

Brussels, 31 May 2016  
(OR. en)

9588/16

**PUBLIC 31**  
**INF 96**

**NOTE**

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Subject: MONTHLY SUMMARY OF COUNCIL ACTS - DECEMBER 2015

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This document lists the acts adopted by the Council in December 2015.<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.

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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 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](#)

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**INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN DECEMBER 2015**

**3433rd meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS) held in Brussels on 3 and 4 December 2015**

**LEGISLATIVE ACTS**

ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2015/2421 of the European Parliament and of the Council of 16 December 2015 amending Regulation (EC) No 861/2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 creating a European order for payment procedure OJ L 341, 24.12.2015, p. 1–13	40/15	Qualified majority	All Member States in favour, except: Against: DE Not participating: DK
Regulation (EU, Euratom) 2015/2422 of the European Parliament and of the Council of 16 December 2015 amending Protocol No 3 on the Statute of the Court of Justice of the European Union OJ L 341, 24.12.2015, p. 14–17	62/15	Qualified majority	All Member States in favour, except: Against: UK Abstention: BE, NL

**Statement by the European Parliament and the Council**

At the end of the reform process, the General Court will consist of two Judges per Member State. Therefore, in order to achieve equality between women and men, which is an objective of the European Union according to Article 3 TEU, the governments of the Member States should, to the greatest possible extent, in the process of appointing candidates as Judges at the General Court pursuant to Article 254 TFEU, ensure an equal presence of women and men.

**Statement by Germany**

Germany welcomes the fact that by doubling the number of judges at the General Court, a structural and sustainable reform is being implemented that will enable the General Court's excessive workload to be reduced and will ensure that legal redress in the European Union is guaranteed within a reasonable time.

At the same time, Germany is aware that increasing the number of judges at the General Court will have a significant financial impact on the Union's budget. Germany is concerned to ensure cost effectiveness of the reform and to minimize its budgetary impact and therefore welcomes the Court's efforts to evaluate the General Court's situation in each phase of its expansion and, where appropriate, to make the necessary adjustments to the General Court's administrative expenditure, but without changing the number of additional judges. Germany likewise supports the Court's commitment to appoint no further legal secretaries or support staff during the third phase in September 2019 when the number of judges is increased by a further nine judges.

In order to support the long-term financing of a thus enlarged General Court, Germany invites the Court of Justice to take all appropriate measures and to give consideration, inter alia, to the possibility of introducing court fees for proceedings before the Courts of the European Union.

**Statement by the United Kingdom**

The United Kingdom attaches great importance to the proper functioning of the Courts of the European Union. However, we consider it essential that any changes to the operation of an EU Institution are carried out in the most cost effective way. At a time when Member States are exerting tight control over public expenditure, we do not consider it appropriate for reforms at the CJEU to result in greater demands being made on Member States' contributions to the EU budget. We therefore request that the Court continues to work to maximise its efficiency and make savings where possible. Furthermore, any additional costs to the Member States as a result of the increase in judges should be kept to a minimum and be offset by savings within the Court where possible.

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Conclusions on the integrative and complementary approach to counter-terrorism and violent extremism in the Western Balkans	11625/15
Council Decision (EU) 2015/2289 of 3 December 2015 establishing the position to be taken on behalf of the European Union within the Joint Committee set up under the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union, with regard to the adoption of common guidelines for the implementation of the Agreement OJ L 323, 9.12.2015, p. 11–21	13890/15
Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness	14511/15
Council Conclusions on e-Justice	14206/15
Council Conclusions on Roadmap on the sustainability of e-CODEX	14208/15
Council Regulation (EU, Euratom) 2015/2264 of 3 December 2015 extending and phasing out the temporary derogation measures from Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community and Regulation No 1 of 15 April 1958 determining the languages to be used by the European Atomic Energy Community introduced by Regulation (EC) No 920/2005 OJ L 322, 8.12.2015, p. 1–3	14402/15

### Statement by the Commission

The Commission is committed to undertaking all measures within its competence to allow for the gradual reduction of the derogation and the passage to a full language regime for the Irish language as from 1 January 2022.

Recital 5 of the Council Regulation states that the reduction of the scope of the derogation should be closely monitored and reviewed in light of the available translation capacity in order to prevent delays in the Union's legislative process. Article 2 of the Council Regulation provides that any revision of the target dates in the Annex would have to be agreed by the Council, acting unanimously in accordance with Article 342 of the Treaty on the Functioning of the European Union. If such unanimity cannot be achieved, the reduction of the scope of the derogation will continue as currently provided for in the Annex, potentially resulting in delays in the legislative process. If the report provided for in the second paragraph of Article 2 of the Council Regulation shows that the Union institutions do not have sufficient available capacity to reduce the scope of the derogation as set out in the Annex to that Regulation, the Commission will invite the Council to modify the target dates in the Annex.

In addition, Article 3 of the Council Regulation provides that no later than June 2021, the Commission shall report to the Council on whether the Union institutions have sufficient capacity for the derogation to end. If the report shows that the Union institutions do not have sufficient available capacity for the derogation to end, the Commission will invite the Council to decide on a further extension of the derogation.

Council Conclusions on Justification of medical imaging involving exposure to ionising radiation	13747/15
Council Decision (CFSP) 2015/2249 of 3 December 2015 amending Decision 2014/486/CFSP on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) OJ L 318, 4.12.2015, p. 38–38	13674/15

**3434th meeting of the Council of the European Union (EMPLOYMENT, SOCIAL POLICY, HEALTH) held in Brussels on 7 December 2015**

## NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Regulation (EU) 2015/2265 of 7 December 2015 opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2016-2018 OJ L 322, 8.12.2015, p. 4–11	13502/15
<b>Statement by Ireland</b> <p>Ireland supported the Commission proposal for this regulation and the effort of the presidency in coming to a satisfactory agreement for this file given the diverse opinions, whilst also acknowledging that the processing sector has supply needs requiring product from outside the Union.</p> <p>However, Ireland is not in a position to support the compromise as we believe that it is not balanced and we will, therefore, abstain.</p> <p>The final compromise, we believe, provides preferential access for imported product beyond what is required to fill gaps in the EU's internal supply. This will be to the detriment of EU primary producers and the ancillary industries in coastal communities dependent on fisheries. We have concerns in particular about the spiced herring tariff reduction, which must be seen in conjunction with the generous access afforded Norway for this product in the EEA Financial Mechanism, as well as the reintroduction of the Article 3 safety mechanism which we believe is excessive.</p>	
Council Decision (CFSP) 2015/2276 of 7 December 2015 amending and extending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) OJ L 322, 8.12.2015, p. 51–52	13971/15
Council Decision authorising the opening of negotiations for the Participation Agreement between the European Union and the Swiss Confederation on its participation in the European Union CSDP Mission in Mali (EUCAP Sahel Mali)	14223/15

Council Decision authorising the opening of negotiations for the Participation Agreement between the European Union and the Swiss Confederation on its participation in the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine)	14232/15
Council Decision (CFSP) 2015/2275 of 7 December 2015 amending Decision 2012/389/CFSP on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR) OJ L 322, 8.12.2015, p. 50–50	13808/15
Council Conclusions on Equality between women and men in the field of decision-making	14327/15
<p><b>Statement by Malta</b> regarding paragraph 21 of the Council Conclusions on Equality between women and men in the field of decision-making</p> <p>With regard to possible future work within the Council on critical areas of concern under the Beijing Platform of Action, Malta affirms its right to oppose the development of indicators which could in any way create an obligation on any party to consider abortion as a legitimate form of reproductive health or rights or commodities.</p>	
<p><b>Statement by Poland</b> on paragraph 32 of the Council conclusions on equality between women and men in the field of decision-making</p> <p>With regard to any future discussions on the positioning of women and men on party lists, especially through introduction of a 'zipper' system, Poland declares that they will not affect electoral law in Poland.</p>	
Council Conclusions on Social governance for an inclusive Europe	15070/15
Council Conclusions on The promotion of the social economy as a key driver of economic and social development in Europe	15071/15
Council Conclusions on an EU strategy on the reduction of alcohol-related harm	15050/15



Council Conclusions on Personalised medicine for patients	15054/15		
Council Conclusions on supporting people living with dementia: improving care policies and practices	15055/15		
Council Conclusions on Lessons learned for Public Health from the Ebola outbreak in West Africa – Health Security in the European Union	15056/15		
<b>3435th meeting of the Council of the European Union (ECONOMIC AND FINANCIAL AFFAIRS) held in Brussels on 8 December 2015</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Council Directive (EU) 2015/2376 of 8 December 2015 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation OJ L 332, 18.12.2015, p. 1–10	12802/15	Unanimity	All Member States in favour
<b>Statement by the Czech Republic</b>			
<p>The Czech Republic shares the view that timely solutions to base erosion and profit shifting are necessary. The Czech Republic nevertheless urges the Commission to put equal emphasis on the fight against VAT frauds in near future. VAT frauds affect Member States' budgets even more than aggressive planning in corporate tax area. While working towards VAT definitive regime in the EU, the Commission shall proceed with equal vigour towards various options including wider application of reverse charge mechanism. The Czech Republic, as of now, volunteers to test this respective option through a pilot project similar to that outlined by the Commission in 2008. The Czech Republic expects the Commission to set the parameters to frame the pilot project. Ideally, the Commission should come up with the respective legislative proposal by the time the Communication on various options of definitive VAT regime is published.</p>			

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Conclusions on Code of Conduct (Business Taxation)	14303/15
Council Decision (EU) 2015/2453 of 8 December 2015 on the conclusion, on behalf of the European Union, of the Amending Protocol to the Agreement between the European Community and the Principality of Liechtenstein providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments OJ L 339, 24.12.2015, p. 1–2	11800/15
Council Decision (EU) 2015/2400 of 8 December 2015 on the conclusion, on behalf of the European Union, of the Amending Protocol to the Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments OJ L 333, 19.12.2015, p. 10–11	8266/1/15 REV 1
Council Decision (EU) 2015/2469 of 8 December 2015 on the signing, on behalf of the Union, and provisional application of the Amending Protocol to the Agreement between the European Community and the Republic of San Marino providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments OJ L 346, 31.12.2015, p. 1–2	13447/15
Council Decision (EU, Euratom) 2015/2393 of 8 December 2015 amending the Council's Rules of Procedure OJ L 332, 18.12.2015, p. 133–135	13612/15

Council Conclusions on the Legacy of the European Year for Development 2015	14540/15		
Council Decision (EU) 2015/2394 of 8 December 2015 on the position to be taken by the Member States on behalf of the European Union, concerning the decisions to be adopted by the Permanent Commission of Eurocontrol, with regard to the roles and tasks of Eurocontrol and on centralised services OJ L 332, 18.12.2015, p. 136–139	14678/15		
Council Conclusions on the future of the Code of Conduct	14945/15		
Council Conclusions on base erosion and profit shifting (BEPS) in the EU context	14947/15		
Council conclusions on EU statistics	15003/15		
<b>3436th meeting of the Council of the European Union (TRANSPORT, TELECOMMUNICATIONS AND ENERGY) held in Brussels on 10 and 11 December 2015</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Position (EU) No 1/2016 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004 (Text with EEA relevance). Adopted by the Council on 10 December 2015 OJ C 56, 12.2.2016, p. 1–47	10578/15	Qualified majority	All Member States in favour, except: Abstention: PL

**Statement by the Commission**

on the ERA management board and the selection and dismissal procedure of the executive director

The Commission regrets the fact that compared to the original proposal presented by the Commission, the agreed text on the new ERA Regulation deviates from the key provisions agreed under the Common Approach on EU decentralised agencies, by the European Parliament, the Council and the Commission in 2012. This concerns the number of representatives of the Commission within the Management Board and the selection and dismissal procedure of the executive director. The Commission emphasises in particular that the appointment of an observer among the members of the Management board to follow the selection procedure applied by the Commission for the appointment of the executive director should not result in a duplication of roles in the selection and appointment procedures (Article 51(1)).

**Statement by the Commission**

on necessary budget resources

The 4th Railway Package gives ERA new competences, in particular the power to issue vehicle authorisations and safety certificates directly to the sector. It cannot be excluded that in the transition period fees and charges are not yet available to ERA while the staff needs to be recruited and trained. In order to avoid disruption to the railway market, the Commission will endeavour to reserve the necessary budget in order to cover the costs of relevant staff.

**Statement for the minutes by the Federal Republic of Germany**

With regard to Article 71(2) of the proposal for a Regulation of the European Parliament and of the Council on the European Agency for Railways and repealing Regulation (EC) No 881/2004, Germany recalls paragraph 8 of the Joint Statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies, according to which the host State should commit itself to [continue to] respond to the agency's needs and provide the necessary conditions for the smooth operation of the agency [also after the latter has been set up]. Germany considers itself bound by this, so that its agreement to the current wording should not be seen as a precedent for the future foundation of (new) agencies, and it requests the Commission to take this into account in the future when preparing comparable proposals.

Furthermore, Germany regrets very much that it has not received sufficient support for a term of office of the Executive Director of five plus four years.

<p>Position (EU) No 2/2016 of the Council at first reading with a view to the adoption of a Directive of the European Parliament and of the Council on the interoperability of the rail system within the European Union Text with EEA relevance. Adopted by the Council on 10 December 2015 OJ C 57, 12.2.2016, p. 1–58</p>	<p>10579/15</p>	<p>Qualified majority</p>	<p>All Member States in favour, except: Abstention: PL</p>
<p><b>Statement by the Commission</b> on explanatory documents</p> <p>The Commission recalls that the European Parliament, the Council and the Commission acknowledged in their Joint Political Declaration of 27 October 2011 on explanatory documents that the information Member States supply to the Commission as regards the transposition of directives in national law 'must be clear and precise' in order to facilitate the achievement by the Commission of its task overseeing the application of Union law. In the present case, explanatory documents could have been useful to this end. The Commission regrets that the final text does not contain provisions to this effect.</p>			
<p><b>Statement by the Commission</b> on non-opinion clause</p> <p>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, paragraph 4, second subparagraph, 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 by Article 5, paragraph 4, recourse to second subparagraph, 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.</p>			

<p>Position (EU) No 3/2016 of the Council at first reading with a view to the adoption of a Directive of the European Parliament and of the Council on railway safety Text with EEA relevance. Adopted by the Council on 10 December 2015 OJ C 57, 12.2.2016, p. 64–112</p>	<p>10580/15</p>	<p>Qualified majority</p>	<p>All Member States in favour, except: Against: UK Abstention: PL</p>
<p><b>Statement by the Commission</b> on explanatory documents</p> <p>The Commission recalls that the European Parliament, the Council and the Commission acknowledged in their Joint Political Declaration of 27 October 2011 on explanatory documents that the information Member States supply to the Commission as regards the transposition of directives in national law 'must be clear and precise' in order to facilitate the achievement by the Commission of its task overseeing the application of Union law. In the present case, explanatory documents could have been useful to this end. The Commission regrets that the final text does not contain provisions to this effect.</p>			
<p><b>Statement by the Commission</b> on non-opinion clause</p> <p>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, paragraph 4, second subparagraph, 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 by Article 5, paragraph 4, recourse to second subparagraph, 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.</p>			
<p><b>Statement by the United Kingdom</b></p> <p>The United Kingdom fully supports the aims and objectives of the Fourth Railway Package Technical Pillar and believes that significant progress has been made in agreeing a cohesive and coherent set of texts.</p> <p>However, the United Kingdom regrets that the final adoption by delegated act of technical content in relation to Common Safety Methods and Common Safety Targets in the recast of the Railway Safety Directive sets an unwelcome legal precedent and unnecessarily politicises key technical matters. Consequently, the UK is voting against the recast Railway Safety Directive.</p>			

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council conclusions on Special Report No 04/2015 from the European Court of Auditors entitled: "Technical assistance: what contribution has it made to agriculture and rural development?"	13480/15
Council conclusions on Special Report No 05/2015 from the European Court of Auditors entitled: "Are financial instruments a successful and promising tool in the rural development area?"	13482/15
Council Implementing Decision (EU) 2015/2428 of 10 December 2015 amending Decision 2009/791/EC and Implementing Decision 2009/1013/EU authorising Germany and Austria respectively to continue to apply a measure derogating from Articles 168 and 168a of Directive 2006/112/EC on the common system of value added tax OJ L 334, 22.12.2015, p. 12–14	14253/15
Council Implementing Decision (EU) 2015/2429 of 10 December 2015 authorising Latvia to introduce a special measure derogating from point (a) of Article 26(1) and Articles 168 and 168a of Directive 2006/112/EC on the common system of value added tax OJ L 334, 22.12.2015, p. 15–17	14254/15
Council Implementing Decision (EU) 2015/2348 of 10 December 2015 amending Implementing Decision 2013/53/EU authorising the Kingdom of Belgium to introduce a special measure derogating from Article 285 of Directive 2006/112/EC on the common system of value added tax OJ L 330, 16.12.2015, p. 51–52	14255/15
Council Implementing Decision (EU) 2015/2349 of 10 December 2015 authorising Hungary to apply a measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax OJ L 330, 16.12.2015, p. 53–54	14256/15

Council Implementing Decision (EU) 2015/2395 of 10 December 2015 amending Implementing Decision 2010/99/EU authorising the Republic of Lithuania to extend the application of a measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax OJ L 332, 18.12.2015, p. 140–141	14257/15
Council Implementing Decision (EU) 2015/2396 of 10 December 2015 amending Implementing Decision 2009/1008/EU authorising the Republic of Latvia to extend the application of a measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax OJ L 332, 18.12.2015, p. 142–143	14258/15
Council Decision (EU) 2015/2354 of 10 December 2015 authorising certain Member States to accept, in the interest of the European Union, the accession of Seychelles to the 1980 Hague Convention on the Civil Aspects of International Child Abduction OJ L 331, 17.12.2015, p. 11–13	12103/15
<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, in the interest of the European Union, to accept the accession of Seychelles to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.</p>	
Council Decision (EU) 2015/2355 of 10 December 2015 authorising certain Member States to accept, in the interest of the European Union, the accession of the Russian Federation to the 1980 Hague Convention on the Civil Aspects of International Child Abduction OJ L 331, 17.12.2015, p. 14–16	12104/15



**Statement by the delegations of Belgium, Germany, Spain, France, Italy, Luxembourg Austria and Poland**

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, in the interest of the European Union, to accept the accession of Albania to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Council Decision (EU) 2015/2356 of 10 December 2015 authorising certain Member States to accept, in the interest of the European Union, the accession of Albania to the 1980 Hague Convention on the Civil Aspects of International Child Abduction  
OJ L 331, 17.12.2015, p. 17–19

12105/15

**Statement by the delegations of Belgium, Germany, Spain, France, Italy, Luxembourg Austria and Poland**

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, in the interest of the European Union, to accept the accession of Albania to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Council Decision (EU) 2015/2357 of 10 December 2015 authorising certain Member States to accept, in the interest of the European Union, the accession of Morocco to the 1980 Hague Convention on the Civil Aspects of International Child Abduction  
OJ L 331, 17.12.2015, p. 20–22

12106/15

**Statement by the delegations of Belgium, Germany, Spain, France, Italy, Luxembourg Austria and Poland**

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, in the interest of the European Union, to accept the accession of Morocco to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Council Decision (EU) 2015/2358 of 10 December 2015 authorising certain Member States to accept, in the interest of the European Union, the accession of Armenia to the 1980 Hague Convention on the Civil Aspects of International Child Abduction  
OJ L 331, 17.12.2015, p. 23–25

12107/15

**Statement by the delegations of Belgium, Germany, Spain, France, Italy, Luxembourg Austria and Poland**

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 2001/2003 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, in the interest of the European Union, to accept the accession of Armenia to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Council Conclusions on World Humanitarian Summit preparatory process

14611/15

Council Decision (EU) 2015/2443 of 11 December 2015 on the position to be taken on behalf of the European Union within the Association Council 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 Title V of that Association Agreement  
OJ L 336, 23.12.2015, p. 56–58

14418/15

Council Decision (CFSP) 2015/2309 of 10 December 2015 on the promotion of effective arms export controls OJ L 326, 11.12.2015, p. 56–63	13472/15		
Council Decision (CFSP) 2015/2310 of 10 December 2015 amending Decision 2013/189/CFSP establishing a European Security and Defence College OJ L 326, 11.12.2015, p. 64–64	13859/15		
<b>3437th meeting of the Council of the European Union (AGRICULTURE AND FISHERIES) held in Brussels on 14 and 15 December 2015</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Position (EU) No 4/2016 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law'). Text with EEA relevance Adopted by the Council on 14 December 2015 OJ C 86, 4.3.2016, p. 1–211	11779/15	Qualified majority	All Member States in favour, except: Against: AT, UK Abstention: SI

**Statement by Austria**

With regard to the position of the Council at first reading with a view to the adoption of Regulation (EU) 2015/... of the European Parliament and of the Council of ... on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law'), Austria wishes to draw attention to the following.

In Austria's view, the diseases listed under Article 5 of the Regulation represent the key element of the Regulation, since the specific rules for prevention and control apply to those diseases. Austria regrets, in this regard, that the Regulation does not follow the approach taken in Regulation (EU) No 652/2014 ('Financial Regulation') nor stipulate that diseases may be removed from the list only by way of the co-decision procedure.

Austria is concerned that, as a result of the procedure selected, certain diseases that have been covered for decades by additional guarantees in EU legislation could be removed. Securing a particular animal health status is expensive and time-consuming for the Member States. It would not be reasonable to lose the status achieved due to a change in legislation aimed at ensuring as uniform a level as possible across the Union. Austria supports the idea of a comparable level of animal health, but this must not be achieved by lowering standards. If animal health status in the EU were to worsen under the new regime, rather than being at least maintained or even improved, this would also have a negative impact on public opinion.

Austria will therefore vote against the Council's position at first reading with a view to the adoption of Regulation (EU) 2015/... of the European Parliament and of the Council of ... on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law').

**Statement by the United Kingdom**

The UK would like to thank the Presidency and past Presidencies for their hard work and determination in getting the Animal Health Regulation to the final stage. The UK would like especially to mention the flexibility to manage disease threats appropriately and the emphasis on prevention of diseases as well as cure which the Regulation provides, all underpinned by a very welcome risk-based approach. Protecting our individual countries and the Union from animal disease is a top priority for us all and this Regulation goes a long way to ensure this aim and simplify how we go about it. The UK therefore regrets that it is not able to support the Regulation, specifically due to areas where Delegated Acts will be used to define technical detail such as the list of diseases to which the Regulation applies. For these reasons, the UK OPPOSES the Regulation.

### **Statement by Slovenia**

Agreeing with the majority of provisions in the new Regulation on transmissible animal diseases (Animal Health Law) Slovenia welcomes modernisation of legislation in the field of animal health and wishes to express the gratitude and congratulations to everyone involved in bringing this proposal to the conclusion of the legislative process. Animal Health Law will undoubtedly bring additional clarity to the EU system of prevention, control and eradication of transmissible diseases.

Nevertheless, Slovenia is of the opinion that the new regulation covering animal health should also promote a new and improved approach to listing of transmissible diseases which should be the very essence of the document and indeed the reason for taking on this immense task of modernising this piece of very important legislation. The final proposal in our view does not reflect such ideas.

The new listing of diseases will serve as the base for further categorisation of diseases therefore it must be up to date. Final proposal contains the list which was transposed from the new CFF regulation (Reg. 652/2014). Unfortunately, this list only includes diseases relevant for financial intervention of the EU and thus a number of transmissible diseases that are currently regulated and have an impact on trade and animal health management (e.g. EGL, AD, IBR) are not included in the scope of the new AHL. Moreover, the list had not been updated in time of adoption of the CFF regulation. Thus it includes diseases, which have been removed from OIE listing years ago (i.e. Teschen disease) and diseases, believed to be completely eradicated (i.e. Rinderpest).

Furthermore, Slovenia is concerned about the envisaged procedure for updating the said list of diseases. Throughout the discussions, Slovenia's position has been that the legal instrument for updating the list should be an implementing act rather than a delegated act.

Albeit Slovenia welcomes the general concept of the new Animal Health Law, Slovenia will ABSTAIN from voting on the proposal of the Regulation on transmissible diseases of the animals (Animal Health Law) for the above-mentioned reasons.

### **Joint statement by the European Parliament, the Council and the Commission**

on antimicrobial resistance

The Communication from the Commission to the European Parliament and the Council – Action plan against the rising threats from Antimicrobial Resistance – emphasises the preventive role of the Regulation on transmissible animal diseases ('Animal Health Law') and the consequent expected reduction of the use of antibiotics in animals. In addition to the requirements of this Regulation, Member States are called upon to commit themselves to collect relevant, comparable and sufficiently detailed data on the actual use of antimicrobial medicinal products in animals and to send such data to the Commission in order to ensure a more prudent use of antimicrobial medicinal products in animals, hence contributing to the reduction of the risk of antimicrobial resistance.

**Commission Statement**

on antimicrobial resistance

The Commission undertakes to publish a regular report as regards the use of antimicrobial medicinal products in animals in the EU on the basis of data made available by the Member States.

**Commission Statement**

on animal welfare

This Regulation lays down rules for the prevention and control of animal diseases which are transmissible to animals or to humans and does not contain provisions which regulate specifically animal welfare, albeit animal health and welfare are linked. The Union has a well-developed acquis regarding animal welfare covering different species (broilers, laying hens, pigs, calves) or activities (farming, transport, slaughter, research, etc.). This animal welfare legislation will necessarily continue to apply. The Commission is fully committed to paying full regard to animal welfare in accordance with Article 13 of the Treaty and within the limits set out therein, including ensuring full implementation and appropriate development of this legislation.

Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast). Text with EEA relevance  
OJ L 26, 2.2.2016, p. 19–59

49/15

Qualified majority

All Member States in favour

**Statement by the Commission**

The wording of the second sentence of recital 69 of the text is not fully in line with the Common Understanding on Delegated Acts because it refers to the need for appropriate contacts with Parliament and Council ahead of the adoption of the delegated act.

In the context of a general compromise, the Commission can nevertheless accept this wording because it generally adheres to the Common Understanding that we remain committed to upholding. The Commission considers transparency in preparation of delegated acts of paramount importance. The Commission will continue to act in accordance with the Common Understanding and particularly declaration 39 of the Treaty on the Functioning of the European Union in the area of financial services.

Regulation (EU) 2016/93 of the European Parliament and of the Council of 20 January 2016 repealing certain acts from the Schengen acquis OJ L 26, 2.2.2016, p. 1–5	54/15	Qualified majority	All Member States in favour, except: Not participating: DK, IE, UK
Regulation (EU) 2016/94 of the European Parliament and of the Council of 20 January 2016 repealing certain acts from the Schengen acquis in the field of police cooperation and judicial cooperation in criminal matters OJ L 26, 2.2.2016, p. 6–8	55/15	Qualified majority	All Member States in favour, except: Not participating: DK, UK
Regulation (EU) 2016/95 of the European Parliament and of the Council of 20 January 2016 repealing certain acts in the field of police cooperation and judicial cooperation in criminal matters OJ L 26, 2.2.2016, p. 9–12	56/15	Qualified majority	All Member States in favour, except: Not participating: DK
NON-LEGISLATIVE ACTS			
ACT		DOCUMENT / STATEMENTS	
Council Decision (EU) 2015/2437 of 14 December 2015 on the conclusion, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) concerning the membership of the Union in the Extended Commission of the Convention for the Conservation of Southern Bluefin Tuna OJ L 336, 23.12.2015, p. 27–28		7134/15	
Council Decision on the approval of the position of the European Union and its member States of the Memorandum of Understanding on the Conservation of Migratory Sharks (Sharks MoU) 2nd Meeting of the Signatories (MoS2), 15-19 February 2016, San José, Costa Rica		14711/15	

### **Statement from the Commission**

The Commission recalls that since the primary object and purpose of the Memorandum of Understanding for the conservation of migratory sharks is to address the conservation of shark species as marine biological resources, this instrument entirely falls within the Union's exclusive competence. Even though this is considered as a non-legally binding instrument, the Union's exclusive competence prevents Member States from entering into any political undertakings in this field. This also encompasses action destined to address the functioning of the instrument in issue.

Consequently, a decision by the Council that would endorse a position to be submitted on behalf of the "Union and its Member States" does not respect the EU exclusive competence in the area of conservation of marine biological resources as defined in Article 3(1)(d) of the Treaty on the Functioning of the European Union.

Also a decision by the Council that would allow Member States to vote at the Meeting of Signatories not only does not respect the EU exclusive competence, but in addition is in contradiction with the Commission's prerogative to represent the EU externally, including by voting, as laid down in Article 17 of the Treaty on the European Union.

In addition, a decision by the Council that foresees that decision making shall be by consensus does not respect the principle that Union decision making is to be done by qualified majority.

Therefore the Commission reserves its rights to avail itself of legal remedies.

Council Decision on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the People's Republic of Bangladesh on certain aspects of air services	12911/15
Agreement between the European Union and the People's Republic of Bangladesh on certain aspects of air services	14378/15

### **Commission Statement**

The Commission takes note that an agreement was reached in the Council on Article 2 of the proposal for a Council decision.

The Commission recalls its views that the signature of an international agreement is an act of external representation of the Union, which the Commission is entrusted to do in line with Article 17(1) TEU.



Council Regulation (EU) 2015/2448 of 14 December 2015 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 345, 30.12.2015, p. 1–10	14504/15
Council Regulation (EU) 2015/2449 of 14 December 2015 amending Regulation (EU) No 1387/2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products OJ L 345, 30.12.2015, p. 11–213	14602/15
Decision (EU) 2015/2457 of the European Parliament and of the Council of 16 December 2015 on the mobilisation of the European Globalisation Adjustment Fund (application from Finland - EGF/2015/005 FI/Computer Programming) OJ L 339, 24.12.2015, p. 44–45	14310/15
Decision (EU) 2015/2458 of the European Parliament and of the Council of 16 December 2015 on the mobilisation of the European Globalisation Adjustment Fund (application from Ireland - EGF/2015/006 IE/PWA International) OJ L 339, 24.12.2015, p. 46–47	14339/15
<b>3438th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 14 December 2015</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Conclusions on the European Court of Auditors' special report No 14/2015 on "The ACP Investment Facility: does it provide added value?"	14998/15
Council Conclusions on the 2015 Annual report on the EU's development and external assistance policies and their implementation in 2014	14960/15

European Union's position for the Association Council's thirteenth meeting (Brussels, 14 December 2015)	14906/15
Council Conclusions on the European Court of Auditors' Special Report No 09/2015 on "EU support for the fight against torture and the abolition of the death penalty"	14638/15
Council Conclusions on the Review of the European Neighbourhood Policy	15011/15
Council Decision (CFSP) 2015/2336 of 14 December 2015 amending Decision 2010/279/CFSP on the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN) OJ L 329, 15.12.2015, p. 16–16	14297/15
Council Conclusions on Iraq	15016/15
<b>3441st meeting of the Council of the European Union (ENVIRONMENT) held in Brussels on 16 December 2015</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Recommendation on addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of Return by Austria	15046/15
Council Implementing Decision (CFSP) 2015/2359 of 16 December 2015 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria OJ L 331, 17.12.2015, p. 26–27	14162/15
Council Implementing Regulation (EU) 2015/2350 of 16 December 2015 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria OJ L 331, 17.12.2015, p. 1–2	14171/15
Council Conclusions on the Mid-Term Review of the EU Biodiversity Strategy to 2020	15389/15

<b>Written procedures completed on 21 December 2015</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2015/2430 of 21 December 2015 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 repealing Decision (CFSP) 2015/1334 OJ L 334, 22.12.2015, p. 18–21	14236/15
Council Implementing Regulation (EU) 2015/2425 of 21 December 2015 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 repealing Implementing Regulation (EU) 2015/1325 OJ L 334, 22.12.2015, p. 1–4	14238/15
Council Decision (CFSP) 2015/2431 of 21 December 2015 amending Council Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine OJ L 334, 22.12.2015, p. 22–22	15022/15
<b>Written procedure completed on 23 December 2015</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Implementing Decision (CFSP) 2015/2459 of 23 December 2015 implementing Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic OJ L 339, 24.12.2015, p. 48–51	15426/15
Council Implementing Regulation (EU) 2015/2454 of 23 December 2015 implementing Article 17(1) and (3) of Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic OJ L 339, 24.12.2015, p. 36–39	15427/15