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**NOTE**

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Subject: MONTHLY SUMMARY OF COUNCIL ACTS - MAY 2016

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

This document also contains information on the adoption of non-legislative acts that the Council has decided to make public.

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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.

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**INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN MAY 2016**

**Written procedure completed on 4 May 2016**

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Implementing Decision (CFSP) 2016/694 of 4 May 2016 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya OJ L 120, 5.5.2016, p. 12–14	8414/16
Council Implementing Regulation (EU) 2016/690 of 4 May 2016 implementing Article 21(1) and 21(5) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya OJ L 120, 5.5.2016, p. 1–3	8415/16

**Adoption of legislative acts following the European Parliament's Second Reading (Strasbourg, 9 to 12 May 2016)**

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA OJ L 135, 24.5.2016, p. 53–114	19/16 (8685/16)	Not applicable	Not applicable

#### **Joint Statement by the Council and the European Parliament on Article 44**

Creating a harmonised, high level of data protection covering police and judicial activities in the Union is crucial as a means of respecting and safeguarding the fundamental rights of Union citizens. Given the shared responsibilities of the Union and Member States in the area of freedom, security and justice, it is essential that there be close and effective cooperation among supervisory authorities at national and Union level. The European Parliament and the Council consider that, following the adoption of the proposed General Data Protection Regulation and Data Protection Directive for data processing in the police and justice sector, including the new, soon to be created European Data Protection Board, and in light of the announced review of Regulation (EC) No 45/2001, the different mechanisms for cooperation between the European Data Protection Supervisor and the national supervisory authorities in this field, including the Cooperation Board set up in this Regulation, should in the future be reorganised in such a way as to ensure effectiveness and consistency and avoid unnecessary duplication, without prejudice to the Commission's right of initiative.

Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing  
OJ L 132, 21.5.2016, p. 21–57

18/16  
(8686/16)

Not applicable

Not applicable

#### **Joint Statement by the European Parliament and the Commission on the ground for rejection specified in point (f) of Article 20(2)**

The European Parliament and the Commission understand point (f) of Article 20(2) of this Directive as allowing Member States to reject an application only on a case-by-case basis and taking into account the specific circumstances of the third-country national and the principle of proportionality and on the basis of evidence or serious and objective reasons. The Commission will ensure that Member States implement this provision in line with this interpretation when transposing the Directive, and will inform the Parliament and the Council thereof, in the framework of its obligations under Article 39.

The European Parliament and the Commission consider that the inclusion of this provision in this Directive should not constitute a precedent for future legal migration instruments.

3462nd meeting of the Council of the European Union (FOREIGN AFFAIRS - DEVELOPMENT ISSUES) held in Brussels on 12 May 2016	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Conclusions on the Annual Report 2016 to the European Council on EU Development Aid Targets	8530/16
Council Conclusions on HABITAT III: The European Union and its Member States' objectives and priorities for the 3rd UN Conference on Housing and Sustainable Urban Development	8283/16
Council Conclusions on the European Court of Auditors' Special Report No 21/2015 on the risks related to a results-oriented approach for EU development and cooperation action	6528/16
Council Decision (EU) 2016/783 of 12 May 2016 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget Line 12.02.01) OJ L 131, 20.5.2016, p. 66–69	7153/16
Council Decision (EU) 2016/784 of 12 May 2016 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Budget Line 04 03 01 03) OJ L 131, 20.5.2016, p. 70–72	7161/16
Council Decision (EU) 2016/830 of 12 May 2016 on the signing, on behalf of the European Union and its Member States, of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, to take account of the accession of the Republic of Croatia to the European Union OJ L 140, 27.5.2016, p. 5–6	7423/16

<p>Council Decision (Euratom) 2016/829 of 12 May 2016 approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, to take account of the accession of the Republic of Croatia to the European Union OJ L 140, 27.5.2016, p. 3–4</p>	7421/16
<p>Council Decision (EU) 2016/853 of 12 May 2016 on the signing, on behalf of the European Union and its Member States, of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part, to take account of the accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Croatia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic to the European Union OJ L 142, 31.5.2016, p. 3–4</p>	7417/16
<p>Council Decision (Euratom) 2016/852 of 12 May 2016 approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Turkmenistan, of the other part, to take account of the accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Croatia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic to the European Union OJ L 142, 31.5.2016, p. 1–2</p>	7415/16
<p>Council Decision (CFSP) 2016/713 of 12 May 2016 amending Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast OJ L 125, 13.5.2016, p. 12–13</p>	7063/16

<p>Council Decision (CFSP) 2016/712 of 12 May 2016 amending Decision 2014/486/CFSP on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) OJ L 125, 13.5.2016, p. 11–11</p>	<p>6349/16</p>
<p>Council Conclusions on the European Court of Auditors' Special Report No 19/2015: "More attention to results needed to improve the delivery of technical assistance to Greece"</p>	<p>7718/16</p>
<p>Council Implementing Decision (EU) 2016/894 of 12 May 2016 setting out a recommendation for temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk OJ L 151, 8.6.2016, p. 8–11</p>	<p>8746/16</p>
<p><b>Statement by Greece</b></p> <p>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.</p> <p>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.</p> <p>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".</p> <p>In the light of the above, Greece cannot agree to the proposal for a Council Implementing Decision.</p>	

**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.

Council Conclusions on the EU and Responsible Global Value Chains	8577/16
Council Conclusions on Afghanistan	8568/16
Council Conclusions on Stepping up Joint Programming	8554/16
Council Conclusions on the EU approach to forced displacement and development	8553/16
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



### 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.

### 3463rd meeting of the Council of the European Union (FOREIGN AFFAIRS - TRADE ISSUES) held in Brussels on 13 May 2016

#### NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2016/763 of 13 May 2016 establishing the position to be taken on behalf of the European Union within the Committee on Government Procurement as regards the draft decision on arbitration procedures pursuant to Article XIX:8 of the Revised Agreement on Government Procurement OJ L 126, 14.5.2016, p. 71–76	7540/16 7541/16
Council Conclusions on the European Court of Auditors' Special Report No 18/2015: "Financial assistance provided to countries in difficulties"	8094/16
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 management of the external border by Germany	8053/16
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 police cooperation by Germany	8054/16

Council Implementing Decision setting out a Recommendation addressing the deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of the Schengen Information System by Germany	8051/16	8055/16	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 the common visa policy by Germany
<b>3464th meeting of the Council of the European Union (AGRICULTURE AND FISHERIES) held in Brussels on 17 May 2016</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding (‘Animal Breeding Regulation’) (Text with EEA relevance) OJ L 171, 29.6.2016, p. 66–143	3/16	Qualified majority	All Member States in favour, except: Against: HU, SK Abstention: BE, DE
<b>Statement by the Commission</b>			
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.			

### **Statement by Hungary**

In principle Hungary welcomes the review of the current legislation on zootechnics.

Hungary notes that on a technical level the text of the proposal on the regulation has improved significantly during the expert discussions in the Council and in this respect appreciates greatly the work of all presidencies dealing with this file.

However while Hungary agrees with the intention to update the legislation in this field, this exercise should focus on developing harmonised rules for additional species, and must not result in the breakdown or weakening of well-functioning structures within Member States. Hungary underlines that a directive is and would remain suitable for this purpose, a regulation however would not. Hungary is also of the view that in this field Union law should put more emphasis on the protection of biodiversity.

For these reasons Hungary cannot support the present proposal on a regulation.

### **Statement by Germany**

The Federal Republic of Germany abstains from voting as the following important points have not been satisfactorily solved:

#### **1. Recognition of breeding organisations**

We reject the recognition of breeding organisations in which the breeders have no right to membership, as only the implementation of purebred breeding programmes by breeding societies ensures that the individual breeders can decide on, define and continue to develop the breeding programmes for purebred breeding animals.

Germany believes it is vital for breeders to have direct influence on the breeding programme.

#### **2. Option of conducting performance tests and genetic evaluations (LP/ZWS) at national level as a sovereign task**

Germany believes that the enacting section should also provide for the option – as hitherto – of enabling the performance test and the genetic evaluations to be carried out at national level as a sovereign task.

#### **3. Technical reasons for rejecting breeding programmes**

It should only be possible to reject a breeding programme if the approval of a further breeding programme for the same – already endangered – breed would result in a threat to the population of this breed.

### Statement by Slovakia

Slovakia understands the reasons for adoption of harmonised rules for the market in breeding animals and their germinal products and appreciates the effort made by all the Presidencies concerned to improve the proposal by taking into consideration all the technical concerns of the Member States. Nevertheless, Slovakia is afraid that the new regulation will cause some serious problems and adversely affect the existing system and organisation of breeding activities in Slovakia. The breeders' organisations and other breeding organisations involved as well as the whole structure of the breeding system in Slovakia are based on long tradition and are organised on high professional level. After adoption of the proposal the stability of this organisation structure of breeding activities could be seriously threatened. The proposal for a regulation also introduces significant liberalisation of breeding activities in the Union which may negatively affect some Member States in terms of their dependency on the import of breeding animals and their germinal products. In addition, Slovakia assumes that the competent authorities of the Member States should have stronger decision-making power regarding the carrying out of breeding programmes in their territories by breeders' organisations which are established and recognised in other Member States. It is important that genetic diversity is also preserved in the case of the widely-reared commercial breeds, in the form of individual breeding programmes carried out in each Member State and supervised by its competent authorities.

Consequently, after thorough consultations with the representatives of the operators in the animal breeding sector in Slovakia and careful consideration of all the positive and negative aspects of the new harmonised rules, Slovakia cannot support the proposal.

Position (EU) No 10/2016 of the Council at first reading with a view to adoption of a Directive of the European Parliament and of the Council concerning measures for a high common level of security of network and information systems across the Union Adopted by the Council on 17 May 2016 OJ C 218, 16.6.2016, p. 1–30	5581/16 5581/16 ADD 1	Qualified majority	All Member States in favour
Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (Text with EEA relevance) OJ L 171, 29.6.2016, p. 1–65	72/15	Qualified majority	All Member States in favour

NON-LEGISLATIVE ACTS		DOCUMENT / STATEMENTS
ACT		
<p>Council Decision (EU) 2016/817 of 17 May 2016 on the conclusion, on behalf of the European Union, of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand OJ L 136, 25.5.2016, p. 1–3</p> <p><b>Statement by the Commission</b></p> <p>By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) 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 of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.</p> <p>In relation to the decision on the signature and conclusion of the new Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand, the Commission regrets the Council's amendment replacing the legal basis of Article 43(2) in conjunction with Article 218(5), 218(6)(a) and Article 218(7) TFEU with Article 43 (without mentioning the paragraph) in conjunction with article 218(5), 218(6)(a) and 218(7) TFEU, and therefore maintains its initial proposal.</p>	11643/15	
<p>Council Decision (EU) 2016/833 of 17 May 2016 establishing the position to be adopted, on behalf of the European Union, at the 54th session of the Committee of Experts for the Carriage of Dangerous Goods set up by the Intergovernmental Organisation for International Carriage by Rail (OTIF) as regards certain amendments to Appendix C to the Convention concerning International Carriage by Rail OJ L 140, 27.5.2016, p. 12–14</p>	7925/16	

<p>Council Regulation (EU, Euratom) 2016/804 of 17 May 2016 amending Regulation (EU, Euratom) No 609/2014 on the methods and procedure for making available the traditional, VAT and GNI-based own resources and on the measures to meet cash requirements OJ L 132, 21.5.2016, p. 85–94</p>	7945/16
<p>Council Decision (EU) 2016/815 of 17 May 2016 concerning the accession of Croatia to the Convention, drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests and to the Protocol of 27 September 1996, the Protocol of 29 November 1996 and the Second Protocol of 19 June 1997 thereto OJ L 133, 24.5.2016, p. 9–10</p>	7771/16
<b>Written procedure completed on 19 May 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<p>Council Decision (CFSP) 2016/785 of 19 May 2016 amending Decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea OJ L 131, 20.5.2016, p. 73–78</p>	8406/16
<b>3465th meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS- HOME AFFAIRS) held in Brussels on 20 May 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
<p>Council Decision (EU) 2016/834 of 20 May 2016 on 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 the rules of procedure of the Joint Committee OJ L 140, 27.5.2016, p. 15–20</p>	8064/16

<p>Council Decision (EU) 2016/979 of 20 May 2016 concerning the accession of Croatia to the Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on mutual assistance and cooperation between customs administrations OJ L 161, 18.6.2016, p. 35–36</p>	8418/16
<p>Council Decision (EU) 2016/920 of 20 May 2016 on the signing, on behalf of the European Union, of the Agreement between the United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences OJ L 154, 11.6.2016, p. 1–2</p>	8505/16
<p><b>Statement by the United Kingdom</b></p> <p>The United Kingdom welcomes this Agreement. It notes recital (6) of this Council Decision records the application of Article 6a of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, as annexed to the TEU and TFEU.</p> <p>The United Kingdom notes that Article 6a of Protocol 21 means that the rules in the Agreement do not bind the United Kingdom in respect of any bilateral agreement the United Kingdom has concluded or concludes in its own right.</p> <p>The United Kingdom reserves its position in relation to the existence of Union competence in the area of data protection to conclude any other agreement with a third country which includes, within its scope, agreements concluded between individual Member States and third countries.</p>	
<p><b>3466th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 23 May 2016</b></p>	
<p>NON-LEGISLATIVE ACTS</p>	
<p>ACT</p>	DOCUMENT / STATEMENTS
<p>Council Decision (EU) 2016/838 of 23 May 2016 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 OJ L 141, 28.5.2016, p. 26–27</p>	9827/14

<p><b>Statement by the United Kingdom</b></p> <p>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.</p>	<p><b>Statement by the Commission</b></p> <p>With regard to the Statement entered into the Minutes by the UK in relation to items 30 and 31, the Commission points out that the two draft Council Decisions on the conclusion of Association Agreements with Georgia and Moldova respectively are not adopted pursuant to Title V of Part Three of the TFEU and therefore Protocol 21 is not applicable to them.</p>	<p>Council Decision (EU) 2016/839 of 23 May 2016 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 OJ L 141, 28.5.2016, p. 28–29</p>	<p>9828/14</p>
<p><b>Statement by the United Kingdom</b></p> <p>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.</p>			



<p><b>Statement by the Commission</b></p> <p>With regard to the Statement entered into the Minutes by the UK in relation to items 30 and 31, the Commission points out that the two draft Council Decisions on the conclusion of Association Agreements with Georgia and Moldova respectively are not adopted pursuant to Title V of Part Three of the TFEU and therefore Protocol 21 is not applicable to them.</p>	<p>8278/16</p>
<p>Council Decision (EU) 2016/877 of 23 May 2016 on the position to be adopted, on behalf of the European Union, within the Sanitary and Phytosanitary Subcommittee 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 OJ L 145, 2.6.2016, p. 24–47</p>	<p>8184/16</p>
<p>Council Decision on the Union position to be adopted in the Joint Committee established by the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, in relation to the adoption of the rules of procedure of the Joint Committee, and the establishment of specialised working groups and the adoption of their terms of reference</p>	<p>7825/16</p>
<p>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</p>	<p>7826/16</p>
<p>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</p>	<p>8890/16 8891/16</p>
<p>Council Conclusions on the Democratic Republic of the Congo</p>	
<p>Council Conclusions on South Sudan</p>	

Council Implementing Decision (CFSP) 2016/816 of 23 May 2016 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya OJ L 133, 24.5.2016, p. 11–12	9161/16
Council Conclusions on the EU Regional Strategy for Syria and Iraq as well as the Da'esh threat	9105/16
Council Conclusions on External Aspects of Migration	9242/16
Council Conclusions on EUNAVFOR MED Operation Sophia	9064/16
<b>3467th meeting of the Council of the European Union (GENERAL AFFAIRS) held in Brussels on 24 May 2016</b>	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2016/870 of 24 May 2016 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 Community and the Islamic Republic of Mauritania for a period of four years OJ L 145, 2.6.2016, p. 1–3	12773/15
<p><b>Statement by the Commission</b></p> <p>By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) 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 of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.</p> <p>In relation to the decision on the signature and conclusion of the new Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia and the Implementation Protocol thereto, the Commission regrets the Council's amendment replacing the legal basis of Article 43(2) in conjunction with Article 218(5), 218(6)a and Article 218(7) TFEU with Article 43 (without mentioning the paragraph) in conjunction with articles 218(6)a and 218(7) TFEU, and therefore maintains its initial proposal.</p>	

<p>Council Decision (EU) 2016/1062 of 24 May 2016 on the conclusion on behalf of the European Union of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia and the Implementation Protocol thereto OJ L 177, 1.7.2016, p. 1–3</p>	<p>13015/15</p>
<p><b>Statement by the Commission</b></p> <p>By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) 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 of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.</p> <p>In relation to the decision on the signature and conclusion of the new Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia and the Implementation Protocol thereto, the Commission regrets the Council's amendment replacing the legal basis of Article 43(2) in conjunction with Article 218(5), 218(6)(a) and Article 218(7) TFEU with Article 43 (without mentioning the paragraph) in conjunction with articles 218(6)(a) and 218(7) TFEU, and therefore maintains its initial proposal.</p>	
<p><b>3468th meeting of the Council of the European Union (ECONOMIC AND FINANCIAL AFFAIRS) held in Brussels on 25 May 2016</b></p>	
<p>LEGISLATIVE ACTS</p>	
<p>ACT</p>	<p>DOCUMENT</p>
<p>Council Directive (EU) 2016/881 of 25 May 2016 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation OJ L 146, 3.6.2016, p. 8–21</p>	<p>7148/16</p>
<p>Council Directive (EU) 2016/856 of 25 May 2016 amending Directive 2006/112/EC on the common system of value added tax, as regards the duration of the obligation to respect a minimum standard rate OJ L 142, 31.5.2016, p. 12–13</p>	<p>5931/16</p>
<p>VOTING RULE</p>	<p>VOTES</p>
<p>Unanimity</p>	<p>All Member States in favour</p>
<p>Unanimity</p>	<p>All Member States in favour</p>

Regulation (EU) 2016/1076 of the European Parliament and of the Council of 8 June 2016 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, economic partnership agreements OJ L 185, 8.7.2016, p. 1–191	6/16	Qualified majority	All Member States in favour
NON-LEGISLATIVE ACTS			
ACT		DOCUMENT / STATEMENTS	
Council Conclusions on Special Report No 22/2015 from the European Court of Auditors entitled: "EU supervision of Credit Rating Agencies - well established but not yet fully effective"		8880/16	
Council Conclusions on Commission Communication on an External Strategy for Effective Taxation and Commission Recommendation on the implementation of measures against tax treaty abuse		8792/16	
Council Conclusion on VAT Action Plan "Towards a single EU VAT area" and on Special Report No 24/2015 by the European Court of Auditors: "Tackling intra-community VAT fraud: more action needed"		9494/16	
Council Conclusions on in-depth reviews and implementation of the 2015 Country Specific Recommendations		8836/16	

**3470th meeting of the Council of the European Union (COMPETITIVENESS - INTERNAL MARKET, INDUSTRY, RESEARCH AND SPACE) held in Brussels on 26 and 27 May 2016**

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (Text with EEA relevance) OJ L 157, 15.6.2016, p. 1–18	76/15	Qualified majority	All Member States in favour
<p><b>Statement by Latvia</b></p> <p>The Republic of Latvia draws attention to the fact that the legal term '<i>darījumdarbība</i>' used in the Latvian language version of the Directive with respect to economic activity differs substantially from the legal meaning of the term 'business' used in the English language version of the Directive. The Republic of Latvia notes that inconsistent or incorrect usage of legal terminology leads to legal ambiguity and therefore creates the risk of disrupting the legal parallelism between all language versions of the Directive. The Republic of Latvia notes that the term 'business' appears in a comparable context in Article 54 of the Treaty on the Functioning of the European Union, where it is translated into Latvian as '<i>uzņēmējdarbība</i>'. The latter term '<i>uzņēmējdarbība</i>' more accurately describes the economic activity covered by the Directive, which results in the development of trade secrets.</p> <p>The Republic of Latvia intends to initiate the corrigendum procedure for the Directive in order to ensure consistent and correct use of terminology.</p>			
NON-LEGISLATIVE ACTS			
ACT	DOCUMENT / STATEMENTS		
Council Conclusions on Special Report no 5/2016 from the European Court of Auditors entitled: "Has the Commission ensured effective implementation of the Services Directive?"	8552/16		
Council Conclusions on the "Digital Single Market Technologies and Public Services Modernisation" package	8735/16		

**Statement by the United Kingdom, Estonia, Belgium, Slovenia, Poland, Latvia and Malta**

The above mentioned delegations welcome the Commission's "Digital Single Market Technologies and Public Services Modernisation" package and its commitment to enabling all European businesses, regardless of size, sector or specialism, to benefit from digital innovations. We welcome also the Council's Conclusions on the package.

We commend the Commission's acknowledgement that Open Standards ensure interoperability, foster innovation and lower market entry barriers in the Digital Single Market. To drive innovation and growth, and fulfil the potential of the DSM, we must continue to remove barriers to innovation, particularly for SMEs. Although the Communication on ICT Prioritisation refers solely to FRAND licensing in the paragraph on ICT Standardisation in regard to standard essential patents, we wish to emphasise the importance of the creation of Open Standards relying on Royalty Free intellectual property models in regard to software.

We request that, in future communications and work programmes, the Commission acknowledge all appropriate open, transparent and broad consensus-based models of standardisation used by industries across the Information Technology and the Electronic Communications Technology sectors. This will enable a level-playing field for all forms of software, electronic communications and data format standards that will enable EU companies to compete in local, regional and global markets on equal terms, where their innovative solutions can create new markets and jobs.

Council Decision authorising the opening the negotiations on a Convention on the recognition and enforcement of judgments in civil and commercial matters (the Judgments Convention) in the framework of the Hague Conference on Private International Law

8851/16

### **Statement by the United Kingdom**

The United Kingdom notes that recital 7 of the Council Decision states that the Union has exclusive external competence with regard to the matters dealt with by the proposed Judgments Convention, on the basis that the envisaged Convention will affect common rules of the existing Union framework, in particular Regulation 1215/2012 (Brussels I recast).

However, the United Kingdom wishes to draw attention to the fact that the Council Decision to be adopted is pursuant to Title V of Part III of the Treaty on the Functioning of the European Union. Consequently, the Council Decision will only bind the United Kingdom if it opts in to the Council Decision in accordance with Protocol 21 to the Treaties.

Accordingly the United Kingdom does not consider that it is automatically bound to participate in the Council Decision and considers the inclusion of the word “therefore” in the text of recital 8 to be inaccurate. The fact that the United Kingdom is taking part in Regulation 1215/2012 does not, in its view, render inoperative the provisions of Protocol 21.

Instead, the United Kingdom is exercising its right under Protocol 21 to opt in to the proposed Council Decision, and will consider itself bound by the Decision.

Council Conclusions on "Better Regulation to strengthen competitiveness"

8551/16

### **Statement by Germany**

Germany declares that the high level of protection stated in the Council conclusions includes the respect of existing protection standards.

Council Conclusions on FP7 and the Future Outlook: Research and innovation investments for growth, jobs and solutions to societal challenges

9527/16

Council Conclusions on Research and Innovation friendly regulation

9510/16

Council Conclusions on the transition towards an Open Science system

9526/16

**Written procedures completed on 27 May 2016**

NON-LEGISLATIVE ACTS		DOCUMENT / STATEMENTS
ACT		
Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP OJ L 141, 28.5.2016, p. 79–124		7803/16
Council Regulation (EU) 2016/841 of 27 May 2016 amending Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea OJ L 141, 28.5.2016, p. 36–46		8481/16
Council Decision (CFSP) 2016/850 of 27 May 2016 amending Decision 2013/255/CFSP concerning restrictive measures against Syria OJ L 141, 28.5.2016, p. 125–130		8425/16
Council Implementing Regulation (EU) 2016/840 of 27 May 2016 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria OJ L 141, 28.5.2016, p. 30–35		8427/16
<b>3471st meeting of the Council of the European Union (EDUCATION, YOUTH, CULTURE AND SPORT) held in Brussels on 30 and 31 May 2016</b>		

LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2016/1014 of the European Parliament and of the Council of 8 June 2016 amending Regulation (EU) No 575/2013 as regards exemptions for commodity dealers (Text with EEA relevance) OJ L 171, 29.6.2016, p. 153–154	13/16	Qualified majority	All Member States in favour



Regulation (EU) 2016/1013 of the European Parliament and of the Council of 8 June 2016 amending Regulation (EC) No 184/2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment (Text with EEA relevance) OJ L 171, 29.6.2016, p. 144–152	8/16	Qualified majority	All Member States in favour
Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union OJ L 176, 30.6.2016, p. 21–54	47/15	Qualified majority	All Member States in favour
Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union OJ L 176, 30.6.2016, p. 55–91	48/15	Qualified majority	All Member States in favour
NON-LEGISLATIVE ACTS			
ACT			DOCUMENT / STATEMENTS
Council Decision (EU) 2016/915 of 30 May 2016 on the position to be taken on behalf of the European Union with regard to the international instrument to be drawn up within the ICAO bodies and intended to lead to the implementation from 2020 of a single global market-based measure for international aviation emissions OJ L 153, 10.6.2016, p. 32–34		8586/16	
Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the role of the youth sector in an integrated and cross-sectoral approach to preventing and combating violent radicalisation of young people OJ C 213, 14.6.2016, p. 1–5		9640/16	
Council Conclusions of 30 May 2016 on developing media literacy and critical thinking through education and training OJ C 212, 14.6.2016, p. 5–8		9641/16	

<p>Council Conclusions on the role of Europeana for the digital access, visibility and use of European cultural heritage OJ C 212, 14.6.2016, p. 9–13</p>	9643/16
<p>Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on enhancing integrity, transparency and good governance in major sport events OJ C 212, 14.6.2016, p. 14–17</p>	9644/16

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