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3287th Council meeting

General Affairs

Brussels, 17 December 2013

President **Linas Linkevičius**
Minister for Foreign Affairs of Lithuania

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Main results of the Council

*The Council discussed **enlargement** and the stabilisation and association process. "Enlargement remains a key policy of our Union" said Linas Linkevičius, the President of the Council, after the meeting.*

*In this context, the Council adopted the General EU position on accession negotiations with Serbia, including the negotiating framework, and agreed that the **first intergovernmental conference with Serbia would take place in January 2014**. "This means de facto that we started accession negotiations", commented Minister Linkevičius at a press conference following the Council.*

*In the light of encouraging progress made by Albania, the Council also looked forward to a decision on granting **candidate status to Albania in June 2014**, subject to endorsement by the European Council.*

*In its preparations for the **European Council meeting on 19-20 December**, the Council had an exchange of views on the basis of draft conclusions and a discussion with European Council President Herman Van Rompuy.*

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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>).
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ITEMS DEBATED**EEAS review**

The Council adopted the following conclusions:

- "1. The Council welcomes the work done and the results achieved by the High Representative in setting up the European External Action Service (EEAS), developing it into a modern and operational foreign policy service, equipped to promote EU values and interests as well as to ensure coordination and consistency in the EU's relations with the rest of the world, on the basis of a comprehensive approach, working in cooperation with the diplomatic services of the Member States, the services of the European Commission, and the General Secretariat of the Council.
2. The Council welcomes the High Representative's report on the EEAS Review pursuant to Article 13(3) of Council Decision 2010/427/EU and takes good note of its recommendations. The Council broadly supports the short-term recommendations on the internal aspects of the organisation and functioning of the EEAS which can be implemented within the existing institutional and legal framework. The Council strongly welcomes the progress already achieved in the implementation of some short-term recommendations, inter alia on inter-institutional cooperation and staffing issues.
3. The Council recognises the need to further strengthen integrated approaches in CSDP and in crisis management within the EEAS, aiming, notably through ensuring a clear chain of command, at improving the effectiveness and efficiency of CSDP missions and operations, as well as promoting civil-military synergies and closer coordination with other policy departments of the EEAS, while bearing in mind the specificities of the crisis management structures. Work on further streamlining planning and decision making procedures related to CSDP missions and operations should continue, in cooperation with Member States, and be guided by the November 2013 Council conclusions on CSDP and the December 2013 European Council conclusions.
4. The Council underlines its continuing commitment to the role of EU Special Representatives as a valuable instrument of EU foreign policy and stressed the need to enhance overall efficiency and accountability, as well as to ensure coordination and coherence with all other EU actors, emphasising the importance of close cooperation with the EEAS. In this context, and taking into account the implementation of the Lisbon Treaty, a review of the 2007 Guidelines on appointment, mandate, salaries and financing of EUSRs will be pursued, with a view to Council agreement by the end of March 2014.

5. The Council underlines the importance of timely, effective and efficient preparation of Council meetings, based on the work of relevant Council preparatory bodies, streamlined political dialogue meetings and the preparation of comprehensive thematic and regional strategies, while engaging Member States at an early stage to ensure that all internal procedures, including with national parliaments, can be completed.
6. The Council underlines the importance to ensure fully the coordination role of the High Representative as Vice President of the Commission in the field of external relations within the Commission in line with Article 18 (4) of the TEU. The Council calls for continued efforts for effective cooperation amongst all EU actors in the field of external relations and further development of synergies, coherence and pragmatic working arrangements between the EEAS, the Commission services and the General Secretariat of the Council, as well as with the European Parliament where appropriate, with due regard to their different functions in the area of external relations as well as to their respective roles under the Treaties and the Council Rules of Procedure, as well as Council Decision 2010/427/EU. The Council calls for enhanced cooperation between the EEAS and Commission services in external aspects of key EU policies. While recognising the specific mandates and responsibilities of the EU Situation Room and the EU Emergency Response Coordination Centre, the Council supports closer cooperation between the two centres, notably through a Memorandum of Understanding.
7. The Council recognises that the EEAS should be based on a balanced presence of different sources of staff at all levels. The Council emphasises that recruiting national diplomats, based on merit whilst ensuring adequate geographical and gender balance as well as transparency and comprising a meaningful presence of nationals from all the Member States, continues to be a significant goal. Permanent officials and temporary agents coming from the diplomatic services of the Member States should have the same opportunities and obligations and be treated equally. The Council welcomes that the target regarding the minimum (1/3) proportion of EEAS staff at AD level from Member States has been reached. Further efforts are needed to maintain this minimum level in the future, while also ensuring that permanent officials represent at least 60 % of EEAS staff at AD level, and seeking a balance between Headquarters and Delegations.

8. The Council gives its full support to further enhancing cooperation between EU Delegations and Member States diplomatic representations, including non-resident diplomatic missions, with particularly emphasis on sharing reports and information. The Council recognises the priority the EEAS has given to co-location projects, and the potential for the pooling of resources among the EEAS and Member States in diplomatic missions abroad while emphasising that this can only be done on a cost recovery basis. While recognising that consular protection remains a national competence, the Council agrees to further explore, on the basis set out in the Treaties and relevant legal framework, including Council Decision 2010/427/EU, possibilities for developing, in line with Article 5 (10) of the latter, the role of EU Delegations in facilitating and supporting coordination between Member States in their role of providing consular protection to citizens of the Union in third countries, also taking into account lessons learnt from previous crises and the experience of local consular cooperation initiatives. Welcoming the progress already achieved, the Council encourages the EEAS and the Commission services to continue efforts, using existing flexibility, to rationalise and simplify administrative and budgetary tasks in EU delegations, and particularly the administrative burden of Heads of Delegation. Should these rationalisation and simplification efforts prove insufficient, the Council remains ready to consider proposals to change the relevant legal texts.
9. The Council invites the High Representative to continue work on the follow-up of the review and to inform the Council regularly about the progress achieved.
10. The Council takes note of the Medium-Term recommendations and will further examine these during the mandate of the next High Representative in light of the 2014 institutional transition.
11. The Council invites the next High Representative to assess progress achieved in the context of the EEAS Review and to present by the end of 2015 an evaluation on the organisation and functioning of the EEAS, accompanied, if necessary, by appropriate proposals, including for a revision of Council Decision 2010/427/EU, in accordance with Article 27(3) TEU. In this context, the Council may discuss, as appropriate, the chairmanship of preparatory bodies of the Council on the basis of an assessment of the current arrangements."

Preparations for the December European Council

In preparation for the European Council to be held on 19-20 December, the Council examined the draft conclusions and had a working lunch with the President of the European Council, Herman Van Rompuy.

The European Council is due to focus on:

- *Common security and defence policy*; Heads of State or Government will have a strategic discussion on increasing the effectiveness, visibility and impact of CSDP, developing defence capabilities and strengthening Europe's defence industry.
- *Economic and monetary union*; leaders will make a shared analysis of the economic situation in member states and in the euro area and examine the strengthening of economic policy coordination, in particular in regard to partnerships for growth, jobs and competitiveness. The European Council is also expected to make a decision on the use of an employment and social scoreboard and indicators in the European Semester. On the basis of work done in the Economic and Financial Affairs Council, leaders will address the banking union.
- *Economic and social policy*; the European Council will evaluate the implementation of the Compact for Growth and Jobs and review the action taken in the area of taxation since May 2013.
- *Migration flows*; on the basis of work done by the Justice and Home Affairs Council, leaders will address migration flows and the work of the Task Force for the Mediterranean in particular.
- *Enlargement*; the European Council is expected to confirm the decision by the General Affairs Council to start accession negotiations with Serbia in January 2014.
- *External relations*; in light of developments the Heads of State or Government are expected to discuss the Eastern partnership and Ukraine as well as the Central African Republic. The European Council is also expected to welcome the successful outcome of the 9th WTO ministerial conference in Bali, Indonesia, and address the continuing dire humanitarian situation in Syria.

- *Other items*; the European Council is expected to welcome the Council's report on the implementation of the internal energy market and on external energy relations and invite the Commission, in cooperation with member states, to elaborate an EU Strategy for the Alpine Region.

An annotated draft agenda was discussed by the Council on 19 November (15651/13).

Enlargement and Stabilisation and Association Process

The Council adopted the following conclusions:

"ENLARGEMENT STRATEGY

1. In line with the renewed consensus on enlargement approved by the European Council on 14 and 15 December 2006, and the Council conclusions of 11 December 2012, the Council welcomes the communication from the Commission of 16 October 2013 on the Enlargement Strategy and Main Challenges 2013-2014 (Copenhagen Twenty Years On, Fundamentals First – Rule of Law, Democracy and the Economy) and the progress reports on Turkey, Montenegro, the former Yugoslav Republic of Macedonia, Serbia, Albania, Bosnia and Herzegovina and Kosovo*, as well as the report on Iceland, and takes note of the conclusions and recommendations therein.
2. Enlargement remains a key policy of the European Union. It continues to promote peace, democracy and stability in Europe and allows the EU to be better positioned to address global challenges. Twenty years ago, the EU agreed on the Copenhagen criteria for the entry of future Member States in the EU. Ten years ago at the Thessaloniki Summit of 2003, the EU reiterated its unequivocal support to the European perspective of the Western Balkan countries. These countries will become an integral part of the EU, once they meet the established criteria. Both the accession of Croatia to the EU as the 28th Member State on 1 July 2013, as well as the historic agreement reached by Serbia and Kosovo in April 2013, are a strong and visible testimony of the transformative and stabilising effect of the enlargement and stabilisation and association process.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

3. Coherent implementation of the renewed consensus on enlargement, which is based on consolidation of commitments, fair and rigorous conditionality, better communication, combined with the EU's capacity, in all its dimensions, to integrate new members, with each country being assessed on its own merits, continues to be crucial for the success of the enlargement process. The Council welcomes that the new approach to negotiations on judiciary and fundamental rights and on justice, freedom and security, starting with Montenegro and building on the experience of previous accession negotiations, has put rule of law issues at the heart of the enlargement process. This is essential to ensure a solid track record in the fight against corruption and organised crime. In this regard, the Council looks forward for further cooperation with Europol in these areas, as well as the closer interaction with Member States, and the Commission's intention to reinforce its assessments and reporting to the Council on organised crime for each Western Balkans country, on the basis of specific contributions prepared by Europol. The rule of law is also key for economic development and creating a favourable business environment and investment climate. The Council welcomes the Commission's proposals to strengthen dialogue on economic governance with enlargement countries, in order to help them meet the economic criteria and be better prepared in terms of economic reform, competitiveness and job creation. In this regard, the Council looks forward to discussing further how to improve bilateral and multilateral dialogue with enlargement countries, including through cooperation with major international financial institutions, building on the current enlargement framework and structure.
4. In line with relevant Council conclusions, the Council reiterates the importance of tackling with determination early in the enlargement process existing key challenges in enlargement countries. The Council takes note of the initiatives the Commission intends to take forward in this regard. The key challenges include, in particular, the rule of law, the functioning of institutions guaranteeing democracy, political inclusiveness, fundamental and human rights, including the freedom of expression and the rights of persons belonging to minorities, the non-discriminatory treatment of national minorities in enlargement countries, as well as tackling discrimination of vulnerable groups such as the Roma, and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. Furthermore, regional cooperation and good neighbourly relations, remain essential parts of the enlargement process. They contribute to prosperity, stability, reconciliation and a climate conducive to addressing open bilateral issues and the legacies of the past.
5. The Council welcomes the support for the enlargement process through financial assistance, in particular in the form of the Instrument for Pre-Accession (IPA). It looks forward to the launch of the new IPA, which will form the new framework for providing pre-accession assistance under the 2014-2020 multiannual financial framework, as well as to its implementation in a more strategic and coherent way. The role of civil society should also be enhanced both in programmes implemented through government bodies and as direct beneficiaries of EU assistance.

6. The Council continues to attach great importance to the credibility of the enlargement process, which remains key to maintaining the momentum of reform in the countries concerned and public support for enlargement in the Member States.

TURKEY

7. The Council reaffirms the importance it attaches to EU relations with Turkey. Turkey is a candidate country and a key partner for the EU with a dynamic economy that provides a valuable contribution to the prosperity of the whole European continent. Active and credible accession negotiations which respect the EU's commitments and established conditionality, along with all the other dimensions of the EU-Turkey relationship addressed in these conclusions, will enable the EU-Turkey relationship to achieve its full potential. In this context, the Council welcomes the recent opening of Chapter 22 - Regional policy and coordination of structural instruments. The regained momentum in the accession negotiations should be sustained in the interest of both parties. The EU should remain the anchor for reforms in Turkey, especially in the areas of rule of law, and fundamental rights and freedoms. Turkey will be able to accelerate the pace of negotiations by advancing in the fulfilment of benchmarks, meeting the requirements of the Negotiating Framework and by respecting its contractual obligations towards the EU.
8. The Council recalls the important regional role of Turkey and its active involvement in its wider neighbourhood. It underlines the strategic location of Turkey, including for the EU's energy security. In this regard, the Council underlines the importance of further developing dialogue and cooperation on foreign policy issues of common interest and welcomes the intensification of the regular political dialogue between the EU and Turkey. In particular, the Council recognises Turkey's role on Syria, especially with regard to the important humanitarian support provided to Syrians fleeing violence across the border. The Council also welcomes the active counter-terrorism dialogue between the EU and Turkey. This cooperation will be further enhanced by the adoption by Turkey of further relevant counter terrorism legislation. The Council recalls that the PKK is on the EU list of terrorist organisations. In line with the Negotiating Framework, the Council continues to encourage Turkey to develop its foreign policy as a complement to and in coordination with the EU, and to progressively align with EU policies and positions.
9. The Council welcomes the important progress on reforms that has been made in Turkey, including Turkey's continued commitment to the political reform agenda. It continues to encourage Turkey to work on reforms which should provide for adequate checks and balances fully guaranteeing freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. The Council reiterates that implementation in line with European standards will be key. The Council also takes positive note of the growing and active civil society in Turkey, which should be supported and encouraged as a legitimate stakeholder.

10. The Council also welcomes other important positive developments such as the Ombudsman and National Human Rights institutions becoming operational, measures taken in the field of women's rights and gender equality, further implementation of the third judicial reform package, the adoption and start of the implementation of the fourth judicial reform package, further consolidation of civilian oversight of the security forces, as well as the continued implementation of the Law on Foundations. The recently adopted democratisation package also holds out the prospect of further positive reforms.
11. Further sustained efforts will be required, particularly as regards improving the observance of fundamental rights and freedoms in law and in practice in Turkey, including in the areas of freedom of expression, freedom of assembly, freedom of religion, property rights, and enhancing implementation of all the judgments of the European Court of Human Rights. Excessive use of force against protestors by law enforcement bodies needs to be addressed and investigated effectively. The restrictions in practice on the freedom of the media, including the large number of legal cases launched against writers, journalists, academics and human rights defenders, frequent and disproportionate website bans, as well as broad application of the legislation on terrorism and organised crime, have also raised serious concerns. Consolidating the independence, impartiality and efficiency of the judiciary remains of particular importance. The Council underlines the need for Turkey to ensure that reforms, including on a new constitution are prepared and implemented in line with European standards, so as to meet fully the Copenhagen political criteria.
12. With regard to the situation in the South East of Turkey, the Council strongly supports the ongoing peace process launched by the Turkish Government, and hopes that this initiative will bring an end to terrorism, pave the way for a political solution to the Kurdish issue, and facilitate economic and social development in the region. The Council encourages further engagement by all parties to move the process forward.
13. The EU welcomes the signing of the readmission agreement, as well as the initiation of the dialogue on visa liberalisation between the European Commission and Turkish authorities. It looks forward to the swift ratification of the readmission agreement and its full and effective implementation vis-à-vis all Member States. Progress in the dialogue on visa liberalisation will be founded on a performance based approach and conditioned on effective and consistent implementation by Turkey of the requirements in the visa roadmap vis-à-vis the EU and its Member States. Recalling that Turkey is one of the key transit countries for illegal immigration to the EU, adequate implementation of existing bilateral readmission agreements and readmission provisions contained in similar agreements remains a priority. In this context, the adoption of the Law on Foreigners and International Protection represents significant progress in the area of migration and asylum.

14. In line with the Negotiating Framework and previous European Council and Council conclusions, the Council reiterates that Turkey needs to commit itself unequivocally to good neighbourly relations and to the peaceful settlement of disputes in accordance with the United Nations Charter, having recourse, if necessary, to the International Court of Justice. In this context, the Union expresses once again serious concern, and urges Turkey to avoid any kind of threat or action directed against a Member State, or source of friction or actions, which could damage good neighbourly relations and the peaceful settlement of disputes. Moreover, the EU stresses again all the sovereign rights of EU Member States which include, inter alia, entering into bilateral agreements, and to explore and exploit their natural resources in accordance with the EU *acquis* and international law, including the UN Convention on the Law of the Sea, and also stresses the need to respect the sovereignty of Member States over their territorial sea.
15. Recalling its conclusions of 11 December 2006 and the declaration of 21 September 2005, the Council notes with deep regret that Turkey, despite repeated calls, continues refusing to fulfil its obligation of full, non-discriminatory implementation of the Additional Protocol to the Association Agreement towards all Member States. This could provide a significant boost to the negotiation process. In the absence of progress on this issue, the Council will maintain its measures from 2006, which will have a continuous effect on the overall progress of the negotiations. Furthermore, Turkey has regretfully still not made progress towards the necessary normalisation of its relations with the Republic of Cyprus. The Council invites the Commission to continue to monitor closely and specifically report on all issues covered by the declaration of the European Community and its Member States of 21 September 2005 in its forthcoming annual report. On this basis, the Council will continue to closely follow and review progress made, in accordance with its conclusions of 11 December 2006 and 11 December 2012. The Council reiterates its call for progress without any further delay.
16. As emphasised by the Negotiating Framework, the Council also expects Turkey to actively support the ongoing negotiations aimed at a fair, comprehensive and viable settlement of the Cyprus problem within the UN framework, in accordance with the relevant UN Security Council resolutions and in line with the principles on which the Union is founded. Turkey's commitment and contribution in concrete terms to such a comprehensive settlement is crucial.

ICELAND

17. The Council recalls the advanced stage reached in accession negotiations with Iceland. The Council also takes note of the Icelandic Government's decision to put accession negotiations on hold.
18. The Council underlines its belief that Iceland's accession is a matter of mutual benefit and stands ready to continue the negotiating process in line with the requirements of the Negotiating Framework, should Iceland decide to resume the negotiations.

MONTENEGRO

19. The Council welcomes the progress made in the accession negotiations and on the screening of individual negotiating chapters, as well as the implementation of the new approach for the chapters on judiciary and fundamental rights and justice, freedom and security in line with the Negotiating Framework. The Council positively notes that both chapters are being addressed early in the negotiations. The Council underlines that the advancement of the negotiations will be guided by Montenegro's progress in preparing for accession, including the fulfilment of its obligations under the Stabilisation and Association Agreement.
20. The Council also welcomes the progress Montenegro has made in the past year, including constitutional amendments to strengthen the independence of the judiciary and the adoption of comprehensive action plans for the chapters on judiciary and fundamental rights and justice, freedom and security. Montenegro has also continued to implement its obligations under the Stabilisation and Association Agreement, and to play an active role in the region. The Council notes with satisfaction Montenegro's involvement in further developing regional cooperation.
21. Montenegro needs now to further intensify its reform process in order to address the shortcomings identified in the Commission's Report of 16 October 2013. Particular attention should be paid to further developing a solid track record in the area of rule of law and with respect to the fight against organised crime and corruption, including at high level. In this context, the Council looks forward to the timely and full implementation of the above-mentioned action plans for the chapters on judiciary and fundamental rights and justice, freedom and security. This will require deep and lasting political reforms. Progress in these areas will determine the overall pace of negotiations. Further efforts are also needed to implement constitutional amendments, strengthen political inclusiveness, guarantee freedom of expression and citizens' trust in public institutions, implement the public administration reform strategy including to ensure Montenegro has the capacity to apply the *acquis*, tackle politicisation and increase transparency, and improve the business environment.
22. The Council looks forward to the meeting of the Accession Conference on 18 December 2013 and hopes that further progress can be registered on this occasion.

WESTERN BALKANS

23. The Council reaffirms its unequivocal commitment to the European perspective of the Western Balkans, which remains essential for the stability, reconciliation and future of the region. In line with the Council conclusions of December 2012, it also reaffirms the need for fair and rigorous conditionality, in the framework of the Copenhagen political criteria and Stabilisation and Association process in accordance with the renewed consensus on enlargement approved by the European Council on 14 and 15 December 2006. The Council recalls that the Stabilisation and Association process remains the common framework for relations with the Western Balkans up to their accession.

24. Regional cooperation and good neighbourly relations are essential elements of the Stabilisation and Association process. The Council welcomes the further progress made by the Western Balkans regarding regional cooperation and reconciliation, while stressing that the inclusiveness of this process must be ensured by all parties concerned. It fully supports the work of the South-East European Cooperation Process and the Regional Cooperation Council, its operational arm, as an inclusive platform, coordinating and monitoring implementation of the SEE 2020 Strategy, in particular by developing a public monitoring mechanism to measure progress, including under national action plans. Parties concerned in the Western Balkans must ensure that any disputes between them do not have a detrimental effect on their shared goal of progress towards EU membership. Outstanding disputes and issues should be solved in line with international law and established principles, including through implementation of legally binding agreements, inter alia Agreement on Succession Issues. In line with existing provisions in Stabilisation and Association Agreements, the Council also encourages the conclusion of bilateral conventions on regional cooperation.
25. The Council notes that issues including war crimes, missing persons, refugee return and the protection of all minorities as well as ensuring equal rights for all citizens remain key challenges to stability and need to be fully addressed. As regards war crimes, the Council underlines the need to address impunity and ensure accountability, as well as fully cooperate and support the work of ICTY and the EULEX Special Investigative Task Force.
26. While recognising in particular the importance of visa liberalisation for citizens, the Council encourages the Commission to continue to closely monitor the implementation of all conditions set for visa liberalisation, through its follow-up mechanism. The Council underlines the importance of further work towards the socio-economic integration of minorities in the region. The Council urges the authorities of the Western Balkans countries concerned to take all the necessary measures in accordance with international human rights obligations against the abuse of visa free travel regime in order to ensure its unrestricted continuation and encourages those countries to continue the constructive cooperation in the field of the management of migration flows.
27. The Council underlines the importance of rule of law, in particular the fight against organised crime and corruption, which is now firmly anchored at the heart of the accession process, as well as economic governance and competitiveness, including policies to improve the business environment and public financial management. The Council stresses the need for sustained implementation of reforms in those areas.

SERBIA

28. In line with its conclusions of June 2013 as endorsed by the European Council of 27-28 June 2013, the Council welcomes the Commission's Progress Report of 16 October 2013 and the assessment as set out in the letter of the HR/VP of 16 December 2013 on the implementation of the agreements reached in the framework of the EU facilitated dialogue.

29. The Council adopts the General EU position on accession negotiations with Serbia, including the negotiating framework. The first intergovernmental conference will take place in January 2014. The Council will continue to monitor closely Serbia's continued engagement towards visible and sustainable progress in the normalisation of relations with Kosovo, including the implementation of agreements reached so far, so that Serbia and Kosovo can continue on their respective European paths, while avoiding that either can block the other in these efforts and with the prospects of both being able to fully exercise their rights and fulfil their responsibilities.
30. In this new phase and recalling all previous conclusions, the Council calls on Serbia to pay particular attention to the rule of law, notably the reform of the judiciary and the fight against corruption and organised crime, public administration reform, the independence of key institutions, media freedom, further improving the business environment and the rights and inclusion of vulnerable groups, particularly the Roma, as well as to the effective implementation of legislation on the protection of minorities, the non-discriminatory treatment of national minorities throughout Serbia and tackling discrimination on the basis of sexual orientation or gender identity. Serbia should also continue to constructively engage in regional cooperation and strengthen relations with neighbouring countries. The Council is looking forward to a swift and transparent implementation of the recently initialled Protocol to the Stabilisation and Association Agreement.
31. Serbia should continue to cooperate effectively with EULEX and contribute actively to a full and unhindered execution by EULEX of its mandate.

FORMER YUGOSLAV REPUBLIC OF MACEDONIA

32. The Council notes that the political crisis which followed events in parliament late last year exposed deep divisions among political parties, affecting the functioning of parliament, and demonstrated the need for constructive politics in the national interest. The Council welcomes the fact that the EU agenda remains the country's strategic priority and that it has made further progress in improving its ability to take on the obligations of membership. The Council also welcomes the contribution of the High Level Accession Dialogue to progress in most priority areas, including the elimination of court backlogs and in the fight against corruption.
33. The Council underlines the importance of effective implementation and enforcement of existing legal and policy frameworks. Particular attention should be paid to the rule of law, including the independence of the judiciary and achieving further results in the fight against corruption and organised crime. Freedom of expression and the media situation in general also remain issues of concern. The review of the Ohrid Framework Agreement, particularly important for inter-ethnic relations, must be completed and its recommendations implemented. The Roma Strategy needs to be proactively implemented. The blurring of the distinction between state and party needs to be addressed, as highlighted by the OSCE/ODIHR in the electoral context. High unemployment needs to be tackled and public financial management strengthened.

34. As set out in the European Council conclusions of June 2008 and the General Affairs and External Relations Council conclusions of December 2008, maintaining good neighbourly relations, including a negotiated and mutually accepted solution to the name issue, under the auspices of the UN, remains essential. There is a need to bring the longstanding discussions on the name issue to a definitive conclusion without delay. The Council takes note of the recent contacts with the UN mediator. In light of the overall importance of maintaining good neighbourly relations, the Council notes the continued high level contacts between the former Yugoslav Republic of Macedonia and Bulgaria and looks forward to their translation into concrete actions and results.
35. The Council broadly shares the Commission's assessment that the political criteria continue to be sufficiently met and takes note of the Commission's recommendation that accession negotiations be opened with the former Yugoslav Republic of Macedonia. With a view to a possible decision of the European Council to open accession negotiations with the former Yugoslav Republic of Macedonia, the Council will revert to the issue in 2014, on the basis of an update by the Commission on further implementation of reforms in the context of the High Level Accession Dialogue, including the implementation of the 1 March political agreement and on tangible steps taken to promote good neighbourly relations and to reach a negotiated and mutually accepted solution to the name issue.

ALBANIA

36. In December 2012, with a view to deciding whether to grant candidate status, the Council invited the Commission to report as soon as the necessary progress had been achieved, also taking into account the further action taken by Albania to fight corruption and organised crime, including by proactive investigations and prosecutions of such cases. In this regard, the Council welcomes the adoption by Albania of the relevant key judicial, public administration and parliamentary reform measures with cross-party consensus as well as the successful conduct of the parliamentary elections in June. The Council welcomes the further action taken in the fight against corruption and organised crime, the commitment of the new government and commends its intensified efforts in these areas and encourages the authorities to maintain this new momentum. The Council will examine, on the basis of a report to be presented by the Commission, continued implementation of anti-corruption and judicial reform strategies and of recently adopted relevant legislation as well as a continued trend of pro-active investigations and prosecutions, including in the area of organised crime. In the light of this report, and on the understanding that Albania continues to build on the encouraging progress made so far, the Council looks forward to a decision regarding granting candidate status to Albania in June 2014, subject to endorsement by the European Council.

37. In line with its 5 December 2011 conclusions, the Council notes that the opening of accession negotiations will be considered by the European Council, in line with established practice, once the Commission has assessed that Albania has achieved the necessary degree of compliance with the membership criteria. Further to the Commission's 2010 Opinion and recalling the conditions set out in its 11 December 2012 conclusions, the Council underlines that Albania will need to meet the key priorities for the opening of accession negotiations. The Council underlines in particular the need to intensify efforts in the rule of law area, particularly reform of the judiciary, fight against organised crime and corruption and protection of human rights and anti-discrimination policies, including in the area of minorities, and their equal treatment, and implementation of property rights. Sustained implementation of reforms will also be required. The Council welcomes the launch of a high level dialogue on the key priorities.
38. The Council underlines that constructive and sustainable dialogue between the government and the opposition on EU-related reforms will be vital in securing Albania's EU future. It encourages the Albanian government to pursue its policy aimed at improving economic governance and investment climate. It welcomes Albania's continued constructive engagement in regional cooperation and good neighbourly relations, which remains essential.

BOSNIA AND HERZEGOVINA

39. The Council reiterates its unequivocal support for Bosnia and Herzegovina's EU perspective as a sovereign and united country enjoying full territorial integrity. To that end, the Council reaffirms the March 2011 and subsequent Council Conclusions and the strategy they set out.
40. The Council expresses serious concern that the EU integration process has stalled due to a lack of political will on the part of the Bosnia and Herzegovina political leadership and that the use of divisive rhetoric has continued. As other countries of the region make progress, Bosnia and Herzegovina is lagging behind. Bosnia and Herzegovina's leaders need to reach, without further delay, agreement on the implementation of the Sejdic-Finci judgement of the European Court of Human Rights in order to move forward on the EU path. A credible effort in this regard remains necessary for the entry into force of the Stabilisation and Association Agreement. Full implementation of the Sejdic-Finci ruling is a key element for a credible membership application to be considered by the EU. Bosnia and Herzegovina also needs urgently to establish a co-ordination mechanism on EU matters so that it can speak with one voice on the EU agenda. The Council notes that the Commission has had to postpone further discussions on IPA II in the absence of such a mechanism. It regrets that the inability of the leaders to meet EU requirements has already led to a loss in IPA funds for Bosnia and Herzegovina this year.

41. The proper handling of war crimes cases is a crucial endeavour. Justice needs to be guaranteed for the victims and their families and to support the broader efforts towards reconciling societies within Bosnia and Herzegovina, as well as in the whole region. All individuals suspected of war crimes must be brought to justice. In that context, the Council expresses concern at the handling of certain recent cases, in which persons who had been convicted of war crimes and genocide were released.
42. The Council notes that a number of recommendations issued by the Commission in the framework of the Structured Dialogue on Justice are being implemented. It welcomes the smooth conduct of the long awaited census, made possible by thorough preparations at all levels, supported by the EU and other international organisations and looks forward to publication of results and their contribution to policy planning in particular in the socio-economic field.
43. The country is faced with major challenges. Increased attention is needed on the rule of law, including judicial reform and the fight against corruption and organised crime, war crimes, public administration reform, freedom of expression, including addressing intimidation of journalists, and on tackling discrimination, including of Roma. Further economic reforms are needed to improve the weak business environment and create a single economic space in the country.
44. The Council calls on Bosnia and Herzegovina to revise its position urgently so that an adaptation of the Interim Agreement/Stabilisation and Association Agreement can be finalised as soon as possible based on Bosnia and Herzegovina's traditional trade with Croatia.

KOSOVO

45. In line with its conclusions of June 2013 as endorsed by the European Council of 27-28 June 2013, the Council welcomes the Commission's Progress Report of 16 October 2013 and the assessment as set out in the letter of the HR/VP of 16 December 2013 on the implementation of the agreements reached in the framework of the EU facilitated dialogue.
46. The Council notes the opening of negotiations for a Stabilisation and Association Agreement (SAA) and takes note of the intention of the Commission to conclude the negotiations in the course of 2014, without prejudice to Member States' positions on status. The Council will continue to monitor closely Kosovo's continued engagement towards visible and sustainable progress in the normalisation of relations with Serbia, including the implementation of agreements reached so far, so that Kosovo and Serbia can continue on their respective European paths, while avoiding that either can block the other in these efforts and with the prospects of both being able to fully exercise their rights and fulfil their responsibilities.

47. The Council calls on Kosovo to focus on the implementation of the reforms to meet its obligations under the proposed SAA. The Council invites Kosovo to reform its legal framework building on European and international practices sufficiently in advance of the general elections next year. Particular attention should be paid to tackling organised crime and corruption, pursuing judicial and public administration reforms, ensuring the protection of human and fundamental rights and rights of persons belonging to minorities and addressing trade issues. In this regard, the Structured Dialogue on the Rule of Law, the visa liberalisation dialogue and the Stabilisation and Association Dialogue play an important role in guiding Kosovo's reform efforts. The Council calls on Kosovo to increase its efforts on economic reforms.
48. Kosovo should continue to cooperate effectively with EULEX and contribute actively to a full and unhindered execution by EULEX of its mandate."

Enlargement - Adoption of the negotiating framework for Serbia

The Council adopted the General EU position for the opening of accession negotiations with Serbia. This will be submitted to the European Council for confirmation.

The General EU position includes the Negotiating Framework which sets out the principles governing the negotiations. The EU *acquis* will be divided into 35 chapters (policy fields), each of which will be negotiated separately.

Any other business

– Informal ministerial meeting on cohesion policy

The Presidency briefed ministers on the informal ministerial meeting on cohesion policy held in Vilnius, Lithuania, on 26 November 2013.

– European Public Prosecutor Office "yellow card"

The "yellow card" process in relation to the European public prosecutor's office was raised by the minister from the United Kingdom. The "yellow card" is a subsidiarity early warning mechanism giving national parliaments an opportunity to object to EU legislative proposals with a view to having them amended or withdrawn.

OTHER ITEMS APPROVED

GENERAL AFFAIRS

Maritime spatial planning

The Council reached a general approach on a draft directive establishing a framework for maritime spatial planning, which aims to promote the sustainable development of marine areas and the sustainable use of marine resources.

It also instructed the Presidency to start negotiations with the European Parliament, which adopted its position on 10 December, with a view to securing a timely agreement between both institutions.

Maritime spatial planning is a public process for analysing and planning the spatial and temporal distribution of human activities in sea areas to achieve economic, environmental and social objectives.

Maritime sectors offer areas for innovation, sustainable growth and employment which should contribute to the Europe 2020 strategy for growth and jobs.

The EU has adopted ambitious policy initiatives relevant to the oceans, seas and coasts, to be implemented in the next 10 to 20 years. This draft directive is an essential part of the ambition to develop "Europe's Blue Economy".

Given the increased use of coastal and maritime areas, which puts pressure on coastal and marine resources, integrated and coherent management is required to secure sustainable growth and preserve marine ecosystems for future generations.

Canary Islands - Import quotas for certain fishery products and tax exemptions

The Council adopted:

- a regulation opening autonomous EU tariff quotas for imports of certain fishery products into the Canary Islands from 2014 to 2020 ([16672/13](#));
- a decision extending the period during which Spain may apply tax exemptions or reductions to certain products produced in the Canary Islands by six months to 30 June 2014 ([16835/13](#)).

Specific measures for Mayotte

The Council adopted the following legislative acts with specific measures for Mayotte following its change of legal status from an overseas territory to an outermost region of the EU:

- a directive amending directive 2010/18 implementing the revised framework agreement on parental leave ([16663/13](#));
- a regulation amending certain regulations in the field of fisheries and animal health ([16664/13](#));
- a directive amending certain directives in the fields of environment, agriculture, social policy and public health ([16665/13](#));
- a directive amending directive 2006/112/EC establishing a common system of value added tax and directive 2008/118/EC concerning the general arrangements for excise duty ([16766/13](#)).

The European Council decided on 11 July 2012 to give Mayotte the legal status of an outermost region with effect from 1 January 2014, meaning that from that day on EU law will apply to Mayotte. The specific measures adopted by the Council are designed to take account of the particular structural social and economic situation of Mayotte which is compounded by its remoteness, insularity, small size, difficult topography and climate.

Laissez-passer issued by the EU

The Council adopted a regulation laying down the new form of the laissez-passer issued by the European Union to members of the EU institutions and certain categories of their staff. ([16225/13](#)).

The laissez-passer is to be recognised as a valid travel document by the authorities of the member states. Non-EU countries are requested to allow its holder to pass their borders freely without hindrance. The new form of the laissez-passer complies with the security standards and technical specifications applicable to the national travel documents issued by member states, and respects the requirements of the International Civil Aviation Organisation ("ICAO") for the upgrade of all existing travel documents.

Supplementary rules of the Court of Justice of the EU

The Council approved the draft supplementary rules of the Court of Justice of the European Union ([15908/13](#)). The draft, which was submitted by the Court's President on 21 October 2013, is aimed at meeting two objectives:

- to align the content and terminology of the supplementary rules with those of the Court's new rules of procedure;
- to bring the annexes to the supplementary rules up to date, in particular so as to include the competent national authorities of Bulgaria, Romania and Croatia.

ECONOMIC AND FINANCIAL AFFAIRS

VAT derogation for Poland - road vehicles

The Council adopted a decision authorising Poland to introduce measures derogating from directive 2006/112/EC on VAT for the non-business use of road vehicles ([17041/13](#)).

The measures involve a 50% limit to the right to deduct VAT on the purchase, intra-EU acquisition, importation, hire and leasing of motorised road vehicles, as well as expenditure related to such vehicles, where the vehicle is not solely used for business purposes. The 50% limit does not apply to vehicles weighing more than 3 500kg or with more than nine seats.

The decision will apply from 1 January 2014 until 31 December 2016 or, if earlier, the date of entry into force of EU rules determining the expenditure relating to motorised road vehicles that is not eligible for a full deduction of VAT.

COHESION POLICY

Roads expenditure in the EU

The Council adopted conclusions on Special report No 5/2013: Are EU Cohesion Policy funds well spent on roads? ([17691/13](#)).

JUSTICE AND HOME AFFAIRS

Solidarity clause

The Council took note of the Presidency report concerning the handling within the Council of the joint proposal - from the Commission and the EU High Representative - for a decision on the arrangements regarding the implementation by the Union of the solidarity clause ([18124/12](#)).

The Treaty on the Functioning of the European Union (TFEU) contains a new provision for a solidarity clause (Article 222), establishing that the Union and its member states shall act jointly in a spirit of solidarity if a member state is the object of a terrorist attack or the victim of a natural or man-made disaster.

Mobility partnership - Jordan

The Council confirmed the agreement on the Joint Declaration establishing a Mobility Partnership between the Hashemite Kingdom of Jordan and the European Union and its participating Member States.

CUSTOMS UNION

Tariff quotas and tariff duties on certain products

The Council adopted a regulation opening and providing for the management of autonomous tariff quotas of the EU for certain agricultural and industrial products as from 1 January 2014 ([16244/13](#)).

The new regulation, which replaces regulation 7/2010, aims to ensure adequate and uninterrupted supplies of products which are not produced in sufficient quantity in the EU by opening tariff quotas for them at zero or reduced rates of the Common Customs Tariff duty for appropriate volumes, without disturbing the markets for such products.

The Council also adopted a regulation suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products and repealing regulation 1344/2011 ([16245/13](#)).

ENVIRONMENT**Kyoto Protocol - agreement with Iceland**

The Council adopted a decision authorising the opening of negotiations with Iceland on an agreement between the European Union and its member states and Iceland concerning Iceland's participation in the joint fulfilment of the commitments of the EU, its member states and Iceland in the second commitment period of the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

The Representatives of the Governments of the member states, meeting within the Council, adopted a decision authorising the European Commission to negotiate with Iceland, on behalf of the member states, on matters falling within their competence, an agreement between the European Union and its member states and Iceland concerning Iceland's participation in the joint fulfilment of the commitments of the EU, its member states and Iceland in the second commitment period of the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

United Nations Framework Convention on Climate Change (UNFCCC): <http://unfccc.int/2860.php>

Non-CO2 greenhouse gases

The Council decided not to oppose the adoption of the following Commission legislative act:

- Commission regulation amending regulation 601/2012¹ on the monitoring and reporting of greenhouse gas emissions pursuant to directive 2003/87, as regards global warming potentials for non-CO2 greenhouse gases ([16004/13](#)).

The Commission acts are subject to what is known as the regulatory procedure with scrutiny². This means that now that the Council has given its consent, the Commission may adopt them, unless the European Parliament objects.

¹ [OJ L 181, 12.7.2012](#).

² Council Decision 1999/468/EC 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ([OJ L 184, 17.7.1999](#)).

FOOD LAW

Authorisation of sulphur dioxide-sulphites in aromatised wine-based products

The Council decided not to oppose the adoption of a Commission regulation authorising the use of sulphur dioxide-sulphites (E 220-228) as preservatives and antioxidants in aromatised wine-based products such as vermouth.

The Commission regulation is subject to the so called regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.

Health claims made on foods

The Council decided not to oppose the adoption of two Commission regulations refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health ([16169/13](#) + [ADD 1](#) + [16181/13](#) + [ADD 1](#)).

The Commission regulations are subject to the so called regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt them, unless the European Parliament objects.

APPOINTMENTS

Committee of the Regions

The Council appointed Dr Beate MERK (Germany) as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015 ([17345/1/13](#) [REV 1](#)).
