



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 4 February 2014**

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**NOTE**

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Subject: MONTHLY SUMMARY OF COUNCIL ACTS SEPTEMBER 2013

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This document lists the acts adopted by the Council in September 2013.<sup>1 2</sup>

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

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

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

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

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

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

<http://consilium.europa.eu/documents/legislative-transparency/monthly-summaries-of-council-acts>

Documents listed in the summary may be obtained from the public register of Council documents at: <http://consilium.europa.eu/documents/access-to-council-documents-public-register>

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:

<http://consilium.europa.eu/documents/legislative-transparency/council-minutes>

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**INFORMATION ON THE ACTS ADOPTED BY THE COUNCIL  
IN SEPTEMBER 2013**

**Written procedure completed on 6 September 2013**

NON-LEGISLATIVE ACTS

ACT	DOCUMENT/ STATEMENTS
Council Decision amending Decision 2010/452/CFSP on the European Union Monitoring Mission in Georgia, EUMM Georgia	11458/13

**Written procedure completed on 13 September 2013**

NON-LEGISLATIVE ACTS

ACT	DOCUMENT/ STATEMENTS
Council Implementing Decision on approving the macroeconomic adjustment programme for Cyprus and repealing Decision 2013/236/EU	13181/13

**Written procedure completed on 23 September 2013**

NON-LEGISLATIVE ACTS

ACT	DOCUMENT/ STATEMENTS
Council Implementing Decision implementing Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe	12714/13

**3257th meeting of the Council of the European Union (AGRICULTURE AND FISHERIES) held in Brussels on 23 September 2013**

LEGISLATIVE ACTS

ACT	DOCUMENT	VOTING RULE	VOTES
Position (EU) No 8/2013 of the Council at first reading with a view to the adoption of a Decision of the European Parliament and of the Council providing macro-financial assistance to the Kyrgyz Republic Adopted by the Council on 23 September 2013 OJ C 309E, 24.10.2013, p. 1–9	11703/13	Qualified majority	All Member States in favour

NON-LEGISLATIVE ACTS

ACT	DOCUMENT
Council Decision of 23 September 2013 on the signing, on behalf of the European Union, of the Voluntary Partnership Agreement between the European Union and the Republic of Indonesia on forest law enforcement, governance and trade in timber products to the European Union OJ L 265, 8.10.2013, p. 1–2	11768/1/13 REV 1 + REV 2 11769/1/13 REV 1 +REV 1 COR 1
Council Decision on the signing, on behalf of the European Union, of the Minamata Convention on Mercury	11995/13 11995/13 ADD 1
Council Decision on the signing on behalf of the European Union and the provisional application of the Cooperation Agreement between the European Union and its Member States, of the one part, and the Swiss Confederation, of the other, on the European Satellite Navigation Programmes	10503/13 + ADD 1
Council Decision on the position to be taken by the European Union within the Committee on Cultural Cooperation set up by the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, as regards the adoption of the rules of procedure of the Committee on Cultural Cooperation	12825/13
Council Decision of 23 September 2013 on the position to be taken on behalf of the European Union within the Bilateral Oversight Board under the Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety, concerning Decision No 0004 amending Annex 1 to the Agreement	12300/13 12413/13
Council Decision Authorising the European Commission to participate, on behalf of the EU, in the negotiations for an international convention of the Council of Europe to combat the manipulation of sports results as regards matters related to cooperation in criminal matters and police cooperation	10180/13

Council Decision on the position to be adopted, on behalf of the European Union, in the EU-EFTA Joint Committee concerning the adoption of a Decision amending the Convention of 20 May 1987 on a common transit procedure (adaptations resulting from the accession of Croatia to the Union)	12173/13
Council Decision on the position to be adopted by the European Union, in the context of the EU-Switzerland Joint Committee, on the definition of the grounds for exemption from transmitting data pursuant to the first subparagraph of Article 3(3) of Annex 1 to the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures	13032/13
2013/488/EU: Council Decision of 23 September 2013 on the security rules for protecting EU classified information OJ L 274, 15.10.2013, p. 1–50	9829/13
<p><b>I. Statement by the Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy on the protection and handling of classified information</b></p> <p>1. The Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (the High Representative) consider that the respective security rules of the Council, the Commission and the European External Action Service (EEAS), and the Agreement between the Member States, meeting within the Council, regarding the protection of classified information exchanged in the interests of the European Union , together aim to establish a comprehensive and coherent general framework within the European Union for the protection of classified information originating in the Member States, in institutions of the European Union or in EU agencies, bodies or offices, or received from third States or international organisations.</p> <p>2. The Council, the Commission and the High Representative recall that the respective security rules of the Council, the Commission and the EEAS will continue to contain equivalent standards for the protection of EU classified information, while taking into account their specific institutional and organisational needs. These rules together constitute a framework within which such information may be shared among them. In order to ensure close cooperation on matters relating to the protection of classified information and communication and information systems handling such information, the Council, the Commission and the High Representative:</p>	

- (a) will consider the protection of EU classified information as a matter of common interest and undertake to provide mutual assistance in all matters relating to the handling and protection of EU classified information;
- (b) agree that the Council, Commission and EEAS departments will consult each other on any modification of the respective security rules before they are adopted in order to maintain the present equivalence of provisions;
- (c) agree that where a security of information agreement is required with a third State or international organisation, a single agreement may be concluded by the Union as an overall framework to that effect;
- (d) will inform each other before entering into security arrangements with third parties;
- (e) agree that security assessment visits will continue to be carried out on the basis of a joint EU inspection programme;
- (f) agree that practical arrangements will be put in place by the General Secretariat of the Council, the Commission and the EEAS for conducting assessment visits to verify that the visited entity's practices comply with the basic principles and minimum standards governing the protection of EU classified information. Such arrangements will ensure that assessment visits are conducted efficiently and cost-effectively by streamlining practices, pooling available expertise and by avoiding duplication of effort;
- (g) agree that prior to the approval of cryptographic products for the protection of EU classified information by their respective Crypto Approval Authority, such products will in principle have undergone a second-party evaluation and have been recommended for approval in accordance with the Council Decision on the security rules for protecting EU classified information.

Under this framework, arrangements and procedures for sharing EU classified information will be worked out as necessary between the directors of the GSC Security Office, the Commission Security Directorate and the EEAS Security Directorate.

## **II. Statement by the Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy on the protection and handling of EU classified information (EUCI) by EU agencies, bodies or offices**

The Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (the High Representative) will endeavour to ensure maximum consistency in the application of security rules regarding the protection of EUCI by them and by EU agencies, bodies or offices. In particular, the Council and the Commission will ensure that, where such EU agencies, bodies or offices are established, the entity in question applies a level of protection for creating and managing classified information which is equivalent to that afforded by the security rules of the Council or the Commission, as appropriate. The GSC Security Office and the Commission's Security Directorate are available to provide guidance when requested regarding implementation of the Council's or the Commission's security rules in the internal organisation of such agencies, bodies or offices.

In particular, the Council, the Commission and the High Representative will take all possible steps, where necessary by entering into administrative arrangements, to the effect that:

- (a) classified information created by such entities in accordance with the applicable security rules is marked as EUCI. It may also bear an additional marking indicating the agency, body or office originating the information;
- (b) the sharing of EUCI originating in the Council, the Commission or the European External Action Service (EEAS) with any EU agency, body or office, or between such entities, is contingent on the satisfactory outcome of an assessment visit aimed at ascertaining the effectiveness of measures implemented for protecting EUCI.

The Secretary-General of the Council, the Secretary-General of the Commission and the Secretary-General of the EEAS, as appropriate, will inform agencies, bodies or offices about any agreement or administrative arrangement to be negotiated or put in place with third States or international organisations covering the exchange of classified information.

The Council and the Commission will invite those agencies, bodies or offices to inform the Council, the Commission and the High Representative when those agencies, bodies or offices intend to negotiate an agreement or administrative arrangements with a third State or international organisation covering the exchange of classified information.

The Council confirms that the direct exchange of classified information between the EDA and any third State or international organisation under an administrative arrangement entered into by the EDA requires the prior conclusion by the Council of a security of information Agreement between the EU and the third State or international organisation in question.

### **III. Statement by the Council on protecting EU classified information within EU crisis management operations and by EU Special Representatives and their teams**

The Council will ensure that acts adopted pursuant to Title V, Chapter 2 of the TEU stipulate that CSDP crisis management operations and their personnel, and EU Special Representatives and their teams, apply the security rules adopted by the Council for protecting EU classified information.

It notes accordingly that NSAs will, upon request from the EU Special Representative, the Head of Mission and/or Civilian Operations Commander or the Operation and/or Force Commander or Mission Commander, conduct the necessary security clearance procedures for individuals deployed in CSDP operations under Title V, Chapter 2 of the TEU or as part of EU Special Representatives' teams who are not already in possession of a valid security clearance. For civilian CSDP operations and for EUSR teams, such requests will be forwarded to NSAs by the designated Mission or EUSR Security Officer, whose name will be notified to NSAs through the European External Action Service.

### **IV. Statement by the Council on existing security policies and guidelines**

Security policies and guidelines approved or agreed under Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information or under Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations will continue to be valid under the 2013 Council Decision on the security rules for protecting EU classified information, until such security policies and guidelines are replaced, repealed or amended.

2013/526/EU: Decision of the European Parliament and of the Council of 9 October 2013 on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2011/025 IT/Lombardia from Italy)  
OJ L 284, 26.10.2013, p. 22–22

11817/13

2013/514/EU: Decision of the European Parliament and of the Council of 9 October 2013 on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2012/008 IT/De Tomaso Automobili from Italy)  
OJ L 280, 22.10.2013, p. 24–24

11820/13

Council Decision 2013/467/CFSP of 23 September 2013 amending and extending Decision 2010/576/CFSP on the European Union police mission undertaken in the framework of reform of the security sector (SSR) and its interface with the system of justice in the Democratic Republic of the Congo (EUPOL RD Congo)

12060/13

Council Decision 2013/468/CFSP of 23 September 2013 amending and extending Decision 2010/565/CFSP on the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo)	12064/13		
Council Implementing Regulation (EU) No 917/2013 of 23 September 2013 amending Implementing Regulation (EU) No 857/2010 imposing a definitive countervailing duty and collecting definitely the provisional duty imposed on imports of certain polyethylene terephthalate originating in Iran, Pakistan and the United Arab Emirates OJ L 253, 25.9.2013, p. 1–3	13143/13		
Conclusions of the Council and of the Representatives of Governments of the Member States meeting within the Council on the 2013 UN High-Level Dialogue on Migration and Development and on broadening the development-migration nexus	12415/13		
Draft Memorandum of Understanding between Eurojust and Frontex	12823/13		
<b>3258th meeting of the Council of the European Union (COMPETITIVENESS - Internal Market, Industry, Research and Space) held in Brussels on 26 and 27 September 2013</b>			
LEGISLATIVE ACTS			
ACT	DOCUMENT	VOTING RULE	VOTES
Regulation (EU) No 1021/2013 of the European Parliament and of the Council of 9 October 2013 amending Directives 1999/4/EC and 2000/36/EC of the European Parliament and of the Council and Council Directives 2001/111/EC, 2001/113/EC and 2001/114/EC as regards the powers to be conferred on the Commission OJ L 287, 29.10.2013, p. 1–4	PE-CONS 31/13	Qualified majority	All Member States in favour
Regulation of the European Parliament and of the Council laying down Union Customs Code (first reading)	PE-CONS 36/13	Qualified majority	All Member States in favour except: UK abstained

**Statement by Germany and Austria** related to Article 148 (5)

Article 148(5) in conjunction with Article 151 of the UCC will allow non-Union goods in temporary storage within the Union to be moved across Member States outside of the transit procedure provided for this purpose without any customs duty or input turnover tax being collected. To ensure that the large number of expected movements of goods can be supervised effectively with a view to protecting the financial interests of the EU and the Member States, it would be necessary to establish a redundant (IT) procedure in addition to NCTS, the electronic system specifically developed for the transit procedure, which is not acceptable given the significant human and financial resources already invested in NCTS by the EU and the Member States. Furthermore, the arrangement will hinder the supervision of commercial measures as well as prohibitions and restrictions, for example embargoes.

Germany and Austria will therefore, pending further notice, not make use of the discretionary provision under Article 148(5) UCC by neither granting such authorisations nor joining authorisations granted by other Member States that relate to their territories.

**Statement by Germany** related to Article 7 (c)

The Federal Republic of Germany takes note of the wording of Article 7(c) of the Union Customs Code and the statement made by the Commission on the proposed provision. It emphasises that the information and particulars to be transmitted on the basis of EU law according to the above should not be conclusively settled in such a way that Member States would be prohibited from demanding additional information to thereby preserve the long-standing national system architecture which serves to the benefit of trade and the administration.

**Statement by Cyprus**

Cyprus wishes to remind that Article 1.1 of Protocol No. 10 of the Act of Accession of the Republic of Cyprus to the European Union foresees the suspension of the application of the *acquis* in those areas of the Republic of Cyprus in which the government of the Republic of Cyprus does not exercise effective control.

This suspension has a territorial application; while the application of the *acquis* is suspended in the non-government controlled areas, it can be applied in issues / cases that concern the non-government controlled areas

**Statement by the Republic of Croatia**

Croatia supports the adoption of the Proposal for a Regulation of the European Parliament and of the Council laying down Union Customs Code (recast) (Regulation).

Recognizing the importance of the adoption and entry into force of the Regulation as envisaged, as well as the quality of the EU legislation, Croatia is of the opinion that the Croatian version of the text does not comply with the standard customs terminology used in Croatian, and Croatia would therefore like to enter a linguistic reservation.

In order to avoid the risk of inadequate application of the basic Union customs legislation in Croatia, Croatia expects from the General Secretariat of the Council to implement, as soon as possible, the procedure to rectify the Croatian version of the Regulation.

NON-LEGISLATIVE ACTS	
ACT	DOCUMENT
Council Regulation amending Annex I to Regulation (EEC) No 2658/87 on the Tariff and Statistical Nomenclature and on the Common Customs Tariff	13418/13
<p><b>Statement by Hungary</b></p> <p>As previously declared at the 6 September 2013 COREPER, Hungary could not agree with the new classification rules in the Proposal for a Council Regulation amending Annex I to Regulation (EEC) No 2658/87 on the Tariff and Statistical Nomenclature and on the Common Customs Tariff, and the consequent decrease in the rate of import duties on a wide scope of monitors.</p> <ul style="list-style-type: none"> <li>= Recalling the conclusions of the European Council adopted on 1-2 March 2012 stating that "The European Union is taking all necessary measures to put Europe back on the path to growth and jobs. ....to foster growth, competitiveness and employment";</li> <li>= Having regard to the conclusions of the European Council adopted on 22 May 2013 , which lays down as a basic principle that "In the current economic context we must mobilise all our policies in support of competitiveness, jobs and growth.";</li> <li>= Considering the conclusions of the European Council adopted on 27/28 June 2013 stating that "...more determined efforts are required at all levels to boost competitiveness and employment."</li> </ul> <p>Despite repeated requests, no assessment of the impact of the proposal on industry and jobs in the EU has been prepared. Furthermore, during discussions of the proposal, there has not been an adequate account of how the proposed measures are advantageous for the Union. Therefore, in our view, it is still questionable whether the scope of products to be covered by 0% import duty rate, according to the proposed new classification, would exceed the obligations under the Information Technology Agreement (ITA) and the WTO panel decision or not. The decrease in the rate of import duties and the resulting decrease in competitiveness compared to imports from third countries would seriously damage one of Hungary's most important industries - manufacturing monitors, where the tariff classification would be amended by the proposal. It is a very serious issue for Hungary, because more than 6000 employees are involved in the production of these monitors or their parts in Hungary, mostly in regions suffering from some of the highest unemployment rates within the EU. In addition to jobs in Hungary, more than 1000 jobs would also be put at risk in neighbouring Member States with companies of Hungarian origin. In addition to the above mentioned concerns, the proposed new tariff classification is not clear, which will lead to abuse and circumvention of the rules. The period available until the proposed date of application of the proposed regulation will likely not be sufficient for the adoption of the implementing rules that would give the necessary guidance for the proper application, especially regarding the interpretation of the wording "acceptable level of functionality. Therefore, Hungary considers that adoption of the proposal to be in clear contradiction of the priorities set by the European Council, especially by putting existing industries and jobs unnecessarily at risk.</p>	

### Statement by Poland

Poland is against the modification of Combined Nomenclature concerning structure of CN code 8528 59 (other monitors). The two key negative outcomes of these changes have not been enough deeply discussed by the Customs Union Working Group (CUG), namely:

- The possibility of import to the EU incomplete TV's, e.g. without TV tuner, as a monitors under the 0% duty rate (the duty rate for TV's is 14%) and mounting them in the EU. The EC presented the draft of the regulation preventing that practices. However Poland is of the opinion that this regulation would be ineffective.
- The possibility of import to the EU video monitors with the TV functionality, avoiding the 14% duty rate for TV's. Poland has formally submitted to the EC and the Presidency 3 alternative proposals. The aim was to limit the scope of duty free import of the monitors with TV functionality, avoiding the inconsistency with the EU international obligations and the ECJ judgment in the Kamino case. Poland has been of the opinion that this proposal should be discussed on the CUG. This is an appropriate EU expert forum, to analyse and consider these kind of proposals submitted by the Member States.

In consequence the proposed modification of Combined Nomenclature will have a very negative impact on both TV and monitors manufacturers based in the EU. The customs rate reduction

from 14% to 0% will cover 80% imported to the EU monitors classified under subheading 8528 59. This would result in significant job losses and risk of production relocation outside the EU. Polish sector of TV and monitors manufacturing produces almost 25 million devices of which 90% of the production is distributed in the EU market. This sector also employs around 60 000 people. The EC still have not presented to the CUG the socio-economic impact assessment of proposed regulation, especially the impact on the labour market.

The electronic manufacturers sector is protected in the EU mainly by the customs rates. In other countries e.g. USA or Japan customs rate level is quite low, at the same time access to the above-mentioned countries market is restricted by the Non-Tariff Barriers (NTB's). Poland had consequently underlined that liberalization of the EU customs tariff level should be linked with the liberalization of the third parties NTB's e.g. USA and Japan. However these partners are not ready to liberalize the NTB's.

Moreover, there is a negative correlation between the modification in question and ongoing ITA revision negotiations. Proposed broad unilateral liberalization of customs duties for imported to the EU monitors affects ITA negotiations due to the fact that this tariff line is at the same time subject of these negotiations. We underlined that fact and proposed to postpone the decision until the conclusion of the ITA negotiations.

For the above mentioned reasons Poland cannot accept proposed changes in structure of the CN code 8528 59. Poland is of the opinion that this issue should be once again analysed by the Working Party on Customs Union. Poland reserves the right to oppose against the final proposal of the ITA revision.

Council Decision of 26 September 2013 amending Decision 2007/641/EC, concerning the Republic of Fiji and extending the period of application thereof

13522/13

**3259th meeting of the Council of the European Union (GENERAL AFFAIRS) held in Brussels on 30 September 2013**

## NON LEGISLATIVE ACTS

ACT	DOCUMENT
Council Decision of 30 September 2013 on the position to be taken by the European Union within the Joint Committee set up by Article 11 of the Agreement between the European Union and the Republic of Moldova on protection of geographical indications of agricultural products and foodstuffs, as regards the adoption of the rules of procedure of the Joint Committee OJ L 263, 05.10.2013, p. 1–3	13328/13
COUNCIL DECISION of 30 September 2013 on the application of Regulation No 41 of the United Nations Economic Commission for Europe on uniform provisions concerning the approval of motor cycles with regard to noise OJ L 263, 05.10.2013, p. 15–16	13319/13