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NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS - NOVEMBER 2015

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

It provides information on the adoption of legislative acts, including:

- the date of adoption,
- the relevant Council session,
- the number of the document adopted,
- the Official Journal reference,
- applicable voting rules, voting results and, where appropriate, explanations of vote and statements published in the minutes of the Council.

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

¹ With the exception of certain acts of limited scope such as procedural decisions, appointments, decisions of bodies set up by international agreements, specific budgetary decisions, etc.

² In the case of legislative acts adopted in the ordinary legislative procedure, there may be a difference between the date of the Council's meeting where the legislative act is adopted and the actual date of the act in question, since legislative acts adopted in the ordinary legislative procedure are only considered to have been adopted after signature by both the President of the Council and the President of the European Parliament and the Secretaries-General of the two institutions.

This document is also available on the Council's website at:

[Monthly summaries of Council acts \(acts\) - Consilium](#)

Documents listed in the summary may be obtained from the public register of Council documents at: [Documents and publications - Consilium](#)

It should be noted that this document is exclusively for information purposes - only Council minutes are authentic. These are available on the Council's website at: [Council Minutes - Consilium](#)

INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL IN NOVEMBER 2015

3422nd meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS) held in Brussels on 9 November 2015

NON-LEGISLATIVE ACTS

ACT	DOCUMENT / STATEMENTS
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Council Conclusions on measures to handle the refugee and migration crisis	13880/15
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Statement by the Council

The Council notes that, if exceptional circumstances make registration impossible on small islands, it will take place on the mainland provided facilities are in place for this purpose.

Statement by Hungary

Hungary supports the Council conclusions as proposed by the Presidency. However, Hungary would like to reiterate its long standing position rejecting the idea of a permanent relocation mechanism and continues to believe that such mechanism should not be established in the European Union.

Statement by Poland

The Government of the Republic of Poland reiterates its earlier negative position on the co-called “permanent relocation mechanism”. As a consequence, Poland constantly opposes para 12 of the Council Conclusions of 9 November 2015.

Statement by Slovakia

The Slovak Republic supports the Council conclusions as proposed by the Presidency. However, the Slovak Republic would like to reiterate its long standing position rejecting the idea of a permanent relocation mechanism and continues to believe that such mechanism should not be established in the European Union.

3421st meeting of the Council of the European Union (ECONOMIC AND FINANCIAL AFFAIRS) held in Brussels on 10 November 2015

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Council Decision of 10 November 2015 adopting the Council's position on draft amending budget No 8 of the European Union for the financial year 2015 OJ C 375, 12.11.2015, p. 2–2	13410/15	Qualified majority	All Member States in favour
Position (EU) No 15/2015 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 207/2009 on the Community trade mark and Commission Regulation (EC) No 2868/95 implementing Council Regulation (EC) No 40/94 on the Community trade mark, and repealing Commission Regulation (EC) No 2869/95 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) Adopted by the Council on 10 November 2015 (Text with EEA relevance) OJ C 427, 18.12.2015, p. 1–78	10373/15 10373/15 ADD 1	Qualified majority	All Member States in favour, except: Against: UK Abstention: NL

Statement by the Commission

The Commission takes note of the agreement reached between the European Parliament and the Council on the reform of the EU trade mark system. In view of the added value of this reform for the users of the EU trade mark system, the Commission has decided to support it, as in balance, the overall agreement significantly improves the existing situation in particular in terms of substantive trade mark law. This is despite its concerns on certain budgetary aspects of the agreement.

The Commission regrets in particular that the co-legislators have been unable to agree on one of the key elements of its proposal concerning the budget of the OHIM: the automatic review of the level of the fees in case of significant recurrent surplus and the automatic transfer of such surplus to the EU budget. Indeed, while the level of the fees will be fixed in the EU trade mark regulation, the transfer of "substantive" surplus will remain submitted to the discretion of the Budget Committee of the OHIM (vote at 2/3 majority). The Commission recalls that such transfer would have taken place only after all types of use of the resources available as provided by the basic act have been satisfied, including the offsetting of central industrial property offices and other concerned authorities of Member States for the costs that they incur in ensuring the smooth functioning of the European Union Trade Mark System.

The Commission will continue to review the level of the fees charged by the OHIM in view of proposing to adjust them as closely as possible to the costs of the services provided to the industry and of preventing the accumulation of significant surpluses within the OHIM, in line with the rules applicable to all other agencies which have been agreed with the European Parliament and the Council.

The Commission stresses that fully self-financed agencies, such as the OHIM, as well as Institutions and bodies with budgetary autonomy financed outside the EU budget, should support the full cost of their staff, including the costs for the schooling of the children of the staff in the European schools. In line with the principle of administrative autonomy, the Commission will pursue all appropriate means to ensure that these agencies, Institutions and bodies effectively bear such costs or that they refund the EU budget of these costs.

Statement by The Netherlands

Although the Netherlands welcomes many elements of the proposed trademark reform package, which will make the new system more accessible, efficient and less costly, it wishes to express – again – our grave concerns regarding the proposed provisions on goods in transit (Article 10 paragraph 5 of the Directive and Article 9 paragraph 5 of the Regulation as well as their corresponding recitals).

These provisions will introduce the possibility to detain goods on account of possible infringement of a national or EU-trademark, where those goods are merely in transit through EU-territory.

The Netherlands believes that the proposed measure will put a disproportionate and unnecessary burden on holders of goods and an impediment to legitimate international trade, including for legitimate generic medicines. The Netherlands has had a negative experience in 2008 with detaining medicines in transit and does not want that to happen again.

Although the Netherlands supports the battle against counterfeiting as this undermines trade, IP-rights etc., the proposed measure for detaining goods in transit is unacceptable for The Netherlands. Against this background the Netherlands will abstain from voting on the trademark reform package.

Statement by the United Kingdom

The UK has always provided strong support for the package of EU trade mark reforms, which will deliver real benefits for trade mark users. However, we cannot support the Regulation since it includes a provision that enables the transfer of future surpluses accumulated from trade mark and design fees to the general EU budget. Research has suggested that IP rich industries contribute 39% of the EU's GDP, with trade marks a significant part of this. We must nurture and protect this contribution to retain our competitiveness: therefore we should not divert money which came from IP to other uses. It should stay in the system, for example supporting innovation or enforcement.

Position (EU) No 16/2015 of the Council at first reading with a view to the adoption of a Directive of the European Parliament and of the Council to approximate the laws of the Member States relating to trade marks (Recast) OJ C 432, 22.12.2015, p. 1–26	10374/15 10374/15 ADD 1	Qualified majority	All Member States in favour, except: Abstention: NL
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Statement by Estonia

Estonia wishes to underline that it fully supports the trade mark reform and will not therefore oppose the adoption of the regulation and the directive. However, Estonia wishes to express its concerns on the proposed administrative procedure for the revocation or declaration of invalidity of a trade mark. Estonia regrets that a satisfactory compromise was not found during the negotiations. We remain of the opinion that the proposed administrative procedure will not be efficient and will create additional administrative burden. Furthermore, it will completely change our current system, which has proved to be cost-efficient and effective, posing therefore systematic problems for our legal system.

Statement by The Netherlands

Although the Netherlands welcomes many elements of the proposed trademark reform package, which will make the new system more accessible, efficient and less costly, it wishes to express – again - our grave concerns regarding the proposed provisions on goods in transit (Article 10 paragraph 5 of the Directive and Article 9 paragraph 5 of the Regulation as well as their corresponding recitals).

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Although the Netherlands supports the battle against counterfeiting as this undermines trade, IP-rights etc., the proposed measure for detaining goods in transit is unacceptable for The Netherlands. Against this background the Netherlands will abstain from voting on the trademark reform package.

Statement by the Commission

The Commission takes note of the agreement reached between the European Parliament and the Council on the reform of the EU trade mark system. In view of the added value of this reform for the users of the EU trade mark system, the Commission has decided to support it, as in balance, the overall agreement significantly improves the existing situation in particular in terms of substantive trade mark law. This is despite its concerns on certain budgetary aspects of the agreement.

The Commission regrets in particular that the co-legislators have been unable to agree on one of the key elements of its proposal concerning the budget of the OHIM: the automatic review of the level of the fees in case of significant recurrent surplus and the automatic transfer of such surplus to the EU budget. Indeed, while the level of the fees will be fixed in the EU trade mark regulation, the transfer of "substantive" surplus will remain submitted to the discretion of the Budget Committee of the OHIM (vote at 2/3 majority). The Commission recalls that such transfer would have taken place only after all types of use of the resources available as provided by the basic act have been satisfied, including the offsetting of central industrial property offices and other concerned authorities of Member States for the costs that they incur in ensuring the smooth functioning of the European Union Trade Mark System.

The Commission will continue to review the level of the fees charged by the OHIM in view of proposing to adjust them as closely as possible to the costs of the services provided to the industry and of preventing the accumulation of significant surpluses within the OHIM, in line with the rules applicable to all other agencies which have been agreed with the European Parliament and the Council.

The Commission stresses that fully self-financed agencies, such as the OHIM, as well as Institutions and bodies with budgetary autonomy financed outside the EU budget, should support the full cost of their staff, including the costs for the schooling of the children of the staff in the European schools. In line with the principle of administrative autonomy, the Commission will pursue all appropriate means to ensure that these agencies, Institutions and bodies effectively bear such costs or that they refund the EU budget of these costs.

The Commission stresses that, as regards the procedure of pre-selection and appointment of the Executive Director, any upcoming reform of OHIM should fully align with the principles of the Common Approach.

Directive (EU) 2015/2203 of the European Parliament and of the Council of 25 November 2015 on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC
OJ L 314, 1.12.2015, p. 1–9

37/15

Qualified majority

All Member States in favour

<p>Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants (Text with EEA relevance) OJ L 313, 28.11.2015, p. 1–19</p>	<p>42/15</p>	<p>Qualified majority</p>	<p>All Member States in favour, except: Abstention: RO</p>
<p>Statement by Estonia Estonia recognises the overall objective of the Medium Combustion Plants Directive and its positive impact on the air quality and thus votes in favour of the final compromise. Nevertheless, Estonia regrets that not all the elements of the new Directive are coherent with the EU's overall energy and climate framework. Estonia has been supporting and promoting the usage of solid biomass and other renewable energy sources. Operators have retrofitted their combustion plants accordingly. Therefore, Estonia is of the view that the solution achieved in the Directive creates a disproportionate burden especially on the existing small biomass plants in rural areas which goes against encouraging the uptake of the usage of renewables.</p>			
<p>Statement by The Netherlands, Sweden and Germany Germany, Sweden and the Netherlands wish to emphasize that improvement of European air quality is very important both for public health and the environment. In this respect European source control measures are essential as air pollution is a transboundary issue. The limit values of the air quality directive are not met in many places in Europe partly due to emissions in other member states. The agreed compromise is a step forward, but too small a step. As a consequence the reductions of emissions from medium combustion plants in Europe will be less than possible with cost effective measures. Sweden, Germany and the Netherlands accept the compromise but regret that it has not been possible to agree to a higher overall ambition.</p>			

Statement by Romania			
Romania acknowledges the importance of improving the legislation on air quality and of the common efforts for controlling air pollution in the European Union, including through the reduction of emissions from medium combustion plants.			
However, we consider that this directive will generate a significant administrative and financial burden for the public authorities and operators. The final text does not fully take into account the national circumstances of all member states, in particular regarding the use of indigenous fuels.			
Romania maintains its concerns as regards the negative economic and social impact of the directive's provisions, especially of those related to district heating. The directive does not respond to some major concerns in relation to the emissions limit values for solid and liquid fuels, as well as to the derogation for district heating.			
Therefore, Romania cannot support the final text of the directive.			
Statement by the Commission			
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.			
Council Directive (EU) 2015/2060 of 10 November 2015 repealing Directive 2003/48/EC on taxation of savings income in the form of interest payments OJ L 301, 18.11.2015, p. 1–4	8214/15	Qualified majority	All Member States in favour
NON-LEGISLATIVE ACTS			
ACT		DOCUMENT / STATEMENTS	
Council Implementing Decision (EU) 2015/2089 of 10 November 2015 amending Implementing Decision 2013/54/EU authorising the Republic of Slovenia to introduce a special measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax OJ L 302, 19.11.2015, p. 107–108			12333/15

<p>Council Decision (Euratom) 2015/2227 of 10 November 2015 approving the conclusion, by the European Commission, of the amendments to Protocols 1 and 2 to the Agreement between the United Kingdom, the European Atomic Energy Community and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean OJ L 317, 3.12.2015, p. 9–10</p>	12963/15
<p>Council Decision (Euratom) 2015/2228 of 10 November 2015 approving the conclusion, by the European Commission, of the amendments to Protocols 1 and 2 to the Agreement between the French Republic, the European Atomic Energy Community and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean OJ L 317, 3.12.2015, p. 11–12</p>	12964/15
<p>Council Implementing Decision (EU) 2015/2009 of 10 November 2015 on the launch of automated data exchange with regard to dactyloscopic data in Poland OJ L 294, 11.11.2015, p. 70–71</p>	9989/15
<p>Council Implementing Decision (EU) 2015/2049 of 10 November 2015 on the launch of automated data exchange with regard to dactyloscopic data in Sweden OJ L 300, 17.11.2015, p. 15–16</p>	10027/15
<p>Council Implementing Decision (EU) 2015/2050 of 10 November 2015 on the launch of automated data exchange with regard to dactyloscopic data in Belgium OJ L 300, 17.11.2015, p. 17–18</p>	10029/15
<p>Council Decision on the financial contributions to be paid by Member States to finance the European Development Fund in 2015, including the third instalment for 2015</p>	13366/15
<p>Council Decision (EU) 2015/2021 of 10 November 2015 establishing the position to be taken on behalf of the European Union within the Ministerial Conference of the World Trade Organization on the accession of the Republic of Liberia to the World Trade Organization OJ L 295, 12.11.2015, p. 44–44</p>	12647/15

<p>Statement by Ireland</p> <p>The provisions relating to the temporary presence of natural persons for business purposes included in the Decision authorized by the Council only bind Ireland as part of the Union where it has notified its wish to participate in the above Decision in accordance with Protocol No.21 on the position of Ireland and the United Kingdom in respect of the area of Freedom, Security and Justice. Ireland will ensure that the temporary presence of natural persons for business purposes is allowed in accordance with those provisions.</p>	<p>Statement by the United Kingdom</p> <p>The provisions relating to the temporary presence of natural persons for business purposes included in the above Decision only bind the United Kingdom as part of the Union where it has notified its wish to participate in the above Decision in accordance with Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice.</p>	<p>Statement by the Commission</p> <p>The Commission welcomes the adoption of the Council Decision establishing the EU position in favour of the accession of the Republic of Liberia. The Commission notes that it is proposed that a Decision of the Representatives of the Governments of the Member States meeting within the Council be adopted on this accession by common accord as regards the position of the Member States in the WTO. The Commission notes that it would have been possible to adopt an EU decision which would have rendered such a separate decision unnecessary.</p>	<p>Council Decision (CFSP) 2015/2005 of 10 November 2015 extending the mandate of the European Union Special Representative in Afghanistan OJ L 294, 11.11.2015, p. 53–57</p>	<p>Council Decision (CFSP) 2015/2006 of 10 November 2015 extending the mandate of the European Union Special Representative for the Horn of Africa OJ L 294, 11.11.2015, p. 58–63</p>	<p>Council Decision (CFSP) 2015/2007 of 10 November 2015 extending the mandate of the European Union Special Representative in Bosnia and Herzegovina OJ L 294, 11.11.2015, p. 64–68</p>
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<p>Council Decision (CFSP) 2015/2008 of 10 November 2015 amending Decision 2010/452/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia OJ L 294, 11.11.2015, p. 69–69</p>	<p>13053/15</p>
<p>Council Decision (EU) 2015/2037 of 10 November 2015 authorising Member States to ratify, in the interests of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation with regard to matters relating to social policy OJ L 298, 14.11.2015, p. 23–24</p>	<p>6732/15</p>
<p>Council Decision (EU) 2015/2071 of 10 November 2015 authorising Member States to ratify, in the interests of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation as regards Articles 1 to 4 of the Protocol with regard to matters relating to judicial cooperation in criminal matters OJ L 301, 18.11.2015, p. 47–48</p>	<p>6731/15</p>
<p>Statement by the Czech Republic The Czech Republic fully supports the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation. This being so, the Czech Republic continues to have doubts as to the existence of EU exclusive competence in the field cover by the Protocol, in particular bearing in mind the wording of Art 82(2) and Art 153(2) TFEU (both provisions allowing the European Parliament and the Council to establish minimum rules or requirements) as well as the Opinion 2/91 in which the Court of Justice of the EU concluded specifically in the ILO context that the provisions of an international agreement are not of such a kind as to affect rules adopted by the EU, when both the agreement and the EU legislation set out minimum standards.</p>	

Statement by the Federal Republic of Germany, joined by the Hellenic Republic, Hungary and Romania

The Commission presented two proposals for Council Decisions authorising Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation for those parts that fall within the competences of the Union (1) in accordance with Article 153(1)(a) and (b) TFEU or (2) in accordance with Article 82(2) TFEU. Article 218(6) (a) (v) TFEU is named as the procedural legal basis for the Council Decisions.

The Federal Republic of Germany underlines the legal and political significance of the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation. It explicitly supports the aims of the instruments and the ratification of the Protocol by all Member States also in the interest of the Union and the call on Member States to ratify, and it will initiate the ratification process in Germany as soon as possible.

However, there are divergent legal opinions about the underlying procedural norms that could not yet be resolved. From the German point of view Article 218(6) TFEU which is used as the procedural basis does not qualify for this purpose. However, because of the legal and political significance of the Protocol the Federal Republic of Germany is ready to endorse the presented proposals and to disregard the procedural concerns outlined in its written comment of 23 October 2014. The Federal Republic of Germany therefore endorses the present Decision notwithstanding its legal opinion concerning the interpretation of Article 218(6) TFEU.

The Federal Government wishes to seize this opportunity to explore, together with the Member States and the European Commission, viable ways of reconciling the procedural interests of the EU Member States as autonomous constituents of the ILO on the one hand and of the European Union as the guardian of the *acquis communautaire*, on the other.

Statement by Ireland

Ireland wishes to underline that it fully supports the Protocol of 2014 to the Forced Labour Convention of the International Labour Organisation.

Ireland wishes to make clear however that it considers that the Council Decision authorising Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation as regards Articles 1 to 4 of the Protocol with regard to matters related to judicial cooperation in criminal matters only applies to areas falling within exclusive EU competence insofar as the Protocol may affect EU common rules.

Statement by the Republic of Malta

The Republic of Malta fully supports the content of the 2014 Protocol to the Forced Labour Convention, 1930, of the International Labour Organisation and intends to ratify it.

The Republic of Malta however has strong legal and procedural concerns with these two proposed Council decisions authorising Member States to ratify the ILO Protocol.

The Republic of Malta does not consider that there exists exclusive EU competence arising from the areas covered by the Protocol, given that both Articles 82(2) and 153(2) TFEU allow the European Parliament and Council to establish minimum standards and taking into account Opinion 2/91 in which the Court concluded specifically in the ILO context that the provisions of an international agreement are not of such a kind as to affect rules adopted by the EU, when both the agreement and the EU legislation set out minimum standards. Therefore this raises questions about the necessity and appropriateness of having the proposed Council decisions. Moreover, the Republic of Malta also regrets the lack of detailed analysis by the Commission on the distribution of competences to justify the need for these decisions and the lack of clarity in the final text outlining the extent of the competences being exercised (exclusive or shared).

Furthermore, the Republic of Malta is still not convinced on the appropriateness of the use of Article 218(6) TFEU as a procedural legal base given that Article 218 (6) TFEU specifies that the Council, "on a proposal by the negotiator," may adopt a decision concluding agreements between the Union and international organisations. When a negotiator is nominated, this has to be done by decision of the Council as provided for in Article 218 (3) TFEU second clause of the sentence. In relation to the above-mentioned Protocol, no mandate for the negotiation and adoption of the Protocol at the 103rd International Labour Conference was given by means of a Council Decision. Therefore Article 218 (6) TFEU is at best questionable as a procedural legal basis.

Notwithstanding the abovementioned legal concerns, in view of the importance of the Protocol which Malta fully supports, the Republic of Malta has decided to abstain from voting on these Decisions.

Statement by the United Kingdom

The United Kingdom wishes to record its support for the Protocol of 2014 to the Forced Labour Convention, 1930, and to place on record its intention to ratify the Protocol.

The United Kingdom wishes to record its view that there is no exclusive external competence for the Union arising from the Protocol in respect of the subject matter referred to in the Council Decision authorising Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation with regard to matters related to judicial cooperation in criminal matters. Accordingly, there was no requirement for the Member States to be authorised to this extent to ratify the Protocol in the interests of the Union. Accordingly, Member States should have been able to consider ratification of the Protocol in their own right.

Further, the United Kingdom considers that the draft Council Decision in relation to matters related to judicial cooperation in criminal matters, being a measure proposed pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, is subject to Protocol (No. 21) to the Treaties on the position of the United Kingdom and Ireland in Respect of the Area of Freedom, Security and Justice.

Accordingly, the United Kingdom does not consider that it is automatically bound, as suggested by Recital (9), to participate in the Council Decision simply on account of its participation on Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

As a result, the United Kingdom will not exercise its right under Protocol 21 to opt in to the Council Decision authorising Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation with regard to matters related to judicial cooperation in criminal matters.

Council Decision (EU) 2015/2088 of 10 November 2015 establishing the position to be adopted on behalf of the European Union in the relevant Committees of the United Nations Economic Commission for Europe as regards the proposals for amendments to UN Regulations Nos 12, 16, 26, 39, 44, 46, 58, 61, 74, 83, 85, 94, 95, 97, 98, 99, 100, 101, 106, 107, 110, 116 and 127, the proposal for a new UN Regulation on frontal impact, the proposals for amendments to the Consolidated Resolution on the Construction of Vehicles (R.E.3), and the proposal for a new Mutual Resolution No 2 (M.R.2) on vehicle powertrain definitions
OJ L 302, 19.11.2015, p. 103–106

13351/15

<p>Council Decision (EU) 2015/2191 of 10 November 2015 on the signing, on behalf of the European Union, and provisional application 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 315, 1.12.2015, p. 1–2</p>	<p>12771/15</p>
<p>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 315, 1.12.2015, p. 3–71</p>	<p>12776/15</p>
<p>Council Regulation (EU) 2015/2192 of 10 November 2015 on the allocation of the fishing opportunities under 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 315, 1.12.2015, p. 72–74</p>	<p>12772/15</p>
<p>Statement by Poland on the allocation key in the Regulation on allocation of fishing opportunities</p> <p>Poland reiterates that fishing opportunities available to the Union in the EU-Mauritania protocol are purchased for the benefit of the EU fishing fleets using EU funds. Therefore, the quota and license allocations contained in Article 1 of this Regulation, particular for Categories 6 and 7, do not constitute any precedent whatsoever for future protocols. The Commission is invited frequently and regularly to monitor the utilization rate of fishing opportunities in Categories 6 and 7, so as to ensure that the reallocation mechanism referred to in paragraphs 2 and 3 of Article 1 is timely used to fully utilize the fishing opportunities in question and to avoid interrupting operations of the fleets concerned.</p>	

Statement by the Commission

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.

In relation to the decision on the signature and conclusion of the new Protocol to the Sustainable Fisheries Partnership with the Islamic Republic of Mauritania, 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(5), 218(6)a and 218(7) TFEU, and therefore maintains its initial proposal.

Council Conclusions on the Commission Action Plan on building a Capital Markets Union	13922/15
Council Conclusions on Climate Finance	13875/15

3425th meeting of the Council of the European Union (AGRICULTURE AND FISHERIES) held in Brussels on 16 November 2015

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) 2015/2284 of the European Parliament and of the Council of 25 November 2015 repealing Council Directive 76/621/EEC relating to the fixing of the maximum level of erucic acid in oils and fats and Council Regulation (EC) No 320/2006 establishing a temporary scheme for the restructuring of the sugar industry OJ L 327, 11.12.2015, p. 23–24	53/15	Qualified majority	All Member States in favour
Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (Text with EEA relevance) OJ L 327, 11.12.2015, p. 1–22	38/15	Qualified majority	All Member States in favour

Statement by the Commission

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.

Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (Text with EEA relevance)

OJ L 337, 23.12.2015, p. 35–127

35/15

Qualified majority

All Member States in favour, except:
Against: LU

Statement by Luxembourg

The first payment services directive (2007/64/EC) provided the legal basis for the creation of an EU-wide single market for payments and put in place a single passport for payment services providers.

The new payment services directive which repeals directive 2007/64/EC, undermines the passporting regime established by directive 2007/64/EC and the principle of home Member State supervision, and thereby reintroduces potential for market fragmentation. Such development in the area of cross-border supervision of payment institutions is in contradiction with the aim of the initial proposal which is to help developing an EU-wide market for electronic payments, and runs counter to the existing achievements in other financial services legislation. Luxembourg considers that the text does not reflect a coherent approach on cross-border supervision and on the respective balance between the powers of home and host competent authorities with regard to other financial services files.

In light of the above, Luxembourg votes against the new payment services directive.

Statement by France

France, concerned about the comprehensibility of the Payment Services Directive, specifies that the concept of card payment 'schémas' ('schemes'), used in the French version of the Directive, must be understood as relating to card payment 'systèmes' ('systems'), in accordance with the French version of Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market, and with usage in the French language.

<p>Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (Text with EEA relevance) OJ L 337, 23.12.2015, p. 1–34</p>	<p>41/15</p>	<p>Qualified majority</p>	<p>All Member States in favour</p>
<p>Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA OJ L 319, 4.12.2015, p. 1–20</p>	<p>45/15</p>	<p>Qualified majority</p>	<p>All Member States in favour, except: Not participating: DK, IE, UK</p>
<p>Statement by the European Parliament, the Council and the Commission It is noted that as a consequence of the application of Protocol No 22 pursuant to which Denmark is not bound by the CEPOL Regulation which replaces the previous CEPOL Decision, as soon as the Regulation becomes applicable, Denmark will no longer be participating in CEPOL.</p>			
<p>Statement by the European Parliament and the Council The European Parliament and the Council declare that the governance structure and provisions put in place for this Agency are custom-made and case-specific. The relevant provisions of Chapters III and V of this Regulation should therefore be without prejudice to any future legislative acts in relation to other agencies in the field of justice and home affairs.</p>			
<p>NON-LEGISLATIVE ACTS</p>			
<p>ACT</p>	<p>DOCUMENT / STATEMENTS</p>		
<p>Council Decision (EU) 2015/2103 of 16 November 2015 on the signing, on behalf of the European Union, and provisional application 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 305, 21.11.2015, p. 1–2</p>	<p>11628/15</p>		

<p>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 305, 21.11.2015, p. 3–28</p>	<p>11633/15</p>
<p>Council Decision (EU) 2015/2108 of 16 November 2015 establishing the position to be taken on behalf of the European Union within the Council for Trade in Services of the World Trade Organisation to notify the preferential treatment the Union intends to grant to services and service suppliers of least developed country Members, and to seek approval for preferential treatment going beyond market access OJ L 305, 21.11.2015, p. 47–48</p>	<p>13078/15</p>
<p>Statement by Ireland The provisions relating to the temporary presence of natural persons for business purposes included in the notification authorized by the Council Decision only bind Ireland as part of the Union where it has notified its wish to participate in the above Decision in accordance with Protocol No.21 on the position of Ireland and the United Kingdom in respect of the area of Freedom, Security and Justice. Ireland will ensure that the temporary presence of natural persons for business purposes is allowed in accordance with those provisions.</p>	
<p>Statement by the United Kingdom The provisions relating to the temporary presence of natural persons for business purposes included in the above Decision only bind the United Kingdom as part of the Union where it has notified its wish to participate in the above Decision in accordance with Protocol No.21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice.</p>	

Statement by the Commission	
<p>The Commission considers that a Council Decision pursuant to Article 218(9) is not legally warranted for the European Union to notify its intention to grant preferential treatment to services and services suppliers of Least Developed Countries in accordance with the LDC waiver to the WTO Council for Trade in Services.</p> <p>The Commission considers that the Decision of the Representatives of the Governments of the Member States meeting within the Council adopting the position of the Member States in the WTO on this matter is unwarranted, because the preferential treatment including elements that go beyond market access within the meaning of Article XVI GATS to be granted by the European Union to services and service suppliers of Least Developed Countries in accordance with the LDC waiver falls within the framework of the EU competencies as defined by the Treaty on the Functioning of the European Union.</p>	
3426th meeting of the Council of the European Union (FOREIGN AFFAIRS) held in Brussels on 16 and 17 November 2015	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2016/134 of 16 November 2015 on the position to be adopted on behalf of the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, as regards the replacement of Protocol 2 to that Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, by a new protocol which, as regards the rules of origin, refers to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin OJ L 25, 2.2.2016, p. 60–64	13405/15
Council Conclusions on Sri Lanka	13764/15
Council Conclusions on the EU's support to transitional justice	13575/15
Council Conclusions on Yemen	13851/15

<p>Council Decision (CFSP) 2015/2096 of 16 November 2015 on the position of the European Union relating to the Eighth Review Conference of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BTWC) OJ L 303, 20.11.2015, p. 13–18</p>	13260/15
<p>Council Implementing Decision (CFSP) 2015/2054 of 16 November 2015 implementing Decision 2011/486/CFSP concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan OJ L 300, 17.11.2015, p. 29–30</p>	13718/15
<p>Council Implementing Regulation (EU) 2015/2043 of 16 November 2015 implementing Article 11(1) and (4) of Regulation (EU) No 753/2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan OJ L 300, 17.11.2015, p. 1–2</p>	13720/15
<p>Council Implementing Decision (CFSP) 2015/2053 of 16 November 2015 implementing Decision 2010/231/CFSP concerning restrictive measures against Somalia OJ L 300, 17.11.2015, p. 27–28</p>	13657/15
<p>Council Implementing Regulation (EU) 2015/2044 of 16 November 2015 implementing Article 13 of Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia OJ L 300, 17.11.2015, p. 3–4</p>	13730/15
<p>Council Decision (CFSP) 2015/2052 of 16 November 2015 extending the mandate of the European Union Special Representative in Kosovo OJ L 300, 17.11.2015, p. 22–26</p>	12955/15
<p>Council Decision (CFSP) 2015/2051 of 16 November 2015 amending Decision 2013/730/CFSP in support of SEESAC disarmament and arms control activities in South East Europe in the framework of the EU Strategy to Combat the Illicit Accumulation and Trafficking of SALW and their Ammunition OJ L 300, 17.11.2015, p. 19–21</p>	12905/15

Council Decision authorising the opening of negotiations with the United States of America for an Acquisition and Cross-Servicing Agreement (ACSA) to be used in the framework of military CSDP operations and exercises	11932/15 11932/15 ADD 1
Council Conclusions on Special Report No 07/2015 from the European Court of Auditors entitled: "The EU police mission in Afghanistan: mixed results"	13784/15
Council Conclusions on Burundi	14038/15
Council Conclusions on the Central African Republic	13798/15
3427th meeting of the Council of the European Union (GENERAL AFFAIRS) held in Brussels on 17 and 18 November 2015	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Implementing Decision (EU) 2015/2109 of 17 November 2015 authorising the United Kingdom to apply a special measure derogating from Articles 26(1)(a), 168 and 168a of Directive 2006/112/EC on the common system of value added tax OJ L 305, 21.11.2015, p. 49–50	13254/15
Council Conclusions on Special Report No 02/2015 from the European Court of Auditors entitled: "EU-Funding of Urban Waste Water Treatment plants in the Danube river basin: further efforts needed in helping Member States to achieve EU waste water policy objectives"	13008/1/15 REV 1
Council Conclusions on Special Report No 08/2015 from the European Court of Auditors entitled: "Is EU financial support adequately addressing the needs of micro-entrepreneurs?"	13023/1/15 REV 1
Council Regulation (EU) 2015/2072 of 17 November 2015 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulations (EU) No 1221/2014 and (EU) 2015/104 OJ L 302, 19.11.2015, p. 1–10	13403/15

Statement by Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden on recreational fishing of cod

Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden agree that accounting for recreational catches as part of global fishing mortality presented in the ICES advice, is the objective of their respective countries. To this end, Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden undertake, as a matter of high priority, to:

- a) Improve their data collection systems to assure a sound basis for inclusion of mortality caused by recreational fisheries into ICES assessments;
- b) Exchange information on currently applicable national regulatory practices regarding recreational fishing and improve them where necessary;
- c) Draft a request to ICES for a more detailed explanation of their methodology of accounting for recreational catches;
- d) Agree on the methodology of accounting for cod recreational catches as part of global fishing mortality of the stocks not later than 31 December 2016.

Statement by Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden on the creation of a BALTFISH Technical Working Group

Willing to overcome the recent difficulties in the management of Baltic cod stocks, Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden agree to create a BALTFISH Technical Working Group (TWG). Its Terms of Reference shall be as follows:

- a) Examine all available and relevant information to improve the management regime for Baltic cod stocks;
- b) Discuss the matters pertaining to properly quantifying and regulating recreational fishing of cod and identify the appropriate ways forward;
- c) Examine the spatial and temporal occurrence of cod in the Central and Western Baltic.

The TWG shall report to Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden no later than 30 June 2016. The TWG shall have an open nature, comprising i.a. scientists, industry professionals, officials and other stakeholders with the expertise appropriate for the tasks above. Poland commits itself to prepare the Terms of Reference for the TWG as a matter of high priority.

Statement by Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden regarding in-year revision of TAC levels

In view of recent inflow of highly saline water to the Baltic Sea at the turn of 2014 and 2015 and its traditionally positive consequences, Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden invite the Commission to ask ICES to provide mid-term advice on the Eastern and Western cod stocks that would confirm whether an in-year revision of the provisionally agreed TACs is warranted by the biological situation of the stocks.

Statement by Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden on sprat

Denmark, Germany, Finland, Lithuania, Latvia, Poland, Estonia and Sweden agree to reduce the TAC for sprat, but to do so in a step-wise approach so as to achieve F consistent with MSY ranges as defined by ICES within two years. This decision is also supported by the estimated strength of the 2014 year class.

Statement by Denmark and Germany

on fishing closures for cod in Subdivisions 22-24

Denmark and Germany note that the quota for cod in Subdivisions 22-24 may only be fished from 1 January to 14 February and from 1 April till 31 December 2016. However, in their view this closure does not affect the derogation contained in Article 8 paragraph 6 of Regulation (EC) no. 1098/2007 as amended by Regulation (EU) 2015/812 according to which fishing vessels with an overall length of less than 12 metres shall be permitted to fish for up to 5 days per month divided into periods of at least 2 consecutive days during the closed periods. Nor does this closure affect the scope of Article 2 of Regulation (EC) no. 1098/2007 according to which that regulation, and hence the application of any conservation measures for Baltic cod, apply only to Union fishing vessels with an overall length equal to or greater than eight metres operating in the Baltic Sea. Furthermore, Denmark and Germany urge the Commission to consider swiftly exempting vessels fishing in shallow waters (0-20 metres of depth) from the closure period. The cod stock spawns mainly at depths of more than 20 metres. Fishing above 20 metres does therefore not affect spawning in any significant manner. Furthermore, fishing in shallow waters is mainly carried out by small scale fishing vessels to which the cod fishery represents a very important source of income. The extended closure period imposes negative social-economic consequences to this small scale fishing fleet.

Statement by Spain and Portugal

on recreational cod fishing in the Baltic Sea

Spain and Portugal believe that the management and allocation of fishing opportunities for recreational fishing are a matter for each Member State alone and hence that the open debate on fixing the TAC for cod in the Baltic Sea will not pre-empt any future debates on this subject in other fishing areas.

Statement by France and Belgium

on recreational fishing in the Baltic Sea

France and Belgium note that, during the debate in the Agriculture and Fisheries Council on 22 October 2015 on the draft Regulation on fishing opportunities in the Baltic Sea in 2016, the Baltic Sea States, along with the European Commission, announced their intention of examining, together with the ICES, the methods for accounting for recreational fishing in the mortality rate affecting cod stocks.

It is essential that the fundamental principle of relative stability should be observed in any scenario involving the inclusion of recreational fishing in the mortality rate and calculations used for fixing a TAC.

France and Belgium recall the need for horizontal consistency in the way in which recreational fishing that makes a significant contribution to fishing mortality can be taken into account.

Statement by the Council

on reference points

The Council invites the Commission to work with ICES to address the causes for the recurrent changes of reference points in the scientific advice for certain stocks, including sprat.

Statements by the Commission

Ad recreational cod fisheries

In view of the considerable fishing pressure exercised by recreational fisheries on the cod stocks, especially on the Western stock, the Commission intends to request ICES as soon as possible to refine its method of accounting for recreational fisheries in its catch advice. The Commission welcomes the Member States' effort to cooperate in the field of collection of data on recreational fisheries allowing the competent scientific institutions to develop methods for appropriate scientific assessment of the status of fish stocks. The Commission will shortly call on the Member States concerned to provide updated data.

Ad in-year revision of TAC levels

In view of recent inflow of highly saline water to the Baltic Sea, the Commission will request ICES for a mid-term advice on the status of cod stocks. Consequently, the Commission will fully assume its responsibilities as regards ensuring that the 2016 Baltic Sea fishing opportunities are in line with that updated advice.

Ad year-to-year flexibility

The Commission takes note of the Council's wish to have the possibility of increased 'banking' for certain specific stocks and for certain Member States which are most affected by the extended Russian import ban, on the basis of scientific advice.

Although such increase raises legal doubts, given the limit set by the applicable legislation, in the present exceptional case, given the severe effects of the Russian extended import ban, and because the measure is strictly limited in time and applies only to the 'banking' of quotas (excluding the possibility to increase the limit for 'borrowing' quotas), and because of the favourable scientific advice given in this instance, the Commission will not stand in the way of the adoption of this compromise.

At the same time, the Commission will consider asking ICES to include the element of increased flexibility in the scientific assessments on which it bases its catch advice.

This is without prejudice to the Commission's interpretation of the scope of Article 43(3) TFEU, which the Court of Justice will have occasion to clarify in pending cases C-124 and I25/13.

Council Conclusions on the shift towards a low-carbon economy: the contribution of Cohesion Policy and more generally of the European Structural and Investment Funds

14261/15

Council Conclusions on 25 years of Interreg: Its contribution to Cohesion Policy goals

14265/15

Statement by Hungary			
Hungary firmly believes that the objectives of cohesion policy are firmly anchored in the Treaty on the Functioning of the European Union, and these objectives remain valid even at the time of the migration crisis. Therefore it is clear that cohesion policy resources, including those of the European Territorial Objective goal, should first and foremost contribute to these Treaty objectives, as well as to the European Strategy for growth and jobs, and not tackling the symptoms of the migration crisis.			
Council Conclusions on Simplification: Priorities and expectations of Member States with respect to European Structural and Investment Funds		14266/1/15 REV 1	
3432nd meeting of the Council of the European Union (JUSTICE AND HOME AFFAIRS) held in Brussels on 20 November 2015			
NON-LEGISLATIVE ACTS			
ACT		DOCUMENT / STATEMENTS	
Conclusions of the Council of the European Union and of the Member States meeting within the Council on enhancing the criminal justice response to radicalisation leading to terrorism and violent extremism		14350/15	
Conclusions of the Council of the European Union and of the Member States meeting within the Council on Counter-Terrorism		14406/15	
3428th meeting of the Council of the European Union (EDUCATION, YOUTH, CULTURE AND SPORT) held in Brussels on 23 and 24 November 2015			
LEGISLATIVE ACTS			
ACT		DOCUMENT	VOTING RULE
Decision (EU) 2015/2240 of the European Parliament and of the Council of 25 November 2015 establishing a programme on interoperability solutions and common frameworks for European public administrations, businesses and citizens (ISA2 programme) as a means for modernising the public sector (Text with EEA relevance) OJ L 318, 4.12.2015, p. 1–16		52/15	Qualified majority
			All Member States in favour, except: Abstention: UK

Statement by the Commission	
The Commission regrets the insertion of a provision and of a recital which merely restate the applicable law on data protection in breach of basic principles of legislative quality and against the provision of rule 12 of the Joint Practical Guide for the drafting of Union legislation for the Institutions. The Commission shall not consider the drafting of article 16 as a precedent for any future piece of legislation.	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2015/2176 of 23 November 2015 on the position to be adopted on behalf of the European Union within the European Committee for drawing up standards in the field of inland navigation (CESNI) and at the plenary session of the Central Commission for the Navigation of the Rhine (CCNR) on the adoption of a standard concerning technical requirements for inland waterway vessels OJ L 307, 25.11.2015, p. 25–26	13527/15
Council Decision on the position to be adopted on behalf of the European Union within the Council of Members of the International Olive Council concerning the accession of new Members	14123/15
Council Decision (EU) 2015/2194 of 23 November 2015 on the conclusion, on behalf of the European Union and its Member States, of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Croatia to the European Union OJ L 313, 28.11.2015, p. 20–21	11878/14
Council Decision (CFSP) 2015/2118 of 23 November 2015 extending the mandate of the European Union Special Representative for the South Caucasus and the crisis in Georgia OJ L 306, 24.11.2015, p. 26–30	12938/15
2015 Joint Report of the Council and the Commission on the implementation of the renewed framework for European cooperation in the youth field (2010-18) OJ C 417, 15.12.2015, p. 17–24	14437/2/15 REV 2

Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on a European Union Work Plan for Youth for 2016-2018 OJ C 417, 15.12.2015, p. 1–9	14434/15
Council Resolution on encouraging political participation of young people in democratic life in Europe OJ C 417, 15.12.2015, p. 10–16	14435/2/15 REV 2
2015 Joint Report of the Council and the Commission on the implementation of the strategic framework for European cooperation in education and training (ET 2020) — New priorities for European cooperation in education and training OJ C 417, 15.12.2015, p. 25–35	14440/15
Council Conclusions on reducing early school leaving and promoting success in school OJ C 417, 15.12.2015, p. 36–40	14441/15
Council Conclusions on culture in the EU's external relations with a focus on culture in development cooperation OJ C 417, 15.12.2015, p. 41–43	14443/15
Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, amending the Work Plan for Culture (2015-2018) as regards the priority on intercultural dialogue OJ C 417, 15.12.2015, p. 44–44	14444/15
Conclusions of the Council and the Representatives of the Governments of the Member States, meeting within the Council, reviewing the 2011 Resolution on the representation of the EU Member States in the Foundation Board of WADA and the coordination of the EU and its Member States' positions prior to WADA meetings OJ C 417, 15.12.2015, p. 45–45	14445/15
Council Conclusions on the promotion of motor skills, physical and sport activities for children OJ C 417, 15.12.2015, p. 46–51	14447/15

Written procedures completed on 24 November 2015

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Decision of the European Parliament and of the Council on the mobilisation of the Flexibility Instrument for immediate budgetary measures to address the refugee crisis	14196/15	Qualified majority	All Member States in favour
Decision of the European Parliament and of the Council on the mobilisation of the EU Solidarity Fund for the payment of advances	14197/15	Qualified majority	All Member States in favour

Joint statement by the European Parliament, the Council and the Commission on the Youth Employment Initiative

The European Parliament, the Council and the Commission recall that reducing youth unemployment remains a high and shared political priority, and to this end they reaffirm their determination to make the best possible use of budgetary resources available to tackle it, and in particular the Youth Employment Initiative (YEI).

They recall that in accordance with Article 14(1) of Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 "Margins left available below the MFF ceilings for commitment appropriations for the years 2014-2017 shall constitute a Global MFF Margin for commitments, to be made available over and above the ceilings established in the MFF for the years 2016 to 2020 for policy objectives related to growth and employment, in particular youth employment".

In the framework of the MFF mid-term review/revision the Commission will draw lessons from the results of the YEI evaluation, accompanied, as appropriate, by proposals for the continuation of the initiative until 2020.

The Council and the Parliament undertake to examine rapidly proposals put forward by the Commission in this respect.

Joint statement by the European Parliament, the Council and the Commission on a payment forecast 2016-2020

Building on the existing agreement on a payment plan 2015-2016, the European Parliament, the Council and the Commission acknowledge the steps taken to phase out the backlog of outstanding payment claims from the 2007-2013 cohesion programmes, and to improve the monitoring of any backlog of unpaid bills in all headings. They reiterate their commitment to prevent a similar build-up of backlog in the future, including through setting-up an early warning system.

The European Parliament, the Council and the Commission will, throughout the year, actively monitor the state of implementation of the 2016 budget, in accordance with the agreed payment plan; in particular the appropriations provided in the budget 2016 will allow the Commission to reduce the year-end backlog of outstanding payment claims for the 2007-2013 cohesion programmes to a level of around EUR 2 billion by the end of 2016.

The European Parliament, the Council and the Commission will continue taking stock of payment implementation and updated forecasts at dedicated interinstitutional meetings, in accordance with Point 36 of the Annex to the Interinstitutional Agreement, which should take place at least three times in 2016 at the political level.

In that context, the European Parliament, the Council, the Commission recall that those meetings should also address the longer-term forecasts on the expected evolution of payments until the end of the MFF 2014-2020.

Statement by the European Parliament on the application of Point 27 of the Interinstitutional Agreement

The European Parliament is committed to continue the reduction of the total number of posts in its establishment plan and to complete it by 2019, according to the following timetable, taking into account that a net reduction of 18 posts takes place in 2016:

Annual net reductions in the total number of authorised posts in the establishment plan of the European Parliament compared to previous year

Outstanding reduction to achieve the 5% target ¹	2017	2018	2019	2017-2019
179	-60	-60	-59	-179

¹ The European Parliament considers that the scope of the 5% reduction excludes temporary posts of political groups identified in its establishment plan.

3429th meeting of the Council of the European Union (TRANSPORT, TELECOMMUNICATION AND ENERGY - ENERGY ISSUES) held in Brussels on 26 November 2015	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Conclusions on the Governance system of the Energy Union	14459/15
Statement by the Commission	
<p>The Commission welcomes the Council conclusions on the Governance system of the Energy Union as approved by the Energy Council of 26 November 2015 under Luxembourg Presidency.</p> <p>The Commission invites Member States to start swiftly the preparation of their integrated National Energy and Climate Plan, including through an iterative and constructive dialogue between the Commission and Member States. The related guidance document, attached to the State of the Energy Union 2015, provides the basis for Member States to start developing their National Plans.</p> <p>In order to provide certainty and predictability to project developers and investors in a rapidly changing environment, the Commission considers that preparatory work should start without delay. Member States should therefore present draft National Plans in 2017 as a basis for further discussions, with a view to finalising these National Plans in 2018 so that they will be operational well before 2021.</p>	
3430th meeting of the Council of the European Union (FOREIGN AFFAIRS - TRADE ISSUES) held in Brussels on 27 November 2015	
NON-LEGISLATIVE ACTS	
ACT	DOCUMENT / STATEMENTS
Council Decision (EU) 2015/2236 of 27 November 2015 establishing the position to be taken on behalf of the European Union within the Ministerial Conference of the World Trade Organisation as regards an extension of the moratorium on customs duties on electronic transmissions and the moratorium on non-violation and situation complaints OJ L 317, 3.12.2015, p. 33–34	12833/15
Council Conclusions on a European Union Strategy for the Alpine Region (EUSALP)	13528/15
Council Conclusions on the EU's trade and investment policy	14240/15

Written procedures completed on 30 November 2015		
NON-LEGISLATIVE ACTS		
ACT		DOCUMENT / STATEMENTS
Council Decision (CFSP) 2015/2216 of 30 November 2015 amending Decision 2010/413/CFSP concerning restrictive measures against Iran OJ L 314, 1.12.2015, p. 58–59		14429/1/15 REV 1
Council Implementing Regulation (EU) 2015/2204 of 30 November 2015 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran OJ L 314, 1.12.2015, p. 10–12		14432/1/15 REV 1
3431st meeting of the Council of the European Union (COMPETITIVENESS - INTERNAL MARKET, RESEARCH AND SPACE) held in Brussels on 30 November and 1 December 2015		
NON-LEGISLATIVE ACTS		
ACT		DOCUMENT / STATEMENTS
Council Decision (EU) 2015/2367 of 30 November 2015 on the position to be taken on behalf of the European Union within the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products in relation to Decision No 1/2015 regarding the amendment of Appendices 1, 2, 3, 4, 5, 6, 7, 10 and 11 to Annex 11 to the Agreement OJ L 337, 23.12.2015, p. 128–193		13618/15
Council Decision (EU) 2015/2312 of 30 November 2015 on the signing, on behalf of the European Union, and provisional application of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia and the Implementation Protocol thereto OJ L 328, 12.12.2015, p. 1–2		13011/15
Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia OJ L 328, 12.12.2015, p. 3–43		13014/15

Council Regulation (EU) 2015/2313 of 30 November 2015 concerning the allocation of fishing opportunities under the Implementation Protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia OJ L 328, 12.12.2015, p. 44–45	13012/15
Council Decision (EU) 2015/2288 of 30 November 2015 on the financial contributions to be paid by Member States to finance the European Development Fund, including the ceiling for 2017, the amount for 2016, the first instalment for 2016 and an indicative and non-binding forecast for the expected annual amounts for the years 2018 and 2019 OJ L 323, 9.12.2015, p. 8–10	13509/15
Council Decision (CFSP) 2015/2215 of 30 November 2015 in support of UNSCR 2235 (2015), establishing an OPCW-UN joint investigative mechanism to identify the perpetrators of chemical attacks in the Syrian Arab Republic OJ L 314, 1.12.2015, p. 51–57	13787/15
Council Conclusions on Research integrity	14853/15
Council Conclusions on advancing gender equality in the European Research Area	14846/15
Council Conclusions on the review of the European Research Area advisory structure	14875/15