



Council of the
European Union

Brussels, 2 June 2016
(OR. en)

9334/16

LIMITE

PV/CONS 26
RELEX 424

DRAFT MINUTES

Subject: **3466th** meeting of the Council of the European Union
(**FOREIGN AFFAIRS**), held in Brussels on 23 May 2016

CONTENTS

Page

1. Adoption of the provisional agenda	3
---	---

NON-LEGISLATIVE ACTIVITIES

2. Approval of the list of "A" items.....	3
3. EU Regional Strategy for Syria and Iraq as well as the Da'esh threat	3
4. External Aspects of Migration.....	4
5. Any other business	4
a) The former Yugoslav Republic of Macedonia	
b) The Democratic Republic of Congo	

ANNEX - Statements for the Council minutes.....	5
---	---

*

* *

1. **Adoption of the provisional agenda**

8990/1/16 OJ/CONS 25 RELEX 404 REV1

The Council adopted the above agenda.

NON-LEGISLATIVE ACTIVITIES

2. **Approval of the list of "A" items**

8991/16 PTS A 37

+ ADD 1

The Council adopted the "A" items as listed in 8991/16 + ADD1.

1. 8991/16

2. 8991/16 ADD 1

8. Democratic Republic of the Congo

= Draft Council conclusions

8890/16 COAFR 129 CFSP/PESC 382 RELEX 384 COHOM 45
approved by Coreper, Part 2, on 23.05.2016

9. South Sudan

= Draft Council conclusions

8891/16 COAFR 130 CFSP/PESC 383 RELEX 385 COHAFA 31
COHOM 46
approved by Coreper, Part 2, on 23.05.2016

10. Draft Council Implementing Decision implementing Decision (CFSP) 2015/1333
concerning restrictive measures in view of the situation in Libya

= Adoption

9212/16 CORLX 204 CFSP/PESC 413 MAMA 87 COARM 87
CONUN 88 FIN 312
9161/16 CORLX 203 CFSP/PESC 408 MAMA 84 COARM 86
CONUN 87 FIN 305

approved by Coreper, Part 2, on 23.05.2016

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

3. **EU Regional Strategy for Syria and Iraq as well as the Da'esh threat**

= Draft Council conclusions

9104/16 COPS 152 MAMA 80 MOG 61 CFSP/PESC 403
COHAFA 34 SY 3 COTER 54

The Council examined draft Council conclusions on the basis of doc. 9104/16 and adopted Council conclusions on the EU Regional Strategy for Syria and Iraq as well as the Da'esh threat as set out in 9105/16.

4. **External Aspects of Migration**

- = Draft Council conclusions
9242/16 COAFR 141 RELEX 419 ACP 75 DEVGEN 101 ASIM 79
JAI 464 COPS 160 MAMA 88 COWEB 44
- = Draft Council conclusions on EUNAVFOR MED Operation Sophia
9174/16 COPS 155 CSDP/PSDC 285 CFSP/PESC 409
EUMC 59 POLMIL52 MAMA 86 COMED 15
EUNAVFOR MED 12

The Council underlined the progress recently achieved in the management of the migration flows, notably along the East Mediterranean route, and recalled the need to remain vigilant and combine immediate action with a strategic long-term vision that would address the root causes. It reiterated the importance of a coherent and regional approach towards Africa. The Council took note of the High-Level Dialogues and development of incentive packages as important tools in achieving better results on returns and readmissions.

The Council adopted Conclusions that will inform the incoming Joint EEAS-Commission communication on the external aspects of the European Agenda on Migration.

The Council discussed and adopted Council conclusions on EUNAVFOR MED Operation Sophia as set out in 9064/16.

5. **Any other business**

a) **The former Yugoslav Republic of Macedonia**

Due to time constraints, the discussion on the former Yugoslav Republic of Macedonia was postponed to the June FAC.

b) **The Democratic Republic of Congo**

The Council took note of the situation in the Democratic Republic of Congo and agreed to revert to this item.

STATEMENTS FOR THE COUNCIL MINUTES

Ad "A" item 1: **Draft Council Decision on the conclusion, on behalf of the European Union, of 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 part**
= **Adoption**

STATEMENT BY THE UNITED KINGDOM

"The United Kingdom's position is that Article 16(1) of 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 part contains obligations pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, in particular Articles 79(3) and 77(2)(a) TFEU. Therefore these substantive legal bases should have been included in a separate Council Decision dealing with matters falling within the scope of Title V of Part Three of the TFEU. For the avoidance of any doubt the UK has asserted its right under Protocol (No 21) to the Treaties on the position of the United Kingdom in respect of the area of freedom, security and justice and opted in to the Article 16(1) obligations insofar as they relate to readmission. The UK is not bound, as part of the EU, by the obligations under Article 16(1) insofar as they relate to Visas since the Agreement between the European Union and Georgia on the facilitation of the issuance of visas does not apply to the UK."

STATEMENT BY THE COMMISSION

"With regard to the Statement entered into the Minutes by the UK in relation to items 30 and 31, the Commission points out the two draft Council Decision on the conclusion of Association Agreements with Georgia and Moldova respectively are adopted pursuant to Part IV title V of the TFEU and therefore Protocol 21 is not applicable to them."

Ad "A" item 3: **Draft Council Decision on the conclusion, on behalf of the European Union, of 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**
= **Adoption**

STATEMENT BY THE UNITED KINGDOM

"The United Kingdom's position is that Article 15(1) of 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 contains obligations pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, in particular Articles 79(3) and 77(2)(a) TFEU. Therefore these substantive legal bases should have been included in separate Council Decisions dealing with matters falling within the scope of Title V of Part Three of the TFEU. For the avoidance of any doubt the UK has asserted its right under Protocol (No 21) to the Treaties on the position of the United Kingdom in respect of the area of freedom, security and justice and opted in to the Article 15(1) obligations insofar as they relate to readmission. The UK is not bound, as part of the EU, by the obligations under Article 15(1) insofar as they relate to Visas since the Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas does not apply to the UK."

STATEMENT BY THE COMMISSION

"With regard to the Statement entered into the Minutes by the UK in relation to items 30 and 31, the Commission points out the two draft Council Decision on the conclusion of Association Agreements with Georgia and Moldova respectively are adopted pursuant to Part IV title V of the TFEU and therefore Protocol 21 is not applicable to them."

Ad "A" item 6: **Council Decision authorising the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations and negotiate, on behalf of the European Union, the provisions that fall within the competence of the Union, of a modernised Global Agreement between the European Union and its Member States, of the one part, and Mexico, of the other part**
and
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 competence of the Member States of a modernised Global Agreement between the European Union and its Member States, of the one part, and Mexico, of the other part
= Adoption

STATEMENT BY AUSTRIA, FRANCE AND ROMANIA

"Austria, France and Romania assume that the Global Agreement will be of a mixed nature and that the question of a possible publication of the negotiation mandate will be subject to separate discussions and of a separate decision. This should be put on the record of both the meetings of COREPER II as well of the Council."

STATEMENT BY SLOVENIA

"The Republic of Slovenia would like to recall its serious concerns regarding the **negotiating directives** attached to the Council Decision authorising the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations and negotiate, on behalf of the European Union, the provisions that fall within the competence of the Union, of a modernised Global Agreement between the European Union and its Member States, of the one part, and Mexico, of the other part, in particular as regards the agreements that are provisionally applied. While we agree that a certain degree of complementarity, consistency and coherence is necessary, the provisions modelled on those in other EU agreements in force should be introduced in the future agreement with Mexico only after being properly evaluated and discussed in the Council. What is provisionally applied has not yet been thoroughly scrutinised. We believe that this paragraph should be considered also having in mind the pending question of the scope of the exclusive competence of the Union (Opinion 2/15) and subsequently the scope of the provisional application of the agreements.

The Republic of Slovenia while recalling that the **investment chapter** is a highly sensitive issue, considers that the present text of the mandate does not prejudice the type of the mechanism for the resolution of investment disputes. The Republic of Slovenia expects that the final text of the investment chapter of the future agreement with Mexico including the resolution of investment disputes mechanism will be subject to prior consultation with the Member States and in accordance with the EU Treaties. At this point the Republic of Slovenia would like to reiterate that it opposes the bilateral investment court system (ICS).

The Republic of Slovenia believes that the Global Agreement will be of a **mixed nature**.

Therefore, the Republic of Slovenia will follow with a special attention the negotiations in those fields and comment when appropriate.

The statement of the Republic of Slovenia should be put on the record of both the Coreper II meeting and the FAC meeting."

STATEMENT BY THE COMMISSION

"The Commission considers that the "Decision by the Representatives of the Governments of the Member States, meeting within the Council" to authorise the Commission to start negotiations on a Modernised Agreement with Mexico in those areas that fall within Member States competences (doc. 7826/16) is unwarranted because the Commission aims to conduct negotiations with Mexico exclusively within the framework of the EU competencies as defined by the Treaty on European Union and the Treaty on the Functioning of the European Union."
