



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 6 February 2012

6169/12

PUBLIC 1

NOTE

Subject : MONTHLY SUMMARY OF COUNCIL ACTS DECEMBER 2011

This document consists of the following:

- ANNEX I containing a list of acts adopted by the Council in December 2011.^{1 2}
- ANNEX II containing further details on the adoption of these acts. PART I provides information on the adoption of legislative acts, such as the date of adoption, the relevant Council session, the number of the document adopted, and where appropriate, applicable voting rules, voting results, explanations of vote and statements published in the minutes of the Council. PART II provides information that the Council has decided to make public on the adoption of other acts.

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 via the Internet (<http://consilium.europa.eu/>) see under "Documents", "Legislative Transparency", "Monthly Summary of Council Acts". Documents listed in the summary may be obtained from the public register of Council documents (Access to Council documents: [Public Register](#)).

It should be noted that only the minutes concerning the definitive adoption of legislative acts are authentic (available via the Internet: <http://consilium.europa.eu/> , see under "Documents", "Legislative Transparency", "[Council Minutes](#)").

**LIST OF ACTS ADOPTED BY THE COUNCIL
IN DECEMBER 2011**

3130th meeting of the Council of the European Union (FOREIGN AFFAIRS), held in Brussels on 1 December 2011

Council Conclusions on Syria
17965/11

Council Conclusions on Yemen
17963/11

Council Conclusions on Egypt
17966/11

Council Conclusions on EU response to the developments in the Southern Neighbourhood
17967/11

3131st meeting of the Council of the European Union (EMPLOYMENT, SOCIAL POLICY, HEALTH and CONSUMER AFFAIRS), held in Brussels on 1 and 2 December 2011

Regulation (EU) No 1337/2011 of the European Parliament and of the Council of 13 December 2011 concerning European statistics on permanent crops and repealing Council Regulation (EEC) No 357/79 and Directive 2001/109/EC of the European Parliament and of the Council Text with EEA relevance
OJ L 347, 30.12.2011, p. 7–20

2011/831/EU: Council Decision of 1 December 2011 on the practical and procedural arrangements for the appointment by the Council of four members of the European panel for the European Union action for the European Heritage Label
OJ L 330, 14.12.2011, p. 23–24

Council Conclusions on Special Report No 6/2011 by the European Court of Auditors concerning the effectiveness of tourism projects co-financed by the European Regional Development Fund
16947/11

Council Conclusions on Follow-up of the first European Semester and thematic surveillance in employment and social policies
17423/11 + COR 1

Council Conclusions on Ageing as an opportunity for the labour market and for the development of social services and community activities
16474/11 + REV 1 (lv, hu) + ADD 1

Council Conclusions on Review of the implementation of the Beijing Platform for Action
- Women and the Economy: Reconciliation of work and family life as a precondition for equal participation in the labour market
17420/11 + Council Conclusions 1 (fr)

Council Conclusions of 2 December 2011 on prevention, early diagnosis and treatment of chronic respiratory diseases in children
OJ C 361, 10.12.2011, p. 11–13

Council Conclusions of 2 December 2011 on early detection and treatment of communication disorders in children, including the use of e-Health tools and innovative solutions
OJ C 361, 10.12.2011, p. 9–10

Council Conclusions on closing health gaps within the EU through concerted action to promote healthy lifestyle behaviours
OJ C 359, 9.12.2011, p. 5–8

3133rd meeting of the Council of the European Union COMPETITIVENESS (Internal Market, Industry, Research and Space), held in Brussels on and 6 December 2011

Council Directive 2011/97/EU of 5 December 2011 amending Directive 1999/31/EC as regards specific criteria for the storage of metallic mercury considered as waste
OJ L 328, 10.12.2011, p. 49–52

Council Conclusions on the industrial policy flagship initiative - reinforcing implementation of industrial policy across the EU
17851/11

Council Conclusions on Impact Assessment
16976/11

Council Conclusions on the results of the Single Market Forum
16978/11

Council Conclusions on the customs cooperation with Eastern neighbouring countries
16881/11 + REV 1 (it,el,es,fi,sv,et,lt,sk,sl,bg,ro) + REV 2 (sv,hu)

Council Conclusions on the launching of the joint programming initiatives on 'Healthy and Productive Seas and Oceans', 'Urban Europe - Global Urban Challenges, Joint European Solutions', 'Connecting Climate Knowledge for Europe', 'Water Challenges for a Changing World' and 'The Microbial Challenge - An Emerging Threat to Human Health'
17424/11

Council Conclusions on Partnering in Research and Innovation
17427/11 Adoption of Council Conclusions

Council Resolution of 6 December 2011 'Orientations concerning added value and benefits of space for the security of European citizens'
OJ C 377, 23.12.2011, p. 1–4

3134th meeting of the Council of the European Union (TRANSPORT, TELECOMMUNICATIONS and ENERGY), held in Brussels on 12 and 13 December 2011

Regulation (EU) No 70/2012 of the European Parliament and of the Council of 18 January 2012 on statistical returns in respect of the carriage of goods by road Text with EEA relevance
OJ L 32, 3.2.2012, p. 1–18

Regulation (EU) No 1342/2011 of the European Parliament and of the Council of 13 December 2011 amending Regulation (EC) No 1931/2006 as regards the inclusion of the Kaliningrad oblast and certain Polish administrative districts in the eligible border area
OJ L 347, 30.12.2011, p. 41–43

Regulation (EU) No 1310/2011 of the European Parliament and of the Council of 13 December 2011 amending Council Regulation (EC) No 1083/2006 as regards repayable assistance, financial engineering and certain provisions related to the statement of expenditure
OJ L 337, 20.12.2011, p. 1–4

Regulation (EU) No 1311/2011 of the European Parliament and of the Council of 13 December 2011 amending Council Regulation (EC) No 1083/2006 as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability
OJ L 337, 20.12.2011, p. 5–8

Position of the Council at first reading with a view to the adoption of a Decision of the the European Parliament and of the Council establishing a multi-annual radio spectrum policy programme
16226/1/11 REV 1

Council Conclusions on "The open internet and net neutrality in Europe"
17904/11

3135th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Brussels on 13 and 14 December 2011

Council Conclusions on strengthening cooperation and information exchange in the sphere of fighting currency counterfeiting, especially the euro
14401/2/11 REV 2

Council Conclusions on combating sexual exploitation of children and child pornography in the Internet - strengthening the effectiveness of police activities in Member States and Eastern European countries
15783/3/11 REV 3

Conclusions of the Council and the Representatives of the Governments of the Member States on the European Agenda for the Integration of Third-Country Nationals
18296/1/11 REV 1

2011/842/EU: Council Decision of 13 December 2011 on the full application of the provisions of the Schengen acquis in the Principality of Liechtenstein
OJ L 334, 16.12.2011, p. 27–28

Council Conclusions on better use of SIS and SIRENE for the exchange of information on third-country nationals refused entry
16951/11

Council Conclusions on the appropriate means of preparing Member States' institutional SIS users for improvements to the quality of SIS 1+ data prior to their migration to SIS II
15550/1/11 REV 1

Council Conclusions on the national training systems and common training system for SIRENE operators
15551/11

Council Conclusions on the vision for European Forensic Science 2020 including the creation of a European Forensic Science Area and the development of forensic science infrastructure in Europe
17537/11

Council Conclusions on preventing and combating crime against cultural goods
17541/11

Council Conclusions on Cooperation in the Area of Justice and Home Affairs within the Eastern Partnership
17596/11

Council Conclusions on cooperation between the EU and Eastern Europe in the field of drugs
17728/11

Council Conclusions on new psychoactive substances
17730/11

Council Conclusions on intensifying the implementation of the "Prüm Decisions" after the deadline of 26 August 2011
17762/11

Council Conclusions on strengthening police cooperation with non-EU countries in the area of sports events safety and security
17555/11 + COR 1 + COR 2

Council Resolution of 13 December 2011 on the future of customs law enforcement cooperation
OJ C 5, 7.1.2012, p. 1–3

2011/887/EU: Council Decision of 13 December 2011 on the launch of automated data exchange with regard to DNA data in Lithuania
OJ L 344, 28.12.2011, p. 36–37

2011/888/EU: Council Decision of 13 December 2011 on the launch of automated data exchange with regard to dactyloscopic data in Lithuania
OJ L 344, 28.12.2011, p. 38–38

Council Decision on the conclusion of the Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service
9825/11 + COR 1 (fi)

Council Conclusions on an integrated approach to more effective risk, emergency and crisis communication

17122/11 + COR 1 + COR 2 (fi) + COR 3 + REV 1 (pl) + REV 1 COR 1 + REV 2 (cs) + REV 2 COR 1 + REV 3 (de, mt, sl) + REV 3 COR 1 + REV 4 (ro) + REV 4 COR 1 + REV 5 (el)

Council Regulation (EU) No 1295/2011 of 13 December 2011 amending Regulation (EU) No 1284/2009 imposing certain specific restrictive measures in respect of the Republic of Guinea
OJ L 330, 14.12.2011, p. 1–2

3137th meeting of the of the Council of the European Union (AGRICULTURE and FISHERIES), held in Brussels on 15 and 16 December 2011

Position of the Council at first reading with a view to the adoption of a Directive of the European Parliament and of the Council amending Directive 2000/75/EC as regards vaccination against bluetongue
16696/1/11 REV 1 + ADD 1 REV 1

Regulation (EU) No 1312/2011 of the European Parliament and of the Council of 19 December 2011 amending Council Regulation (EC) No 1698/2005 as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability
OJ L 339, 21.12.2011, p. 1–3

Council Conclusions on Special Report No 5/2011 from the European Court of Auditors entitled "Single Payment Scheme (SPS): issues to be addressed to improve its sound financial management"
17584/11

2012/19/EU: Council Decision of 16 December 2011 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana
OJ L 6, 10.1.2012, p. 8–9

Council Regulation (EU) No 1388/2011 of 16 December 2011 fixing for the 2012 fishing year the guide prices and Union producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000
OJ L 346, 30.12.2011, p. 1–5

Council Decision on the signing, on behalf of the European Union, of the Anti-Counterfeiting Trade Agreement between the European Union and its Member States, Australia, Canada, Japan, the Republic of Korea, the United Mexican States, the Kingdom of Morocco, New Zealand, the Republic of Singapore, the Swiss Confederation and the United States of America
12192/11 + REV 2 (sv)

Council Decision on the position to be taken by the European Union in the Joint Committee established under the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons as regards the replacement of Annex II to that Agreement on the co-ordination of social security schemes
16232/11

3139th meeting of the Council of the European Union (ENVIRONMENT), held in Brussels on 19 December 2011

Council Regulation (EU) No 1386/2011 of 19 December 2011 temporarily suspending autonomous Common Customs Tariff duties on imports of certain industrial products into the Canary Islands
OJ L 345, 29.12.2011, p. 1–7

Council Decision No 895/2011/EU of 19 December 2011 amending Decision 2002/546/EC as regards its period of application
OJ L 345, 29.12.2011, p. 17–17

Council Decision No 896/2011/EU of 19 December 2011 amending Decision 2007/659/EC as regards its period of application and the annual quota benefiting from a reduced rate of excise duty
OJ L 345, 29.12.2011, p. 18–19

Council Regulation (EU) No 1359/2011 of 19 December 2011 amending Regulation (EU) No 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products
OJ L 341, 22.12.2011, p. 11–17

Council Regulation (EU) No 1344/2011 of 19 December 2011 suspending the autonomous Common Customs Tariff duties on certain agricultural, fishery and industrial products and repealing Regulation (EC) No 1255/96
OJ L 349, 31.12.2011, p. 1–89

Agreement between the European Union and the People's Democratic Republic of Algeria on scientific and technological cooperation
17318/11

Council Decision concerning the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012-2013)
17503/11

2011/900/EU: Council Decision of 19 December 2011 amending the Council's Rules of Procedure
OJ L 346, 30.12.2011, p. 17–18

Council Conclusions on Code of Conduct (Business Taxation)
18398/11

Council Conclusions on Integrated Maritime Policy
18279/11

Council Implementing Regulation (EU) No 1389/2011 of 19 December 2011 imposing a definitive anti-dumping duty on imports of trichloroisocyanuric acid originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009
OJ L 346, 30.12.2011, p. 6–16

Council Decision on the signing and conclusion of the Agreement between the European Union and New Zealand establishing a framework for the participation of New Zealand in European Union crisis management operations
14790/11

Council Conclusions on EU Biodiversity Strategy to 2020: towards implementation
18374/11

Council Conclusions on Roadmap to a resource-efficient Europe
18346/11

Written procedure completed on 19 December 2011

Council Regulation (EU) No 5/2012 of 19 December 2011 fixing for 2012 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Black Sea
OJ L 3, 6.1.2012, p. 1–3

Council Decision 2011/857/CFSP of 19 December 2011 amending and extending Joint Action 2005/889/CFSP on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah)
OJ L 338, 21.12.2011, p. 52–53

Council Decision 2011/858/CFSP of 19 December 2011 amending and extending Decision 2010/784/CFSP on the European Union Police Mission for the Palestinian Territories (EUPOL COPPS)
OJ L 338, 21.12.2011, p. 54–54

Written procedure completed on 20 December 2011

2012/15/EU: Council Decision of 20 December 2011 repealing Council Decision 2011/491/EU on the signing, on behalf of the European Union, and the provisional application of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco
OJ L 6, 10.1.2012, p. 1–2

Council Decision 2011/867/CFSP of 20 December 2011 amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya
OJ L 341, 22.12.2011, p. 56–56

Council Regulation (EU) No 1360/2011 of 20 December 2011 amending Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya
OJ L 341, 22.12.2011, p. 18–18

Written procedure completed on 22 December 2011

Council Implementing Regulation (EU) No 1375/2011 of 22 December 2011 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) No 687/2011
OJ L 343, 23.12.2011, p. 10–13

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS DECEMBER 2011			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
3131st meeting of the Council of the European Union (EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS), held in Brussels on 1 and 2 December 2011 Regulation (EU) No 1337/2011 of the European Parliament and of the Council of 13 December 2011 concerning European statistics on permanent crops and repealing Council Regulation (EEC) No 357/79 and Directive 2001/109/EC of the European Parliament and of the Council Text with EEA relevance	PE-CONS 54/2/11 REV 2	qualified majority	all member states in favour, except abstention: DE
3134th meeting of the Council of the European Union (TRANSPORT, TELECOMMUNICATIONS and ENERGY), held in Brussels on 12 and 13 December 2011 Regulation (EU) No 70/2012 of the European Parliament and of the Council of 18 January 2012 on statistical returns in respect of the carriage of goods by road Text with EEA relevance	PE-CONS 61/1/11 REV 1	qualified majority	all member states in favour
Regulation (EU) No 1342/2011 of the European Parliament and of the Council of 13 December 2011 amending Regulation (EC) No 1931/2006 as regards the inclusion of the Kaliningrad oblast and certain Polish administrative districts in the eligible border area	PE-CONS 63/1/11 REV 1	qualified majority	all member states in favour except abstention: SL

**INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS
DECEMBER 2011**

TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Joint statement by the Council and the Commission The Council and the Commission hereby confirm that the present amendment of Regulation (EC) No 1931/2006, recognises both the exceptional geographic situation of the Kaliningrad Oblast of the Russian Federation as well as the specificity of the border area on the Polish side as listed in the Annex to the Regulation. The border area on the Polish side together with that on the Russian side is considered to be a single, unique and particular case. This amendment does not constitute a precedent for the future. It is without prejudice to the general definition of the border area set out in Regulation (EC) No 1931/2006 and the rules and conditions set out in that Regulation will be fully respected. Particular attention will be paid to security measures pertaining to the practical implementation of the amended Regulation in the territory of the Republic of Poland. The relevant Polish authorities will ensure the application of security safeguards, in line with the standards set out in the Regulation. The Commission will submit biennially and for the first time one year after the entry into force of this Regulation a report to the European Parliament and the Council on the implementation and functioning of the present amendment and on the bilateral agreement concluded in conformity thereof, in particular to evaluate their impact in the area of security and migration. The Commission will inform the Council at any moment about any major consequence or event observed in relation with the implementation of this Regulation. Statement by Poland Poland greatly appreciates the proposal for the amendment of Regulation (EC) No 1931/2006 which concerns the application of the Local Border Traffic regime to the whole of the Kaliningrad area and selected administrative districts on the Polish side. "No-precedent" policy remains the key aspect of the proposed measure. In order to provide for a high level of security and transparency while implementing possible future arrangement with the Russian Federation upon conclusion of the respective bilateral agreement to this end Poland hereby declares to: 1. Perform well-coordinated information campaigns, also on-line, targeted at persons being beneficiaries of the local border traffic regime as well as at local authorities in powiats, officers of the Municipal Police, transport authorities and tourism organisations. Particular activities would be performed by the consuls. 2. Regularly monitor the flow of holders of LBT permits thanks to the specific IT system used by the Border Guards. The statistics gathered would be provided to the European Commission for the sake of full transparency.			

**INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS
DECEMBER 2011**

TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
3. Apply specialised training scheme to the law enforcement bodies including the Border Guards, Customs administration and Police officers which would be responsible for the checks on persons. The specialised training would be organised also for the Polish consuls working in the City of Kaliningrad. 4. Make use of the enhanced risk analysis by the Border Guards and the Police concerning the movement of people in the enlarged LBT area, as well as apply when necessary the additional resources such as mobile units of the Border Guards. Poland would engage where appropriate in the above-mentioned activities under close cooperation with the Russian Federation as well as with the particularly interested Member States.			
Regulation (EU) No 1310/2011 of the European Parliament and of the Council of 13 December 2011 amending Council Regulation (EC) No 1083/2006 as regards repayable assistance, financial engineering and certain provisions related to the statement of expenditure	PE-CONS 65/1/11 REV 1	qualified majority	all member states in favour
Statement by the Council The Council confirms that considering the aim of greater legal security and clarity concerning the application of an existing practice, the amendments regarding repayable assistance shall be without prejudice for the application of such forms of assistance in the next programming period 2014-2020. Statement by the Commission (on the scope of definition of a credit line) The Commission proposal on the amendment of Council Regulation (EC) No 1083/2006 introduces a new Section 3a on repayable assistance, including provisions on forms of repayable assistance (Article 43a) and its reuse (Article 43b). As to the scope of the repayable assistance, the proposal provides for two distinct forms of repayable assistance: a) reimbursable grant and b) credit line, defined under Article 2 as new points 8 and 9. It is also made clear in the proposal that declarations of expenditure concerning repayable assistance are submitted in line with Article 78(1) to (5). The Commission would like to underline that given its specific placement under a separate section, the term credit line, as defined in Article 2(9), can only be used in relation to repayable assistance.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS DECEMBER 2011			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by the Commission (on results of the mapping exercise relating to cases of repayable assistance) The amendment reflects the results of a mapping exercise and takes account of information provided by Member States. In this mapping exercise, the Commission identified schemes or operations which are based on repayable assistance defined as reimbursable grants or credit lines, but which do not have the characteristics of financial engineering instruments as defined in Article 44 of Council Regulation (EC) No 1083/2006. This amendment aims at providing legal security to Member States which are implementing such types or schemes of operations. For these types of schemes or operations, the statement of expenditure is submitted in accordance with the rules applicable for grants as set out in Article 78(1) to (5) of the same regulation. To the Commission's best knowledge, the new provisions cover all operations identified in the mapping exercise which have not given rise to any doubts that they fall within the definitions now laid down in the amendment. Statement by the Commission (on timely spending from financial engineering instruments) New forms of finance for assistance have been developed in the 2007-2013 programming period, moving away from traditional grant-based financing to revolving forms of finance. The European Commission recognises the importance of the financial engineering instruments as vehicles for the more effective use of Structural Funds and as catalysts of public and private resources to achieve the investment levels needed to implement the Europe 2020 Strategy. At the same time, the Commission takes note of the view of the Court of Auditors on the need to ensure a timely utilisation of the resources made available through the funds created through the financial engineering instruments. The Commission proposal aimed to introduce a legal obligation in order to ensure that the financial contribution paid by managing authorities for establishing or contributing to financial engineering instruments is spent for eligible expenditure within a timeframe of two years from the date of the certified statement of expenditure which includes the payment into the fund. The Commission recognises the position of the Member States not to have the above provision in the current legislation and is looking forward to the debate on timely spending in the framework of the negotiations on the cohesion policy legislative package for the 2014-2020 period.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS DECEMBER 2011			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by Slovenia, the Czech Republic, Lithuania, Hungary, Slovakia, United Kingdom and Latvia (on application of financial engineering to the Cohesion Fund) Slovenia, the Czech Republic, Lithuania, Hungary, Slovakia, the United Kingdom and Latvia fully share the view that financial engineering instruments are important vehicles for the more effective use of Structural Funds and as catalysts of public and private resources to achieve the investment levels needed to implement the Europe 2020 Strategy. With the use of financial engineering we can clearly achieve more results with the same amount of public cohesion policy funding. Given that the scope of Cohesion Fund in 2007-2013 period has been expanded also to non-major projects, including those in the area of sustainable development, we have proposed to extend the application of financial engineering also to the Cohesion Fund. Although the proposal received wide support from the Member States it has not been included in the text of the Proposal for Regulation amending Council Regulation (EC) No 1083/2006 as regards repayable assistance, financial engineering and certain provisions related to statement of expenditure. We see this as a missed opportunity as regards how to leverage the already disposable cohesion policy funds in the present financial framework, which will as a consequence, due to the restrictive provision of the general regulation under discussion, need to be provided as simple grants only. We welcome the Commission's intention to make Cohesion Fund eligible for financial engineering in the 2014-2020 period. It is therefore unfortunate that we were not able to use the current period at least to introduce pilot schemes, if necessary in a limited number of fields (e.g. energy efficiency and renewable energy), thereby speeding up the start of implementation post 2014. Statement by Portugal, Hungary and Latvia (on reimbursements under repayable assistance operations) Portugal, Hungary and Latvia consider that in order to ensure greater legal security and clarity concerning the application of an existing practice, the amounts reimbursed under repayable assistance operations, in accordance with art. 43a-b shall not be considered as deductions or withdrawals within the meaning of article 80 of the General Regulation.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS DECEMBER 2011			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statement by the Netherlands (on the use of financial instruments) The Netherlands stresses the importance of quality of legislation and legal certainty. Whereas discussions are ongoing about the desired form and criteria for the use of financial instruments, most notably in the framework of the Financial Regulation, this particular proposal should not give precedence to any future decisions on the use of financial instruments. Only when the preconditions for the use of such financial instruments have been properly laid down in legislation following the appropriate legal procedures, should financial instruments be allowed to be set up. This urges for clearer provisions regarding the conditions under which financial instruments may be set-up and used, or not. The Netherlands reluctantly approves of this proposal on financial engineering and will negatively assess any future attempts to legalise financial instruments retroactively.			
Regulation (EU) No 1311/2011 of the European Parliament and of the Council of 13 December 2011 amending Council Regulation (EC) No 1083/2006 as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability	PE-CONS 66/1/11 REV 1	qualified majority	all member states in favour
Joint statement by the Commission and the Council on budgetary impact The Council and the Commission consider that the subject Regulation shall also be considered in the context of the budgetary restraints facing all Member States, which should be reflected appropriately in the EU budget for 2012 and 2013. Any increased amounts for the payments consequent on the entry into force of this regulation should be accommodated through the procedure for the Commission to present updated figures concerning payment appropriations under sub-heading 1b by September 2012 and, if necessary to utilise the Global Transfer exercise for 2012, subject to other possible needs under other financial framework headings, and if then still necessary to present a draft amending budget for this sole purpose.			

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS DECEMBER 2011			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Council statement on co-financing and 2014-2020 perspective The Council confirms that the co-financing principle is a fundamental principle of Cohesion Policy, as it ensures ownership, responsibility and the selection of projects with the highest value added. Any relaxation of this principle should therefore be exceptional. The current amendment is justified by unprecedented crisis affecting international financial markets and the economic downturn and should be without prejudice to the outcome of the negotiations on the Cohesion Policy legislative package for the next financing period. Statement of the Republic of Bulgaria 1. The Republic of Bulgaria has consistently supported the opinion that resolving issues related to the financial and economic crisis requires a coordinated approach at the EU level. The crisis has put national budgets under pressure and has led to challenges for the investment process everywhere in the European Union. 2. The Republic of Bulgaria maintains serious reserve with regard to the proposal for temporary increase in the co-financing rates from the EU funds for the EU Member States which are under financial assistance programmes. 3. The proposed approach discriminates against the Member States which have put extremely important efforts in the years of the crisis to maintain financial and fiscal discipline and have avoided being in a situation of liquidity difficulties. The proposal should have also created incentive mechanisms for the efforts of the Member States which have been disciplined. It should have also encompassed the Member States which stick to financial and fiscal discipline but which because of the economic crisis also undergo temporary difficulties in safeguarding co-financing. 4. The refusal to undertake such an approach may lead to “wrong” incentives to the ones which have not maintained financial and fiscal discipline. The amendment in Article 77 could potentially have a discouraging effect on the Member States in adhering to the Stability and Growth Pact and sticking to sound and sustainable fiscal policy. 5. This position has been expressed by the Bulgarian Prime Minister at the European Council, as well as in the General Affairs Council and ECOFIN. It also has the support of the Bulgarian Parliament.			
Position of the Council at first reading with a view to the adoption of a Decision of the the European Parliament and of the Council establishing a multi-annual radio spectrum policy programme	16226/1/11 REV 1	qualified majority	all member states in favour, except abstention: BE

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS DECEMBER 2011			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Statements by the Commission 1. On insertion of a reference to RSPG in Article 9(2): The Commission notes that Article 9(2) requires the Commission to take utmost account of the views of the Radio Spectrum Policy Group (RSPG) before adopting implementing acts in relation to the inventory. The Commission considers that in the matter of implementing acts there are no other procedural requirements than those laid down by Article 291 TFEU. The RSPG has been created by the Commission itself for the purposes of using its advice and expertise, which the Commission will continue to do considering that it plays an important advisory role and provides valuable input in regard to policy matters, but it is for the Commission to consult this group as it considers necessary. 2. On Article 10(1) regarding international negotiations: The Commission confirms its interpretation of references to "the competence of the Member States" as competence not attributed to the European Union. It also recalls that the Treaties in their entirety remain applicable, including in particular art. 218(9) TFEU as the case may be. 3. On the procedure of adoption of implementing acts for Art. 13: The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 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.			
3137th meeting of the of the Council of the European Union (AGRICULTURE and FISHERIES), held in Brussels on 15 and 16 December 2011 Position of the Council at first reading with a view to the adoption of a Directive of the European Parliament and of the Council amending Directive 2000/75/EC as regards vaccination against bluetongue	16696/1/11 REV 1 + ADD 1 REV 1	qualified majority	all member states in favour

INFORMATION ON THE ADOPTION OF LEGISLATIVE ACTS DECEMBER 2011			
TITLE OF LEGISLATIVE ACT	TEXTS ADOPTED	VOTING RULE	VOTES
Regulation (EU) No 1312/2011 of the European Parliament and of the Council of 19 December 2011 amending Council Regulation (EC) No 1698/2005 as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability 3139th meeting of the Council of the European Union (ENVIRONMENT), held in Brussels on 19 December 2011	PE-CONS 70/11	qualified majority	all member states in favour, except: against: BU
Council Regulation (EU) No 1386/2011 of 19 December 2011 temporarily suspending autonomous Common Customs Tariff duties on imports of certain industrial products into the Canary Islands	17977/11 + REV 1 (fi)	qualified majority	all member states in favour
Council Decision No 895/2011/EU of 19 December 2011 amending Decision 2002/546/EC as regards its period of application	17993/11	qualified majority	all member states in favour
Council Decision No 896/2011/EU of 19 December 2011 amending Decision 2007/659/EC as regards its period of application and the annual quota benefiting from a reduced rate of excise duty	17995/11	qualified majority	all member states in favour

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2011	
OTHER ACTS	Votes/Statements made public
3130th meeting of the Council of the European Union (FOREIGN AFFAIRS), held in Brussels on 1 December 2011 Council Conclusions on Syria 17965/11 Council Conclusions on Yemen 17963/11 Council Conclusions on Egypt 17966/11 Council Conclusions on EU response to the developments in the Southern Neighbourhood 17967/11 3131st meeting of the Council of the European Union (EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS), held in Brussels on 1 and 2 December 2011 2011/831/EU: Council Decision of 1 December 2011 on the practical and procedural arrangements for the appointment by the Council of four members of the European panel for the European Union action for the European Heritage Label 16808/11	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2011	
OTHER ACTS	Votes/Statements made public
Council Conclusions on Special Report No 6/2011 by the European Court of Auditors concerning the effectiveness of tourism projects co-financed by the European Regional Development Fund 16947/11 Council Conclusions on the follow-up of the first European Semester and thematic surveillance in employment and social policies 17423/11 + COR 1 Council Conclusions on Ageing as an opportunity for the labour market and for the development of social services and community activities 16474/11 Statement by the Republic of Cyprus With reference to paragraph 3 of the Conclusions (set out in doc. 16474/11), Cyprus notes its earlier abstention from the adoption of the March Council Conclusions on the Joint Employment Report. In these latter conclusions it expressed concern regarding the references to the implementation of employment policies aimed at increasing the effective retirement age, as well as to the absolute link between wage setting and productivity. Council Conclusions on Review of the implementation of the Beijing Platform for Action - Women and the Economy: Reconciliation of work and family life as a precondition for equal participation in the labour market 17420/11 + Council Conclusions 1 (fr) Council Conclusions of 2 December 2011 on prevention, early diagnosis and treatment of chronic respiratory diseases in children 16709/11 +REV 1 (pl)	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2011	
OTHER ACTS	Votes/Statements made public
Council Conclusions of 2 December 2011 on early detection and treatment of communication disorders in children, including the use of e-Health tools and innovative solutions 16620/11 + REV 1 (pl) Council Conclusions on Closing health gaps within the EU through concerted action to promote healthy lifestyle behaviours 16708/11 + REV 1 (pl) 3133rd meeting of the Council of the European Union COMPETITIVENESS (Internal Market, Industry, Research and Space), held in Brussels on and 6 December 2011 Council Directive 2011/97/EU of 5 December 2011 amending Directive 1999/31/EC as regards specific criteria for the storage of metallic mercury considered as waste 16085/11 Council Conclusions on the industrial policy flagship initiative - reinforcing implementation of industrial policy across the EU 17851/11 Council Conclusions on Impact Assessment 16976/11 Council Conclusions on the results of the Single Market Forum 16978/11	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2011	
OTHER ACTS	Votes/Statements made public
Council Conclusions on the customs cooperation with Eastern neighbouring countries 16881/11 + REV 1 (it,el,es,fi,sv,et,lt,sk,sl,bg,ro) + REV 2 (sv,hu) Council Conclusions on the launching of the joint programming initiatives on 'Healthy and Productive Seas and Oceans', 'Urban Europe - Global Urban Challenges, Joint European Solutions', 'Connecting Climate Knowledge for Europe', 'Water Challenges for a Changing World' and 'The Microbial Challenge - An Emerging Threat to Human Health' 17424/11 Council Conclusions on Partnering in Research and Innovation 17427/11 Council Resolution of 6 December 2011 'Orientations concerning added value and benefits of space for the security of European citizens' 17828/11 3134th meeting of the Council of the European Union (TRANSPORT, TELECOMMUNICATIONS and ENERGY), held in Brussels on 12 and 13 December 2011 Council Conclusions on "The open internet and net neutrality in Europe" 17904/11	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2011	
OTHER ACTS	Votes/Statements made public
3135th meeting of the Council of the European Union (JUSTICE and HOME AFFAIRS), held in Brussels on 13 and 14 December 2011 Council Conclusions on strengthening cooperation and information exchange in the sphere of fighting currency counterfeiting, especially the euro 14401/2/11 REV 2 Council Conclusions on combating sexual exploitation of children and child pornography in the Internet - strengthening the effectiveness of police activities in Member States and Eastern European countries 15783/3/11 REV 3 Conclusions of the Council and the Representatives of the Governments of the Member States on the European Agenda for the Integration of Third-Country Nationals 18296/1/11 REV 1 2011/842/EU: Council Decision of 13 December 2011 on the full application of the provisions of the Schengen acquis in the Principality of Liechtenstein 17219/11 Council Conclusions on better use of SIS and SIRENE for the exchange of information on third-country nationals refused entry 16951/11	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2011	
OTHER ACTS	Votes/Statements made public
Council Conclusions on the appropriate means of preparing Member States' institutional SIS users for improvements to the quality of SIS 1+ data prior to their migration to SIS II 15550/1/11 REV 1 Council Conclusions on the national training systems and common training system for SIRENE operators 15551/11 Council Conclusions on the vision for European Forensic Science 2020 including the creation of a European Forensic Science Area and the development of forensic science infrastructure in Europe 17537/11 Council Conclusions on preventing and combating crime against cultural goods 17541/11 Council Conclusions on Cooperation in the Area of Justice and Home Affairs within the Eastern Partnership 17596/11 Council Conclusions on cooperation between the EU and Eastern Europe in the field of drugs 17728/11 Council Conclusions on new psychoactive substances 17730/11	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2011	
OTHER ACTS	Votes/Statements made public
Council Conclusions on intensifying the implementation of the "Prüm Decisions" after the deadline of 26 August 2011 17762/11 Council Conclusions on strengthening police cooperation with non-EU countries in the area of sports events safety and security 17555/11 + COR 1 + COR 2 Council Resolution of 13 December 2011 on the future of customs law enforcement cooperation 17558/11 + COR 1 + REV 1 (es) 2011/887/EU: Council Decision of 13 December 2011 on the launch of automated data exchange with regard to DNA data in Lithuania 14524/11 2011/888/EU: Council Decision of 13 December 2011 on the launch of automated data exchange with regard to dactyloscopic data in Lithuania 14525/11 Council Decision on the conclusion of the Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service 9825/11 + COR 1 (fi)	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2011	
OTHER ACTS	Votes/Statements made public
Statement by Denmark In accordance with Article 28 of the Agreement the European Commission may notify Australia that Denmark has chosen to be bound by the Agreement. The European Commission's notification to Australia concerning Denmark can only take place if Denmark, in accordance with its constitutional requirements, has taken the steps necessary for it to be bound by agreements of the European Union in the area of Freedom, Security and Justice. Until then Denmark is not bound by the Agreement or subject to its application in accordance with Protocol (No 22) on the position of Denmark annexed to the Treaty on European Union and the Treaty of the Functioning of the European Union.	
Council Conclusions on an integrated approach to more effective risk, emergency and crisis communication 17122/11 + COR 1 + COR 2 (fi) + COR 3 + REV 1 (pl) + REV 1 COR 1+ REV 2 (cs) + REV 2 COR 1 + REV 3 (de, mt, sl) + REV 3 COR 1 + REV 4 (ro) + REV 4 COR 1 + REV 5 (el)	
Council Regulation (EU) No 1295/2011 of 13 December 2011 amending Regulation (EU) No 1284/2009 imposing certain specific restrictive measures in respect of the Republic of Guinea 16734/11	
3137th meeting of the of the Council of the European Union (AGRICULTURE and FISHERIES), held in Brussels on 15 and 16 December 2011	
Council Conclusions on Special Report No 5/2011 from the European Court of Auditors entitled "Single Payment Scheme (SPS): issues to be addressed to improve its sound financial management" 17584/11	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2011	
OTHER ACTS	Votes/Statements made public
2012/19/EU: Council Decision of 16 December 2011 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana 8202/11 + COR 1 en) + COR 2 (mt) + COR 3 Commission Statement <i>Subject: Proposal for a Council Decision on access by fishing vessels flying the flag of the Bolivarian Republic of Venezuela to the exclusive economic zone off the coast of the French department of Guiana. COM(2010)807 – 2010/392/NLE</i> The Commission recalls that the object and purpose of its proposal is to provide an international access title for Venezuelan fishing vessels, which operate in EU waters off the coast of the French department of Guyana, in the form of a Council Statement of Consent which, in accordance with the case-law of the International Court of Justice, would have legal effects under international law. The proposed international instrument is not confined to granting fishing possibilities to foreign vessels but is rather designed to furnish an international basis for making access subject to a quid pro quo (e.g. the requirement to land a certain proportion of the catches into French Guyana) and for imposing an array of conservation and control measures upon the vessels in question (e.g. specific fishing gear, log-book and observer coverage requirements). An international agreement with those components would have to be concluded on the basis of Article 43(2) in conjunction with Article 218(6)(a) TFEU, i.e. in the consent procedure. Consequently this must also be the legal basis for the adoption of the proposed Council Statement of Consent. As a result, a Council Decision adopted on the basis of Article 43(3) in conjunction with Article 218(6)(b) TFEU is not compatible with the relevant provisions of the Treaty. Furthermore, the Commission cannot agree with the Council's consequential drafting changes because they purport to limit the scope of the intended international instrument to a mere granting of fishing opportunities whereas its intended effect is to grant access to EU waters and to impose conditions going far beyond the notion of fishing opportunities. In these circumstances, the Commission reserves its right to avail itself of the legal remedies provided by the Treaty.	unanimity, all member states in favour except> abstention: DK, NL

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2011	
OTHER ACTS	Votes/Statements made public
Council Regulation (EU) No 1388/2011 of 16 December 2011 fixing for the 2012 fishing year the guide prices and Union producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000 17089/11 Council Decision on the signing, on behalf of the European Union, of the Anti-Counterfeiting Trade Agreement between the European Union and its Member States, Australia, Canada, Japan, the Republic of Korea, the United Mexican States, the Kingdom of Morocco, New Zealand, the Republic of Singapore, the Swiss Confederation and the United States of America 12192/11 + REV 2 (sv) Council Decision on the position to be taken by the European Union in the Joint Committee established under the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons as regards the replacement of Annex II to that Agreement on the co-ordination of social security schemes 16232/11 3139th meeting of the Council of the European Union (ENVIRONMENT), held in Brussels on 19 December 2011 Council Regulation (EU) No 1359/2011 of 19 December 2011 amending Regulation (EU) No 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products 18122/11	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2011	
OTHER ACTS	Votes/Statements made public
Council Regulation (EU) No 1344/2011 of 19 December 2011 suspending the autonomous Common Customs Tariff duties on certain agricultural, fishery and industrial products and repealing Regulation (EC) No 1255/96 18131/11 Agreement between the European Union and the People's Democratic Republic of Algeria on scientific and technological cooperation 17318/11 Council Decision concerning the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012-2013) 17503/11 2011/900/EU: Council Decision of 19 December 2011 amending the Council's Rules of Procedure 17116/11 Council Conclusions on Code of Conduct (Business Taxation) 18398/11 Council Conclusions on Integrated Maritime Policy 18279	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2011	
OTHER ACTS	Votes/Statements made public
Council Implementing Regulation (EU) No 1389/2011 of 19 December 2011 imposing a definitive anti-dumping duty on imports of trichloroisocyanuric acid originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 17739/11 Council Decision on the signing and conclusion of the Agreement between the European Union and New Zealand establishing a framework for the participation of New Zealand in European Union crisis management operations 14790/11 Council Conclusions on EU Biodiversity Strategy to 2020: towards implementation 18374/11 Council Conclusions on Roadmap to a resource-efficient Europe 18346/11 Written procedure completed on 19 December 2011 Council Regulation (EU) No 5/2012 of 19 December 2011 fixing for 2012 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Black Sea 17674/11 + COR 1(mt) + REV1(ro)	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2011	
OTHER ACTS	Votes/Statements made public
Joint Council and Commission Statement The Council and the Commission agree that it is necessary to reinforce the control and monitoring measures established in 2011, in particular inspection schemes and benchmarks to address the misreporting and illegal fishery for turbot in the Black Sea. Such measures should be developed in 2012 by Member States concerned jointly with the Commission and with the coordination of the EFCA. Joint actions between Bulgaria and Romania shall be promoted. Bulgaria Statement Bulgaria agrees to reinforce the control and monitoring measures established in 2011, in particular inspection schemes and benchmarks, to address the misreporting and illegal fishery for turbot in the Black Sea jointly with the Commission in 2012 and with the coordination of the EFCA. Bulgaria agreed to submit a specific control and monitoring plan for turbot to the Commission before the start of the fishing season. Bulgaria will work with Romania to define and implement possible joint control actions in the region as from early 2012. Romania Statement Romania agrees to reinforce the control and monitoring measures established in 2011, in particular inspection schemes and benchmarks, to address the misreporting and illegal fishery for turbot in the Black Sea jointly with the Commission in 2012 and with the coordination of the EFCA. Romania agreed to submit a specific control and monitoring plan for turbot to the Commission before the start of the fishing season. Romania will work with Bulgaria to define and implement possible joint control actions in the region as from early 2012. Joint Council and Commission Statement The Council and the Commission agree that regional cooperation on fisheries in the Black Sea should be reinforced to promote sustainable stock management in this area in particular in the framework of the GFCM and will continue taking respective actions in line with their competence, with a perspective of promoting a specific management framework for the Black Sea.	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2011	
OTHER ACTS	Votes/Statements made public
Council Decision 2011/857/CFSP of 19 December 2011 amending and extending Joint Action 2005/889/CFSP on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah) 16719/11 Council Decision 2011/858/CFSP of 19 December 2011 amending and extending Decision 2010/784/CFSP on the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) 16731/11 + COR 1 Written procedure completed on 20 December 2011 2012/15/EU: Council Decision of 20 December 2011 repealing Council Decision 2011/491/EU on the signing, on behalf of the European Union, and the provisional application of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco 18687/11 Council Decision 2011/867/CFSP of 20 December 2011 amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya 18628/11	

INFORMATION ON THE ADOPTION OF OTHER ACTS DECEMBER 2011	
OTHER ACTS	Votes/Statements made public
Council Regulation (EU) No 1360/2011 of 20 December 2011 amending Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya 18629/11 Written procedure completed on 22 December 2011 Council Implementing Regulation (EU) No 1375/2011 of 22 December 2011 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) No 687/2011 18503/11	