



Council of the
European Union

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PV/CONS 5

DRAFT MINUTES

Subject: **3517th** meeting of the Council of the European Union (**General Affairs**),
held in Brussels on 7 February 2017

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¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

LEGISLATIVE DELIBERATIONS

1. Proposal for a Directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law [First reading]

= Political agreement

5478/17 DROIPEN 6 JAI 54 GAF 5 FIN 31 CADREFIN 6 FISC 23 CODEC 76
approved by Coreper, Part 2, on 25.01.2017

The Council reached political agreement on the text of the Directive as set out in the Annex to 5478/17. The German delegation reiterated its opposition to the current text.

2. Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office

= General approach

5445/17 EPPO 4 EUROJUST 8 CATS 6 FIN 29 COPEN 13 GAF 4 CSC 14
5766/17 EPPO 5 EUROJUST 14 CATS 10 FIN 52 COPEN 21 GAF 6 CSC 30
approved by Coreper, Part 2, on 19.01.2017

The Council registered the absence of unanimity, within the meaning of the second subparagraph of Article 86(1) TFEU, on the draft Regulation as set out in 5766/17.

Statement by Germany

"Germany continues to support the creation of the European Public Prosecutor's Office and acknowledges that the time has come for the next step to achieve progress in the dossier, which would be to request to refer it to the European Council.

However, we would like to point out that it shall remain our common goal that as many Member States as possible support this project. It will be necessary to address certain points during further negotiations in case enhanced cooperation is established. This includes the question of the financing of the EPPO in that context. Another point to come back to in the context of enhanced cooperation will be the question of a "static reference" to the PIF Directive in Article 17(1) of the EPPO Regulation."

Statement by Italy

"The Italian delegation has consistently advocated the need to set up the European Public Prosecutor's Office as an indispensable tool to step up the fight against crimes affecting the Union's budget.

In order to perform this task effectively and efficiently, the future Office should enjoy strong guarantees of independence, should have clear competences covering the widest possible range of offences against the Union's budget and effective investigative powers. We see these as essential conditions if the project has to retain its added value as well as solid foundations for an important EU body which may in the future, in accordance with the procedure set out in the Treaties, be called to enlarge its scope of action to other serious forms of crime with a cross-border dimension.

The compromise text presented to the Council falls short of these expectations. In our view, the text does not define the competences of the future Office in an efficient manner, does not grant the Office appropriate investigative powers and, more in general, reserves excessive prerogatives to national authorities, undermining the added value of the project.

Italy remains strongly committed to setting up the European Public Prosecutor's Office and will continue to negotiate in the upcoming steps of the procedure with constructive spirit, in the hope that the conditions for its participation to the project may be met."

3. Regulation of the European Parliament and of the Council on certain procedures for applying the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo* of the other part [First reading]

= Adoption of the legislative act

PE-CONS 56/16 COWEB 151 WTO 354 CODEC 1855

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Cyprus, Romanian and Spanish delegations abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union.

(Legal basis: Art. 207 TFEU).

Statement by the Republic of Cyprus

"The Republic of Cyprus hereby recalls the content of its National Declaration that was submitted upon approval of the Council Decisions for the signing and conclusion of the Stabilisation and Association Agreement between the European Union and European Atomic Energy Community of one part, and Kosovo*, of the other part (Annex II of Document 13020/15)."

Statement by Romania

"Romania recalls its declaration on the signing and concluding of the Stabilisation and Association Agreement between the European Union and European Atomic Energy Community of one part, and Kosovo*, of the other part (doc. 13020/15).

Furthermore, Romania underlines that any procedures related to the Stabilization and Association Agreement application should be considered in light of the above mentioned declaration."

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

Statement by Spain

"Spain's position concerning the Council adoption of the decisions on the signing and on the conclusion of the Stabilization and Association Agreement with Kosovo* is without prejudice to the Spanish position on the international status of Kosovo and is in conformity with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

The use of the legal basis for the Stabilization and Association Agreement with Kosovo of article 37 of the Treaty of the European Union in relation with article 31 of the Treaty of the European Union, as well as of article 217 of the Treaty on the Functioning of the European Union in relation with article 218 of the Treaty on the Functioning of the European Union, is without prejudice to the Spanish position on the international status of Kosovo and is in conformity with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

Wording referring Kosovo's European perspective can only be understood as approximation to the EU, without the ultimate objective of EU accession, as the unilateral declaration of independence is not unanimously recognized."

4. Regulation of the European Parliament and of the Council amending Regulation (EU) 2015/936 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules [First reading]

= Adoption of the legislative act

PE-CONS 54/16 STIS 8 TEXT 3 WTO 353 CODEC 1853

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Art. 207(2) TFEU).