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## OUTCOME OF THE COUNCIL MEETING

3510th Council meeting

### Foreign Affairs

Brussels, 12 December 2016

President **Federica Mogherini**  
High Representative for Foreign Affairs and Security

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

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## **ITEMS DEBATED**

### **EU-Africa relations**

The Council held a debate on EU-Africa relations. Ministers discussed priorities in the EU's relations with Africa, as well as how those relations should evolve in the light of emerging challenges. They emphasised that engagement in and with Africa remains key to preventing conflict, promoting human security, addressing the root causes of instability and managing migration flows. While development cooperation remains a key aspect of EU engagement in Africa, ministers also underlined the importance of economic relations and investment and the need to help create jobs. Ministers also highlighted the need to continue working on governance, democracy, human rights, and related aspects of participation - in particular by civil society and by women - in decision-making.

Ministers noted the importance of reaching out to African youth, in particular given that youth will be the theme of the next Africa-EU Summit to take place in autumn 2017. Involving both African and European young people in the process of preparing for the summit will be key to its success.

The discussion will guide the forthcoming joint communication on a renewed impetus for the Africa-EU partnership, which is due to be presented in April 2017 by the High Representative and the European Commission. The Council will return to the topic of EU-Africa relations after the joint communication has been issued and ahead of the Africa-EU Summit.

The High Representative concluded the debate by highlighting the need to continue working with African partners in a spirit of partnership on areas of interest to the EU and areas of interest to African partners, in a joint effort by the EU institutions and member states.

[4th EU-Africa summit declaration, 2- 3 April 2014](#)

[EU-Africa roadmap 2014-2017, 2-3 April 2014](#)

[EU-Africa relations](#)

## **Democratic Republic of the Congo**

The Council has adopted travel restrictions and an asset freeze in respect of seven individuals occupying **positions of authority in the chain of command over perpetrators of violence**, with immediate effect. Meeting within the Council of the European Union, foreign affairs ministers discussed the latest developments in the country. Member states agreed on a declaration on the situation in the DRC.

### **EU declaration on the situation in the Democratic Republic of the Congo**

"The European Union and its Member States are deeply concerned about the political situation in the Democratic Republic of the Congo. The constitutional mandate of President Kabila will come to an end on 19 December, and the date approaches fraught with risk and uncertainty after the recent crackdowns and violations of fundamental rights. Any new government in place after that date must ground its legitimacy in a clearly and inclusively defined political framework, otherwise the country's relations with the European Union will suffer.

Efforts have been made to reconcile positions and to reach an inclusive agreement on a transition which will allow the country to hold peaceful, credible elections as soon as possible, in accordance with the Constitution of the DRC and UN Security Council Resolution 2277 (2016).

The European Union has supported these initiatives, in particular the ongoing mediation efforts of the DRC Catholic Bishops' Conference. It invites all political stakeholders, from both the government and the opposition, to heed its call to assume responsibility, show good will, and make full use of their good offices. It commends the constructive role that regional organisations and other countries in the region, in particular Angola and the Republic of the Congo, have played in attempting to find a peaceful solution.

With the 19 December deadline fast approaching, the European Union calls upon the Congolese people to show restraint and to promote dialogue by rejecting violence.

The acts of violence which caused the death of at least 50 people on 19 and 20 September in Kinshasa constitute serious violations of human rights and fundamental freedoms, attested to by several observers, including the UN Joint Human Rights Office. In the Council Conclusions of 23 May and again on 17 October, the European Union pledged to adopt restrictive measures against those responsible for that violence and those who are allegedly trying to obstruct a peaceful and consensual solution to the crisis in the DRC.

Therefore, the EU Foreign Affairs Council have today taken the decision to impose restrictive measures against the seven individuals who hold positions of authority in the chain of command over the Congolese security forces which have exercised a disproportionate use of force.

The European Union calls upon the Government of the DRC to cooperate with a transparent and independent investigation with the goal of bringing to justice those responsible for the acts of violence. It also calls for full compliance with fundamental rights, including freedom of expression, freedom of assembly and freedom of the press.

The European Union will be monitoring the crucial political developments taking place in the DRC during the coming weeks with increased attention. In this context, additional restrictive measures may be considered in the event of further violence or the political process being impeded."

The individuals subject to a travel ban and an asset freeze include:

- four members of the Congolese republican guard, army or police force, who contributed to acts constituting **serious violations of human rights** in the DRC, by planning, directing or carrying out those acts;
- three senior figures and influential persons **trying to obstruct a consensual and peaceful solution to the crisis** as regards the holding of elections in the DRC, in particular through acts of violence, repression or incitement to violence, or actions that undermine the rule of law;

The names of the individuals concerned and the reasons why the Council has listed them appear in the Official Journal of 12 December 2016. The restrictive measures take effect immediately.

[Official Journal of 12 December 2016](#)

[Council conclusions on the Democratic Republic of the Congo](#)

[Adopting EU restrictive measures - 'sanctions'](#)

## **Syria**

Over lunch, ministers discussed the situation in Syria in view of the latest developments, in particular in Aleppo. The High Representative underlined the strong and unanimous view of all member states on the need to protect civilians and to grant full humanitarian access to all parts of Syria.

## **Migration**

Ministers discussed migration issues ahead of the European Council of 15 December, which will take stock of the latest developments in the EU's migration policy. The Council followed up the discussions held at the Foreign Affairs Council on 17 October and the Foreign Affairs Council (Development) on 28 November. The Council took stock of the progress made in the partnership framework approach and country-specific compacts with the five priority countries, namely Mali, Niger, Senegal, Nigeria and Ethiopia. This approach is providing its first concrete results. Ministers also discussed the implementation of the Valletta commitments with a view to the senior officials meeting that will take place next February in Malta under the auspices of the rotating Presidency. The Commission informed the Council that 64 actions worth €1 billion had so far been approved through the EU trust fund for Africa.

Foreign affairs ministers noted the ongoing work on the proposed external investment plan, including the European fund for sustainable development (EFSD). The Council is expected to adopt its negotiating position on the EFSD regulation on 13 December. The fund will help tackle the root causes of migration by creating job opportunities, encouraging investment and facilitating sustainable development in partner countries.

[European fund for sustainable development: Council agrees negotiating position](#)

[Finding solutions to migratory pressures](#)

## **In the margins of the Council**

### **Cuba**

The EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini, the EU foreign ministers and the Cuban Foreign Minister, Bruno Rodríguez Parrilla, signed the Political Dialogue and Cooperation Agreement, the first ever agreement between the EU and Cuba.

The agreement provides for an enhanced political dialogue, improved bilateral cooperation and the development of joint action in multilateral fora. It will support the transition process of the Cuban economy and society. It promotes dialogue and cooperation to encourage sustainable development, democracy and human rights, and find shared solutions to global challenges.

[EU-Cuba: Council opens new chapter in relations - press release of 6 December 2016](#)

[EU-Cuba relations](#)

[Delegation of the European Union to Cuba](#)

### **Colombia**

After the Council meeting, ministers had an informal discussion with President Santos of Colombia. The EU and participating member states then signed the constitutive agreement of the EU Trust Fund for Colombia.

The signature took place in the presence of the EU High Representative, Federica Mogherini, and the President of Colombia, Juan Manuel Santos. The agreement was signed by the European Commission and the 19 participating member states: Croatia, Czech Republic, Cyprus, France, Germany, Hungary, Italy, Ireland, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Spain, Sweden, the United Kingdom, Slovakia and Slovenia.

The EU Trust Fund for Colombia is part of an overall package of almost EUR 600 million to support Colombia's post-conflict and peace-building efforts. Apart from the trust fund, EU support to Colombia consists of short- and medium-term measures in the form of loans, technical assistance and grants. It includes cooperation funds from the Development Cooperation Instrument (EUR 67 million for the period 2014-2017) and from the Instrument contributing to Stability and Peace (EUR 28 million) in support of the Colombian government's rapid response plan, as well as loans offered by the European Investment Bank (EUR 400 million).

[European Commission press release on the EU Trust Fund for Colombia](#)

[Factsheet on EU-Colombia relations \(EEAS\)](#)



**OTHER ITEMS APPROVED****FOREIGN AFFAIRS****Council conclusions on South Sudan**

The Council adopted the following conclusions on South Sudan:

- "1. The EU is profoundly disturbed by developments in South Sudan. The UN Secretary General has warned that South Sudan stands on the edge of the abyss and that catastrophe may be imminent. The UN Special Adviser on the Prevention of Genocide has warned of escalating violence along ethnic lines and the potential for genocide. As all sides are planning for further military campaigns with the onset of the dry season, time to find a solution is running out. There is now a last chance for political and military leaders to avoid the resumption of war, to spare their people further suffering and to find a just and inclusive political settlement of their differences. The EU calls on all parties to lay down their arms and to take decisive steps to end violence.
  
2. Fighting between the Sudan People's Liberation Army, the Sudan People's Liberation Army in Opposition and armed groups is increasing in scope and intensity; South Sudan is at risk of complete fragmentation. Atrocious acts of violence, often with an ethnic motivation, are being committed in many parts of the country; killing and maiming of civilians, starvation, rape and other forms of sexual violence, recruitment and use of child soldiers and attacks on schools, on hospitals and on humanitarian workers are taking place. Sexual and gender-based violence are repeatedly being used as a weapon of war. Inflammatory rhetoric, on the part of both government and opposition, is whipping up ethnic animosities. The Transitional Government of National Unity is severely restricting fundamental freedoms and applying relentless pressure on civil society and on the media. The EU calls upon the Transitional Government to uphold its responsibility for the protection of civilians and on all parties to comply strictly with their obligations under international law and to put an end to violations of human rights and of international humanitarian law in South Sudan.
  
3. The humanitarian situation has never been as bad since the country gained independence five years ago. It is estimated that some six million people are in need of humanitarian assistance. Almost one and a half million refugees have sought protection in neighbouring countries, and thousands continue to do so each day, dramatically increasing pressure on resources and living conditions in host countries.

Almost two million persons are internally displaced, often subsisting in appalling conditions or in UN Protection of Civilians sites, which remain extremely vulnerable to attack; the UN Mission in South Sudan (UNMISS) must be allowed to exercise its mandate concerning the Protection of Civilians sites without hindrance. Access restrictions and violence continue to obstruct humanitarian operations. Since the start of the conflict in December 2013, sixty-seven humanitarian workers have been killed; increasing restrictions on humanitarian access are of great concern. Almost five million persons are food insecure. Famine is looming unless humanitarian aid is provided to the people in need. The humanitarian crisis is further exacerbated by the disastrous economic situation in South Sudan. The EU urges all parties to allow and facilitate the full, safe and unhindered provision of humanitarian assistance to all those in need, in accordance with international humanitarian law. This is essential in order to save lives. The EU has provided substantial humanitarian aid to South Sudan and to neighbouring countries which are generously receiving those fleeing violence; the EU will continue to do so.

4. There can be no military solution to the divisions of South Sudan. The EU calls on all parties to observe the ceasefire in full and to repudiate any speech inciting ethnic hatred. UNMISS must be allowed to exercise its mandate in full and without hindrance. The Regional Protection Force must be established and deployed rapidly, as mandated in UNSC Resolution 2304 (2016). All parties must be brought into an inclusive political process, based on the 2015 Agreement on the Resolution of the Conflict. The Transitional Government of National Unity must implement, in full and immediately, the commitments made in the Joint Communiqué issued with the UN Security Council on 4 September 2016.
5. The EU urges all South Sudanese parties to work urgently and constructively with the United Nations, the Inter-Governmental Authority on Development (IGAD) and its international partners (IGAD Plus), the African Union, and the Joint Monitoring and Evaluation Commission, to address the crisis. The EU will continue to enforce its own arms embargo and urges the United Nations Security Council to impose a UN arms embargo. The countries of the region and the international community should make every possible effort in this regard. The EU reiterates that it remains ready to impose further autonomous restrictive measures against any individual who obstructs the peace process and its implementing institutions, who impedes UNMISS in the performance of its mandate, who prevents actors from exercising their humanitarian duties, who incites ethnic hatred or who orders or commits atrocities against civilians. The EU calls on the African Union to move forward as quickly as possible with the implementation of the justice and accountability measures provided for in the 2015 Agreement on the Resolution of the Conflict, in particular the establishment of the Hybrid Court for South Sudan, and underlines that it will support efforts to ensure that any individual who orders or commits criminal acts of violence in breach of international or relevant South Sudanese law is held accountable before a court."

## Council conclusions on the Democratic People's Republic of Korea

The Council adopted the following conclusions on the Democratic People's Republic of Korea:

- "1. The Council strongly condemns the nuclear tests and multiple ballistic missile launches conducted by the Democratic People's Republic of Korea (DPRK) in 2016. They represent a serious threat to international peace and security and undermine the global non-proliferation and disarmament regime of which the EU has been a steadfast supporter for decades. The DPRK's ongoing nuclear and ballistic missile-related activities are in clear violation of its international obligations under multiple UN Security Council Resolutions, including Resolution 2270 (2016), imposing further sanctions on the DPRK after its 4th nuclear test on 6 January 2016.
2. The Council underlines that these irresponsible and illegal actions increase tensions on the Korean Peninsula to the detriment of all. The Council is concerned by the DPRK's development of nuclear weapons which is bound to seriously aggravate the security situation in Asia and beyond. These actions also underline the necessity of universalisation of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).
3. The Council calls again on the DPRK to re-engage in a credible and meaningful dialogue with the international community, in particular in the framework of the 6 Party Talks, and to cease its provocations.
4. The Council expresses grave concern at the DPRK's diversion of resources toward developing its nuclear weapons and ballistic missile programmes without regard for humanitarian situation and the hardship that the DPRK people are subjected to.
5. The Council urges the DPRK to abide by all its international obligations and abandon its nuclear weapons, other WMD and existing nuclear and ballistic missiles programmes, in a complete, verifiable and irreversible manner, and cease immediately all related activities.
6. In light of the above, the Council welcomes the unanimous adoption by the UNSC of Resolution 2321 (2016) condemning the DPRK's 5th nuclear test on 9 September 2016 and imposing new restrictive measures. The Council stands ready to enhance coordination with international partners on the full implementation of relevant UNSC resolutions.
7. The Council recalls the Union's determination to combat proliferation and remains fully committed to the denuclearisation of the Korean Peninsula, including through the consideration of new restrictive measures."

## **Relations with Vietnam**

The Council adopted a protocol to the framework agreement on comprehensive partnership and cooperation between the EU and Vietnam, to take account of the accession of Croatia.

## **3rd meeting of the EU-Ukraine Association Council**

The Council approved the EU position for the 3rd meeting of the EU-Ukraine Association Council, which will take place in Brussels on 19 December 2016.

## **Democratic Republic of Congo**

See under 'B' items.

## **COMMON SECURITY AND DEFENCE POLICY**

### **EU monitoring mission in Georgia**

The Council prolonged the mandate of the EU monitoring mission EUMM Georgia for a further period of two years (until 14 December 2018) and allocated to the mission a budget of €18 million for the period from 15 December 2016 to 14 December 2017.

[See the press release](#)

### **EUCAP Somalia and EUTM Somalia**

The Council prolonged the mandate of its two CSDP missions in Somalia, the civilian capacity-building mission EUCAP and the military training mission EUTM, until 31 December 2018. The Council renamed the EUCAP Nestor capacity-building mission 'EUCAP Somalia'.

The objective of EUCAP Somalia is to assist the country in strengthening its maritime security capacity, so that maritime law is enforced more effectively. The EU military mission EUTM Somalia contributes to the capacity-building of the Somali National Army (SNA).

[See the press release](#)

**EU battlegroups**

The Council renewed for two years the declaration on the common funding of the deployment of EU battlegroups, until December 2018. Through this declaration, the Council commits to paying for the strategic transportation of battlegroups if deployed at short notice, within set limits.

**TRADE****Relations with Ukraine**

The Council adopted the EU position in the Association Committee in trade configuration established by the Association Agreement between the EU and Ukraine in relation to the update of Annexes XXI–A to XXI–P on regulatory approximation in the area of public procurement. This is a technical update necessary for the implementation of the Deep and Comprehensive Free Trade Agreement (DCFTA).

**JUSTICE AND HOME AFFAIRS****Schengen evaluation - Spain**

The Council adopted an 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 external borders (Algeciras Port) by Spain ([15482/16](#)).

**Schengen evaluation - Luxembourg**

The Council adopted an implementing decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Luxembourg on the application of the Schengen acquis in the field of return ([15483/16](#)).

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