must be given to addressing the shortcomings identified in the implementation of the Schengen acquis by Greece- as well as- the implementation of the Recommendations adopted by the Council in February.

Similarly, while recognizing the possible need to maintain border controls introduced by certain Member States at some parts of their internal borders, Hungary underlines the unavoidability and utmost significance of fully respecting the principles of necessity and proportionality, and that all subsequent controls must take place in full conformity with all conditions set out in the Union Code governing the movement of persons across borders and the provisions of the Council Implementing Decision."

STATEMENT BY SLOVENIA

"The Republic of Slovenia does not support the Commission's proposal for the extension of the border control on the internal land border between Slovenia and Austria.

European Commission justifies the permission to maintain proportionate temporary border controls with the need to adequately address the serious threat to public policy and internal security related to the secondary movements of irregular migrants.

Since there are currently no objective reasons that any such threat arises from Slovenia, the Republic of Slovenia considers this measure as contrary to the principle of proportionality."
