

Brussels, 18 June 2015
(OR. en)

10079/15

PUBLIC 43
INF 113

NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS - FEBRUARY 2015

This document lists the acts adopted by the Council in February 2015.^{1 2}

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.

¹ 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.

² 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 FEBRUARY 2015

3367th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 9 February 2015

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Conclusions of the Council on EU priorities at the UN Human Rights Fora in 2015	5840/15
Statement by Hungary The adoption of the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action marked a remarkable consensus. They placed the enjoyment of human rights at the heart of development and important gains in the fields of health, gender equality and education have been achieved since their adoption. Hungary remains dedicated to its commitments in the field of human rights and to the implementation of the Programme of Action and Platform for Action as primary points of reference to the terms of sexual health, reproductive health and reproductive rights. As the term “sexual and reproductive health and rights” remains undefined, Hungary can only interpret “sexual and reproductive health and rights” in line with its national legislation.	
Statement by Malta Malta will continue to uphold the fundamental values enshrined in the universal declaration of human rights, and its subsequent covenants. Furthermore, Malta will do its utmost to further its implementation of human rights instruments and widen their reach, with a view to ensuring universal respect for and protection of human rights. Notwithstanding, Malta would like to recall its principled position on the issue of sexual and reproductive health and rights; any recommendation or commitments made by the European Union should in no way create an obligation on any party to consider abortion as a legitimate form of reproductive health or rights or commodities.	
Council Decision (CFSP) 2015/241 of 9 February 2015 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine OJ L 40, 16.2.2015, p. 14–20	5826/15

Council Implementing Regulation (EU) 2015/240 of 9 February 2015 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine OJ L 40, 16.2.2015, p. 7–13	5829/15
Council Decision (CFSP) 2015/203 of 9 February 2015 in support of the Union proposal for an international Code of Conduct for outer-space activities as a contribution to transparency and confidence-building measures in outer-space activities OJ L 33, 10.2.2015, p. 38–44	17005/14
Council Decision (CFSP) 2015/202 of 9 February 2015 amending Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire OJ L 33, 10.2.2015, p. 37–37	16525/14
Council Regulation (EU) 2015/192 of 9 February 2015 amending Regulation (EC) No 174/2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire OJ L 33, 10.2.2015, p. 1–3	16607/14
Council Decision on the conclusion, on behalf of the European Union and its Member States, of a protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union	10641/12
Council Conclusions on Libya	5977/15
Council Conclusions on Yemen	5983/15
Council Conclusions on elections in Nigeria	6049/15
Council Conclusions on the Boko Haram threat	6051/15
Council Conclusions on the Central African Republic	6058/15
Council Conclusions on Mali	6052/15
Council Conclusions on Counter-Terrorism	6048/15

3368th meeting of the Council of the European Union (GENERAL AFFAIRS) held in Brussels on 10 February 2015**NON-LEGISLATIVE ACTS**

ACT	DOCUMENT / STATEMENTS
Council Conclusions on the Commission's Annual Work Programme 2015	5955/15
Council Conclusions on Cyber Diplomacy	5610/15
Council Implementing Decision (EU) 2015/215 of 10 February 2015 on the putting into effect of the provisions of the Schengen acquis on data protection and on the provisional putting into effect of parts of the provisions of the Schengen acquis on the Schengen Information System for the United Kingdom of Great Britain and Northern Ireland OJ L 36, 12.2.2015, p. 8–10	5481/15
Common Positions of the Union on Accession Negotiations with Montenegro	5654/15
Council Decision on the conclusion of the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States and the Kingdom of Morocco	10437/14
Council Decision (EU) 2015/214 of 10 February 2015 endorsing the Shift2Rail Master Plan OJ L 36, 12.2.2015, p. 7–7	5445/15
Council Decision (EU) 2015/238 of 10 February 2015 on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Republic of the Seychelles on access for fishing vessels flying the flag of the Seychelles to waters and marine biological resources of Mayotte, under the jurisdiction of the European Union OJ L 40, 16.2.2015, p. 1–3	7911/14

Statement by the Commission

By its judgement of 24 November 2014 on the joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council), the Court of Justice annulled the Council Decision 2012/19/EU of 16 December 2010 on the Declaration on the granting of fishing opportunities in EU waters to Venezuelan fishing vessels in the exclusive economic zone off the coast of French Guiana. The Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)a(v) for the decisions on the conclusion) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

Therefore, in relation to the decision on the conclusion of the Fisheries Agreement with the Seychelles as regards waters around Mayotte, the Commission regrets the Council's amendment replacing the legal basis of Article 43(2) in conjunction with Article 218(6)a and (7) TFEU with article 43 (without mentioning the paragraph) in conjunction with Article 218(6)a and (7) TFEU.

Statement by the Council

The Council disagrees with the Commission statement according to which it would flow from the judgment of 24 November 2014 November in the joined cases C-103/12 and C-165/12 that all decisions on the conclusion of external fisheries agreements fall within the scope of Article 43(2) TFEU.

The Council considers that no such a conclusion can be drawn from that judgment. The choice of the legal basis for a Union act must be based on objective factors which are amenable to judicial review and which include, in particular, the aim and content of the measure in question. In the specific case of the European Union Declaration to Venezuela, the Court took the view that the aim of the Declaration was not to ensure the fixing and allocation of fishing opportunities. However, the present Agreement contains a crucial element of fixing fishing opportunities available to Seychelles in the waters of Mayotte.

Consequently, in view of the aim and the content of the Agreement, which includes the fixing and allocation of fishing opportunities within the meaning of Article 43(3) TFEU, it is appropriate that the substantive legal basis for the decision on the conclusion of the Agreement refers to Article 43 TFEU as a whole.

Statement by the United Kingdom

The UK notes that the definition of 'EU waters' in Article 2(d) of the proposed Agreement is unclear, and inconsistent with the definition of 'Union waters' in Article 4.1(1) of the CFP Basic Regulation (1380/2013). The latter definition makes no reference to waters "under the jurisdiction of the EU", but makes clear that Union waters are those "under the sovereignty or jurisdiction of the Member States". It is not the EU, but Member States which exercise jurisdiction under UNCLOS. The UK notes that the proposed Agreement cannot change the division of competence between the EU and Member States. The definition of 'EU waters' in the proposed Agreement should be consistent with the definition of 'Union waters' in the CFP Basic Regulation.

Council Decision (EU) 2015/239 of 10 February 2015 on the conclusion, on behalf of the European Union, of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe OJ L 40, 16.2.2015, p. 4–6	8585/14
Statement by the Commission By its judgement of 24 November 2014 on the joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council), the Court of Justice annulled the Council Decision 2012/19/EU of 16 December 2010 on the Declaration on the granting of fishing opportunities in EU waters to Venezuelan fishing vessels in the exclusive economic zone off the coast of French Guiana. The Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)a(v) for the decisions on the conclusion) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU. Therefore, in relation to the decision on the conclusion of the Protocol to the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe, the Commission regrets the Council's amendment replacing the legal basis of Article 43(2) in conjunction with Article 218(6)a and (7) TFEU with Article 43 (without mentioning the paragraph) in conjunction with article 218(6)a and (7) TFEU.	
Statement by the Council The Council disagrees with the Commission statement according to which it would flow from the judgment of 24 November 2014 November in the joined cases C-103/12 and C-165/12 that all decisions on the conclusion of external fisheries agreements fall within the scope of Article 43(2) TFEU. The Council considers that no such a conclusion can be drawn from that judgment. The choice of the legal basis for a Union act must be based on objective factors which are amenable to judicial review and which include, in particular, the aim and content of the measure in question. In the specific case of the European Union Declaration to Venezuela, the Court took the view that the aim of the Declaration was not to ensure the fixing and allocation of fishing opportunities. However, the present Protocol contains a crucial element of fixing fishing opportunities available to the Union in the waters over which the Democratic Republic of São Tomé and Príncipe has sovereignty or jurisdiction. Consequently, in view of the aim and the content of the Protocol, which includes the fixing and allocation of fishing opportunities within the meaning of Article 43(3) TFEU, it is appropriate that the substantive legal basis for the decision on the conclusion of the Protocol refers to Article 43 TFEU as a whole.	

Statement by the United Kingdom and the Netherlands

United Kingdom and the Netherlands recognise progress on areas of concern in the recently negotiated proposal for the renewal of the protocol to the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe, such as benefits to the local fishing industry and the economic return for the European Union. However, both delegations regret that this protocol contains no clear management system to provide for the necessary protection of sharks.

Direct fishery and by-catches of shark are a concern in tuna fisheries in the Atlantic Ocean.

The United Kingdom and the Netherlands have decided to abstain and would wish to see the EU putting forward shark management measures in any future Joint Committee meetings under this protocol.

Council Decision (Euratom) 2015/224 of 10 February 2015 amending Decision 2007/198/Euratom establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it
OJ L 37, 13.2.2015, p. 8–14

16871/14

Statement by Luxembourg

Luxembourg recognises the importance of the ITER project but nevertheless wishes to reiterate its critical attitude towards nuclear research. Indeed, the Luxembourg Government is looking into the possibility of terminating its financial contribution to ITER and stresses that European funds for research should in future be geared more towards renewable energy. As the amended proposal for a Council Decision establishing the European Joint Undertaking for ITER and the Development of Fusion Energy does not herald such a shift, Luxembourg cannot subscribe to it and is therefore voting against it.

Written procedures completed on 12 February 2015**NON-LEGISLATIVE ACTS****ACT****DOCUMENT / STATEMENTS**

Council Decision (CFSP) 2015/236 of 12 February 2015 amending Decision 2010/413/CFSP concerning restrictive measures against Iran
OJ L 39, 14.2.2015, p. 18–20

16356/14

Council Regulation (EU) 2015/229 of 12 February 2015 amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran OJ L 39, 14.2.2015, p. 1–2	16770/14
Council Implementing Regulation (EU) 2015/230 of 12 February 2015 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran OJ L 39, 14.2.2015, p. 3–4	16362/14
3370th meeting of the Council of the European Union (ECONOMIC AND FINANCIAL AFFAIRS) held in Brussels on 17 February 2015	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2015/284 of 17 February 2015 on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Protocol 4 of the EEA Agreement on rules of origin (Croatia Enlargement) OJ L 50, 21.2.2015, p. 10–12	16970/14
Council Decision (EU) 2015/285 of 17 February 2015 on the position to be adopted on behalf of the European Union within the EEA Joint Committee established by the Agreement on the European Economic Area, as regards the replacement of Protocol 4 to that Agreement, on rules of origin, by a new Protocol which is aligned to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin OJ L 50, 21.2.2015, p. 13–41	17070/14
Council Decision (CFSP) 2015/260 of 17 February 2015 extending the mandate of the European Union Special Representative for Human Rights OJ L 43, 18.2.2015, p. 29–32	5716/15
Council Decision (CFSP) 2015/259 of 17 February 2015 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction OJ L 43, 18.2.2015, p. 14–28	16330/14

Council Decision (EU) 2015/344 of 17 February 2015 concerning the renewal of the Agreement on cooperation in science and technology between the European Community and Ukraine OJ L 60, 4.3.2015, p. 37–38	11047/14
Council Conclusions on the Annual Growth Survey 2015 and the 2015 Alert Mechanism Report	5957/1/15 REV 1
Council Conclusions on the budget guidelines for 2016	5310/15
Written procedure completed on 19 February 2015	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (CFSP) 2015/277 of 19 February 2015 amending Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe OJ L 47, 20.2.2015, p. 20–21	6129/15